

Bill No. CS/CS/CS/SB 462, 1st Eng. (2025)

Amendment No.

CHAMBER ACTION

SenateHouse

.

Representative McFarland offered the following:

Amendment (with title amendment)

Remove lines 229-653 and insert:

Section 3. Paragraph (b) of subsection (3) and subsection (109) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(3) AUTOMATED DRIVING SYSTEM.—The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis,

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14 regardless of whether it is limited to a specific operational
15 design domain. The term:

16 (b) "Dynamic driving task" means all of the real-time
17 operational and tactical functions required to operate a vehicle
18 in on-road traffic within its specific operational design
19 domain, if any, excluding strategic functions such as trip
20 scheduling; provision of event-based information, advice,
21 instruction, or revised goals; and selection of destinations and
22 waypoints.

23 (109) VEHICLE.—Every device in, upon, or by which any
24 person or property is or may be transported or drawn upon a
25 street or highway, except personal delivery devices, mobile
26 carriers, and devices used exclusively upon stationary rails or
27 tracks.

28 **Section 4. Effective upon this act becoming a law, present**
29 **subsections (6) through (19) of section 316.173, Florida**
30 **Statutes, are redesignated as subsections (7) through (20),**
31 **respectively, a new subsection (6) is added to that section, and**
32 **paragraph (c) of subsection (1), subsection (5), and present**
33 **subsections (8), (10), (11), and (12) of that section are**
34 **amended, to read:**

35 316.173 School bus infraction detection systems.—

36 (1)

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37 (c) The school district must ensure that each school bus
38 infraction detection system meets the requirements of subsection
39 (19) ~~(18)~~.

40 (5) Within 30 days after receiving the information
41 required in subsection (4), the law enforcement agency or its
42 designee must, if it is determined that the motor vehicle
43 violated s. 316.172(1)(a) or (b), send a notice of violation to
44 the registered owner of the motor vehicle involved in the
45 violation specifying the remedies available under s. 318.14 and
46 that the violator must pay the penalty under s. 318.18(5), ~~or~~
47 furnish an affidavit in accordance with subsection (11), or
48 request an administrative hearing with the school district or
49 county, as applicable, subsection (10) within 60 ~~30~~ days after
50 the notice of violation is sent in order to avoid court fees,
51 costs, and the issuance of a uniform traffic citation. The
52 mailing of the notice of violation constitutes notification. The
53 notice of violation must be sent by first-class mail and include
54 all of the following:

55 (a) A copy of one or more recorded images showing the
56 motor vehicle involved in the violation, including an image
57 showing the license plate of the motor vehicle.

58 (b) The date, time, and location of the violation.

59 (c) The amount of the civil penalty, the date by which the
60 civil penalty must be paid, and instructions on how to pay the
61 civil penalty.

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(d) Instructions on how to request a hearing to contest liability or the notice of violation.

(e) A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption against the owner of the motor vehicle that the motor vehicle was used in violation of s. 316.172(1)(a) or (b).

(f) The time when, and the place or website at which, the recorded video and images may be examined and observed.

(g) A warning that failure to pay the civil penalty or to contest liability within 60 ~~30~~ days after the notice is sent will result in the issuance of a uniform traffic citation. ~~A court that has jurisdiction over traffic violations shall determine whether a violation of this section has occurred. If a court finds by a preponderance of the evidence that a violation occurred, the court must uphold the violation. If the notice of violation is upheld, the court must require the petitioner to pay the penalty previously assessed under s. 318.18(5), and may also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(c).~~

(6)(a) A local hearing officer appointed by the school district or county shall administer an administrative hearing process for a contested notice of violation. The school district may appoint an attorney who is, and has been for the preceding 5 years, a member in good standing with The Florida Bar to serve

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87 as a local hearing officer. The county in which a school
88 district has entered into an interlocal agreement with a law
89 enforcement agency to issue uniform traffic citations may
90 designate by resolution existing staff to serve as the local
91 hearing officer. At the administrative hearing, the local
92 hearing officer shall determine whether a violation of s.
93 316.172(1) (a) or (b) has occurred. If the local hearing officer
94 finds by a preponderance of the evidence that a violation has
95 occurred, the local hearing officer must uphold the notice of
96 violation and require the petitioner to pay the penalty
97 previously assessed under s. 318.18(5). The local hearing
98 officer shall also require the petitioner to pay costs
99 consistent with this subsection.

