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1
 2 An act relating to enforcement of school zone speed
 3 limits; amending s. 316.003, F.S.; revising and
 4 providing definitions; amending s. 316.008, F.S.;
 5 authorizing a county or municipality to enforce the
 6 speed limit in a school zone at specified periods
 7 through the use of a speed detection system; providing
 8 a rebuttable presumption; authorizing a county or
 9 municipality to install, or contract with a vendor to
 10 install, a speed detection system in a school zone;
 11 requiring a county or municipality to enact an
 12 ordinance to authorize placement or installation of
 13 such system; requiring the county or municipality to
 14 consider certain evidence and make a certain
 15 determination at a public hearing; amending s.
 16 316.0776, F.S.; specifying conditions for the
 17 placement or installation of speed detection systems;
 18 requiring the Department of Transportation to
 19 establish certain specifications by a specified date;
 20 requiring a county or municipality that installs a
 21 speed detection system to provide certain notice to
 22 the public; providing signage requirements; requiring
 23 a county or municipality that has never conducted a
 24 school zone speed detection system program to conduct
 25 a public awareness campaign before commencing

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26 enforcement using such system; limiting penalties in
 27 effect during the public awareness campaign; requiring
 28 a county or municipality to place a specified annual
 29 report on the agenda of a regular or special meeting
 30 of its governing body; requiring approval by the
 31 governing body at a regular or special meeting before
 32 contracting or renewing a contract to place or install
 33 such system; providing for public comment; prohibiting
 34 such report, contract, or contract renewal from being
 35 considered as part of a consent agenda; providing
 36 requirements for a written summary of such report;
 37 requiring a report to the Department of Highway Safety
 38 and Motor Vehicles; prohibiting compliance with
 39 certain provisions from being raised in a proceeding
 40 challenging a violation; creating s. 316.1894, F.S.;
 41 requiring a law enforcement agency with jurisdiction
 42 over a county or municipality conducting a school zone
 43 speed detection system program to use certain funds to
 44 administer the School Crossing Guard Recruitment and
 45 Retention Program; providing purposes; requiring
 46 program design and management at the discretion of the
 47 law enforcement agency; creating s. 316.1896, F.S.;
 48 authorizing a county or municipality to authorize a
 49 traffic infraction enforcement officer to issue
 50 uniform traffic citations for certain violations;

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51 providing construction; providing notice requirements
 52 and procedures; authorizing a person who receives a
 53 notice of violation to request a hearing within a
 54 specified timeframe; defining the term "person";
 55 providing for waiver of challenge or dispute as to the
 56 delivery of the notice of violation; requiring a
 57 county or municipality to pay certain funds to the
 58 Department of Revenue; providing for the distribution
 59 of funds; providing requirements for issuance of a
 60 uniform traffic citation; providing for waiver of
 61 challenge or dispute as to the delivery of the uniform
 62 traffic citation; providing notice requirements and
 63 procedures; specifying that the registered owner of a
 64 motor vehicle is responsible and liable for paying a
 65 uniform traffic citation; providing exceptions;
 66 requiring an owner of a motor vehicle to furnish an
 67 affidavit under certain circumstances; specifying
 68 requirements for such affidavit and procedures
 69 relating thereto; providing a criminal penalty for
 70 submitting a false affidavit; providing that certain
 71 photographs or video and evidence of speed are
 72 admissible in certain proceedings; providing a
 73 rebuttable presumption; providing construction;
 74 providing requirements and procedures for hearings;
 75 prohibiting the use of a speed detection system for

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76 remote surveillance; providing construction;
 77 specifying requirements of and prohibitions on the use
 78 of recorded video and photographs captured by a speed
 79 detection system; requiring municipalities and
 80 counties to submit an annual report to the Department
 81 of Highway Safety and Motor Vehicles in a form and
 82 manner specified by the department; authorizing the
 83 department to require quarterly submission of data;
 84 providing report requirements; requiring counties and
 85 municipalities to retain certain records for a
 86 specified period; requiring the department to submit a
 87 summary report to the Governor and Legislature;
 88 amending s. 316.1906, F.S.; revising the definition of
 89 the term "officer"; providing self-test requirements
 90 for speed detection systems; requiring a law
 91 enforcement agency operating a speed detection system
 92 to maintain a log of results of the system's self-
 93 tests and to perform independent calibration tests of
 94 such systems; providing for the admissibility of
 95 certain evidence in certain proceedings; amending s.
 96 318.18, F.S.; providing a civil penalty for a speed
 97 limit violation in a school zone; providing for
 98 distribution thereof; providing conditions under which
 99 a case may be dismissed; amending s. 322.27, F.S.;
 100 prohibiting points from being imposed against a driver

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101 license for certain infractions enforced by a traffic
 102 infraction enforcement officer; prohibiting such
 103 infractions from being used to set motor vehicle
 104 insurance rates; amending ss. 316.306, 316.640,
 105 318.14, 318.21, and 655.960, F.S.; conforming cross-
 106 references and provisions to changes made by the act;
 107 amending s. 316.650, F.S.; revising the period during
 108 which certain traffic citation data must be provided
 109 to a court having jurisdiction over the alleged
 110 offense; providing an effective date.

