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LEGISLATIVE COMMITTEE MEETING  
October 31, 2024

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**STACY M. BUTTERFIELD, CPA**  
POLK COUNTY  
EXECUTIVE COUNCIL CHAIR

**LAURA E. ROTH, ESQ**  
VOLUSIA COUNTY  
VICE CHAIR

**TARA GREEN**  
CLAY COUNTY  
SECRETARY/TREASURER

CRYSTAL K. KINZEL  
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ORANGE COUNTY

ROB BRADLEY  
BRADLEY, GARRISON & KOMANDO, P.A.  
GENERAL COUNSEL

## LEGISLATIVE COMMITTEE MEETING

**October 31, 2024**

**Meeting: 2:00 – 3:00 PM, Eastern**

**Zoom Link:** <https://us06web.zoom.us/j/81712660987?pwd=Uzb8QCIOAy304krpADYdj4YpxoFG4F.1>

**Meeting ID:** 817 1266 0987; **Passcode:** 753101

**Conference Call:** 1-305-224-1968; **Access Code:** 753101

- 1) Call to Order and Approve Agenda.....Hon. Carolyn Timmann
- 2) Approve Minutes from 12/18/23 Meeting.....Griffin Kolchakian
- 3) CCOC Legislative Agenda Update .....Griffin Kolchakian
- 4) CCOC Legislative Budget Request (LBR) Issue .....Griffin Kolchakian
- 5) Chapter 2008-111 Report Update .....Griffin Kolchakian
- 6) New Business.....Hon. Carolyn Timmann
  - a) JAC Legislative Priorities
  - b) Injunctions for Protection
  - c) Distribution of Fees: Parking Citations (s. 34.045, F.S.) (Hon. Ken Burke)
  - d) Distribution of Fees: School Bus Camera Citations (CS/CS/SB 994)
  - e) Other Legislative Ideas
- 7) Other Business.....Hon. Carolyn Timmann
  - a) Legislative Session begins March 4, 2025
  - b) Staff Bill Analyses

**Committee Members:** Carolyn Timmann (Martin), Chair, Barry Baker (Suwannee), Jerald D. Bryant (Okeechobee), Doug Chorvat, Jr. (Hernando), Roger Eaton (Charlotte), Tara S. Green (Clay), Crystal Kinzel (Collier), Michelle R. Miller (St. Lucie), Victoria L. Rogers (Hardee), Rachel Sadoff (Brevard), Cindy Stuart (Hillsborough), Jason L. Welty (Jefferson)



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## Minutes of December 18, 2023, Legislative Committee Meeting

**Committee Action:** Review and approve with amendments, as necessary.

The Legislative Committee of the Clerks of Court Operations Corporation (CCOC) held a meeting via WebEx on December 18, 2023. An agenda and materials were distributed and posted on the CCOC website before the meeting. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a complete record of committee discussions. Motions adopted by the committee are in **bold** text.

### Agenda Item 1 – Call to Order and Approve Agenda

Clerk Carolyn Timmann, Chair of the Legislative Committee, called the meeting to order at 11:02 AM. The meeting was turned over to Griffin Kolchakian, CCOC Budget and Communications Director, to conduct roll call. Mr. Kolchakian called the roll.

Present via WebEx: Honorable Carolyn Timmann, Chair, Honorable Tara S. Green, Vice-Chair, Honorable Barry Baker, Honorable Jerald D. Bryant, Honorable Doug Chorvat, Jr., Honorable Roger Eaton, Honorable Michelle R. Miller, Honorable Victoria L. Rogers, Honorable Cindy Stuart, Honorable Jason L. Welty

Absent from meeting: Honorable Rachel Sadoff

The agenda was approved by Chair Timmann.

### Agenda Item 2 – Approve Minutes from 10/3/23 Meeting

A motion to approve the minutes was made by Clerk Welty and seconded by Clerk Miller; the motion was adopted without objection.

### Agenda Item 3 – Welcome and Comments from CCOC Executive Council Chair

Chair Timmann thanked Vice-Chair Green for stepping up in her role and stated that she will call on members of the committee to help with the legislative process.

