

By the Committee on Education; and Senator Braynon

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1 A bill to be entitled
2 An act relating to photographic enforcement on school
3 buses; amending s. 316.003, F.S.; defining the term
4 "school bus safety camera" for purposes of the Florida
5 Uniform Traffic Control Law; amending s. 316.008,
6 F.S.; authorizing a school board to authorize use of
7 school bus safety cameras to enforce specified
8 provisions requiring a motor vehicle to stop behind a
9 school bus stop signal; creating s. 316.0084, F.S.;
10 creating the School Bus Safety Camera Program;
11 providing for use of cameras installed on a school bus
12 to provide evidence of a violation when a driver fails
13 to stop behind the bus while the bus stop signal is
14 displayed; requiring a school board to authorize use
15 of such cameras by adopting a resolution; providing
16 for the school board to enter into an agreement with a
17 vendor for the installation, operation, notice
18 processing, and administration and maintenance of the
19 school bus safety camera program and with the county
20 sheriff for operation and enforcement of the program;
21 providing for a fine and the distribution of fines
22 collected; providing procedures for enforcement and
23 payment of fines; providing penalties for submission
24 of a false affidavit establishing an exemption;
25 providing for responsibility to pay the fine and
26 specified fees; requiring the sheriff's office to
27 issue a traffic citation in certain circumstances;
28 providing that the images or video identified in the
29 traffic citation raises a rebuttable presumption of a

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30 violation; authorizing the sheriff's office to issue a
31 citation to the operator of a motor vehicle in certain
32 circumstances; providing for the distribution of
33 fines; authorizing the sheriff's office to contract
34 for certain administrative requirements; requiring
35 such cameras to meet specifications adopted by rule of
36 the Department of Education; requiring the department
37 to adopt such rules by a certain date; providing for
38 applicability; amending s. 316.650, F.S.; providing
39 procedures for transmission of citation data to the
40 court; amending s. 316.655, F.S.; providing an
41 exception to certain penalties; amending ss. 318.14
42 and 318.19, F.S.; providing exceptions to certain
43 traffic infraction disposition procedures; amending s.
44 318.15, F.S.; providing procedures that apply upon
45 failure to comply with civil penalty for failing to
46 stop behind a school bus displaying a stop signal or
47 by passing a school bus before the stop signal has
48 been withdrawn when such violations are enforced under
49 specified provisions; amending s. 320.03, F.S.;

50 restricting issuance of a license plate or validation
51 sticker until outstanding fines and fees are paid;
52 amending s. 322.27, F.S.; providing that the
53 Department of Highway Safety and Motor Vehicles may
54 not impose driver license points following a violation
55 for passing a stopped school bus if such violation is
56 enforced pursuant to the School Bus Safety Camera
57 Program; providing that a violation enforced pursuant
58 to the School Bus Safety Camera Program may not be

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59 used for purposes of setting motor vehicle insurance
60 rates; providing an effective date.

61
62 WHEREAS, the Legislature recognizes the great harm that can
63 occur when motor vehicles do not stop when a school bus displays
64 its stop signal and further recognizes that large numbers of
65 school buses traverse Florida communities daily, often during
66 hours when there are limited law enforcement personnel on the
67 roads, and

68 WHEREAS, the Legislature believes that there is a state
69 interest in providing an additional deterrent to this dangerous
70 practice and, to that end, an additional enforcement mechanism
71 for violations of s. 316.172, Florida Statutes, through the use
72 of school bus safety cameras is necessary, and

73 WHEREAS, the local school board is charged with safely
74 transporting students to and from schools and is the appropriate
75 entity to determine enactment of a School Bus Safety Camera
76 Program within its jurisdiction with assistance and enforcement
77 by the local sheriff's office, NOW, THEREFORE,

78
79 Be It Enacted by the Legislature of the State of Florida:

80
81 Section 1. Subsection (91) is added to section 316.003,
82 Florida Statutes, to read:

83 316.003 Definitions.—The following words and phrases, when
84 used in this chapter, shall have the meanings respectively
85 ascribed to them in this section, except where the context
86 otherwise requires:

87 (91) SCHOOL BUS SAFETY CAMERA.—A camera or cameras

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88 installed on a school bus and synchronized to record images or
89 video of a motor vehicle when the motor vehicle fails to stop
90 behind the school bus stop signal or passes the bus before the
91 signal has been withdrawn.