100 (b) Procedures for an administrative hearing conducted
101 under this subsection are as follows:

102 1. The department shall make available electronically to
103 the school district or its designee or the county a Request for
104 Hearing form to assist each district or county with
105 administering this subsection.

106 2. A person, referred to in this paragraph as the
107 petitioner, who elects to request a hearing under this
108 subsection shall be scheduled for a hearing. The hearing may be
109 conducted either virtually via live video conferencing or in
110 person.

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111 3. Within 120 days after receipt of a timely request for a
112 hearing, the law enforcement agency or its designee shall
113 provide a replica of the notice of violation data to the school
114 district or county by manual or electronic transmission, and
115 thereafter the school district or its designee or the county
116 shall mail a notice of hearing, which shall include a hearing
117 date and may at the discretion of the district or county include
118 virtual and in-person hearing options, to the petitioner by
119 first-class mail. Mailing of the notice of hearing constitutes
120 notification. Upon receipt of the notice of hearing, the
121 petitioner may reschedule the hearing once by submitting a
122 written request to the local hearing officer at least 5 calendar
123 days before the day of the originally scheduled hearing. The
124 petitioner may cancel his or her hearing by paying the penalty
125 assessed in the notice of violation.

126 4. All testimony at the hearing shall be under oath. The
127 local hearing officer shall take testimony from the law
128 enforcement agency and the petitioner, and may take testimony
129 from others. The local hearing officer shall review the video
130 and images recorded by a school bus infraction detection system.
131 Formal rules of evidence do not apply, but due process shall be
132 observed and govern the proceedings.

133 5. At the conclusion of the hearing, the local hearing
134 officer shall determine by a preponderance of the evidence
135 whether a violation has occurred and shall uphold or dismiss the

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136 violation. The local hearing officer shall issue a final
137 administrative order including the determination and, if the
138 notice of violation is upheld, require the petitioner to pay the
139 civil penalty previously assessed in the notice of violation,
140 and shall also require the petitioner to pay costs, not to
141 exceed those established in s. 316.0083(5)(e), to be used by the
142 county for operational costs relating to the hearing process or
143 by the school district for technology and operational costs
144 relating to the hearing process as well as school transportation
145 safety-related initiatives. The final administrative order shall
146 be mailed to the petitioner by first-class mail.

147 6. An aggrieved party may appeal a final administrative
148 order consistent with the process provided in s. 162.11.

149 (c) Any hearing for a contested notice of violation that
150 has not been conducted before July 1, 2025, may be conducted
151 pursuant to the procedures in this subsection within 1 year
152 after such date.

153 (9)-(8) A uniform traffic citation must be issued by
154 mailing the uniform traffic citation by certified mail to the
155 address of the registered owner of the motor vehicle involved in
156 the violation if, within 60 days after notification under
157 subsection (5), payment has not been made, within 30 days after
158 notification under subsection (5) and if the registered owner
159 has not submitted an affidavit in accordance with subsection
160 (11), or the registered owner has not requested an

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161 administrative hearing with the school district or county, as
162 applicable, contesting the notice of violation pursuant to
163 subsection (6) ~~(10)~~.

164 (a) Delivery of the uniform traffic citation constitutes
165 notification of a violation under this subsection. If the
166 registered owner or co-owner of the motor vehicle; the person
167 identified as having care, custody, or control of the motor
168 vehicle at the time of the violation; or a duly authorized
169 representative of the owner, co-owner, or identified person
170 initiates a proceeding to challenge the citation, such person
171 waives any challenge or dispute as to the delivery of the
172 uniform traffic citation.

