

1 A bill to be entitled
2 An act relating to photographic enforcement of school
3 zone speed limits; creating s. 316.1896, F.S.;
4 authorizing a county or municipality to contract with
5 an automated speed enforcement provider to install
6 cameras in school speed zones to enforce school zone
7 speed limits; providing criteria to be fulfilled
8 before and after such installation; providing civil
9 penalties for certain violations of a school zone
10 speed limit found through recording of photographic
11 images; providing for disposition and use of funds;
12 requiring issuance of a warning for a specified
13 period; providing requirements for notices of a
14 violation; requiring payment of certain penalties
15 within certain periods; providing construction;
16 providing for determination of liability; providing
17 for rebuttal; providing nonapplication of a violation
18 to driver license points assessment, conviction,
19 driving record, or provision of motor vehicle
20 insurance coverage; providing for court jurisdiction
21 and enforcement; providing final notice requirements
22 if a violation has not been contested and the civil
23 penalty has not been paid; requiring a referral to the
24 Department of Highway Safety and Motor Vehicles
25 resulting in prohibition of motor vehicle registration

26 renewal and transfer of title; providing referral
 27 requirements; requiring the department to send notice
 28 of the referral to the registered owner of the motor
 29 vehicle; providing for removal of penalties under
 30 certain circumstances; providing for collection of an
 31 unpaid civil penalty imposed on the owner of a motor
 32 vehicle registered outside this state; prohibiting
 33 imposition of a warning or civil penalty on a motor
 34 vehicle operator arrested or cited for the same
 35 violation by a peace officer; providing an effective
 36 date.

37

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

39

40 Section 1. Section 316.1896, Florida Statutes, is created
 41 to read:

42 316.1896 School speed zones; photographic enforcement;
 43 penalties.-

44 (1) The governing body of a county or municipality may
 45 enter into a contract with an automated speed enforcement
 46 provider to install one or more cameras in each school speed
 47 zone located within the county or municipality for the purpose
 48 of enforcing school zone speed limits, as provided in s.
 49 316.1895(5), through the recording of photographic images.

50 (2) Before such a camera or cameras may be installed in a

51 school speed zone, the automated speed enforcement provider
52 shall:

53 (a) Conduct a speed study for at least 2 but not more than
54 5 days to determine the number of motor vehicles that pass
55 through the school speed zone and the number of motor vehicles
56 that exceed the speed limit posted within the school speed zone.

57 (b) Conduct a public information and education campaign
58 for at least 30 days to educate drivers about photographic
59 enforcement of school zone speed limits and the penalties for
60 violating this section.

61 (3) After such a camera or cameras are installed in a
62 school speed zone, the automated speed enforcement provider
63 shall:

64 (a) Conduct biannual speed enforcement studies within the
65 school speed zone and submit a written report of the results of
66 each study to the school and the school district.

67 (b) Annually calibrate all equipment used in photographic
68 enforcement of school zone speed limits and submit a written
69 report of such calibration to the entity having jurisdiction
70 over the roadway on which such equipment is located.

71 (c) For at least 30 days immediately preceding the start
72 of each school year, conduct a public information and education
73 campaign to educate drivers about photographic enforcement of
74 school zone speed limits and the penalties for violating this
75 section.

76 (4) The registered owner of a motor vehicle that is found
77 through the recording of photographic images to have been
78 involved in a violation of s. 316.1895(10) by exceeding the
79 posted speed limit by 10 mph or more in a manner not otherwise
80 authorized by law is subject to a civil penalty of \$132 for a
81 first violation and \$150 for a second or subsequent violation.
82 Of the civil penalties collected pursuant to this subsection, 50
83 percent shall be remitted to the governing body of the county or
84 municipality in which the violation occurred to be used for
85 public safety initiatives, and 50 percent shall be remitted to
86 the school for which the camera or cameras are installed to be
87 used for school safety initiatives and administration of the
88 Coach Aaron Feis Guardian Program.