92 Section 2. Paragraph (d) is added to subsection (8) of
93 section 316.008, Florida Statutes, to read:

94 316.008 Powers of local authorities.—

95 (8)

96 (d) The district school board may authorize use of school
97 bus safety cameras to assist in enforcement of s. 316.172 when a
98 motor vehicle fails to stop behind the school bus stop signal or
99 passes the school bus before the stop signal has been withdrawn.
100 Such cameras may be used within the school district, including
101 on any road under the jurisdiction of a municipality, the
102 county, or the Department of Transportation.

103 Section 3. Section 316.0084, Florida Statutes, is created
104 to read:

105 316.0084 School Bus Safety Camera Program.—

106 (1) This section may be cited as the "School Bus Safety
107 Camera Program."

108 (2) After consultation with the county sheriff's office, a
109 district school board may authorize the use of school bus safety
110 cameras to enforce s. 316.172 as provided in this section.

111 (3) Authorization by a school board shall be by adoption of
112 a resolution applying within county boundaries and authorizing
113 enforcement under this section. The resolution and
114 implementation of the program are not subject to the
115 requirements of chapter 120. Upon adoption of the resolution,
116 the school board may contract with a vendor of automated devices

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117 for the installation, operation, notice processing, and
118 administration and maintenance of the school bus safety camera
119 program, or, if the school board enters into an interlocal
120 agreement with the sheriff's office pursuant to subsection (4),
121 the sheriff's office may enter into such a contract with a
122 vendor.

123 (4) The school board may contract for the operation and
124 enforcement of the program through an interlocal agreement with
125 the county sheriff's office, which shall perform as the law
126 enforcement agency under this section.

127 (5) When the operator of a motor vehicle violates s.
128 316.172 by failing to stop behind a school bus displaying a stop
129 signal or by passing a school bus before the stop signal has
130 been withdrawn, the school bus safety camera shall record images
131 or video of the violation and record the vehicle's license
132 plate. The images or video recorded by a school bus safety
133 camera may not contain the face of the operator of or any
134 passenger in the motor vehicle.

135 (6) A fine of \$250 shall be imposed for a violation of s.
136 316.172 when enforced under this section. No costs, fees, or
137 other charges may be added to the fine if paid pursuant to the
138 notice of violation provided under paragraph (7) (a). All fines
139 collected, less costs to administer, operate, and maintain the
140 program, shall be distributed as follows:

141 (a) Twenty-five percent shall be remitted to the county in
142 which the offense was committed.

143 (b) Thirty-five percent shall be remitted to the school
144 district in which the offense was committed.

145 (c) Thirty percent shall be remitted to the Department of

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146 Revenue for deposit into the General Revenue Fund.

147 (d) Ten percent shall be remitted to the Department of
148 Education for school bus safety initiatives.

149 (7) Enforcement of s. 316.172 under this section shall be
150 accomplished as follows:

151 (a) A deputy sheriff, officer, or employee of the sheriff's
152 office shall review the images or video recorded by a school bus
153 safety camera. If he or she determines that such images or video
154 depicts a violation of s. 316.172, the sheriff's office shall
155 issue a notice of violation to the registered owner or lessee of
156 the motor vehicle depicted in the images or video. If the motor
157 vehicle has more than one registered owner or lessee, the notice
158 shall be issued to the first person listed on the title or other
159 evidence of ownership.

160 (b)1. The notice of violation shall be sent to the
161 registered owner or lessee by first-class mail within 30 days
162 after identification of the owner or lessee. The notice of
163 violation must include, at a minimum:

164 a. The name and address of the person alleged to be liable
165 as the registered owner or lessee of the motor vehicle involved
166 in the violation.

167 b. The license plate number of the motor vehicle.

168 c. The violation charged.

169 d. The date, time, and location of the violation.

170 e. A copy of the images of the motor vehicle and license
171 plate that were recorded by the school bus safety camera and the
172 URL or web address of the Internet website where the images or
173 video may be viewed.

174 f. The amount of the fine and the time, place, and manner

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175 of payment of the fine.