111

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

113

114 Section 1. Subsections (82) through (109) of section
 115 316.003, Florida Statutes, are renumbered as subsections (83)
 116 through (110), respectively, subsections (38) and (64) are
 117 amended, and a new subsection (82) is added to that section, to
 118 read:

119 316.003 Definitions.—The following words and phrases, when
 120 used in this chapter, shall have the meanings respectively
 121 ascribed to them in this section, except where the context
 122 otherwise requires:

123 (38) LOCAL HEARING OFFICER.—The person, designated by a
 124 department, county, or municipality that elects to authorize
 125 traffic infraction enforcement officers to issue traffic

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126 citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~
 127 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
 128 a notice of violation issued pursuant to s. 316.0083 or s.
 129 316.1896. The charter county, noncharter county, or municipality
 130 may use its currently appointed code enforcement board or
 131 special magistrate to serve as the local hearing officer. The
 132 department may enter into an interlocal agreement to use the
 133 local hearing officer of a county or municipality.

134 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 135 provided in paragraph (88)(b) ~~(87)(b)~~, any privately owned way
 136 or place used for vehicular travel by the owner and those having
 137 express or implied permission from the owner, but not by other
 138 persons.

139 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
 140 system used to detect a motor vehicle's speed using radar or
 141 LiDAR and to capture a photograph or video of the rear of a
 142 motor vehicle that exceeds the speed limit in force at the time
 143 of the violation.

144 Section 2. Subsection (9) is added to section 316.008,
 145 Florida Statutes, to read:

146 316.008 Powers of local authorities.—

147 (9)(a) A county or municipality may enforce the applicable
 148 speed limit on a roadway properly maintained as a school zone
 149 pursuant to s. 316.1895:

150 1. Within 30 minutes before through 30 minutes after the

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151 start of a regularly scheduled breakfast program;
 152 2. Within 30 minutes before through 30 minutes after the
 153 start of a regularly scheduled school session;
 154 3. During the entirety of a regularly scheduled school
 155 session; and
 156 4. Within 30 minutes before through 30 minutes after the
 157 end of a regularly scheduled school session
 158
 159 through the use of a speed detection system for the detection of
 160 speed and capturing of photographs or videos for violations in
 161 excess of 10 miles per hour over the speed limit in force at the
 162 time of the violation. A school zone's compliance with s.
 163 316.1895 creates a rebuttable presumption that the school zone
 164 is properly maintained.
 165 (b) A county or municipality may place or install, or
 166 contract with a vendor to place or install, a speed detection
 167 system within a roadway maintained as a school zone as provided
 168 in s. 316.1895 to enforce unlawful speed violations, as
 169 specified in s. 316.1895(10) or s. 316.183, on that roadway.
 170 (c) A county or municipality must enact an ordinance in
 171 order to authorize the placement or installation of a speed
 172 detection system on a roadway maintained as a school zone as
 173 authorized by this subsection. As part of the public hearing on
 174 such proposed ordinance, the county or municipality must
 175 consider traffic data or other evidence supporting the

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176 installation and operation of each proposed school zone speed
 177 detection system, and the county or municipality must determine
 178 that the school zone where a speed detection system is to be
 179 placed or installed constitutes a heightened safety risk that
 180 warrants additional enforcement measures pursuant to this
 181 subsection.

182 Section 3. Subsection (3) is added to section 316.0776,
 183 Florida Statutes, to read:

184 316.0776 Traffic infraction detectors; speed detection
 185 systems; placement and installation.—

186 (3) A speed detection system authorized by s. 316.008(9)
 187 may be placed or installed in a school zone on a state road when
 188 permitted by the Department of Transportation and in accordance
 189 with placement and installation specifications developed by the
 190 Department of Transportation. The speed detection system may be
 191 placed or installed in a school zone on a street or highway
 192 under the jurisdiction of a county or a municipality in
 193 accordance with placement and installation specifications
 194 established by the Department of Transportation. The Department
 195 of Transportation must establish such placement and installation
 196 specifications by December 31, 2023.

197 (a) If a county or municipality places or installs a speed
 198 detection system as authorized by s. 316.008(9), the county or
 199 municipality must notify the public that a speed detection
 200 system may be in use by posting signage indicating photographic

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201 or video enforcement of the school zone speed limits. Such
202 signage shall clearly designate the time period during which the
203 school zone speed limits are enforced using a speed detection
204 system and must meet the placement and installation
205 specifications established by the Department of Transportation.
206 For a speed detection system enforcing violations of s. 316.1895
207 or s. 316.183 on a roadway maintained as a school zone, this
208 paragraph governs the signage notifying the public of the use of
209 a speed detection system.

210 (b) If a county or municipality begins a school zone speed
211 detection system program in a county or municipality that has
212 never conducted such a program, the respective county or
213 municipality must make a public announcement and conduct a
214 public awareness campaign of the proposed use of speed detection
215 systems at least 30 days before commencing enforcement under the
216 speed detection system program and must notify the public of the
217 specific date on which the program will commence. During the 30-
218 day public awareness campaign, only a warning may be issued to
219 the registered owner of a motor vehicle for a violation of s.
220 316.1895 or s. 316.183 enforced by a speed detection system, and
221 liability may not be imposed for the civil penalty under s.
222 318.18(3)(d).

223 (c) A county or municipality that operates one or more
224 school zone speed detection systems must annually report the
225 results of all systems within the county's or municipality's

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226 jurisdiction by placing the report required under s.
227 316.1896(16) (a) as a single reporting item on the agenda of a
228 regular or special meeting of the county's or municipality's
229 governing body. Before a county or municipality contracts or
230 renews a contract to place or install a speed detection system
231 in a school zone pursuant to s. 316.008(9), the county or
232 municipality must approve the contract or contract renewal at a
233 regular or special meeting of the county's or municipality's
234 governing body.

235 1. Interested members of the public must be allowed to
236 comment regarding the report, contract, or contract renewal
237 under the county's or municipality's public comment policies or
238 formats, and the report, contract, or contract renewal may not
239 be considered as part of a consent agenda.

