

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to traffic infraction enforcement;
3 amending s. 316.003, F.S.; defining the term "railroad
4 traffic infraction detector"; amending s. 316.008,
5 F.S.; authorizing counties and municipalities to use
6 railroad traffic infraction detectors for a certain
7 purpose; authorizing counties and municipalities to
8 place or install, or contract with a vendor to place
9 or install, railroad traffic infraction detectors at
10 certain locations; requiring a county or municipality
11 to enact a certain ordinance before the county or
12 municipality may place or install a railroad traffic
13 infraction detector; specifying requirements for a
14 public hearing for such ordinance; amending s.
15 316.0776, F.S.; authorizing the placement or
16 installation of traffic infraction detectors at
17 certain railroad crossings with permission from the
18 railroad owner; defining the term "work zone area";
19 authorizing the Department of Transportation to
20 enforce a posted speed limit in a work zone area
21 through the use of a speed detection system;
22 authorizing the department to place or install, or
23 contract with a vendor to place or install, speed
24 detection systems at certain locations; requiring the
25 department to install certain signage and develop and
26 maintain a certain website; requiring the department
27 to make a public announcement and conduct a public
28 awareness campaign in certain circumstances;
29 specifying requirements for such campaign; authorizing

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30 the placement or installation of railroad traffic
31 infraction detectors at certain locations in certain
32 circumstances; requiring the department to establish
33 certain specifications by a specified date; requiring
34 the department, a county, or a municipality to install
35 certain signage in certain circumstances; requiring
36 the signage to meet certain specifications; creating
37 s. 316.1578, F.S.; authorizing the Department of
38 Highway Safety and Motor Vehicles, a county, or a
39 municipality to authorize a traffic infraction
40 enforcement officer to issue a traffic citation for
41 certain violations; requiring that certain
42 notification be sent to the registered owner of a
43 motor vehicle within a certain period; specifying
44 requirements for such notification; authorizing a
45 person who receives such notice to request an
46 administrative hearing within a certain period;
47 defining the term "person"; providing that a request
48 for such hearing waives any challenge or dispute as to
49 the delivery of the notice of violation; requiring
50 that a traffic citation be issued in a certain manner
51 under certain circumstances; providing that the
52 initiation of a proceeding to challenge such citation
53 waives any challenge or dispute as to the delivery of
54 the citation; requiring that a traffic citation
55 include notice of a certain presumption; providing
56 that the owner of a motor vehicle involved in a
57 certain violation is responsible and liable for paying
58 a uniform traffic citation except in certain

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59 circumstances; requiring the owner of a motor vehicle
60 to provide an affidavit to an appropriate governmental
61 entity in certain circumstances; requiring the
62 governmental entity to dismiss a citation in certain
63 circumstances; authorizing the governmental entity to
64 issue a certain notice of violation to a person
65 designated in such an affidavit as having care,
66 custody, or control of the motor vehicle; providing
67 that the affidavit is admissible in certain
68 proceedings; providing criminal penalties for the
69 submission of a false affidavit; providing that
70 certain images or video is evidence of a violation and
71 admissible in certain proceedings; providing a
72 rebuttable presumption; requiring that certain
73 penalties assessed and collected by the department, a
74 county, or a municipality be paid to the Department of
75 Revenue weekly; providing for the remittance and
76 distribution of certain fines in a specified manner;
77 prohibiting an individual from receiving certain
78 commissions; prohibiting a manufacturer or vendor of a
79 railroad traffic infraction detector from receiving
80 certain fees or remuneration; amending s. 316.1894,
81 F.S.; conforming a cross-reference; amending s.
82 316.1896, F.S.; providing that the Department of
83 Transportation may authorize a traffic infraction
84 enforcement officer to issue uniform traffic citations
85 for certain violations in work zone areas; requiring
86 that such violation be evidenced by a speed detection
87 system; providing construction; requiring the

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88 department to provide certain notice to the registered
89 owner of a motor vehicle involved in such violation
90 within a certain period; specifying requirements for
91 such notice; requiring that penalties assessed and
92 collected by the department's transportation
93 infraction enforcement officers be paid to the
94 Department of Revenue weekly by electronic funds
95 transfer; providing for the remittance and use of such
96 penalties in a specified manner; requiring the
97 registered owner of a motor vehicle to provide an
98 affidavit to the Department of Transportation in
99 certain circumstances; specifying requirements for
100 such affidavit; requiring the department to dismiss a
101 citation in certain circumstances; requiring the
102 department to issue a certain notice of violation to a
103 person identified in such an affidavit in certain
104 circumstances; specifying requirements for certain
105 hearings; requiring the Department of Highway Safety
106 and Motor Vehicles to provide to the Department of
107 Transportation a certain model form; prohibiting the
108 use of a speed detection system in a work zone area
109 for remote surveillance; providing that certain
110 recorded video and photographs collected in a work
111 zone area may only be used for certain purposes;
112 requiring the vendor of a speed detection system to
113 provide to the department certain written notice
114 annually by a specified date; providing that
115 registered motor vehicle owner information obtained as
116 a result of certain operations in a work zone area is