173 (b) In the case of joint ownership of a motor vehicle, the
174 uniform traffic citation must be mailed to the first name
175 appearing on the motor vehicle registration, unless the first
176 name appearing on the registration is a business organization,
177 in which case the second name appearing on the registration may
178 be used.

179 (c) The uniform traffic citation mailed to the registered
180 owner of the motor vehicle involved in the violation must be
181 accompanied by information described in paragraphs (5) (a)-(f).

182 (11)~~(10)~~ To establish such facts under subsection (10)
183 ~~(9)~~, the registered owner of the motor vehicle must, within 60
184 ~~30~~ days after the date of issuance of the notice of violation or
185 the uniform traffic citation, furnish to the law enforcement

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186 agency that issued the notice of violation or uniform traffic
187 citation an affidavit setting forth information supporting an
188 exception under subsection (10) ~~(9)~~.

189 (a) An affidavit supporting the exception under paragraph
190 (10)(a) ~~(9)(a)~~ must include the name, address, date of birth,
191 and, if known, the driver license number of the person who
192 leased, rented, or otherwise had care, custody, or control of
193 the motor vehicle at the time of the alleged violation. If the
194 motor vehicle was stolen at the time of the alleged violation,
195 the affidavit must include the police report indicating that the
196 motor vehicle was stolen.

197 (b) If a uniform traffic citation for a violation of s.
198 316.172(1)(a) or (b) was issued at the location of the violation
199 by a law enforcement officer, the affidavit must include the
200 serial number of the uniform traffic citation.

201 (c) If the motor vehicle's owner to whom a notice of
202 violation or a uniform traffic citation has been issued is
203 deceased, the affidavit must include a certified copy of the
204 owner's death certificate showing that the date of death
205 occurred on or before the date of the alleged violation and one
206 of the following:

207 1. A bill of sale or other document showing that the
208 deceased owner's motor vehicle was sold or transferred after his
209 or her death but on or before the date of the alleged violation.

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2. Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation.

3. A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 60 ~~30~~ days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the law enforcement agency must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 60 ~~30~~ days after the date of a notice of violation sent to a person under subsection (12) ~~(11)~~, the law enforcement agency receives an affidavit under subsection (13) ~~(12)~~ from the person who was sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the law enforcement agency must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had

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235 care, custody, or control of the motor vehicle at the time of
236 the violation.

237 (12)~~(11)~~ Upon receipt of an affidavit under paragraph
238 (10) (a) ~~(9) (a)~~, the law enforcement agency may issue the person
239 identified as having care, custody, or control of the motor
240 vehicle at the time of the violation a notice of violation
241 pursuant to subsection (5) for a violation of s. 316.172(1) (a)
242 or (b). The affidavit is admissible in a proceeding pursuant to
243 this section for the purpose of providing evidence that the
244 person identified in the affidavit was in actual care, custody,
245 or control of the motor vehicle. The owner of a leased motor
246 vehicle for which a uniform traffic citation is issued for a
247 violation of s. 316.172(1) (a) or (b) is not responsible for
248 paying the uniform traffic citation and is not required to
249 submit an affidavit as specified in subsection (11) ~~(10)~~ if the
250 motor vehicle involved in the violation is registered in the
251 name of the lessee of such motor vehicle.

252 (13)~~(12)~~ If a law enforcement agency receives an affidavit
253 under paragraph (10) (a) ~~(9) (a)~~, the notice of violation required
254 under subsection (5) must be sent to the person identified in
255 the affidavit within 30 days after receipt of the affidavit. The
256 person identified in an affidavit and sent a notice of violation
257 may ~~also~~ affirm he or she did not have care, custody, or control
258 of the motor vehicle at the time of the violation by furnishing
259 to the appropriate law enforcement agency within 60 ~~30~~ days

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after the date of the notice of violation an affidavit stating such.