240 2. The report required under this paragraph must include a
241 written summary, which must be read aloud at the regular or
242 special meeting, and the summary must contain, for the same time
243 period pertaining to the annual report to the department under
244 s. 316.1896(16) (a), the number of notices of violation issued,
245 the number that were contested, the number that were upheld, the
246 number that were dismissed, the number that were issued as
247 uniform traffic citations, and the number that were paid and how
248 collected funds were distributed and in what amounts. The county
249 or municipality must report to the department that the county's
250 or municipality's annual report was considered in accordance

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251 with this paragraph, including the date of the regular or
 252 special meeting at which the annual report was considered.

253 3. The compliance or sufficiency of compliance with this
 254 paragraph may not be raised in a proceeding challenging a
 255 violation of s. 316.1895 or s. 316.183 enforced by a speed
 256 detection system in a school zone.

257 Section 4. Section 316.1894, Florida Statutes, is created
 258 to read:

259 316.1894 School Crossing Guard Recruitment and Retention
 260 Program.—The law enforcement agency having jurisdiction over a
 261 county or municipality conducting a school zone speed detection
 262 system program authorized by s. 316.008(9) must use funds
 263 generated pursuant to s. 316.1896(5)(e) from the school zone
 264 speed detection system program to administer the School Crossing
 265 Guard Recruitment and Retention Program. Such program may
 266 provide recruitment and retention stipends to crossing guards at
 267 K-12 public schools, including charter schools, or stipends to
 268 third parties for the recruitment of new crossing guards. The
 269 School Crossing Guard Recruitment and Retention Program must be
 270 designed and managed at the discretion of the law enforcement
 271 agency.

272 Section 5. Section 316.1896, Florida Statutes, is created
 273 to read:

274 316.1896 Roadways maintained as school zones; speed
 275 detection system enforcement; penalties; appeal procedure;

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276 privacy; reports.-

277 (1) For purposes of administering this section, a county
 278 or municipality may authorize a traffic infraction enforcement
 279 officer under s. 316.640 to issue uniform traffic citations for
 280 violations of ss. 316.1895 and 316.183 as authorized by s.
 281 316.008(9), as follows:

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

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

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

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

297
 298 Such violation must be evidenced by a speed detection system
 299 described in ss. 316.008(9) and 316.0776(3). This subsection
 300 does not prohibit a review of information from a speed detection

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301 system by an authorized employee or agent of a county or
 302 municipality before issuance of the uniform traffic citation by
 303 the traffic infraction enforcement officer. This subsection does
 304 not prohibit a county or municipality from issuing notices as
 305 provided in subsection (2) to the registered owner of the motor
 306 vehicle for a violation of s. 316.1895 or s. 316.183.

307 (2) Within 30 days after a violation, notice must be sent
 308 to the registered owner of the motor vehicle involved in the
 309 violation specifying the remedies available under s. 318.14 and
 310 that the violator must pay the penalty under s. 318.18(3)(d) to
 311 the county or municipality, or furnish an affidavit in
 312 accordance with subsection (8), within 30 days after the date of
 313 the notice of violation in order to avoid court fees, costs, and
 314 the issuance of a uniform traffic citation. The notice of
 315 violation must:

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

317 (b) Include a photograph or other recorded image showing
 318 the license plate of the motor vehicle; the date, time, and
 319 location of the violation; the maximum speed at which the motor
 320 vehicle was traveling within the school zone; and the speed
 321 limit within the school zone at the time of the violation.

322 (c) Include a notice that the owner has the right to
 323 review, in person or remotely, the photograph or video captured
 324 by the speed detection system and the evidence of the speed of
 325 the motor vehicle detected by the speed detection system which

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326 constitute a rebuttable presumption that the motor vehicle was
 327 used in violation of s. 316.1895 or s. 316.183.

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

331 (3) Notwithstanding any other law, a person who receives a
 332 notice of violation under this section may request a hearing
 333 within 30 days after the notice of violation or may pay the
 334 penalty pursuant to the notice of violation, but a payment or
 335 fee may not be required before the hearing requested by the
 336 person. The notice of violation must be accompanied by, or
 337 direct the person to a website that provides, information on the
 338 person's right to request a hearing and on all costs related
 339 thereto and a form used for requesting a hearing. As used in
 340 this subsection, the term "person" includes a natural person,
 341 the registered owner or co-owner of a motor vehicle, or the
 342 person identified in an affidavit as having actual care,
 343 custody, or control of the motor vehicle at the time of the
 344 violation.

345 (4) If the registered owner or co-owner of the motor
 346 vehicle; the person identified as having care, custody, or
 347 control of the motor vehicle at the time of the violation; or an
 348 authorized representative of the owner, co-owner, or identified
 349 person initiates a proceeding to challenge the violation, such
 350 person waives any challenge or dispute as to the delivery of the

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351 notice of violation.

352 (5) Penalties assessed and collected by the county or
 353 municipality authorized to collect the funds provided for in
 354 this section, less the amount retained by the county or
 355 municipality pursuant to paragraph (b) and paragraph (e) and the
 356 amount remitted to the county school district pursuant to
 357 paragraph (d), must be paid to the Department of Revenue weekly.
 358 Such payment must be made by means of electronic funds transfer.
 359 In addition to the payment, a detailed summary of the penalties
 360 remitted must be reported to the Department of Revenue.
 361 Penalties to be assessed and collected by the county or
 362 municipality as established in s. 318.18(3)(d) must be remitted
 363 as follows:

364 (a) Twenty dollars must be remitted to the Department of
 365 Revenue for deposit into the General Revenue Fund.