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117 not the property of certain entities and may only be
118 used for certain purposes; requiring the Department of
119 Highway Safety and Motor Vehicles to consult with the
120 Department of Transportation on certain legislative
121 recommendations; amending s. 316.1906, F.S.; revising
122 the definition of the term "traffic infraction
123 enforcement officer"; amending s. 316.306, F.S.;
124 conforming a cross-reference; amending s. 316.640,
125 F.S.; revising the purposes for which the Department
126 of Highway Safety and Motor Vehicles may designate
127 employees as traffic infraction enforcement officers;
128 amending s. 318.18, F.S.; requiring a person cited for
129 a certain violation in a work zone area to pay a
130 specified fine in certain circumstances; requiring
131 such fine to be remitted to the Department of Revenue
132 and used for certain purposes; conforming a cross-
133 reference; creating s. 348.025, F.S.; defining the
134 terms "speed detection system" and "work zone area";
135 authorizing an expressway authority to enforce the
136 posted speed limit in a work zone area through the use
137 of a speed detection system; requiring the Department
138 of Transportation to enter into a certain agreement
139 with an expressway authority in certain circumstances;
140 amending s. 351.03, F.S.; authorizing a county or
141 municipality to place or install a railroad traffic
142 infraction detector at a railroad-highway grade
143 crossing for a certain purpose; amending s. 655.960,
144 F.S.; conforming a cross-reference; providing an
145 effective date.

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147 Be It Enacted by the Legislature of the State of Florida:

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149 Section 1. Present subsections (69) through (112) of
150 section 316.003, Florida Statutes, are redesignated as
151 subsections (70) through (113), respectively, a new subsection
152 (69) is added to that section, and subsection (65) of that
153 section is amended, to read:

154 316.003 Definitions.—The following words and phrases, when
155 used in this chapter, shall have the meanings respectively
156 ascribed to them in this section, except where the context
157 otherwise requires:

158 (65) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided
159 in paragraph (91) (b) ~~(90) (b)~~, any privately owned way or place
160 used for vehicular travel by the owner and those having express
161 or implied permission from the owner, but not by other persons.

162 (69) RAILROAD TRAFFIC INFRACTION DETECTOR.—A portable or
163 fixed automatic system used to detect a motor vehicle's action
164 using radar or LiDAR and to capture a photograph or video of the
165 rear of a motor vehicle at the time the vehicle maneuvers around
166 crossing arms or stops on an at-grade railroad crossing.

167 Section 2. Subsection (10) is added to section 316.008,
168 Florida Statutes, to read:

169 316.008 Powers of local authorities.—

170 (10) (a) A county or municipality may use a railroad traffic
171 infraction detector to enforce applicable laws at an at-grade
172 railroad crossing.

173 (b) A county or municipality may place or install, or
174 contract with a vendor to place or install, a railroad traffic

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175 infraction detector on a roadway adjacent to or at an at-grade
176 railroad crossing that is on railroad property, with the
177 railroad owner's permission.

178 (c) A county or municipality must enact an ordinance to
179 authorize the placement or installation of a railroad traffic
180 infraction detector on a roadway adjacent to or at an at-grade
181 railroad crossing before the county or municipality may place or
182 install such a railroad traffic infraction detector. At the
183 public hearing for such ordinance, the county or municipality
184 must consider traffic data or other evidence supporting the
185 installation and operation of each proposed railroad traffic
186 infraction detector and, in order to approve the ordinance, must
187 determine that the at-grade railroad crossing where the railroad
188 traffic infraction detector is to be installed constitutes a
189 heightened safety risk and warrants such additional enforcement
190 measures.

191 Section 3. Subsection (1) of section 316.0776, Florida
192 Statutes, is amended, and subsections (4) and (5) are added to
193 that section, to read:

194 316.0776 Traffic infraction detectors; speed detection
195 systems; railroad traffic infraction detectors; placement and
196 installation.—

197 (1) Traffic infraction detectors are allowed on state roads
198 when permitted by the Department of Transportation and under
199 placement and installation specifications developed by the
200 Department of Transportation. Traffic infraction detectors are
201 allowed on streets and highways and, with the permission of the
202 railroad owner, at at-grade railroad crossings under the
203 jurisdiction of counties or municipalities in accordance with

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204 placement and installation specifications developed by the
205 Department of Transportation.

206 (4) (a) For purposes of this subsection, the term "work zone
207 area" means an area on the State Highway System where
208 construction workers are present, there is no physical barrier
209 or separation between the vehicular traffic and the construction
210 workers, and the highway is a limited access facility.

211 (b) The Department of Transportation may enforce the posted
212 speed limit on the portion of a highway designated as a work
213 zone area through the use of a speed detection system.

214 (c) The Department of Transportation may place or install,
215 or contract with a vendor to place or install, a speed detection
216 system on the portion of a highway designated as a work zone
217 area to enforce the speed limit in accordance with s. 316.183(6)
218 within the work zone area.

219 (d) If the Department of Transportation places or installs,
220 or contracts with a vendor to place or install, a speed
221 detection system under paragraph (c), the Department of
222 Transportation must install signage to notify the public that a
223 speed detection system may be in use at the work zone area. Such
224 signage must meet specifications for uniform signals and devices
225 adopted by the Department of Transportation pursuant to s.
226 316.0745. The Department of Transportation shall also develop
227 and maintain a publicly accessible website for the purpose of
228 educating the traveling public about the use of speed detection
229 systems in work zone areas.