Section 5. Subsection (2) of section 316.187, Florida Statutes, is amended to read:

316.187 Establishment of state speed zones.—

(2) (a) The maximum allowable speed limit on limited access highways is 75 ~~70~~ miles per hour.

(b) The maximum allowable speed limit on any other highway ~~that which~~ is outside an urban area of 5,000 or more persons and ~~that which~~ has at least four lanes divided by a median strip is 70 ~~65~~ miles per hour.

(c) The Department of Transportation may ~~is authorized to~~ set such maximum and minimum speed limits for travel over other roadways under its authority as it deems safe and advisable, not to exceed as a maximum limit 65 ~~60~~ miles per hour.

Section 6. Subsection (1) of section 316.20655, Florida Statutes, is amended, and subsections (8) and (9) are added to that section, to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to

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prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under or within the local government's jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach as defined in s. 161.54(3) or a dune as defined in s. 161.54(4) from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

(8) A local government may adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle and may adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle.

(9) A local government may provide training on the safe operation of electric bicycles and compliance with the traffic laws of this state that apply to electric bicycles.

Section 7. Subsections (7) and (8) are added to section 316.2128, Florida Statutes, to read:

316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.—

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(7) A local government may adopt an ordinance providing one or more minimum age requirements to operate a motorized scooter or micromobility device and may adopt an ordinance requiring a person who operates a motorized scooter or micromobility device to possess a government-issued photographic identification while operating the motorized scooter or micromobility device.

(8) A local government may provide training on the safe operation of motorized scooters and micromobility devices and compliance with the traffic laws of this state that apply to motorized scooters and micromobility devices.

Section 8. Effective upon this act becoming a law, paragraph (a) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001, s. 316.0083, s. 316.173, or s. 316.1896, each traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the agency ~~chief administrative officer~~ shall provide by an electronic transmission a replica of the citation data to the ~~a~~ court having jurisdiction over the

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alleged offense or with its traffic violations bureau within 5 business days after issuance to the violator.

Section 9. Section 316.88, Florida Statutes, is created to read:

316.88 Creation of a wake on streets or highways.—A person may not operate a motor vehicle, vessel, or any other conveyance at a speed that creates an excessive wake on a flooded or inundated street or highway.

Section 10. Effective upon this act becoming a law, paragraphs (a), (b), and (c) of subsection (5) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(5)(a) 1. Except as provided in subparagraph 2., \$200 ~~two hundred dollars~~ for a violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a ~~minimum~~ civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 days and not more than 1 year.

2. If a violation of s. 316.172(1)(a) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty of \$200 shall be imposed. If, at a hearing

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360 contesting a notice of violation or uniform traffic citation,
361 the alleged offender is found to have committed this offense, a
362 civil penalty of \$200 shall be imposed. Notwithstanding any
363 other provision of law, except s. 28.37(6), the civil penalties
364 assessed under this subparagraph resulting from a notice of
365 violation or uniform traffic citation shall be remitted to the
366 school district at least monthly and used pursuant to s.
367 316.173(8).

368 (b)1. Except as provided in subparagraph 2., \$400 ~~four~~
369 ~~hundred dollars~~ for a violation of s. 316.172(1)(b), passing a
370 school bus on the side that children enter and exit when the
371 school bus displays a stop signal. If, at a hearing, the alleged
372 offender is found to have committed this offense, the court
373 shall impose a ~~minimum~~ civil penalty of \$400.