176 g. The date by which payment of the fine must be made to
177 the place specified under sub-subparagraph f. or by which an
178 exemption affidavit under paragraph (d) must be provided to the
179 sheriff's office. The date must be clearly and prominently
180 depicted in the notice and shall be within 30 days after the
181 notice of violation is mailed.

182 h. The procedure under which the notice of violation may be
183 contested, including establishing an exemption under paragraph
184 (c) and requesting a court hearing under s. 318.14.

185 i. A notice that, following issuance of a traffic citation
186 under paragraph (g), failure to timely pay the fine, establish
187 an exemption, or transfer liability to the individual identified
188 as the operator of the motor vehicle constitutes an admission
189 that the registered owner or lessee is responsible for the
190 violation and that the owner's or lessee's failure to pay the
191 fine shall result in the owner's or lessee's liability for the
192 fine and the denial of a new or replacement license plate or
193 revalidation sticker as part of motor vehicle registration until
194 the owner or lessee presents a receipt from the applicable
195 governmental entity or the clerk of court showing that the fine
196 has been paid. This sub-subparagraph does not apply to the owner
197 of a leased motor vehicle if the vehicle is registered in the
198 name of the lessee of the vehicle.

199 2. In any hearing on a traffic citation issued pursuant to
200 this section in which the timely or proper mailing of a notice
201 of violation is challenged, the defendant bears the burden of
202 proving that the notice of violation was not timely or properly
203 mailed.

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204 3. The owner of the rented or leased motor vehicle for
205 which a notice of violation is issued for a violation of s.
206 316.172 is not responsible for paying the traffic fine and is
207 not required to submit an affidavit as specified in this
208 subsection if the motor vehicle involved in the violation is
209 registered in the name of the lessee and the lessee is
210 responsible for paying the fine.

211 (c) The motor vehicle owner or lessee who is issued a
212 notice of violation is liable for the fine unless one of the
213 following exemptions is established:

214 1. The motor vehicle passed beyond the school bus stop
215 signal in order to yield the only right-of-way available to an
216 emergency vehicle and did so prudently;

217 2. The motor vehicle passed beyond the school bus stop
218 signal at the direction of a law enforcement officer;

219 3. The motor vehicle was, at the time of the violation, in
220 the care, custody, or control of another person operating the
221 vehicle;

222 4. A traffic citation was issued by a law enforcement
223 officer to the operator of the motor vehicle for the alleged
224 violation of s. 316.172;

225 5. The motor vehicle's owner or lessee was deceased on or
226 before the date of the violation as established by an affidavit
227 submitted by a representative of the motor vehicle owner's or
228 lessee's estate or other designated person or family member; or

229 6. The motor vehicle was stolen at the time of the
230 violation.

231 (d) To establish an exemption under paragraph (c), the
232 owner or lessee shall, within 30 days after the date of issuance

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233 of the notice of violation, furnish the local sheriff's office
234 with an affidavit setting forth detailed information supporting
235 the exemption.

236 1. An affidavit supporting an exemption under subparagraph
237 (c)3. must include the name, address, date of birth, and, if
238 known, the driver license number of the operator who leased,
239 rented, or otherwise had the care, custody, or control of the
240 motor vehicle at the time of the alleged violation.

241 2. An affidavit supporting an exemption under subparagraph
242 (c)4. must include a copy of the traffic citation issued for the
243 alleged violation.

244 3. An affidavit supporting an exemption under subparagraph
245 (c)5. must include a certified copy of the owner's or lessee's
246 death certificate showing that the date of death occurred on or
247 before the issuance of the notice of violation, and:

248 a. The bill of sale showing that the deceased owner's or
249 lessee's motor vehicle was sold or transferred after his or her
250 death but on or before the date of the alleged violation;

251 b. Documented proof that the registered license plate
252 belonging to the deceased owner's or lessee's motor vehicle was
253 returned to the department or any branch office or authorized
254 agent of the department on or before the date of the alleged
255 violation; or

256 c. A copy of the law enforcement report indicating that the
257 deceased owner's or lessee's registered license plate or motor
258 vehicle was stolen after the owner's or lessee's death but on or
259 before the date of the alleged violation.

260 4. An affidavit supporting an exemption under subparagraph
261 (c)6., if the motor vehicle was stolen at the time of the

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262 alleged violation, must include a copy of the law enforcement
263 report indicating that the motor vehicle was stolen.