230 (e) If the Department of Transportation begins to use speed
231 detection systems in a work zone area in which the Department of
232 Transportation has not previously used such a system, the

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233 Department of Transportation must make a public announcement and
234 conduct a public awareness campaign about the proposed use of
235 speed detection systems beginning at least 5 days before
236 commencing enforcement using the speed detection systems. The
237 Department of Transportation must notify the public of the
238 specific date on which such use will commence. During the 5-day
239 public awareness campaign, only a warning may be issued to the
240 registered owner of a motor vehicle for a violation of s.
241 316.183 enforced by a speed detection system, and liability may
242 not be imposed for the civil penalty under s. 318.18(3)(e).

243 (5)(a) When authorized by a county or municipality,
244 railroad traffic infraction detectors may be placed or installed
245 in accordance with placement and installation specifications
246 developed by the Department of Transportation on state roads,
247 streets, and highways adjacent to or at at-grade railroad
248 crossings and on or near such railroad crossings by the
249 governmental entity having jurisdiction over or maintenance
250 responsibility for the state road, street, or highway. The
251 Department of Transportation must establish such placement and
252 installation specifications by December 31, 2025.

253 (b) If the Department of Transportation, county, or
254 municipality installs such a railroad traffic infraction
255 detector, the Department of Transportation, county, or
256 municipality, as applicable, must install signage to notify the
257 public that a railroad traffic infraction detector, which
258 includes camera enforcement of maneuvers around crossing arms or
259 stops on an at-grade railroad crossing, may be in use at or near
260 the railroad crossing. Such signage must meet specifications for
261 uniform signals and devices adopted by the Department of

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262 Transportation pursuant to s. 316.0745.

263 Section 4. Section 316.1578, Florida Statutes, is created
264 to read:

265 316.1578 Railroad-highway grade crossings; railroad traffic
266 infraction detector enforcement.-

267 (1) For the purposes of administering this section, the
268 department, a county, or a municipality may authorize a traffic
269 infraction enforcement officer under s. 316.640 to issue a
270 traffic citation for a violation of s. 316.1575 enforced as
271 authorized in ss. 316.008(10) and 351.03(6).

272 (2) (a) Within 30 days after a violation, notification must
273 be sent to the registered owner of the motor vehicle involved in
274 the violation specifying the remedies available under s. 318.14
275 and that the violator must pay the applicable penalty provided
276 in s. 316.1575 to the department, county, or municipality,
277 furnish an affidavit in accordance with this section, or request
278 a hearing in accordance with subsection (3) within 60 days after
279 the date of the notification in order to avoid the issuance of a
280 traffic citation. The notification must be sent by first-class
281 mail. The mailing of the notice constitutes notification.

282 (b) Included in the notification to the registered owner of
283 the motor vehicle involved in the violation must be a notice
284 that the owner has the right to review the photographic or
285 electronic images or the streaming video evidence that
286 constitutes a rebuttable presumption against the owner of the
287 vehicle. The notice must state the time and place or Internet
288 location where the evidence may be examined and observed.

289 (3) (a) Notwithstanding any other provision of law, a person
290 who receives a notice of violation under this section may

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291 request an administrative hearing within 60 days after the
292 notification of violation or pay the penalty pursuant to the
293 notice of the violation, but a payment may not be required
294 before the hearing requested by the person. The notice of
295 violation must direct the person to a website that provides
296 information on the person's right to request a hearing. As used
297 in this subsection, the term "person" includes a natural person,
298 registered owner or co-owner of a motor vehicle, or person
299 identified on an affidavit as having care, custody, or control
300 of the motor vehicle at the time of the violation.

301 (b) If the registered owner or co-owner of the motor
302 vehicle, or the person designated as having care, custody, or
303 control of the motor vehicle at the time of the violation, or an
304 authorized representative of the owner, co-owner, or designated
305 person, requests a hearing pursuant to this subsection, such
306 person waives any challenge or dispute as to the delivery of the
307 notice of violation.

308 (4) (a) 1. A traffic citation issued under this section shall
309 be issued by mailing the traffic citation by certified mail to
310 the address of the registered owner of the motor vehicle
311 involved in the violation if payment has not been made within 60
312 days after notification under subsection (2), if the registered
313 owner has not requested a hearing as authorized under subsection
314 (3), or if an affidavit has not been submitted under subsection
315 (5).

316 2. Delivery of the traffic citation constitutes
317 notification under this paragraph. If the registered owner or
318 co-owner of the motor vehicle, or the person designated as
319 having care, custody, or control of the motor vehicle at the

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320 time of the violation, or a duly authorized representative of
321 the owner, co-owner, or designated person, initiates a
322 proceeding to challenge the citation pursuant to this section,
323 such person waives any challenge or dispute as to the delivery
324 of the traffic citation.

325 3. In the case of joint ownership of a motor vehicle, the
326 traffic citation shall be mailed to the first name appearing on
327 the registration, unless the first name appearing on the
328 registration is a business organization, in which case the
329 second name appearing on the registration may be used.

330 (b) Included with the traffic citation must be a notice
331 that the owner has the right to review, in person or remotely,
332 the photographic or electronic images or the streaming video
333 evidence that constitutes a rebuttable presumption against the
334 owner of the vehicle. The notice must state the time and place
335 or Internet location where the evidence may be examined and
336 observed.