Chair Timmann recognized Clerk Stacy M. Butterfield, Chair of the CCOC Executive Council. Chair Butterfield thanked committee members and staff for their time and the coordination between the CCOC and the FCCC.

#### **Agenda Item 4 – CCOC Legislative Agenda Update**

Mr. Kolchakian stated that, in October, the CCOC Legislative Committee established two funding requests for the upcoming Legislative Session which convenes on January 9, 2024. These funding initiatives include a Legislative Budget Request (LBR) of \$2.7 million for the reimbursement of Baker Act, Marchman Act, and Sexually Violent Predators petitions and a continuation of the \$11.7 million jury reimbursement funding. Mr. Kolchakian stated that clerks are requesting to increase the jury reimbursement funding to \$16.5 million, a \$4.8 million increase. Clerks' total jury costs will exceed the \$11.7 million appropriation in the current fiscal year. Clerk Green asked Mr. Kolchakian if this \$4.8 million request was based on current trial data. Mr. Kolchakian confirmed and stated that the \$16.5 million total is based on projections and should be sufficient to cover jury expenses next year.

#### **Agenda Item 5 – New Judges Certification Request**

Mr. Kolchakian thanked the FCCC team for fixing the WebEx link issue prior to today's meeting.

Mr. Kolchakian stated that the Supreme Court published its Certification of Need for Additional Judges on November 30, 2023. Five new county judges were certified (three in Orange County and two in Hillsborough County) and one circuit judge was certified in the Twentieth Judicial Circuit. Mr. Kolchakian stated that legislation signed into law in 2022 now requires the CCOC to do two things, develop a formula to estimate the cost of clerk support for circuit and county judges and to make a recommendation to the Legislature on any need for additional funding using the formula if the number of judges is increased.

Mr. Kolchakian stated that, for each new judge certified by the Supreme Court, this formula provides one courtroom clerk and calculates the additional FTE needed to process the increased workload using the average case filings per judge over a three-year period and applies the available annual hours worked by an employee.

Mr. Kolchakian stated that the funding amount methodology for each calculated FTE identifies a statewide salary and benefits average using the most recent Operational Budget data excluding the elected clerks. This request uses CFY 2022-23 data which calculates \$70,141 for each newly calculated FTE. The State's Competitive Area Differential (CAD) salary additive will also be added for applicable counties. However, the CAD does not apply to these three counties. Mr. Kolchakian stated that the clerks' calculated request totals just under 28 new FTE and just under \$2 million. As a reminder, this requests additional state funding and does not affect the CCOC Revenue-Limited Budget.

Chair Timmann stated that we have been working on this process for several years and, without these additional resources, clerks simply cannot do their jobs.

### Agenda Item 6 – Other Business

Clerk Stuart asked what clerks are doing to meet the deadline for UCR. Clerk Chorvat stated that there will be a survey going out this week to finalize the information on that. Clerk Chorvat stated that he will continue to work with OSCA to get this done. Clerk Green echoed the importance of capturing the number of resources that are going towards this project.

Chair Timmann requested that any staff that have experience in the legislative process assist in the bill analyses that are requested before and during Session. If anyone is willing to help out, please let Mr. Kolchakian know.

Clerk Burke asked if the clerks' legislative request includes the issue regarding the 50% of the Cumulative Excess being sent to General Revenue. Chair Timmann confirmed that this issue is part of the legislative package this year. Clerk Burke stated that not meeting the UCR deadline is not a negative to clerks, but it is a success considering no additional dollars were dedicated to this project.

Clerk Baker stated that he hopes everyone has a great holiday and that he is looking forward to the upcoming Legislative Session. FCCC Executive Director Chris Hart thanked the clerks for everything they do.

The meeting was adjourned at 11:34 AM.