264 (e) If the motor vehicle owner or lessee or his or her
265 representative timely submits an affidavit establishing an
266 exemption from liability which is determined by a deputy
267 sheriff, officer, or employee of the sheriff's office to be
268 sufficient, neither the sheriff's office nor the court shall
269 take any further action to enforce the violation against the
270 owner or lessee unless, for the exemption under subparagraph
271 (c)3., liability is not successfully transferred as provided in
272 this section. If the registered owner or lessee fails to timely
273 submit an affidavit establishing an exemption from liability,
274 the owner or lessee may not rely on such exemption to avoid
275 liability in a hearing on a traffic citation issued pursuant to
276 this section. Submission of a false affidavit is a misdemeanor
277 of the second degree, punishable as provided in s. 775.082 or s.
278 775.083.

279 (f) If no exemption is established under subparagraph
280 (c)1., subparagraph (c)2., subparagraph (c)4., subparagraph
281 (c)5., or subparagraph (c)6., the motor vehicle owner or lessee
282 who has been issued a notice of violation is responsible for
283 payment of the fine unless the owner or lessee successfully
284 transfers liability to the person identified as the operator
285 pursuant to subparagraph (c)3., there is adjudication that no
286 violation by the owner or lessee occurred, or there is an
287 otherwise lawful determination that no civil penalty shall be
288 imposed. A successful transfer of liability occurs when the
289 person identified as the operator of the motor vehicle pursuant
290 to subparagraph (c)3. pays a fine pursuant to s. 318.14 or, if

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291 the traffic citation is contested, is found liable.

292 (g) If the motor vehicle owner or lessee fails to respond
293 to a notice of violation by paying the fine imposed under
294 subsection (6) or submitting an affidavit that complies with
295 paragraph (d) within 30 days after the date of issuance of the
296 notice of violation, as reflected on the notice of violation,
297 the sheriff's office shall issue a traffic citation for the
298 violation of s. 316.172 to the registered owner or lessee by
299 first-class mail within 45 days after the issuance of the notice
300 of violation. The sheriff's office may conduct an additional
301 review of the images or video of the violation before issuing
302 the traffic citation. In any hearing on a traffic citation
303 issued pursuant to this section in which the timely or proper
304 mailing of the traffic citation is challenged, the defendant
305 bears the burden of proving that the traffic citation was not
306 timely or properly mailed.

307 (h) A motor vehicle owner or lessee who has been issued a
308 traffic citation is liable for the fine imposed pursuant to this
309 section together with any surcharges, fees, or costs imposed
310 pursuant to chapter 318. Within 30 days after the date of
311 issuance of the traffic citation, as reflected on the traffic
312 citation, the owner or lessee shall either pay the fine and
313 surcharges, fees, and costs imposed pursuant to chapter 318 or
314 contest the traffic citation at a hearing under chapter 318.
315 Failure to pay the fine shall result in the owner's or lessee's
316 liability for the fine and the denial of a new or replacement
317 license plate or revalidation sticker as part of motor vehicle
318 registration until the owner's or lessee's name no longer
319 appears on a list of those who have outstanding fines pursuant

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320 to s. 318.15(3) or until the owner or lessee presents a receipt
321 from the governmental entity or clerk of court that provided the
322 data showing that the outstanding fines have been paid. This
323 paragraph does not apply to the owner of a leased motor vehicle
324 if the vehicle is registered in the name of the lessee of the
325 vehicle.

326 (i) In any hearing on a traffic citation issued pursuant to
327 this section, the images or video identified in the traffic
328 citation are deemed authentic and admissible into evidence. The
329 images or video identified in the traffic citation raises a
330 rebuttable presumption that the motor vehicle identified in the
331 traffic citation was operated in violation of s. 316.172 at the
332 time and place identified in the traffic citation.

333 (j)1. Upon receipt by the sheriff's office of an affidavit
334 pursuant to subparagraph (d)1., the operator designated as
335 having the care, custody, and control of the motor vehicle at
336 the time of the violation may, by first-class mail, be issued a
337 traffic citation for a violation of s. 316.172. The affidavit is
338 admissible in any hearing pursuant to this section for purposes
339 of providing proof that the motor vehicle was in the actual
340 care, custody, or control of the person identified in the
341 affidavit.