337 (5) (a) The owner of the motor vehicle involved in the
338 violation is responsible and liable for paying the uniform
339 traffic citation issued for a violation of s. 316.1575 unless:

340 1. The motor vehicle was, at the time of the violation, in
341 the care, custody, or control of another person; or

342 2. The motor vehicle's owner was deceased on or before the
343 date that the uniform traffic citation was issued, as
344 established by an affidavit submitted by the representative of
345 the motor vehicle owner's estate or other designated person or
346 family member.

347 (b) In order to establish such facts, the owner of the
348 motor vehicle must, within 30 days after the date of issuance of

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349 the traffic citation, provide to the appropriate governmental
350 entity an affidavit setting forth detailed information
351 supporting an exemption as provided in this subsection.

352 (c) An affidavit supporting an exemption under subparagraph
353 (a)2. must include a certified copy of the owner's death
354 certificate showing that the date of death occurred on or before
355 the issuance of the uniform traffic citation and one of the
356 following:

357 1. A bill of sale or other document showing that the
358 deceased owner's motor vehicle was sold or transferred after his
359 or her death, but on or before the date of the alleged
360 violation.

361 2. Documentary proof that the registered license plate
362 belonging to the deceased owner's vehicle was returned to the
363 department, or any branch office or authorized agent of the
364 department, on or before the date of the alleged violation.

365 3. A copy of a police report showing that the deceased
366 owner's registered license plate or motor vehicle was stolen
367 after the owner's death, but on or before the date of the
368 alleged violation.

369 (d) Upon receipt of an affidavit and documentation required
370 under paragraph (c), the governmental entity must dismiss the
371 citation and provide proof of such dismissal to the person that
372 submitted the affidavit.

373 (e) Upon receipt of an affidavit supporting an exemption
374 under subparagraph (a)1., the governmental entity may issue to
375 the person designated as having care, custody, or control of the
376 motor vehicle at the time of the violation a notice of violation
377 pursuant to subsection (2) for a violation of s. 316.1575. The

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378 affidavit is admissible in a proceeding pursuant to this section
379 for the purpose of providing proof that the person identified in
380 the affidavit was in actual care, custody, or control of the
381 motor vehicle. Notwithstanding paragraph (b), the owner of a
382 leased vehicle for which a traffic citation is issued for a
383 violation of s. 316.1575 is not responsible for paying the
384 traffic citation and is not required to submit an affidavit as
385 specified in this subsection if the motor vehicle involved in
386 the violation is registered in the name of the lessee of such
387 motor vehicle.

388 (f) The submission of a false affidavit is a misdemeanor of
389 the second degree, punishable as provided in s. 775.082 or s.
390 775.083.

391 (6) The photographic or electronic images or streaming
392 video attached to or referenced in the traffic citation is
393 evidence that a violation of s. 316.1575 has occurred and is
394 admissible in any proceeding to enforce this section and raises
395 a rebuttable presumption that the motor vehicle named in the
396 report or shown in the photographic or electronic images or
397 streaming video evidence was used in violation of s. 316.1575.

398 (7) (a) Penalties assessed and collected by the department,
399 county, or municipality authorized to collect the funds provided
400 for in this section, less the amount retained by the county or
401 municipality pursuant to paragraph (b), shall be paid to the
402 Department of Revenue weekly. Payment by the department, county,
403 or municipality to the state shall be made by means of
404 electronic funds transfers. In addition to the payment, summary
405 detail of the penalties remitted shall be reported to the
406 Department of Revenue.

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407 (b) Penalties to be assessed and collected by the
408 department, county, or municipality are as follows:

409 1. If a \$500 fine is imposed as authorized under s.
410 316.1575(3)(b)1., \$300 shall be remitted to the Department of
411 Revenue for deposit into the General Revenue Fund, \$150 shall be
412 remitted to the Department of Revenue for deposit into the
413 Department of Transportation for Florida Operation Lifesaver,
414 and \$50 shall be distributed to the municipality in which the
415 violation occurred, or, if the violation occurred in an
416 unincorporated area, to the county in which the violation
417 occurred.

418 2. If a \$1,000 fine is imposed as authorized under s.
419 316.1575(3)(b)2., \$600 shall be remitted to the Department of
420 Revenue for deposit into the General Revenue Fund, \$300 shall be
421 remitted to the Department of Revenue for deposit into the
422 Department of Transportation for Florida Operation Lifesaver,
423 and \$100 shall be distributed to the municipality in which the
424 violation occurred, or, if the violation occurred in an
425 unincorporated area, to the county in which the violation
426 occurred.

427 (c) An individual may not receive a commission from any
428 revenue collected from violations detected through the use of a
429 railroad traffic infraction detector. A manufacturer or vendor
430 may not receive a fee or remuneration based upon the number of
431 violations detected through the use of a railroad traffic
432 infraction detector.

433 Section 5. Section 316.1894, Florida Statutes, is amended
434 to read:

435 316.1894 School Crossing Guard Recruitment and Retention

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436 Program.—The law enforcement agency having jurisdiction over a
437 county or municipality conducting a school zone speed detection
438 system program authorized by s. 316.008(9) must use funds
439 generated pursuant to s. 316.1896(5)(a)5. ~~s. 316.1896(5)(e)~~ from
440 the school zone speed detection system program to administer the
441 School Crossing Guard Recruitment and Retention Program. Such
442 program may provide recruitment and retention stipends to
443 crossing guards at K-12 public schools, including charter
444 schools, or stipends to third parties for the recruitment of new
445 crossing guards. The School Crossing Guard Recruitment and
446 Retention Program must be designed and managed at the discretion
447 of the law enforcement agency.