89 (5) Within the first 30 days after such a camera or
90 cameras are installed in a school speed zone, a motor vehicle
91 operator found to have violated s. 316.1895(10) as described in
92 subsection (4) shall be issued a warning for the violation and
93 shall not be liable for the civil penalty imposed pursuant to
94 subsection (4).

95 (6) Except as provided in subsection (5), within 30 days
96 after a violation of s. 316.1895(10) as described in subsection
97 (4), a law enforcement agency authorized to enforce the school
98 zone speed limit, or an agent authorized by such law enforcement
99 agency, shall send by first-class mail to the registered owner
100 of the motor vehicle involved in the violation a notice that

101 includes:

102 (a) A photographic image recorded by a camera installed
 103 pursuant to subsection (1) which shows the motor vehicle
 104 involved in the violation.

105 (b) A citation for the violation, which shall include:

106 1. The date, time, and location of the violation.

107 2. The maximum speed at which such motor vehicle was
 108 traveling at the time the photographic image was recorded.

109 3. The maximum speed authorized in the school speed zone
 110 as provided in s. 316.1895(5).

111 4. The amount of the civil penalty imposed pursuant to
 112 subsection (4) and the date by which such penalty must be paid,
 113 which may not be more than 30 days after the notice is mailed.

114 (c) A copy of a certificate sworn to or affirmed by a
 115 peace officer employed by a law enforcement agency authorized to
 116 enforce the school zone speed limit and stating that, based upon
 117 inspection of recorded photographic images, the owner's motor
 118 vehicle was operated in violation of the school zone speed limit
 119 in a manner not otherwise authorized by law.

120 (d) A statement of the inference provided by subsection
 121 (8) and the means by which such inference may be rebutted.

122 (e) Information advising the owner of the manner in which
 123 liability may be contested through an administrative hearing.

124 (f) A warning that failure to pay the civil penalty or
 125 contest liability within 30 days after the notice is mailed

HB 797

2022

126 waives the right to contest liability.

127 (g) A website address where recorded photographic images
128 showing the motor vehicle involved in the violation and a
129 duplicate of the information provided pursuant to this
130 subsection may be viewed.

131
132 If the registered owner of the motor vehicle does not pay the
133 civil penalty or contest the citation within 30 days after the
134 initial notice is mailed, a second notice shall be mailed and
135 the civil penalty shall be increased by \$25. If the registered
136 owner of the motor vehicle does not pay the civil penalty within
137 30 days after the second notice is mailed, a final notice shall
138 be mailed in accordance with subsection (11) and the civil
139 penalty shall be increased by \$50.

140 (7) Proof that a motor vehicle was operated in violation
141 of the school zone speed limit shall be evidenced by recorded
142 photographic images. A copy of a certificate as provided in
143 paragraph (6)(c) shall be prima facie evidence of the facts
144 contained therein.

145 (8) Liability under this section shall be determined based
146 upon a preponderance of the evidence. Prima facie evidence that
147 the motor vehicle described in the citation issued pursuant to
148 this section was operated in violation of the school zone speed
149 limit, together with proof that the defendant was, at the time
150 of such violation, the registered owner of the motor vehicle,

151 shall permit the trier of fact, in its discretion, to infer that
 152 such owner was operating the motor vehicle at the time of the
 153 violation. Such inference may be rebutted if the owner:

154 (a) Presents to the court or the hearing officer a
 155 certified copy of a police report showing that the motor vehicle
 156 had been reported to a law enforcement agency as stolen before
 157 the time of the violation; or

158 (b) Testifies under oath, or submits a sworn notarized
 159 statement, to the court or the hearing officer that he or she
 160 was not the operator of the motor vehicle at the time of the
 161 alleged violation and provides in such testimony or statement
 162 the name and address of the operator of the motor vehicle at the
 163 time of the violation, in which case the court or hearing
 164 officer may reissue the citation to the operator named in the
 165 testimony or statement. If the named operator of the motor
 166 vehicle contests the citation, both the registered owner of the
 167 motor vehicle and the named operator of the motor vehicle must
 168 appear before the court or hearing officer to contest the
 169 citation.