342 2. The motor vehicle operator receiving the traffic
343 citation shall proceed pursuant to s. 318.14 and may pay the
344 fine pursuant to s. 318.18 and any additional surcharges, fees,
345 and costs or may choose to contest the traffic citation. If the
346 operator is found not liable for the fine, the registered owner
347 or lessee of the motor vehicle shall be liable for the fine. The
348 sheriff's office shall send a new notice of violation by first-

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349 class mail to the registered owner or lessee stating that the
350 operator was found not liable and giving the registered owner or
351 lessee the option of paying the fine under this section or
352 contesting the violation by a stated date that is at least 20
353 days after the mailing of the new notice. The owner or lessee
354 may not attempt to transfer liability more than one time using
355 the affidavit procedure. If timely payment is not made by the
356 owner or lessee under this section, the sheriff's office shall
357 issue a traffic citation for the violation of s. 316.172 to the
358 registered owner or lessee by first-class mail within 30 days
359 after the issuance of the new notice of violation. Failure to
360 pay the fine shall result in the owner's or lessee's liability
361 for the fine and the denial of a new or replacement license
362 plate or revalidation sticker as part of motor vehicle
363 registration until the owner's or lessee's name no longer
364 appears on a list of those who have outstanding fines pursuant
365 to s. 318.15(3) or until the owner or lessee presents a receipt
366 from the governmental entity or clerk of court that provided the
367 data showing that the outstanding fines have been paid.

368 (8) Fines collected by the school board or the sheriff's
369 office pursuant to the notice of violation provided under
370 paragraph (7) (a) and distributed to the state pursuant to
371 subsection (6) shall be paid to the Department of Revenue
372 monthly by means of electronic funds transfers with a report of
373 the summary detail of penalties remitted.

374 (9) Except for the review by a deputy sheriff, officer, or
375 employee of the sheriff's office pursuant to paragraph (7) (a),
376 the sheriff's office may contract for employees, agents, or
377 vendors to perform all administrative or ministerial

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378 requirements of enforcement of s. 316.172 pursuant to this
379 section, including, but not limited to, provision and
380 installation of school bus safety cameras, processing and
381 initial review of images or video before review by a deputy
382 sheriff, officer, or employee of the sheriff's office, printing
383 and mailing notices of violation, and electronic transmission of
384 a replica of the traffic citation data to the appropriate court
385 or traffic violations bureau.

386 (10) School bus safety cameras must meet specifications of
387 the Department of Education, which shall adopt rules prescribing
388 such specifications by October 1, 2013.

389 (11) This section supplements the enforcement of s. 316.172
390 by law enforcement officers and does not prohibit a law
391 enforcement officer from issuing a uniform traffic citation when
392 the operator fails to stop behind a school bus displaying a stop
393 signal or passes a school bus before the stop signal has been
394 withdrawn. When a law enforcement officer issues a uniform
395 traffic citation, the procedures for disposition of the citation
396 in chapter 318 apply.

397 (12) This section does not limit the powers of district
398 school boards as established by the State Constitution and
399 recognized by s. 1001.32(2).

400 Section 4. Subsection (3) of section 316.650, Florida
401 Statutes, is amended to read:

402 316.650 Traffic citations.—

403 (3) (a) Except for a traffic citation issued pursuant to s.
404 316.1001, ~~or~~ s. 316.0083, or s. 316.0084, each traffic
405 enforcement officer, upon issuing a traffic citation to an
406 alleged violator of any provision of the motor vehicle laws of

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407 this state or of any traffic ordinance of any municipality or
408 town, shall deposit the original traffic citation or, in the
409 case of a traffic enforcement agency that has an automated
410 citation issuance system, the chief administrative officer shall
411 provide by an electronic transmission a replica of the citation
412 data to a court having jurisdiction over the alleged offense or
413 with its traffic violations bureau within 5 days after issuance
414 to the violator.