448 Section 6. Subsections (1), (2), (5), (8), (9), and (10),
449 paragraph (a) of subsection (14), subsection (15), and paragraph
450 (c) of subsection (16) of section 316.1896, Florida Statutes,
451 are amended to read:

452 316.1896 Roadways maintained as school zones; speed
453 detection system enforcement; penalties; appeal procedure;
454 privacy; reports.—

455 (1) For purposes of administering this section, the
456 Department of Transportation, a county, or a municipality may
457 authorize a traffic infraction enforcement officer under s.
458 316.640 to issue uniform traffic citations for violations of ss.
459 316.1895 and 316.183 as authorized by s. 316.008(9) or s.
460 316.0776(4), as follows:

461 (a) For a violation of s. 316.1895 in excess of 10 miles
462 per hour over the school zone speed limit which occurs within 30
463 minutes before through 30 minutes after the start of a regularly
464 scheduled breakfast program.

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465 (b) For a violation of s. 316.1895 in excess of 10 miles
466 per hour over the school zone speed limit which occurs within 30
467 minutes before through 30 minutes after the start of a regularly
468 scheduled school session.

469 (c) For a violation of s. 316.183 in excess of 10 miles per
470 hour over the posted speed limit during the entirety of a
471 regularly scheduled school session.

472 (d) For a violation of s. 316.1895 in excess of 10 miles
473 per hour over the school zone speed limit which occurs within 30
474 minutes before through 30 minutes after the end of a regularly
475 scheduled school session.

476 (e) For a violation of s. 316.183 in excess of the posted
477 maximum speed in a work zone area as defined in s.
478 316.0776(4) (a).

479
480 Such violation must be evidenced by a speed detection system
481 described in ss. 316.008(9) and 316.0776(3) or s. 316.0776(4).
482 This subsection does not prohibit a review of information from a
483 speed detection system by an authorized employee or agent of the
484 Department of Transportation, a county, or a municipality before
485 issuance of the uniform traffic citation by the traffic
486 infraction enforcement officer. This subsection does not
487 prohibit the Department of Transportation, a county, or a
488 municipality from issuing notices as provided in subsection (2)
489 to the registered owner of the motor vehicle for a violation of
490 s. 316.1895 or s. 316.183.

491 (2) Within 30 days after a violation, notice must be sent
492 to the registered owner of the motor vehicle involved in the
493 violation specifying the remedies available under s. 318.14 and

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494 that the violator must pay the penalty under s. 318.18(3)(d) or
495 (e), as applicable, to the Department of Transportation, county,
496 or municipality, or furnish an affidavit in accordance with
497 subsection (8), within 30 days after the date of the notice of
498 violation in order to avoid court fees, costs, and the issuance
499 of a uniform traffic citation. The notice of violation must:

500 (a) Be sent by first-class mail.

501 (b) Include a photograph or other recorded image showing
502 the license plate of the motor vehicle; the date, time, and
503 location of the violation; the maximum speed at which the motor
504 vehicle was traveling within the school zone or work zone area;
505 and the speed limit within the school zone or work zone area at
506 the time of the violation.

507 (c) Include a notice that the owner has the right to
508 review, in person or remotely, the photograph or video captured
509 by the speed detection system and the evidence of the speed of
510 the motor vehicle detected by the speed detection system which
511 constitute a rebuttable presumption that the motor vehicle was
512 used in violation of s. 316.1895 or s. 316.183.

513 (d) State the time when, and the place or website at which,
514 the photograph or video captured and evidence of speed detected
515 may be examined and observed.

516 (5) (a) Penalties assessed and collected by the county or
517 municipality authorized to collect the funds provided for in
518 this section for violations in school zones, less the amount
519 retained by the county or municipality pursuant to subparagraph
520 2. and subparagraph 5. ~~paragraph (b) and paragraph (e)~~ and the
521 amount remitted to the county school district pursuant to
522 subparagraph 4. ~~paragraph (d),~~ must be paid to the Department of

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523 Revenue weekly. Such payment must be made by means of electronic
524 funds transfer. In addition to the payment, a detailed summary
525 of the penalties remitted must be reported to the Department of
526 Revenue. Penalties to be assessed and collected by the county or
527 municipality as established in s. 318.18(3)(d) must be remitted
528 as follows:

529 1.~~(a)~~ Twenty dollars must be remitted to the Department of
530 Revenue for deposit into the General Revenue Fund.

531 2.~~(b)~~ Sixty dollars must be retained by the county or
532 municipality and must be used to administer speed detection
533 systems in school zones and other public safety initiatives.

534 3.~~(c)~~ Three dollars must be remitted to the Department of
535 Revenue for deposit into the Department of Law Enforcement
536 Criminal Justice Standards and Training Trust Fund.

537 4.~~(d)~~ Twelve dollars must be remitted to the county school
538 district in which the violation occurred and must be used for
539 school security initiatives, for student transportation, or to
540 improve the safety of student walking conditions. Funds remitted
541 under this subparagraph ~~paragraph~~ must be shared with charter
542 schools in the district based on each charter school's
543 proportionate share of the district's total unweighted full-time
544 equivalent student enrollment and must be used for school
545 security initiatives or to improve the safety of student walking
546 conditions.