366 (b) Sixty dollars must be retained by the county or
 367 municipality and must be used to administer speed detection
 368 systems in school zones and other public safety initiatives.

369 (c) Three dollars must be remitted to the Department of
 370 Revenue for deposit into the Department of Law Enforcement
 371 Criminal Justice Standards and Training Trust Fund.

372 (d) Twelve dollars must be remitted to the county school
 373 district in which the violation occurred and must be used for
 374 school security initiatives, for student transportation, or to
 375 improve the safety of student walking conditions. Funds remitted

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376 under this paragraph must be shared with charter schools in the
377 district based on each charter school's proportionate share of
378 the district's total unweighted full-time equivalent student
379 enrollment and must be used for school security initiatives or
380 to improve the safety of student walking conditions.

381 (e) Five dollars must be retained by the county or
382 municipality for the School Crossing Guard Recruitment and
383 Retention Program pursuant to s. 316.1894.

384 (6) A uniform traffic citation must be issued by mailing
385 the uniform traffic citation by certified mail to the address of
386 the registered owner of the motor vehicle involved in the
387 violation if payment has not been made within 30 days after
388 notification under subsection (2), if the registered owner has
389 not requested a hearing as authorized under subsection (3), and
390 if the registered owner has not submitted an affidavit in
391 accordance with subsection (8).

392 (a) Delivery of the uniform traffic citation constitutes
393 notification of a violation under this subsection. If the
394 registered owner or co-owner of the motor vehicle; the person
395 identified as having care, custody, or control of the motor
396 vehicle at the time of the violation; or a duly authorized
397 representative of the owner, co-owner, or identified person
398 initiates a proceeding to challenge the citation pursuant to
399 this section, such person waives any challenge or dispute as to
400 the delivery of the uniform traffic citation.

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401 (b) In the case of joint ownership of a motor vehicle, the
402 uniform traffic citation must be mailed to the first name
403 appearing on the motor vehicle registration, unless the first
404 name appearing on the registration is a business organization,
405 in which case the second name appearing on the registration may
406 be used.

407 (c) The uniform traffic citation mailed to the registered
408 owner of the motor vehicle involved in the infraction must be
409 accompanied by the information described in paragraphs (2) (b),
410 (2) (c), and (2) (d).

411 (7) The registered owner of the motor vehicle involved in
412 the violation is responsible and liable for paying the uniform
413 traffic citation issued for a violation of s. 316.1895 or s.
414 316.183 unless the owner can establish that:

415 (a) The motor vehicle was, at the time of the violation,
416 in the care, custody, or control of another person;

417 (b) A uniform traffic citation was issued by law
418 enforcement to the driver of the motor vehicle for the alleged
419 violation of s. 316.1895 or s. 316.183; or

420 (c) The motor vehicle's owner was deceased on or before
421 the date of the alleged violation, as established by an
422 affidavit submitted by the representative of the motor vehicle
423 owner's estate or other identified person or family member.

424 (8) To establish such facts under subsection (7), the
425 registered owner of the motor vehicle must, within 30 days after

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426 the date of issuance of the notice of violation or the uniform
 427 traffic citation, furnish to the appropriate governmental entity
 428 an affidavit setting forth information supporting an exception
 429 under subsection (7).

430 (a) An affidavit supporting the exception under paragraph
 431 (7)(a) must include the name, address, date of birth, and, if
 432 known, the driver license number of the person who leased,
 433 rented, or otherwise had care, custody, or control of the motor
 434 vehicle at the time of the alleged violation. If the motor
 435 vehicle was stolen at the time of the alleged violation, the
 436 affidavit must include the police report indicating that the
 437 motor vehicle was stolen.

438 (b) If a uniform traffic citation for a violation of s.
 439 316.1895 or s. 316.183 was issued at the location of the
 440 violation by a law enforcement officer, the affidavit must
 441 include the serial number of the uniform traffic citation.

442 (c) If the motor vehicle's owner to whom a notice of
 443 violation or a uniform traffic citation has been issued is
 444 deceased, the affidavit must include a certified copy of the
 445 owner's death certificate showing that the date of death
 446 occurred on or before the date of the alleged violation and one
 447 of the following:

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

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

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

460
 461 Upon receipt of the affidavit and documentation required under
 462 paragraphs (b) and (c), or 30 days after the date of issuance of
 463 a notice of violation sent to a person identified as having
 464 care, custody, or control of the motor vehicle at the time of
 465 the violation under paragraph (a), the county or municipality
 466 must dismiss the notice or citation and provide proof of such
 467 dismissal to the person who submitted the affidavit. If, within
 468 30 days after the date of a notice of violation sent to a person
 469 under subsection (9), the county or municipality receives an
 470 affidavit under subsection (10) from the person sent a notice of
 471 violation affirming that the person did not have care, custody,
 472 or control of the motor vehicle at the time of the violation,
 473 the county or municipality must notify the registered owner that
 474 the notice or citation will not be dismissed due to failure to
 475 establish that another person had care, custody, or control of

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476 the motor vehicle at the time of the violation.

477 (9) Upon receipt of an affidavit under paragraph (8) (a),
478 the county or municipality may issue the person identified as
479 having care, custody, or control of the motor vehicle at the
480 time of the violation a notice of violation pursuant to
481 subsection (2) for a violation of s. 316.1895 or s. 316.183. The
482 affidavit is admissible in a proceeding pursuant to this section
483 for the purpose of providing evidence that the person identified
484 in the affidavit was in actual care, custody, or control of the
485 motor vehicle. The owner of a leased motor vehicle for which a
486 uniform traffic citation is issued for a violation of s.
487 316.1895 or s. 316.183 is not responsible for paying the uniform
488 traffic citation and is not required to submit an affidavit as
489 specified in subsection (8) if the motor vehicle involved in the
490 violation is registered in the name of the lessee of such motor
491 vehicle.

