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LEGISLATIVE ACTION

Senate

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House

Senator DiCeglie moved the following:

Senate Amendment (with title amendment)

Delete lines 130 - 192
and insert:

Section 1. Subsection (2) of section 161.58, Florida
Statutes, is amended to read:

161.58 Vehicular traffic on coastal beaches.—

(2) Vehicular traffic, except that which is necessary for
cleanup, repair, or public safety; for removal of rental
equipment using off-highway vehicles as defined in s. 317.0003,
as authorized by the governing body having jurisdiction of the



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coastal property through formal agreement;~~7~~ or for the purpose of maintaining existing licensed and permitted traditional commercial fishing activities or existing authorized public accessways, is prohibited on coastal beaches except where a local government with jurisdiction over a coastal beach or portions of a coastal beach has:

(a) Authorized such traffic, by at least a three-fifths vote of its governing body, on all or portions of the beaches under its jurisdiction prior to the effective date of this act; and

(b) Determined, by October 1, 1989, in accordance with the rules of the department, that less than 50 percent of the peak user demand for off-beach parking is available. However, the requirements and department rulemaking authority provided in this paragraph shall not apply to counties that have adopted, prior to January 1, 1988, unified countywide beach regulations pursuant to a county home rule charter.

Section 2. Section 218.3215, Florida Statutes, is created to read:

218.3215 County transportation project data.—

(1) Each county shall, annually by January 15, report to the Office of Economic and Demographic Research all of the following information, by county fiscal year, for surtax revenues received pursuant to s. 212.055(1):

(a) Total proceeds from the surtax received by the county.

(b) The amount allocated by the county for road and bridge projects. The Office of Economic and Demographic Research, in consultation with the Department of Transportation, shall define broad categories, including, but not limited to, widening,



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repair and rehabilitation, sidewalks, or payment or pledge of bonds for the construction of roads or bridges, for reporting this information. This information must be reported as a total by category and by revenue source by category.

(c) The total expenditure on road and bridge projects by category.

(d) The unexpended balances of funds allocated to road and bridge projects by category.

(e) A list of current road and bridge projects, including the project cost, location, and scope.

(f) The amount allocated by the county to all other permissible uses of the proceeds from the surtax, excluding road and bridge projects and the payment or pledge of bonds for the construction of roads or bridges.

(2) Counties shall report the information required by this section in the format specified by the Office of Economic and Demographic Research. The Office of Economic and Demographic Research shall compile the information into a report and provide the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Transportation.

Section 3. Paragraph (b) of subsection (3) and subsections (41) and (109) of section 316.003, Florida Statutes, are amended to read:

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

(3) AUTOMATED DRIVING SYSTEM.—The hardware and software that are collectively capable of performing the entire dynamic



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driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The term:

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

(41) MICROMOBILITY DEVICE.—A motorized transportation device designed for individual use which is typically 20 to 36 inches in width and 50 pounds or less in weight and which operates at a speed of typically less than 15 miles per hour but no more than 28 miles per hour. This term includes both a human-powered and a nonhuman-powered device such as a bicycle, electric bicycle, motorized scooter, or any other device that is owned by an individual or part of a shared fleet ~~Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.~~

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



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

316.173 School bus infraction detection systems.—

(1)

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

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

(a) A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing



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the license plate of the motor vehicle.

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

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

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

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

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

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

(6) (a) A local hearing officer appointed by the school district or county shall administer an administrative hearing process for a contested notice of violation. The school district may appoint an attorney who is, and has been for the preceding 5



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years, a member in good standing with The Florida Bar to serve as a local hearing officer. The county in which a school district has entered into an interlocal agreement with a law enforcement agency to issue uniform traffic citations may designate by resolution existing staff to serve as the local hearing officer. At the administrative hearing, the local hearing officer shall determine whether a violation of s. 316.172(1)(a) or (b) has occurred. If the local hearing officer finds by a preponderance of the evidence that a violation has occurred, the local hearing officer must uphold the notice of violation and require the petitioner to pay the penalty previously assessed under s. 318.18(5). The local hearing officer shall also require the petitioner to pay costs consistent with this subsection.

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

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

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

3. Within 120 days after receipt of a timely request for a hearing, the law enforcement agency or its designee shall provide a replica of the notice of violation data to the school district or county by manual or electronic transmission, and



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thereafter the school district or its designee or the county shall mail a notice of hearing, which shall include a hearing date and may at the discretion of the district or county include virtual and in-person hearing options, to the petitioner by first-class mail. Mailing of the notice of hearing constitutes notification. Upon receipt of the notice of hearing, the petitioner may reschedule the hearing once by submitting a written request to the local hearing officer at least 5 calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her hearing by paying the penalty assessed in the notice of violation.

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

5. At the conclusion of the hearing, the local hearing officer shall determine by a preponderance of the evidence whether a violation has occurred and shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the civil penalty previously assessed in the notice of violation, and shall also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(e), to be used by the county for operational costs relating to the hearing process or by the school district for technology and operational costs



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relating to the hearing process as well as school transportation safety-related initiatives. The final administrative order shall be mailed to the petitioner by first-class mail.

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

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

(9)(8) A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if, within 60 days after notification under subsection (5), payment has not been made, within 30 days after notification under subsection (5) and if the registered owner has not submitted an affidavit in accordance with subsection (11), or the registered owner has not requested an administrative hearing with the school district or county, as applicable, contesting the notice of violation pursuant to subsection (6) (10).

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



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

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

~~(11)(10)~~ To establish such facts under subsection (10) ~~(9)~~, the registered owner of the motor vehicle must, within 60 ~~30~~ days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the law enforcement agency that issued the notice of violation or uniform traffic citation an affidavit setting forth information supporting an exception under subsection (10) ~~(9)~~.