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## AGENDA ITEM 3

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**DATE:** October 31, 2024  
**SUBJECT:** CCOC Legislative Agenda  
**COMMITTEE ACTION:** Discussion and Recommendation

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### OVERVIEW:

The CCOC Legislative Committee and the FCCC Legislative Committee are distinct entities and serve different, but unified, purposes. CCOC focuses on those duties outlined in the law, especially items that impact budget. Specific recurring items include:

- 1) Additional juror management funding
- 2) Reimbursement for Baker Act, Marchman Act, and Sexual Violent Predators Act cases
- 3) State funding if new judges are approved

For State Fiscal Year (SFY) 2024-25, the Legislature appropriated \$11.7 million of State General Revenue (GR) to the clerks for juror management costs. Based on recent averages, clerks' quarterly reimbursement costs will exceed the quarterly budget amount in each quarter of the SFY. Pursuant to s. 40.29, F.S., any juror management costs not reimbursed by GR must be paid for by the clerk's CCOC budget authority. Therefore, the legislative team plans to request additional reimbursement funding to fully cover these costs moving forward.

The committee has an opportunity to formalize its support of the Legislative Budget Request (LBR) submitted for the Baker Act, Marchman Act, and Sexual Violent Predators Act cases. In these case types, clerks are responsible for creating emergency orders, setting the case, and disseminating the orders to the proper authorities. These tasks are often time-sensitive and potentially impact public safety. The Legislature authorized the reimbursement of these case types in 2022. (See Agenda Item #4 for additional detail)

Legislation signed into law during the 2022 Legislative Session amended s. 28.35(2)(c), F.S., to require the CCOC to "develop a formula to be used to estimate the total cost associated with clerk support for circuit and county judges statewide" and to "make a recommendation for consideration by the Legislature on any need for additional funding" using the established formula in the event that the number of judges is increased by the Legislature. Therefore, the Budget Committee and Executive Council approved the funding and FTE formula. This formula was used last year when the Supreme Court certified new judges.

At the direction of the committee, CCOC will work with the FCCC Legislative Team to help advocate and support the CCOC legislative agenda.

**COMMITTEE ACTION:** Discuss and provide a recommendation for next steps

**LEAD STAFF:** Griffin Kolchakian, CCOC Budget and Communications Director



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## AGENDA ITEM 4

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**DATE:** October 31, 2024  
**SUBJECT:** CCOC Legislative Budget Request (LBR) Issue  
**COMMITTEE ACTION:** Information Only

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### OVERVIEW:

Subsection 28.35(2)(i), F.S., requires the CCOC to annually prepare a budget request that provides the amount necessary for reimbursement of Baker Act, Marchman Act, and Sexually Violent Predators petitions and orders.

CCOC collects these subcase types on the monthly Outputs Report. To minimize the workload on clerks, CCOC provided the Justice Administrative Commission (JAC) with each county's number of cases for the most recently completed fiscal year (CFY 2022-23). CCOC submitted the LBR issue as directed by s. 28.35, F.S., to be included in the JAC's official LBR submission for Fiscal Year 2024-25. This issue is very similar to what was submitted last year.

If the Legislature funds this issue during the 2025 Legislative Session, each county will receive the reimbursement in a quarterly distribution.

**COMMITTEE ACTION:** Information Only

**LEAD STAFF:** Griffin Kolchakian, CCOC Budget and Communications Director

### ATTACHMENT:

- LBR Issue – Clerk Reimbursement

	COL A03	COL A04	COL A05	
	AGY REQUEST	AGY REQ N/R	AG REQ ANZ	
	FY 2025-26	FY 2025-26	FY 2025-26	
	POS	POS	POS	CODES
	AMOUNT	AMOUNT	AMOUNT	
JUSTICE ADMINISTRATION				21000000
PGM: JUSTICE ADMIN COMM				21300000
<u>EXECUTIVE DIR/SUPPORT SVCS</u>				21300800
STATE COURTS				15
<u>STATE COURT SYSTEM</u>				<u>1501.00.00.00</u>
OTHER PROGRAMS				4200000
REIMBURSEMENT FOR STATUTORILY				
REQUIRED DUTIES				4207010
SPECIAL CATEGORIES				100000
JURY EXPENDITURES				101889
GENERAL REVENUE FUND -STATE	2,467,520			1000 1

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AGENCY ISSUE NARRATIVE:

2025-2026 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

The Baker Act is a Florida law that enables families and loved ones to provide emergency mental health services and temporary detention for people who are impaired because of their mental illness, and who are unable to determine their needs for treatment. The Marchman Act provides for emergency assistance and temporary detention for individuals requiring substance abuse evaluation and treatment. According to the Sexually Violent Predators Act, involuntary civil commitment can be pursued for individuals who have a prior conviction for a sexually violent offense, and who "suffer from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment."