492 (10) If a county or municipality receives an affidavit
493 under paragraph (8) (a), the notice of violation required under
494 subsection (2) must be sent to the person identified in the
495 affidavit within 30 days after receipt of the affidavit. The
496 person identified in an affidavit and sent a notice of violation
497 may also affirm that he or she did not have care, custody, or
498 control of the motor vehicle at the time of the violation by
499 furnishing to the appropriate governmental entity within 30 days
500 after the date of the notice of violation an affidavit stating

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501 such.

502 (11) The submission of a false affidavit is a misdemeanor
 503 of the second degree, punishable as provided in s. 775.082 or s.
 504 775.083.

505 (12) The photograph or video captured by a speed detection
 506 system and the evidence of the speed of the motor vehicle
 507 detected by a speed detection system which are attached to or
 508 referenced in the uniform traffic citation are evidence of a
 509 violation of s. 316.1895 or s. 316.183 and are admissible in any
 510 proceeding to enforce this section. The photograph or video and
 511 the evidence of speed detected raise a rebuttable presumption
 512 that the motor vehicle named in the report or shown in the
 513 photograph or video was used in violation of s. 316.1895 or s.
 514 316.183.

515 (13) This section supplements the enforcement of ss.
 516 316.1895 and 316.183 by a law enforcement officer and does not
 517 prohibit a law enforcement officer from issuing a uniform
 518 traffic citation for a violation of s. 316.1895 or s. 316.183.

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

521 (a) The department must publish and make available
 522 electronically to each county and municipality a model request
 523 for hearing form to assist each county or municipality
 524 administering this section.

525 (b) A county or municipality electing to authorize traffic

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526 infraction enforcement officers to issue uniform traffic
527 citations under subsection (6) must designate by resolution
528 existing staff to serve as the clerk to the local hearing
529 officer.

530 (c) A person, referred to in this subsection as the
531 "petitioner," who elects to request a hearing under subsection
532 (3) must be scheduled for a hearing by the clerk to the local
533 hearing officer. The clerk must furnish the petitioner with
534 notice sent by first-class mail. Upon receipt of the notice, the
535 petitioner may reschedule the hearing up to two times by
536 submitting a written request to reschedule to the clerk at least
537 5 calendar days before the day of the scheduled hearing. The
538 petitioner may cancel his or her appearance before the local
539 hearing officer by paying the penalty assessed under subsection
540 (2), plus the administrative costs established in s.
541 316.0083(5)(c), before the start of the hearing.

542 (d) All testimony at the hearing must be under oath and
543 must be recorded. The local hearing officer must take testimony
544 from a traffic infraction enforcement officer and the petitioner
545 and may take testimony from others. The local hearing officer
546 must review the photograph or video captured by the speed
547 detection system and the evidence of the speed of the motor
548 vehicle detected by the speed detection system made available
549 under paragraph (2)(b). Formal rules of evidence do not apply,
550 but due process must be observed and govern the proceedings.

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551 (e) At the conclusion of the hearing, the local hearing
552 officer must determine whether a violation under this section
553 occurred and must uphold or dismiss the violation. The local
554 hearing officer must issue a final administrative order
555 including the determination and, if the notice of violation is
556 upheld, must require the petitioner to pay the penalty
557 previously assessed under subsection (2), and may also require
558 the petitioner to pay county or municipal costs not to exceed
559 the amount established in s. 316.0083(5) (e). The final
560 administrative order must be mailed to the petitioner by first-
561 class mail.

562 (f) An aggrieved party may appeal a final administrative
563 order consistent with the process provided in s. 162.11.

564 (15) (a) A speed detection system in a school zone may not
565 be used for remote surveillance. The collection of evidence by a
566 speed detection system to enforce violations of ss. 316.1895 and
567 316.183, or user-controlled pan or tilt adjustments of speed
568 detection system components, do not constitute remote
569 surveillance. Recorded video or photographs collected as part of
570 a speed detection system in a school zone may only be used to
571 document violations of ss. 316.1895 and 316.183 and for purposes
572 of determining criminal or civil liability for incidents
573 captured by the speed detection system incidental to the
574 permissible use of the speed detection system.

575 (b) Any recorded video or photograph obtained through the

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576 use of a speed detection system must be destroyed within 90 days
577 after the final disposition of the recorded event. The vendor of
578 a speed detection system must provide the county or municipality
579 with written notice by December 31 of each year that such
580 records have been destroyed in accordance with this subsection.

581 (c) Notwithstanding any other law, registered motor
582 vehicle owner information obtained as a result of the operation
583 of a speed detection system in a school zone is not the property
584 of the manufacturer or vendor of the speed detection system and
585 may be used only for the purposes of this section.

586 (16) (a) Each county or municipality that operates one or
587 more speed detection systems must submit a report by October 1,
588 2024, and annually thereafter, to the department which
589 identifies the public safety objectives used to identify a
590 school zone for enforcement under this section, reports
591 compliance with s. 316.0776(3)(c), and details the results of
592 the speed detection system in the school zone and the procedures
593 for enforcement. The information from counties and
594 municipalities must be submitted in a form and manner determined
595 by the department, which the department must make available to
596 the counties and municipalities by August 1, 2023, and the
597 department may require data components to be submitted
598 quarterly. The report must include at least the following:

599 1. Information related to the location of each speed
600 detection system, including the geocoordinates of the school

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601 zone, the directional approach of the speed detection system,
 602 the school name, the school level, the times the speed detection
 603 system was active, the restricted school zone speed limit
 604 enforced pursuant to s. 316.1895(5), the posted speed limit
 605 enforced at times other than those authorized by s. 316.1895(5),
 606 the date the systems were activated to enforce violations of ss.
 607 316.1895 and 316.183, and, if applicable, the date the systems
 608 were deactivated.