415 (b) If a traffic citation is issued pursuant to s.
416 316.1001, a traffic enforcement officer may deposit the original
417 traffic citation or, in the case of a traffic enforcement agency
418 that has an automated citation system, may provide by an
419 electronic transmission a replica of the citation data to a
420 court having jurisdiction over the alleged offense or with its
421 traffic violations bureau within 45 days after the date of
422 issuance of the citation to the violator. If the person cited
423 for the violation of s. 316.1001 makes the election provided by
424 s. 318.14(12) and pays the \$25 fine, or such other amount as
425 imposed by the governmental entity owning the applicable toll
426 facility, plus the amount of the unpaid toll that is shown on
427 the traffic citation directly to the governmental entity that
428 issued the citation, or on whose behalf the citation was issued,
429 in accordance with s. 318.14(12), the traffic citation will not
430 be submitted to the court, the disposition will be reported to
431 the department by the governmental entity that issued the
432 citation, or on whose behalf the citation was issued, and no
433 points will be assessed against the person's driver ~~driver's~~
434 license.

435 (c) If a traffic citation is issued under s. 316.0083 or s.

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436 316.0084, the traffic infraction enforcement officer shall
437 provide by electronic transmission a replica of the traffic
438 citation data to the court having jurisdiction over the alleged
439 offense or its traffic violations bureau within 5 days after the
440 date of issuance of the traffic citation to the violator.

441 Section 5. Subsection (1) of section 316.655, Florida
442 Statutes, is amended to read:

443 316.655 Penalties.—

444 (1) A violation of any of the provisions of this chapter,
445 except those violations with a specific criminal charge, as
446 enumerated in s. 318.17, are infractions, as defined in s.
447 318.13(3). Except for violations of s. 316.172 when no traffic
448 citation is issued by a law enforcement officer and s. 316.302,
449 infractions of this chapter are punishable as provided in
450 chapter 318. Any person convicted of a violation of or otherwise
451 found to be in violation of s. 316.063, s. 316.3025, s. 316.516,
452 s. 316.545, or s. 316.550 shall be punished as specifically
453 provided in that section.

454 Section 6. Subsection (2) of section 318.14, Florida
455 Statutes, is amended to read:

456 318.14 Noncriminal traffic infractions; exception;
457 procedures.—

458 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
459 and 316.0084, any person cited for a violation requiring a
460 mandatory hearing listed in s. 318.19 or any other criminal
461 traffic violation listed in chapter 316 must sign and accept a
462 citation indicating a promise to appear. The officer may
463 indicate on the traffic citation the time and location of the
464 scheduled hearing and must indicate the applicable civil penalty

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465 established in s. 318.18. For all other infractions under this
 466 section, except for infractions under s. 316.1001, the officer
 467 must certify by electronic, electronic facsimile, or written
 468 signature that the citation was delivered to the person cited.
 469 This certification is prima facie evidence that the person cited
 470 was served with the citation.

471 Section 7. Section 318.19, Florida Statutes, is amended to
 472 read:

473 318.19 Infractions requiring a mandatory hearing.—Any
 474 person cited for the infractions listed in this section shall
 475 not have the provisions of s. 318.14(2), (4), and (9) available
 476 to him or her but must appear before the designated official at
 477 the time and location of the scheduled hearing:

478 (1) Any infraction which results in a crash that causes the
 479 death of another.†

480 (2) Any infraction which results in a crash that causes
 481 “serious bodily injury” of another as defined in s.
 482 316.1933(1).†

483 (3) Any infraction of s. 316.172(1)(b), except when
 484 enforced under s. 316.0084 when the violation was recorded by a
 485 school bus safety camera.†

486 (4) Any infraction of s. 316.520(1) or (2).†~~or~~

487 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 488 316.189 of exceeding the speed limit by 30 m.p.h. or more.

489 Section 8. Subsection (3) is added to section 318.15,
 490 Florida Statutes, to read:

491 318.15 Failure to comply with civil penalty or to appear;
 492 penalty.—

493 (3) Notwithstanding subsection (1), any governmental

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494 entity, including a clerk of court, shall provide the department
495 with data that is machine readable by the department's computer
496 system listing persons who have one or more outstanding
497 violations of s. 316.172 when enforced under s. 316.0084 for
498 failing to stop behind a school bus displaying a stop signal or
499 by passing a school bus before the stop signal has been
500 withdrawn. The data provided to the department shall include the
501 person's driver license number or, in the case of a business
502 entity, the vehicle registration number. Pursuant to s.
503 320.03(8), such persons may not be issued a license plate or
504 revalidation sticker for any motor vehicle until the amounts
505 assessed have been fully paid.