The Baker Act, Marchman Act, and Sexually Violent Predators Acts are designed to protect the public and individuals that are displaying behavior that will cause serious bodily harm to oneself or others and individuals that have lost self-control with respect to mental health, substance abuse, and sexual violence. It is important to provide timely service to petitioners so that individuals subject to the Baker Act, Marchman Act, or Sexually Violent Predators Act do not cause harm to themselves or others.

Currently, clerks perform these services at no cost to the petitioners. Clerks must efficiently process involuntary commitment admissions to uphold public safety.

In County Fiscal Year 2022-23, there were:

Baker Act - 51,280 cases

Substance Abuse Acts - 10,364 cases

Involuntary Civil Commitment of Sexually Violent Predators (SRS) - 44 cases

Statutory reimbursement fee - \$40

Total Request - \$2,467,520

Section. 14(b), Art. V of the State Constitution, states that where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings



	COL A03	COL A04	COL A05	
	AGY REQUEST	AGY REQ N/R	AG REQ ANZ	
	FY 2025-26	FY 2025-26	FY 2025-26	
POS	AMOUNT	POS	AMOUNT	POS
				AMOUNT
				CODES
JUSTICE ADMINISTRATION				21000000
PGM: JUSTICE ADMIN COMM				21300000
<u>EXECUTIVE DIR/SUPPORT SVCS</u>				21300800
STATE COURTS				15
<u>STATE COURT SYSTEM</u>				<u>1501.00.00.00</u>
OTHER PROGRAMS				4200000
REIMBURSEMENT FOR STATUTORILY				
REQUIRED DUTIES				4207010

and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues. Furthermore, the Legislature affirmed this process in s. 28.37, F.S., by adopting a provision that states, clerks' court-related functions shall be funded from adequate and appropriate supplemental funding from state revenues as appropriated by the Legislature. The services provided in Baker Act, Marchman Act, and Sexually Violent Predators Act cases are actions that do not have a filing fee for judicial proceedings, and the clerks request \$2,467,520 of supplemental appropriation from the Legislature to support these services for the public.

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## AGENDA ITEM 5

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**DATE:** October 31, 2024  
**SUBJECT:** Ch. 2008-111, L.O.F. Report Update  
**COMMITTEE ACTION:** Approve the CFY 2024-25 Ch. 2008-111, L.O.F. Report

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### OVERVIEW:

The monthly CCOC Ch. 2008-111, L.O.F. Report tracks those revenues collected by the clerks included in Ch. 2008-111, L.O.F. that are sent to the State General Revenue (GR) Fund. Previously, this report had four lines of data entry:

- Driving Under the Influence
- Issuance of a Summons
- Traffic Administration Fees
- All Other Revenues

With the clerks' legislative success in 2024, the Issuance of a Summons and the Traffic Administration Fees Lines are now retained by the clerks instead of being sent to the State. The Ch. 2008-111, L.O.F. Report was an integral part in supporting this legislative request and determining the projected fiscal impact.