547 5.~~(e)~~ Five dollars must be retained by the county or
548 municipality for the School Crossing Guard Recruitment and
549 Retention Program pursuant to s. 316.1894.

550 (b) Penalties assessed and collected by the Department of
551 Transportation's traffic infraction enforcement officers

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552 pursuant to s. 318.18(3) (e) must be paid to the Department of
553 Revenue weekly. Such payments must be made by means of
554 electronic funds transfer. Penalties assessed and collected by
555 the Department of Revenue must be remitted as follows:

556 1. Sixty dollars must be remitted to the Department of
557 Revenue for deposit into the State Transportation Trust Fund and
558 used for safety campaigns.

559 2. Forty dollars must be remitted to the Department of
560 Revenue for deposit into the General Revenue Fund and used to
561 support charities designated by the Department of Transportation
562 which provide financial assistance to families of construction
563 workers killed in work zone areas.

564 (8) To establish such facts under subsection (7), the
565 registered owner of the motor vehicle must, within 30 days after
566 the date of issuance of the notice of violation or the uniform
567 traffic citation, furnish to the appropriate governmental entity
568 an affidavit setting forth information supporting an exception
569 under subsection (7).

570 (a) An affidavit supporting the exception under paragraph
571 (7) (a) must include the name, address, date of birth, and, if
572 known, the driver license number of the person who leased,
573 rented, or otherwise had care, custody, or control of the motor
574 vehicle at the time of the alleged violation. If the motor
575 vehicle was stolen at the time of the alleged violation, the
576 affidavit must include the police report indicating that the
577 motor vehicle was stolen.

578 (b) If a uniform traffic citation for a violation of s.
579 316.1895 or s. 316.183 was issued at the location of the
580 violation by a law enforcement officer, the affidavit must

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581 include the serial number of the uniform traffic citation.

582 (c) If the motor vehicle's owner to whom a notice of
583 violation or a uniform traffic citation has been issued is
584 deceased, the affidavit must include a certified copy of the
585 owner's death certificate showing that the date of death
586 occurred on or before the date of the alleged violation and one
587 of the following:

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

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

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

600

601 Upon receipt of the affidavit and documentation required under
602 paragraphs (b) and (c), or 30 days after the date of issuance of
603 a notice of violation sent to a person identified as having
604 care, custody, or control of the motor vehicle at the time of
605 the violation under paragraph (a), the Department of
606 Transportation, county, or municipality must dismiss the notice
607 or citation and provide proof of such dismissal to the person
608 who submitted the affidavit. If, within 30 days after the date
609 of a notice of violation sent to a person under subsection (9),

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610 the Department of Transportation, county, or municipality
611 receives an affidavit under subsection (10) from the person sent
612 a notice of violation affirming that the person did not have
613 care, custody, or control of the motor vehicle at the time of
614 the violation, the Department of Transportation, county, or
615 municipality must notify the registered owner that the notice or
616 citation will not be dismissed due to failure to establish that
617 another person had care, custody, or control of the motor
618 vehicle at the time of the violation.

619 (9) Upon receipt of an affidavit under paragraph (8)(a),
620 the Department of Transportation, county, or municipality may
621 issue the person identified as having care, custody, or control
622 of the motor vehicle at the time of the violation a notice of
623 violation pursuant to subsection (2) for a violation of s.
624 316.1895 or s. 316.183. The affidavit is admissible in a
625 proceeding pursuant to this section for the purpose of providing
626 evidence that the person identified in the affidavit was in
627 actual care, custody, or control of the motor vehicle. The owner
628 of a leased motor vehicle for which a uniform traffic citation
629 is issued for a violation of s. 316.1895 or s. 316.183 is not
630 responsible for paying the uniform traffic citation and is not
631 required to submit an affidavit as specified in subsection (8)
632 if the motor vehicle involved in the violation is registered in
633 the name of the lessee of such motor vehicle.

634 (10) If the Department of Transportation, a county, or a
635 municipality receives an affidavit under paragraph (8)(a), the
636 notice of violation required under subsection (2) must be sent
637 to the person identified in the affidavit within 30 days after
638 receipt of the affidavit. The person identified in an affidavit

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639 and sent a notice of violation may also affirm that he or she
640 did not have care, custody, or control of the motor vehicle at
641 the time of the violation by furnishing to the appropriate
642 governmental entity within 30 days after the date of the notice
643 of violation an affidavit stating such.

644 (14) A hearing under this section must be conducted under
645 the procedures established by s. 316.0083(5) and as follows:

646 (a) The department must publish and make available
647 electronically to the Department of Transportation and each
648 county and municipality a model request for hearing form to
649 assist the Department of Transportation and each county or
650 municipality administering this section.

651 (15) (a) A speed detection system in a school zone or a work
652 zone area may not be used for remote surveillance. The
653 collection of evidence by a speed detection system to enforce
654 violations of ss. 316.1895 and 316.183, or user-controlled pan
655 or tilt adjustments of speed detection system components, do not
656 constitute remote surveillance. Recorded video or photographs
657 collected as part of a speed detection system in a school zone
658 or a work zone area may only be used to document violations of
659 ss. 316.1895 and 316.183 and for purposes of determining
660 criminal or civil liability for incidents captured by the speed
661 detection system incidental to the permissible use of the speed
662 detection system.