506 Section 9. Subsection (8) of section 320.03, Florida
507 Statutes, is amended to read:

508 320.03 Registration; duties of tax collectors;
509 International Registration Plan.—

510 (8) If the applicant's name appears on the list referred to
511 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
512 713.78(13), a license plate or revalidation sticker may not be
513 issued until that person's name no longer appears on the list or
514 until the person presents a receipt from the governmental entity
515 or the clerk of court that provided the data showing that the
516 fines outstanding have been paid. This subsection does not apply
517 to the owner of a leased vehicle if the vehicle is registered in
518 the name of the lessee of the vehicle. The tax collector and the
519 clerk of the court are each entitled to receive monthly, as
520 costs for implementing and administering this subsection, 10
521 percent of the civil penalties and fines recovered from such
522 persons. As used in this subsection, the term "civil penalties

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523 and fines" does not include a wrecker operator's lien as
524 described in s. 713.78(13). If the tax collector has private tag
525 agents, such tag agents are entitled to receive a pro rata share
526 of the amount paid to the tax collector, based upon the
527 percentage of license plates and revalidation stickers issued by
528 the tag agent compared to the total issued within the county.
529 The authority of any private agent to issue license plates shall
530 be revoked, after notice and a hearing as provided in chapter
531 120, if he or she issues any license plate or revalidation
532 sticker contrary to the provisions of this subsection. This
533 section applies only to the annual renewal in the owner's birth
534 month of a motor vehicle registration and does not apply to the
535 transfer of a registration of a motor vehicle sold by a motor
536 vehicle dealer licensed under this chapter, except for the
537 transfer of registrations which includes the annual renewals.
538 This section does not affect the issuance of the title to a
539 motor vehicle, notwithstanding s. 319.23(8)(b).

540 Section 10. Paragraph (d) of subsection (3) of section
541 322.27, Florida Statutes, is amended to read:

542 322.27 Authority of department to suspend or revoke driver
543 license or identification card.-

544 (3) There is established a point system for evaluation of
545 convictions of violations of motor vehicle laws or ordinances,
546 and violations of applicable provisions of s. 403.413(6)(b) when
547 such violations involve the use of motor vehicles, for the
548 determination of the continuing qualification of any person to
549 operate a motor vehicle. The department is authorized to suspend
550 the license of any person upon showing of its records or other
551 good and sufficient evidence that the licensee has been

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552 convicted of violation of motor vehicle laws or ordinances, or
553 applicable provisions of s. 403.413(6)(b), amounting to 12 or
554 more points as determined by the point system. The suspension
555 shall be for a period of not more than 1 year.

556 (d) The point system must ~~shall~~ have as its basic element a
557 graduated scale of points assigning relative values to
558 convictions of the following violations:

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

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

562 3. Unlawful speed resulting in a crash—6 points.

563 4. Passing a stopped school bus—4 points. However, no
564 points may be imposed if the violation of s. 316.172 is enforced
565 pursuant to s. 316.0084. In addition, a violation of s. 316.172
566 that is enforced pursuant to s. 316.0084 may not be used for
567 purposes of setting motor vehicle insurance rates.

568 5. Unlawful speed:

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

571 b. In excess of 15 miles per hour of lawful or posted
572 speed—4 points.

573 6. A violation of a traffic control signal device as
574 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

575 However, no points may ~~shall~~ be imposed for a violation of s.
576 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
577 stop at a traffic signal and when enforced by a traffic
578 infraction enforcement officer. In addition, a violation of s.
579 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
580 stop at a traffic signal and when enforced by a traffic

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581 infraction enforcement officer may not be used for purposes of
582 setting motor vehicle insurance rates.

583 7. All other moving violations (including parking on a
584 highway outside the limits of a municipality)-3 points. However,
585 no points may ~~shall~~ be imposed for a violation of s. 316.0741 or
586 s. 316.2065(11); and points may ~~shall~~ be imposed for a violation
587 of s. 316.1001 only when imposed by the court after a hearing
588 pursuant to s. 318.14(5).

589 8. Any moving violation covered above, excluding unlawful
590 speed, resulting in a crash-4 points.

591 9. Any conviction under s. 403.413(6)(b)-3 points.

592 10. Any conviction under s. 316.0775(2)-4 points.

593 Section 11. This act shall take effect July 1, 2013.