374 2. If a violation of s. 316.172(1)(b) is enforced by a
375 school bus infraction detection system pursuant to s. 316.173,
376 the penalty under this subparagraph ~~paragraph~~ is \$200. If, at a
377 hearing contesting a notice of violation or uniform traffic
378 citation, the alleged offender is found to have committed this
379 offense, the court shall ~~must~~ impose a ~~minimum~~ civil penalty of
380 \$200. Notwithstanding any other provision of law, except s.
381 28.37(6), the civil penalties assessed under this subparagraph
382 resulting from notice of violation or uniform traffic citation
383 shall be remitted to the school district at least monthly and
384 used pursuant to s. 316.173(8).

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385 3. In addition to this penalty, for a second or subsequent
386 offense within a period of 5 years, the department shall suspend
387 the driver license of the person for not less than 360 days and
388 not more than 2 years.

389 (c) 1. In addition to the penalty under subparagraph (a)2.
390 or subparagraph (b)2., if, at an administrative hearing
391 contesting a notice of violation, the alleged offender is found
392 to have committed this offense, costs shall be imposed, not to
393 exceed those established in s. 316.0083(5)(e), to be paid by the
394 petitioner and to be used by the county for the operational
395 costs related to the hearing or the school district for
396 technology and operational costs relating to the hearing as well
397 as school transportation safety-related initiatives.
398 Notwithstanding any other provision of law, if a county's local
399 hearing officer administers the administrative hearing process
400 for a contested notice of violation, the costs imposed under
401 this subparagraph resulting from notice of violation shall be
402 remitted to the county at least monthly.

403 2. In addition to the penalty under paragraph (a) or
404 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
405 If the alleged offender is found to have committed the offense,
406 the court shall impose the civil penalty under paragraph (a) or
407 paragraph (b) plus an additional \$65. The additional \$65
408 collected under this subparagraph ~~paragraph~~ shall be remitted to
409 the Department of Revenue for deposit into the Emergency Medical

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Services Trust Fund of the Department of Health to be used as provided in s. 395.4036. If a violation of s. 316.172(1)(a) or (b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the additional amount imposed on a notice of violation, on a uniform traffic citation, or by the court under this paragraph must be \$25, in lieu of the additional \$65, and, notwithstanding any other provision of law, the civil penalties and additional costs must be remitted to the participating school district at least monthly and used pursuant to s. 316.173(8) ~~s. 316.173(7)~~.

Section 11. Effective upon this act becoming a law, subsection (21) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.— All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(21) Notwithstanding subsections (1) and (2) or any other provision of law, except s. 28.37(6), the civil penalties and the proceeds from the

T I T L E A M E N D M E N T

Remove lines 13-54 and insert:

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driving task" and "vehicle"; amending s. 316.173, F.S.; authorizing a person to request an administrative hearing with a school district or county within a specified timeframe after receiving a notice of violation; specifying that the mailing of the notice of violation constitutes notification; deleting a provision requiring a court with jurisdiction over traffic violations to determine whether a specified violation has occurred; authorizing school districts and counties to appoint local hearing officers to conduct certain administrative hearings; providing eligibility requirements for such officers; providing duties of such officers; providing for penalties and costs; providing procedures for an administrative hearing; providing a specified date by which certain administrative hearings may be conducted; amending s. 316.187, F.S.; increasing certain speed limits; amending s. 316.20655, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the safe operation of electric bicycles; amending s. 316.2128, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the safe operation of motorized scooters and

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micromobility devices; amending s. 316.650, F.S.;
revising the entity required to provide citation data
in the case of a traffic enforcement agency that has
an automated citation issuance system; creating s.
316.88, F.S.; prohibiting excessive wakes under
certain circumstances; amending s. 318.18, F.S.;
providing civil penalties for a specified violation
enforced by a school bus infraction detection system;
requiring such penalties to be remitted to the school
district at least monthly and used for specified
purposes; requiring specified administrative costs to
be imposed for specified violations; requiring that
such costs be used by a school district or county, as
applicable, for specified purposes; requiring that
certain costs be remitted to the county at least
monthly; amending s. 318.21, F.S.; requiring that
specified civil penalties be distributed in a
specified manner; creating s.

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