663 (b) Any recorded video or photograph obtained through the
664 use of a speed detection system must be destroyed within 90 days
665 after the final disposition of the recorded event. The vendor of
666 a speed detection system must provide the Department of
667 Transportation, county, or municipality with written notice by

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668 December 31 of each year that such records have been destroyed
669 in accordance with this subsection.

670 (c) Notwithstanding any other law, registered motor vehicle
671 owner information obtained as a result of the operation of a
672 speed detection system in a school zone or a work zone area is
673 not the property of the manufacturer or vendor of the speed
674 detection system and may be used only for the purposes of this
675 section.

676 (16)

677 (c) On or before December 31, 2024, and annually
678 thereafter, the department must submit a summary report to the
679 Governor, the President of the Senate, and the Speaker of the
680 House of Representatives regarding the use of speed detection
681 systems under this section, along with any legislative
682 recommendations from the department. The department shall
683 consult with the Department of Transportation on any legislative
684 recommendations related to speed detection systems in work zone
685 areas. The summary report must include a review of the
686 information submitted to the department by the counties and
687 municipalities and must describe the enhancement of safety and
688 enforcement programs.

689 Section 7. Paragraph (d) of subsection (1) of section
690 316.1906, Florida Statutes, is amended to read:

691 316.1906 Radar speed-measuring devices; speed detection
692 systems; evidence, admissibility.—

693 (1) DEFINITIONS.—

694 (d) "Officer" means any:

695 1. "Law enforcement officer" who is elected, appointed, or
696 employed full time by any municipality or the state or any

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697 political subdivision thereof; who is vested with the authority
698 to bear arms and make arrests; and whose primary responsibility
699 is the prevention and detection of crime or the enforcement of
700 the penal, criminal, traffic, or highway laws of the state;

701 2. "Part-time law enforcement officer" who is employed or
702 appointed less than full time, as defined by an employing
703 agency, with or without compensation; who is vested with
704 authority to bear arms and make arrests; and whose primary
705 responsibility is the prevention and detection of crime or the
706 enforcement of the penal, criminal, traffic, or highway laws of
707 the state;

708 3. "Auxiliary law enforcement officer" who is employed or
709 appointed, with or without compensation; who aids or assists a
710 full-time or part-time law enforcement officer; and who, while
711 under the direct supervision of a full-time or part-time law
712 enforcement officer, has the authority to arrest and perform law
713 enforcement functions; or

714 4. "Traffic infraction enforcement officer" who is employed
715 or appointed, with or without compensation, and satisfies the
716 requirements of s. 316.640(1) or (5) ~~s. 316.640(5)~~ and is vested
717 with authority to enforce violations of ss. 316.1895 and 316.183
718 pursuant to s. 316.1896.

719 Section 8. Paragraph (a) of subsection (3) of section
720 316.306, Florida Statutes, is amended to read:

721 316.306 School and work zones; prohibition on the use of a
722 wireless communications device in a handheld manner.—

723 (3)(a)1. A person may not operate a motor vehicle while
724 using a wireless communications device in a handheld manner in a
725 designated school crossing, school zone, or work zone area as

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726 defined in s. 316.003 ~~s. 316.003(112)~~. This subparagraph shall
727 only be applicable to work zone areas if construction personnel
728 are present or are operating equipment on the road or
729 immediately adjacent to the work zone area. For the purposes of
730 this paragraph, a motor vehicle that is stationary is not being
731 operated and is not subject to the prohibition in this
732 paragraph.

733 2. Effective January 1, 2020, a law enforcement officer may
734 stop motor vehicles and issue citations to persons who are
735 driving while using a wireless communications device in a
736 handheld manner in violation of subparagraph 1.

737 Section 9. Paragraph (b) of subsection (1) of section
738 316.640, Florida Statutes, is amended to read:

739 316.640 Enforcement.—The enforcement of the traffic laws of
740 this state is vested as follows:

741 (1) STATE.—

742 (b)1. The Department of Transportation has authority to
743 enforce on all the streets and highways of this state all laws
744 applicable within its authority.

745 2.a. The Department of Transportation shall develop
746 training and qualifications standards for toll enforcement
747 officers whose sole authority is to enforce the payment of tolls
748 pursuant to s. 316.1001. Nothing in this subparagraph shall be
749 construed to permit the carrying of firearms or other weapons,
750 nor shall a toll enforcement officer have arrest authority.

751 b. For the purpose of enforcing s. 316.1001, governmental
752 entities, as defined in s. 334.03, which own or operate a toll
753 facility may employ independent contractors or designate
754 employees as toll enforcement officers; however, any such toll

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755 enforcement officer must successfully meet the training and
756 qualifications standards for toll enforcement officers
757 established by the Department of Transportation.

758 3. For the purpose of enforcing s. 316.0083 or s. 316.1896,
759 the department may designate employees as traffic infraction
760 enforcement officers. A traffic infraction enforcement officer
761 must successfully complete instruction in traffic enforcement
762 procedures and court presentation through the Selective Traffic
763 Enforcement Program as approved by the Division of Criminal
764 Justice Standards and Training of the Department of Law
765 Enforcement, or through a similar program, but may not
766 necessarily otherwise meet the uniform minimum standards
767 established by the Criminal Justice Standards and Training
768 Commission for law enforcement officers or auxiliary law
769 enforcement officers under s. 943.13. This subparagraph does not
770 authorize the carrying of firearms or other weapons by a traffic
771 infraction enforcement officer and does not authorize a traffic
772 infraction enforcement officer to make arrests. The department's
773 traffic infraction enforcement officers must be physically
774 located in the state.