609 2. The number of notices of violation issued, the number
 610 that were contested, the number that were upheld, the number
 611 that were dismissed, the number that were issued as uniform
 612 traffic citations, and the number that were paid.

613 3. Any other statistical data and information related to
 614 the procedures for enforcement which is required by the
 615 department to complete the report required under paragraph (c).

616 (b) Each county or municipality that operates a speed
 617 detection system is responsible for and must maintain its
 618 respective data for reporting purposes under this subsection for
 619 at least 2 years after such data is reported to the department.

620 (c) On or before December 31, 2024, and annually
 621 thereafter, the department must submit a summary report to the
 622 Governor, the President of the Senate, and the Speaker of the
 623 House of Representatives regarding the use of speed detection
 624 systems under this section, along with any legislative
 625 recommendations from the department. The summary report must

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626 include a review of the information submitted to the department
 627 by the counties and municipalities and must describe the
 628 enhancement of safety and enforcement programs.

629 Section 6. Paragraph (d) of subsection (1) of section
 630 316.1906, Florida Statutes, is amended, and subsection (3) is
 631 added to that section, to read:

632 316.1906 Radar speed-measuring devices; speed detection
 633 systems; evidence, admissibility.—

634 (1) DEFINITIONS.—

635 (d) "Officer" means any:

636 1. "Law enforcement officer" who is elected, appointed, or
 637 employed full time by any municipality or the state or any
 638 political subdivision thereof; who is vested with the authority
 639 to bear arms and make arrests; and whose primary responsibility
 640 is the prevention and detection of crime or the enforcement of
 641 the penal, criminal, traffic, or highway laws of the state;

642 2. "Part-time law enforcement officer" who is employed or
 643 appointed less than full time, as defined by an employing
 644 agency, with or without compensation; who is vested with
 645 authority to bear arms and make arrests; and whose primary
 646 responsibility is the prevention and detection of crime or the
 647 enforcement of the penal, criminal, traffic, or highway laws of
 648 the state; ~~or~~

649 3. "Auxiliary law enforcement officer" who is employed or
 650 appointed, with or without compensation; who aids or assists a

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651 full-time or part-time law enforcement officer; and who, while
652 under the direct supervision of a full-time or part-time law
653 enforcement officer, has the authority to arrest and perform law
654 enforcement functions; or

655 4. "Traffic infraction enforcement officer" who is
656 employed or appointed, with or without compensation, and
657 satisfies the requirements of s. 316.640(5) and is vested with
658 authority to enforce violations of ss. 316.1895 and 316.183
659 pursuant to s. 316.1896.

660 (3) A speed detection system is exempt from the design
661 requirements for radar or LiDAR units established by the
662 department. A speed detection system must have the ability to
663 perform self-tests as to its detection accuracy. The system must
664 perform a self-test at least once every 30 days. The law
665 enforcement agency, or an agent acting on behalf of the law
666 enforcement agency, operating a speed detection system must
667 maintain a log of the results of the system's self-tests. The
668 law enforcement agency, or an agent acting on behalf of the law
669 enforcement agency, operating a speed detection system must also
670 perform an independent calibration test on the speed detection
671 system at least once every 12 months. The self-test logs, as
672 well as the results of the annual calibration test, are
673 admissible in any court proceeding for a uniform traffic
674 citation issued for a violation of s. 316.1895 or s. 316.183
675 enforced pursuant to s. 316.1896. Notwithstanding subsection

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676 (2), evidence of the speed of a motor vehicle detected by a
 677 speed detection system compliant with this subsection and the
 678 determination by a traffic enforcement officer that a motor
 679 vehicle is operating in excess of the applicable speed limit is
 680 admissible in any proceeding with respect to an alleged
 681 violation of law regulating the speed of motor vehicles in
 682 school zones.

683 Section 7. Paragraphs (d) through (h) of subsection (3) of
 684 section 318.18, Florida Statutes, are redesignated as paragraphs
 685 (e) through (i), respectively, and a new paragraph (d) is added
 686 to that subsection to read:

687 318.18 Amount of penalties.—The penalties required for a
 688 noncriminal disposition pursuant to s. 318.14 or a criminal
 689 offense listed in s. 318.17 are as follows:

690 (3)

691 (d)1. Notwithstanding paragraphs (b) and (c), a person
 692 cited for a violation of s. 316.1895(10) or s. 316.183 for
 693 exceeding the speed limit in force at the time of the violation
 694 on a roadway maintained as a school zone as provided in s.
 695 316.1895, when enforced by a traffic infraction enforcement
 696 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
 697 collected under this paragraph must be distributed as follows:

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

700 b. Seventy-seven dollars must be distributed to the county

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701 for any violations occurring in any unincorporated areas of the
 702 county or to the municipality for any violations occurring in
 703 the incorporated boundaries of the municipality in which the
 704 infraction occurred, to be used as provided in s. 316.1896(5).

705 c. Three dollars must be remitted to the Department of
 706 Revenue for deposit into the Department of Law Enforcement
 707 Criminal Justice Standards and Training Trust Fund to be used as
 708 provided in s. 943.25.