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

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

(c) If the motor vehicle's owner to whom a notice of



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violation or a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:

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

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

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

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 60 ~~30~~ days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the law enforcement agency must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 60 ~~30~~ days after the date of a notice of violation sent to a person under subsection (12) ~~(11)~~, the law enforcement agency receives an affidavit under subsection (13) ~~(12)~~ from the person who was sent a notice of violation affirming that the person did



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not have care, custody, or control of the motor vehicle at the time of the violation, the law enforcement agency must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

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

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



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

Section 5. Effective upon this act becoming a law, paragraph (a) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001, s. 316.0083, s. 316.173, or s. 316.1896, each traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the agency ~~chief administrative officer~~ shall provide by an electronic transmission a replica of the citation data to the ~~a~~ court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 business days after issuance to the violator.

Section 6. Section 316.88, Florida Statutes, is created to read:

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

Section 7. Effective upon this act becoming a law, paragraphs (a), (b), and (c) of subsection (5) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal



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offense listed in s. 318.17 are as follows:

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

2. If a violation of s. 316.172(1)(a) is enforced by a
school bus infraction detection system pursuant to s. 316.173,
the penalty of \$200 shall be imposed. If, at an administrative
hearing contesting a notice of violation or uniform traffic
citation, the alleged offender is found to have committed this
offense, a minimum civil penalty of \$200 shall be imposed.
Notwithstanding any other provision of law, the civil penalties
assessed under this subparagraph resulting from a notice of
violation or uniform traffic citation shall be remitted to the
school district at least monthly and used pursuant to s.
316.173(8).

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

2. If a violation of s. 316.172(1)(b) is enforced by a
school bus infraction detection system pursuant to s. 316.173,
the penalty under this subparagraph ~~paragraph~~ is a minimum of



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\$200. If, at a hearing contesting a notice of violation or uniform traffic citation, the alleged offender is found to have committed this offense, the court shall ~~must~~ impose a minimum civil penalty of \$200. Notwithstanding any other provision of law, the civil penalties assessed under this subparagraph resulting from notice of violation or uniform traffic citation shall be remitted to the school district at least monthly and used pursuant to s. 316.173(8).

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

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

2. In addition to the penalty under paragraph (a) or paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b). If the alleged offender is found to have committed the offense,



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

Section 8. Effective upon this act becoming a law, subsection (21) of section 318.21, Florida Statutes, is amended to read:

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

(21) Notwithstanding subsections (1) and (2) or any other provision of law, the civil penalties and the proceeds from the additional penalties imposed pursuant to s. 318.18(5)(a)2., (b)2., and (c) and (21) ~~s. 318.18(5)(c) and (21)~~ shall be distributed as provided in that section.

Section 9. Section 320.0849, Florida Statutes, is created to read:

320.0849 Expectant mother parking permits.—



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(1) (a) The department or its authorized agents shall, upon application, issue an expectant mother parking permit placard or decal to an expectant mother. The placard or decal is valid for up to 1 year after the date of issuance.

(b) The department shall, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. The placard or decal must be designed to conspicuously display the expiration date of the permit.

(2) An application for an expectant mother parking permit must include, but need not be limited to:

(a) Certification provided by a physician licensed under chapter 458 or chapter 459 that the applicant is an expectant mother.

(b) The certifying physician's name and address.

(c) The physician's certification number.

(d) The following statement in bold letters: "An expectant mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."

(e) The signatures of:

1. The certifying physician.

2. The applicant.

3. The employee of the department processing the application.

(3) Notwithstanding any other provision of law, an expectant mother who is issued an expectant mother parking permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041.



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

And the title is amended as follows:

Delete lines 2 - 14

and insert:

An act relating to transportation; amending s. 161.58, F.S.; revising an exception to a prohibition on vehicular traffic on coastal beaches; creating s. 218.3215, F.S.; requiring counties to report certain information to the Office of Economic and Demographic Research annually by a specified date; requiring counties to report the information in the format specified by the office; requiring the office to provide a certain report to the Legislature and the Department of Transportation; amending s. 316.003, F.S.; revising the definitions of the terms "dynamic driving task," "micromobility device," and "vehicle"; amending s. 316.173, F.S.; authorizing a person to request an administrative hearing with a school district or county within a specified timeframe after receiving a notice of violation; specifying that the mailing of the notice of violation constitutes notification; deleting a provision requiring a court with jurisdiction over traffic violations to determine whether a specified violation has occurred; authorizing school districts and counties to appoint local hearing officers to conduct certain administrative hearings; providing eligibility requirements for such officers; providing duties of such officers; providing for penalties and costs;



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providing procedures for an administrative hearing;
providing a specified date by which certain
administrative hearings may be conducted; amending s.
316.650, F.S.; revising the entity required to provide
citation data in the case of a traffic enforcement
agency that has an automated citation issuance system;
creating s. 316.88, F.S.; prohibiting excessive wakes
under certain circumstances; amending s. 318.18, F.S.;
providing minimum civil penalties for a specified
violation enforced by a school bus infraction
detection system; requiring such penalties to be
remitted to the school district at least monthly and
used for specified purposes; requiring specified
administrative costs to be imposed for specified
violations; requiring that such costs be used by a
school district or county, as applicable, for
specified purposes; requiring that certain costs be
remitted to the county at least monthly; conforming a
cross-reference; amending s. 318.21, F.S.; requiring
that specified penalties be distributed in a specified
manner; conforming a cross-reference; creating s.
320.0849, F.S.; requiring the department to issue
expectant mother parking permits upon application;
specifying the validity period thereof; providing
design requirements for expectant mother parking
permit placards or decals; providing application
requirements; authorizing such permitholders to park
in certain spaces; creating s. 330.355, F.S.;
prohibiting