775 Section 10. Paragraphs (d) and (e) of subsection (3) of
776 section 318.18, Florida Statutes, are amended to read:

777 318.18 Amount of penalties.—The penalties required for a
778 noncriminal disposition pursuant to s. 318.14 or a criminal
779 offense listed in s. 318.17 are as follows:

780 (3)

781 (d)1. Notwithstanding paragraphs (b) and (c), a person
782 cited for a violation of s. 316.1895(10) or s. 316.183 for
783 exceeding the speed limit in force at the time of the violation

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784 on a roadway maintained as a school zone as provided in s.
785 316.1895, when enforced by a traffic infraction enforcement
786 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
787 collected under this paragraph must be distributed as follows:

788 a. Twenty dollars must be remitted to the Department of
789 Revenue for deposit into the General Revenue Fund.

790 b. Seventy-seven dollars must be distributed to the county
791 for any violations occurring in any unincorporated areas of the
792 county or to the municipality for any violations occurring in
793 the incorporated boundaries of the municipality in which the
794 infraction occurred, to be used as provided in s. 316.1896(5) (a)
795 ~~s. 316.1896(5)~~.

796 c. Three dollars must be remitted to the Department of
797 Revenue for deposit into the Department of Law Enforcement
798 Criminal Justice Standards and Training Trust Fund to be used as
799 provided in s. 943.25.

800 2. If a person who is mailed a notice of violation or a
801 uniform traffic citation for a violation of s. 316.1895(10) or
802 s. 316.183, as enforced by a traffic infraction enforcement
803 officer under s. 316.1896, presents documentation from the
804 appropriate governmental entity that the notice of violation or
805 uniform traffic citation was in error, the clerk of court or
806 clerk to the local hearing officer may dismiss the case. The
807 clerk of court or clerk to the local hearing officer may not
808 charge for this service.

809 (e) 1. Except as provided in subparagraph 2., a person cited
810 for exceeding the speed limit in a posted construction zone,
811 which posting must include notification of the speed limit and
812 the doubling of fines, shall pay a fine double the amount listed

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813 in paragraph (b). The fine shall be doubled for construction
814 zone violations only if construction personnel are present or
815 operating equipment on the road or immediately adjacent to the
816 road under construction.

817 2.a. Notwithstanding paragraph (b), a person cited for a
818 violation of s. 316.183 for exceeding the speed limit in force
819 at the time of the violation in a work zone area as defined in
820 s. 316.0776(4) (a), when enforced by a traffic infraction
821 enforcement officer pursuant to s. 316.1896, must pay a fine of
822 \$100. The \$100 fine must be remitted as follows:

823 (I) Sixty dollars must be remitted to the Department of
824 Revenue for deposit into the State Transportation Trust Fund and
825 used for safety campaigns.

826 (II) Forty dollars must be remitted to the Department of
827 Revenue for deposit into the General Revenue Fund and used to
828 support charities designated by the Department of Transportation
829 which provide financial assistance to families of construction
830 workers killed in work zone areas.

831 b. If a person who is mailed a uniform traffic citation for
832 a violation of s. 316.183, as enforced by a traffic infraction
833 enforcement officer under s. 316.1896, presents documentation
834 from the appropriate governmental entity that the traffic
835 citation was in error, the clerk of the court must dismiss the
836 citation. The clerk of the court may not charge for this
837 service.

838 Section 11. Section 348.025, Florida Statutes, is created
839 to read:

840 348.025 Speed detection systems; placement and
841 installation.-

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842 (1) For purposes of this section, the term:

843 (a) "Speed detection system" has the same meaning as in s.
844 316.003.

845 (b) "Work zone area" has the same meaning as in s.
846 316.0776(4) (a) .

847 (2) An expressway authority created in this chapter may
848 enforce the posted speed limit on the portion of a highway
849 designated as a work zone area through the use of a speed
850 detection system.

851 (3) If the department has contracted with a vendor for the
852 placement or installation of speed detection systems in work
853 zone areas as authorized under s. 316.0776(4) (c), the department
854 must enter into an agreement with any expressway authority that
855 decides to use speed detection systems as authorized in
856 subsection (2) to place or install such speed detection systems
857 under the department's contract.

858 Section 12. Subsection (6) is added to section 351.03,
859 Florida Statutes, to read:

860 351.03 Railroad-highway grade-crossing warning signs and
861 signals; audible warnings; exercise of reasonable care; blocking
862 highways, roads, and streets during darkness.—

863 (6) A county or municipality may place or install a
864 railroad traffic infraction detector as defined in s. 316.003 to
865 enforce s. 316.1575 at a railroad-highway grade crossing.

866 Section 13. Subsection (1) of section 655.960, Florida
867 Statutes, is amended to read:

868 655.960 Definitions; ss. 655.960-655.965.—As used in this
869 section and ss. 655.961-655.965, unless the context otherwise
870 requires:

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871 (1) "Access area" means any paved walkway or sidewalk which
872 is within 50 feet of any automated teller machine. The term does
873 not include any street or highway open to the use of the public,
874 as defined in s. 316.003(91)(a) or (b) ~~s. 316.003(90)(a) or (b)~~,
875 including any adjacent sidewalk, as defined in s. 316.003.

876 Section 14. This act shall take effect July 1, 2025.