709 2. If a person who is mailed a notice of violation or a
 710 uniform traffic citation for a violation of s. 316.1895(10) or
 711 s. 316.183, as enforced by a traffic infraction enforcement
 712 officer under s. 316.1896, presents documentation from the
 713 appropriate governmental entity that the notice of violation or
 714 uniform traffic citation was in error, the clerk of court or
 715 clerk to the local hearing officer may dismiss the case. The
 716 clerk of court or clerk to the local hearing officer may not
 717 charge for this service.

718 Section 8. Paragraph (d) of subsection (3) of section
 719 322.27, Florida Statutes, is amended to read:

720 322.27 Authority of department to suspend or revoke driver
 721 license or identification card.—

722 (3) There is established a point system for evaluation of
 723 convictions of violations of motor vehicle laws or ordinances,
 724 and violations of applicable provisions of s. 403.413(6) (b) when
 725 such violations involve the use of motor vehicles, for the

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726 determination of the continuing qualification of any person to
727 operate a motor vehicle. The department is authorized to suspend
728 the license of any person upon showing of its records or other
729 good and sufficient evidence that the licensee has been
730 convicted of violation of motor vehicle laws or ordinances, or
731 applicable provisions of s. 403.413(6)(b), amounting to 12 or
732 more points as determined by the point system. The suspension
733 shall be for a period of not more than 1 year.

734 (d) The point system shall have as its basic element a
735 graduated scale of points assigning relative values to
736 convictions of the following violations:

737 1. Reckless driving, willful and wanton—4 points.

738 2. Leaving the scene of a crash resulting in property
739 damage of more than \$50—6 points.

740 3. Unlawful speed, or unlawful use of a wireless
741 communications device, resulting in a crash—6 points.

742 4. Passing a stopped school bus:

743 a. Not causing or resulting in serious bodily injury to or
744 death of another—4 points.

745 b. Causing or resulting in serious bodily injury to or
746 death of another—6 points.

747 5. Unlawful speed:

748 a. Not in excess of 15 miles per hour of lawful or posted
749 speed—3 points.

750 b. In excess of 15 miles per hour of lawful or posted

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751 speed—4 points.

752 c. Points may not be imposed for a violation of unlawful
 753 speed as provided in s. 316.1895 or s. 316.183 when enforced by
 754 a traffic infraction enforcement officer pursuant to s.
 755 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
 756 when enforced by a traffic infraction enforcement officer
 757 pursuant to s. 316.1896 may not be used for purposes of setting
 758 motor vehicle insurance rates.

759 6. A violation of a traffic control signal device as
 760 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 761 However, no points shall be imposed for a violation of s.
 762 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 763 stop at a traffic signal and when enforced by a traffic
 764 infraction enforcement officer. In addition, a violation of s.
 765 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 766 stop at a traffic signal and when enforced by a traffic
 767 infraction enforcement officer may not be used for purposes of
 768 setting motor vehicle insurance rates.

769 7. All other moving violations (including parking on a
 770 highway outside the limits of a municipality)—3 points. However,
 771 no points shall be imposed for a violation of s. 316.0741 or s.
 772 316.2065(11); and points shall be imposed for a violation of s.
 773 316.1001 only when imposed by the court after a hearing pursuant
 774 to s. 318.14(5).

775 8. Any moving violation covered in this paragraph,

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776 | excluding unlawful speed and unlawful use of a wireless
 777 | communications device, resulting in a crash—4 points.

778 | 9. Any conviction under s. 403.413(6)(b)—3 points.

779 | 10. Any conviction under s. 316.0775(2)—4 points.

780 | 11. A moving violation covered in this paragraph which is
 781 | committed in conjunction with the unlawful use of a wireless
 782 | communications device within a school safety zone—2 points, in
 783 | addition to the points assigned for the moving violation.

784 | Section 9. Paragraph (a) of subsection (3) of section
 785 | 316.306, Florida Statutes, is amended to read:

786 | 316.306 School and work zones; prohibition on the use of a
 787 | wireless communications device in a handheld manner.—

788 | (3)(a)1. A person may not operate a motor vehicle while
 789 | using a wireless communications device in a handheld manner in a
 790 | designated school crossing, school zone, or work zone area as
 791 | defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
 792 | shall only be applicable to work zone areas if construction
 793 | personnel are present or are operating equipment on the road or
 794 | immediately adjacent to the work zone area. For the purposes of
 795 | this paragraph, a motor vehicle that is stationary is not being
 796 | operated and is not subject to the prohibition in this
 797 | paragraph.

798 | 2. Effective January 1, 2020, a law enforcement officer
 799 | may stop motor vehicles and issue citations to persons who are
 800 | driving while using a wireless communications device in a

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801 | handheld manner in violation of subparagraph 1.

802 | Section 10. Paragraph (a) of subsection (5) of section
803 | 316.640, Florida Statutes, is amended to read:

804 | 316.640 Enforcement.—The enforcement of the traffic laws
805 | of this state is vested as follows:

806 | (5)(a) Any sheriff's department or police department of a
807 | municipality may employ, as a traffic infraction enforcement
808 | officer, any individual who successfully completes instruction
809 | in traffic enforcement procedures and court presentation through
810 | the Selective Traffic Enforcement Program as approved by the
811 | Division of Criminal Justice Standards and Training of the
812 | Department of Law Enforcement, or through a similar program, but
813 | who does not necessarily otherwise meet the uniform minimum
814 | standards established by the Criminal Justice Standards and
815 | Training Commission for law enforcement officers or auxiliary
816 | law enforcement officers under s. 943.13. Any such traffic
817 | infraction enforcement officer who observes the commission of a
818 | traffic infraction or, in the case of a parking infraction, who
819 | observes an illegally parked vehicle may issue a traffic
820 | citation for the infraction when, based upon personal
821 | investigation, he or she has reasonable and probable grounds to
822 | believe that an offense has been committed which constitutes a
823 | noncriminal traffic infraction as defined in s. 318.14. In
824 | addition, any such traffic infraction enforcement officer may
825 | issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~

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826 ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
 827 316.183 ~~s. 316.0083~~, any sheriff's department or police
 828 department of a municipality may designate employees as traffic
 829 infraction enforcement officers. The traffic infraction
 830 enforcement officers must be physically located in the county of
 831 the respective sheriff's or police department.