Therefore, the CCOC is proposing to replace the two removed revenue lines with two of the highest remaining revenue amounts moving forward: Traffic Additional Court Costs (s. 318.18(12)(a), F.S.) and Criminal Traffic Additional Court Costs (s. 938.05, F.S.). These two lines are currently rolled into the "All Other Revenues" Line; this change would break them out onto their own lines and track them separately moving forward. This would allow the legislative team to begin to collect this data to potentially justify additional redirects in the future. The four lines on the report would now include:

- Driving Under the Influence
- **Traffic Additional Court Costs**
- **Criminal Traffic Additional Court Costs**
- All Other Revenues

**COMMITTEE ACTION:** Approve the CFY 2024-25 Ch. 2008-111, L.O.F. Report

**LEAD STAFF:** Griffin Kolchakian, CCOC Budget and Communications Director

### ATTACHMENT:

- Updated CFY 2024-25 Ch. 2008-111, L.O.F. Report

Clerk of Court Monthly Chapter 2008-111, L.O.F. Tracking Report  
 County Fiscal Year 2024-25



CCOC Form Version 1  
 Created: 10/16/2024

County:

Contact:

E-Mail Address:

Report Month:

Version #:

		Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	YTD Total
Driving Under the Influence	s. 316.193, F.S.													\$ -
Traffic Additional Court Costs	s. 318.18(12)(a), F.S.													\$ -
Criminal Traffic Additional Court Costs	s. 938.05, F.S.													\$ -
All Other Line 47 Additional Revenues	All Other													\$ -
<b>TOTAL</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Comments/Additional Notes

- NOTES**
- The total amount of all categories reported each month should equal the amounts remitted to the appropriate line of the DOR remittance portal.
  - If you do not collect revenue for Driving Under the Influence under s. 316.193, F.S. please provide an explanation of why in the "Comments/Additional Notes" section.
  - This form should be completed and returned to [reports@flccoc.org](mailto:reports@flccoc.org) (in Excel format) by the **20th** of the month following the end of the month being reported.

**Memorandum**

**To:** Rip Colvin, Executive Director  
Abram Dale, Legislative Senior Management Analyst

**From:** Cris Martinez, General Counsel

**Re:** JAC Legal 2025 Legislative Proposals

**Date:** July 31, 2024

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JAC Legal recommends the following statutory amendments for the 2025 Legislative Session:

1. Delete the requirement that judicial circuits’ court-appointed attorney registry updates be reported to JAC each quarter by amending s. 27.40, F.S. Legal proposes deletion of subsection (3)(d) which requires the chief judge of each judicial circuit provide specified entities, including JAC, with a current copy of their court-appointed attorney registries on a quarterly basis. The statute also specifies that these registries be submitted to JAC “in the form and manner provided by the commission.” Once JAC’s *MyClerks* database is fully functional in October 2024, each judicial circuit’s Registry Clerk will manage their circuit’s court-appointed registries online and JAC will have access to that information in real time. Therefore, there will be no need to provide JAC a separate quarterly report;
2. Delete ambiguous sentence in s. 27.51(2), F.S., regarding the appointment of court-appointed counsel to cases already represented by private counsel. Legal proposes deletion of the last sentence, which provides: “The court, however, may appoint private counsel in capital cases as provided in ss. 27.40 and 27.5303.” This sentence is being used by private attorneys to justify court appointment of state-funded counsel, namely second chair, to indigent for costs cases that become capital cases; and
3. Delete outdated and duplicative criminal and civil statutory compensation caps contained in s. 27.5304(5) and (6), F.S., and clarify the definition of capital case.

# The 2024 Florida Statutes

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[Title V](#)  
JUDICIAL BRANCH

[Chapter 34](#)  
COUNTY COURTS

[View Entire Chapter](#)

## **34.045 Cost recovery; use of the county court for ordinance or special law violations.—**

(1)(a) In lieu of payment of a filing fee under s. [34.041](#), a filing fee of \$10 shall be paid by a county or municipality when filing a violation of a county or municipal ordinance or a violation of a special law in county court. This fee shall be paid to the clerk of the court for performing court-related functions. A county or municipality is not required to pay more than one filing fee for a single filing against a single defendant that contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in county court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee shall not apply to instances in which a county or municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. [125.69](#), s. [166.0415](#), or chapter 162.

(b) No other filing fee may be assessed for filing the violation in county court. If a person contests the violation in court, the court shall assess \$40 in costs against the nonprevailing party. The county or municipality shall be considered the prevailing party when there is a plea or finding of violation or guilt to any count or lesser included offense of the charge or companion case charges, regardless of adjudication. Costs recovered pursuant to this paragraph shall be deposited into the clerk's fine and forfeiture fund established pursuant to s. [142.01](#).