170 (9) A violation for which a warning or civil penalty is
 171 imposed pursuant to this section is not considered a moving
 172 violation for the purpose of assessing points under s.
 173 322.27(3) (d). Such violation is deemed noncriminal, and
 174 imposition of a warning or civil penalty pursuant to this
 175 section is not a conviction, shall not be made a part of the

176 driving record of the person upon whom such warning or civil
 177 penalty is imposed, and shall not be used for any purposes in
 178 the provision of motor vehicle insurance coverage.

179 (10) A court or hearing officer who has jurisdiction over
 180 violations of s. 316.1895(10) has jurisdiction over cases
 181 arising under this section and may impose the civil penalty
 182 provided in subsection (4). Except as otherwise provided in this
 183 section, the provisions of law governing jurisdiction,
 184 procedure, defenses, adjudication, appeal, and payment and
 185 distribution of penalties otherwise applicable under s.
 186 316.0083(5) apply to enforcement under this section. However, an
 187 appeal to a circuit court shall be made in the manner provided
 188 by law.

189 (11) (a) If a violation has not been contested and the
 190 civil penalty has not been paid within 30 days after the second
 191 notice required under subsection (6) is mailed, the law
 192 enforcement agency or an agent authorized by the law enforcement
 193 agency shall send by first-class mail to the registered owner of
 194 the motor vehicle involved in the violation a final notice of
 195 the unpaid civil penalty, except in cases in which there is an
 196 adjudication that a violation did not occur or there is
 197 otherwise a lawful determination that a civil penalty may not be
 198 imposed. The final notice shall inform the owner that the law
 199 enforcement agency or an agent authorized by the law enforcement
 200 agency shall send a referral to the department if the civil

201 penalty is not paid within 30 days after the final notice is
202 mailed and that such referral shall result in the nonrenewal of
203 the registration of such motor vehicle and prohibit the title
204 transfer of such motor vehicle within this state.

205 (b) A referral sent to the department pursuant to
206 paragraph (a) shall include:

207 1. Any information known or available to the law
208 enforcement agency or an officer employed by the law enforcement
209 agency concerning the motor vehicle's license plate number and
210 year of registration and the name of the registered owner of the
211 motor vehicle.

212 2. The date on which the violation occurred.

213 3. The date on which the final notice required under
214 paragraph (a) was mailed.

215 4. The seal, logo, emblem, or electronic seal of the law
216 enforcement agency.

217 (c) Within 5 days after receipt of a referral under
218 paragraph (a), the department shall enter the referral into the
219 department's motor vehicle database and shall refuse to renew
220 the registration of the motor vehicle and prohibit the title
221 transfer of the motor vehicle within this state until the civil
222 penalty is paid. The department shall send by first-class mail
223 to the registered owner of the motor vehicle a notice stating:

224 1. That the registration of the motor vehicle involved in
225 the violation may not be renewed.

HB 797

2022

226 2. That the title of the motor vehicle involved in the
227 violation may not be transferred within this state.

228 3. That the penalties provided in this paragraph are being
229 imposed due to failure to pay the civil penalty for a violation
230 of s. 316.1895(10) as provided in this section.

231 4. The procedure provided in paragraph (d) for removing
232 the penalties provided in this paragraph.

233 (d) The department shall remove the penalties imposed on a
234 motor vehicle pursuant to paragraph (c) when the registered
235 owner of the motor vehicle or any other person presents the
236 department with adequate proof that the civil penalty has been
237 paid.

238 (12) In addition to the penalties imposed pursuant to this
239 section, if a civil penalty imposed on the owner of a motor
240 vehicle registered outside this state is not paid within 30 days
241 after a final notice is mailed pursuant to subsection (11), the
242 law enforcement agency issuing the citation may refer the
243 citation to a collection agency and is eligible for all legal
244 collection activities, including a collection fee of 35 percent
245 of the amount of the civil penalty.

246 (13) A warning or civil penalty under this section may not
247 be imposed on a motor vehicle operator who was arrested or
248 issued a citation and notice to appear by a peace officer for
249 the same violation.

250 Section 2. This act shall take effect July 1, 2022.