832 Section 11. Paragraphs (a) and (c) of subsection (3) of
 833 section 316.650, Florida Statutes, are amended to read:

834 316.650 Traffic citations.—

835 (3)(a) Except for a traffic citation issued pursuant to s.
 836 316.1001, ~~or s. 316.0083~~, or s. 316.1896, each traffic
 837 enforcement officer, upon issuing a traffic citation to an
 838 alleged violator of any provision of the motor vehicle laws of
 839 this state or of any traffic ordinance of any municipality or
 840 town, shall deposit the original traffic citation or, in the
 841 case of a traffic enforcement agency that has an automated
 842 citation issuance system, the chief administrative officer shall
 843 provide by an electronic transmission a replica of the citation
 844 data to a court having jurisdiction over the alleged offense or
 845 with its traffic violations bureau within 5 business days after
 846 issuance to the violator.

847 (c) If a traffic citation is issued under s. 316.0083 or
 848 s. 316.1896, the traffic infraction enforcement officer shall
 849 provide by electronic transmission a replica of the traffic
 850 citation data to the court having jurisdiction over the alleged

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851 offense or its traffic violations bureau within 5 business days
 852 after the date of issuance of the traffic citation to the
 853 violator. If a hearing is requested, the traffic infraction
 854 enforcement officer shall provide a replica of the traffic
 855 notice of violation data to the clerk for the local hearing
 856 officer having jurisdiction over the alleged offense within 14
 857 days.

858 Section 12. Subsection (2) of section 318.14, Florida
 859 Statutes, is amended to read:

860 318.14 Noncriminal traffic infractions; exception;
 861 procedures.—

862 (2) Except as provided in ss. 316.1001(2) , ~~and~~ 316.0083,
 863 and 316.1896, any person cited for a violation requiring a
 864 mandatory hearing listed in s. 318.19 or any other criminal
 865 traffic violation listed in chapter 316 must sign and accept a
 866 citation indicating a promise to appear. The officer may
 867 indicate on the traffic citation the time and location of the
 868 scheduled hearing and must indicate the applicable civil penalty
 869 established in s. 318.18. For all other infractions under this
 870 section, except for infractions under s. 316.1001, the officer
 871 must certify by electronic, electronic facsimile, or written
 872 signature that the citation was delivered to the person cited.
 873 This certification is prima facie evidence that the person cited
 874 was served with the citation.

875 Section 13. Subsections (4), (5), and (15) of section

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876 | 318.21, Florida Statutes, are amended to read:

877 | 318.21 Disposition of civil penalties by county courts.—

878 | All civil penalties received by a county court pursuant to the
879 | provisions of this chapter shall be distributed and paid monthly
880 | as follows:

881 | (4) Of the additional fine assessed under s. 318.18(3)(g)
882 | ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
883 | be remitted to the Department of Revenue for deposit in the
884 | Grants and Donations Trust Fund of the Division of Blind
885 | Services of the Department of Education, and 60 percent must be
886 | distributed pursuant to subsections (1) and (2).

887 | (5) Of the additional fine assessed under s. 318.18(3)(g)
888 | ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
889 | must be remitted to the Department of Revenue for deposit in the
890 | Grants and Donations Trust Fund of the Division of Vocational
891 | Rehabilitation of the Department of Education, and 40 percent
892 | must be distributed pursuant to subsections (1) and (2).

893 | (15) Of the additional fine assessed under s. 318.18(3)(f)
894 | ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
895 | the moneys received from the fines shall be appropriated to the
896 | Agency for Health Care Administration as general revenue to
897 | provide an enhanced Medicaid payment to nursing homes that serve
898 | Medicaid recipients with brain and spinal cord injuries. The
899 | remaining 50 percent of the moneys received from the enhanced
900 | fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be

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901 remitted to the Department of Revenue and deposited into the
 902 Department of Health Emergency Medical Services Trust Fund to
 903 provide financial support to certified trauma centers in the
 904 counties where enhanced penalty zones are established to ensure
 905 the availability and accessibility of trauma services. Funds
 906 deposited into the Emergency Medical Services Trust Fund under
 907 this subsection shall be allocated as follows:

908 (a) Fifty percent shall be allocated equally among all
 909 Level I, Level II, and pediatric trauma centers in recognition
 910 of readiness costs for maintaining trauma services.

911 (b) Fifty percent shall be allocated among Level I, Level
 912 II, and pediatric trauma centers based on each center's relative
 913 volume of trauma cases as calculated using the hospital
 914 discharge data collected pursuant to s. 408.061.

915 Section 14. Subsection (1) of section 655.960, Florida
 916 Statutes, is amended to read:

917 655.960 Definitions; ss. 655.960-655.965.—As used in this
 918 section and ss. 655.961-655.965, unless the context otherwise
 919 requires:

920 (1) "Access area" means any paved walkway or sidewalk
 921 which is within 50 feet of any automated teller machine. The
 922 term does not include any street or highway open to the use of
 923 the public, as defined in s. 316.003(88) (a) ~~s. 316.003(87) (a)~~ or
 924 (b), including any adjacent sidewalk, as defined in s. 316.003.

925 Section 15. This act shall take effect July 1, 2023.