(c) If the person does not contest the violation in court or if the county or municipality is the prevailing party, the court shall assess the person or nonprevailing party \$10 for the filing fee provided in paragraph (a), which amount shall be forwarded to the county or municipality.

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in county court shall be retained by the clerk of the court for deposit into the clerk's fine and forfeiture fund established pursuant to s. [142.01](#), except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law.

History.—s. 33, ch. 2004-265; s. 22, ch. 2005-236.

## CHAPTER 2024-190

### Committee Substitute for Committee Substitute for Senate Bill No. 994

An act relating to student transportation safety; amending s. 316.173, F.S.; providing construction; revising requirements for signage posted on the rear of a school bus indicating the use of a school bus infraction detection system; requiring a law enforcement agency to send a notice of violation to the registered owner involved in a violation within a specified timeframe after receiving certain information; requiring a court having jurisdiction over traffic violations to make a determination regarding whether a violation has occurred; requiring the court to uphold the violation if the court finds that a violation has occurred; requiring the court, if the violation is upheld, to require the petitioner to pay certain penalties and costs; revising the required uses for civil penalties assessed and collected for certain violations; prohibiting the use of school bus infraction detection systems for remote surveillance; providing construction; revising purposes for which video and images recorded as part of a school bus infraction detection system may be used; conforming provisions to changes made by the act; making technical changes; amending s. 318.18, F.S.; requiring that certain civil penalties be remitted to a participating school district operating a school bus with a school bus infraction detection system to be used for certain purposes; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1), paragraph (a) of subsection (2), subsections (5) and (7), paragraph (a) of subsection (16), and paragraph (a) of subsection (17) of section 316.173, Florida Statutes, are amended to read:

316.173 School bus infraction detection systems.—

(1)

(b) The school district may contract with a private vendor or manufacturer to install a school bus infraction detection system on any school bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to install school bus infraction detection systems must be based solely on the need to increase public safety. An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system. This paragraph may not be construed to prohibit a private vendor or manufacturer from receiving a fixed amount of collected proceeds for service rendered in relation to the

installation, operation, or maintenance of school bus infraction detection systems.

(2)(a) The school district must post high-visibility reflective signage on the rear of each school bus in which a school bus infraction detection system is installed and operational which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

1. The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
2. The words “CAMERA ENFORCED.”
3. A graphic depiction of a camera.

(5) Within 30 days after receiving the information required in subsection (4), the law enforcement agency must, if it is determined ~~determines~~ that the motor vehicle violated s. 316.172(1)(a) or (b), ~~must~~ 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 furnish an affidavit in accordance with subsection (10) within 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 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 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 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 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).

(7) The civil penalties assessed and collected for a violation of s. 316.172(1)(a) or (b) enforced by a school bus infraction detection system must be remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation, operation, or maintenance of school bus infraction detection systems on school buses, including student transportation safety initiatives, driver recruitment and retention stipends, or other student transportation safety enhancements ~~for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations as described in this section.~~

~~(16)(a)1. Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system as provided under this section may not be used for capable of automated or user-controlled remote surveillance. The collection of evidence by a school bus infraction detection system to enforce violations of s. 316.172 does not constitute remote surveillance.~~

2. Video and images recorded as part of a the school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the school bus infraction detection system to document violations of s. 316.172(1)(a) and (b) and may not be used for any other surveillance purposes.

3. To the extent practicable, a school bus infraction detection system must use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation, including, but not limited to, the identity of the driver and any passenger of a motor vehicle, the interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

4. A notice of a violation or uniform traffic citation issued under this section may not be dismissed solely because a recorded video or still images reveal personal identifying information as provided in subparagraph 3. as long as a reasonable effort has been made to comply with this subsection.

(17)(a) ~~By October 1, 2023, and quarterly thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this section, operating a school bus infraction detection system must submit, in consultation with the law~~



enforcement agencies with which it has interlocal agreements pursuant to this section, a report to the department which details the results of the school bus infraction detection systems in the school district in the preceding quarter. The information from the school districts must be submitted in a form and manner determined by the department, which the department must make available to the school districts by August 1, 2023, and must include at least the following:

1. The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.
2. The number of notices of violations issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.
3. Data for each infraction to determine locations in need of safety improvements. Such data may must include, but is not limited to, global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from.
4. Any other statistical data and information required by the department to complete the report required by paragraph (c).

Section 2. Paragraph (c) of subsection (5) of section 318.18, Florida Statutes, is amended to read:

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

(5)

(c) 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, the court shall impose the civil penalty under paragraph (a) or paragraph (b) plus an additional \$65. The additional \$65 collected under this 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 the uniform traffic citation, or by the court under this paragraph must be \$25, in lieu of the additional \$65, and must be remitted to the participating school district and used pursuant to s. 316.173(7).

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 16, 2024.

# The 2024 Florida Statutes

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[Title XXIII](#)

MOTOR VEHICLES

[Chapter 316](#)

STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

**316.0083 Mark Wandall Traffic Safety Program; administration; report.—**

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. [316.640](#) to issue a traffic citation for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1](#). A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible. A notice of violation and a traffic citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required. This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1](#).

(b)1.a. Within 30 days after a violation, notification must be sent 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 of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), or request a hearing within 60 days following the date of the notification in order to avoid the issuance of a traffic citation. The notification must be sent by first-class mail. The mailing of the notice of violation constitutes notification.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

c. Notwithstanding any other provision of law, a person who receives a notice of violation under this section may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing. As used in this sub-subparagraph, the term "person" includes a natural person, registered owner or co-owner of a motor vehicle, or person identified on an affidavit as having care, custody, or control of the motor vehicle at the time of the violation.

d. If the registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative of the owner, co-owner, or designated person, initiates a proceeding to challenge the violation pursuant to this paragraph, such person waives any challenge or dispute as to the delivery of the notice of violation.

2. Penalties assessed and collected by the department, county, or municipality authorized to collect the funds provided for in this paragraph, less the amount retained by the county or municipality pursuant to subparagraph 3., shall be paid to the Department of Revenue weekly. Payment by the department, county, or municipality to the state shall be made by means of electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

3. Penalties to be assessed and collected by the department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. [395.4036\(1\)](#). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and used for brain and spinal cord research.

b. One hundred fifty-eight dollars for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. [395.4036\(1\)](#). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and used for brain and spinal cord research.

4. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

(c)1.a. A traffic citation issued under this section shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 60 days after notification under paragraph (b), if the registered owner has not requested a hearing as authorized under paragraph (b), or if the registered owner has not submitted an affidavit under this section.

b. Delivery of the traffic citation constitutes notification under this paragraph. If the registered owner or co-owner of the motor vehicle, or the person designated 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 designated person, initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the traffic citation.

c. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the 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.

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when the driver failed to stop at a traffic signal, unless the owner can establish that:

- a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;
- b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;
- c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;
- d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#); or
- e. The motor vehicle's owner was deceased on or before the date that the uniform traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other designated person or family member.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

- a. An affidavit supporting an exemption under sub-subparagraph 1.c. 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 vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.
- b. If a traffic citation for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) 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 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 issuance of the uniform traffic citation and one of the following:
  - (I) 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.
  - (II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department, but on or before the date of the alleged violation.

(III) A copy of a police report showing that the deceased owner's registered license plate or motor vehicle was stolen after the owner's death, but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.

3. Upon receipt of an affidavit, the person designated as having care, custody, or control of the motor vehicle at the time of the violation may be issued a notice of violation pursuant to paragraph (b) for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. Paragraphs (b) and (c) apply to the person identified on the affidavit, except that the notification under sub-subparagraph (b)1.a. must be sent to the person identified on the affidavit within 30 days after receipt of an affidavit.

5. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083.](#)

(e) The photographic or electronic images or streaming video attached to or referenced in the traffic citation is evidence that a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when the driver failed to stop at a traffic signal has occurred and is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when the driver failed to stop at a traffic signal.

(2) A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.

(3) This section supplements the enforcement of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) by law enforcement officers when a driver fails to stop at a traffic signal and does not prohibit a law enforcement officer from issuing a traffic citation for a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver fails to stop at a traffic signal in accordance with normal traffic enforcement techniques.

(4)(a)1. A county or municipality that desires to have one or more traffic infraction detectors placed or installed on or after July 1, 2025, in an area where no traffic infraction detectors are currently placed or installed must enact an ordinance in order to authorize the placement or installation of, or to authorize contracting with a vendor for the placement or installation of, one or more traffic infraction detectors to enforce s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each traffic infraction detector, and the county or municipality must determine that the intersection at which a traffic infraction detector is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.

2. A county or municipality that operates one or more traffic infraction detectors must annually report the results of all traffic infraction detectors within the county's or municipality's jurisdiction by placing the annual report to the department required under paragraph (b) as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body. Before a county or municipality contracts or renews a contract to place or install one or more traffic infraction detectors, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.

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

b. The report required under this subparagraph must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain, for the same time period pertaining to the annual report to the department required under paragraph (b), the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to the department that the county's or municipality's annual report was considered in accordance with this subparagraph, including the date of the regular or special meeting at which the annual report was considered.

3. The compliance or sufficiency of compliance with this paragraph may not be raised in a proceeding challenging a violation of s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)](#)1. enforced by a traffic infraction detector.

4. A county or municipality that does not comply with this paragraph is suspended from operating traffic infraction detectors under this subsection until such noncompliance is corrected.

(b) Each county or municipality that operates a traffic infraction detector shall submit a report by October 1, 2012, and annually thereafter, to the department which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year. The information submitted by the counties and municipalities must include:

1. The number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, the number that were paid, and the number in each of the preceding categories for which the notice of violation was issued for a right-hand turn violation.

2. A description of alternative safety countermeasures taken before and after the placement or installation of a traffic infraction detector.

3. Statistical data and information required by the department to complete the summary report required under paragraph (c).

The department must publish each report submitted by a county or municipality pursuant to this paragraph on its website.

(c) On or before December 31, 2012, and annually thereafter, the department shall provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section, along with the department's recommendations and any necessary legislation. The summary report

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

(5) Procedures for a hearing under this section are as follows:

(a) The department shall publish and make available electronically to each county and municipality a model Request for Hearing form to assist each local government administering this section.

(b) The charter county, noncharter county, or municipality electing to authorize traffic infraction enforcement officers to issue traffic citations under paragraph (1)(a) shall designate by resolution existing staff to serve as the clerk to the local hearing officer.

(c) Any person, herein referred to as the “petitioner,” who elects to request a hearing under paragraph (1)(b) shall be scheduled for a hearing by the clerk to the local hearing officer to appear before a local hearing officer with notice to be sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk 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 appearance before the local hearing officer by paying the penalty assessed under paragraph (1)(b), plus \$50 in administrative costs, before the start of the hearing.

(d) All testimony at the hearing shall be under oath and shall be recorded. The local hearing officer shall take testimony from a traffic infraction enforcement officer and the petitioner, and may take testimony from others. The local hearing officer shall review the photographic or electronic images or the streaming video made available under sub-subparagraph(1)(b)1.b. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

(e) At the conclusion of the hearing, the local hearing officer shall determine whether a violation under this section has occurred, in which case the hearing officer 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 penalty previously assessed under paragraph (1)(b), and may also require the petitioner to pay county or municipal costs, not to exceed \$250. The final administrative order shall be mailed to the petitioner by first-class mail.

(f) An aggrieved party may appeal a final administrative order consistent with the process provided under s. [162.11](#).

**History.**—s. 5, ch. 2010-80; s. 98, ch. 2012-174; ss. 3, 74, ch. 2012-181; s. 43, ch. 2013-15; s. 5, ch. 2013-160; s. 3, ch. 2024-223.