

1 A bill to be entitled
2 An act relating to photographic enforcement of school
3 bus safety; creating s. 316.616, F.S.; defining terms;
4 authorizing school districts to install and operate
5 side stop signal arm enforcement systems on school
6 buses; requiring school districts to post certain
7 warning signs on such buses; authorizing school
8 districts to contract with a private vendor or
9 manufacturer to provide side stop signal arm
10 enforcement systems; requiring manufacturers and
11 vendors to submit specified information to law
12 enforcement agencies within a specified timeframe;
13 requiring law enforcement agencies to review such
14 information to determine whether a violation occurred
15 and electronically certify the notice of violation
16 under certain circumstances; providing that certain
17 certificates sworn to or affirmed by a law enforcement
18 officer are prima facie evidence; providing that
19 recorded images evidencing a violation of this act
20 shall be admissible in any judicial or administrative
21 proceeding for a certain purpose; providing a
22 rebuttable presumption; providing notice requirements
23 and procedures; authorizing motor vehicle owners
24 served a notice of violation to take certain actions
25 as a final disposition of such notice; providing that

26 payment of the fine operates as a final disposition of
27 the civil penalty; providing notice requirements and
28 procedures for unpaid civil penalties; requiring the
29 Department of Highway Safety and Motor Vehicles to
30 refuse to renew the registration of motor vehicles and
31 prohibit the transfer of title under specified
32 circumstances; requiring the department to remove
33 penalties imposed on a motor vehicle owner upon
34 presentation of adequate proof; requiring that side
35 stop signal arm enforcement system equipment be
36 incapable of automated or user-controlled remote
37 surveillance; specifying requirements of and
38 prohibitions on the use of recorded video and still
39 images captured by the side stop signal arm
40 enforcement system; providing that a motor vehicle
41 owner is not responsible for a violation of this act
42 if the vehicle was reported stolen at the time the
43 violation occurred; providing civil penalties;
44 providing for distribution of such penalties;
45 providing construction; requiring school districts
46 operating a side stop signal arm enforcement system to
47 provide a summary report to the Governor, the
48 Legislature, and the department annually by a
49 specified date; requiring the State Board of Education
50 to adopt rules for a specified purpose and authorizing

51 it to adopt other rules; amending s. 1006.21, F.S.;

52 conforming a provision to changes made by the act;

53 providing an effective date.

54

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

56

57 Section 1. Section 316.616, Florida Statutes, is created

58 to read:

59 316.616 School buses; side stop signal arm enforcement

60 system.—

61 (1) As used in this section, the term:

62 (a) "School bus" has the same meaning as provided in s.

63 316.6145.

64 (b) "Side stop signal arm enforcement system" means a

65 camera system affixed to a school bus with two or more camera

66 sensors or computers that produce recorded video and two or more

67 film or digital photographic still images for the purpose of

68 documenting a motor vehicle being used or operated in a manner

69 that allegedly violates s. 316.172.

70 (2) (a) A school district may install and operate a side

71 stop signal arm enforcement system on a school bus for the

72 purpose of enforcing s. 316.172. The school district shall post

73 a warning sign on all school buses in which a system is

74 installed and operational indicating the use of such system.

75 (b) The school district may contract with a private vendor

76 or manufacturer to provide a side stop signal arm enforcement
77 system on each bus within its fleet, whether owned, contracted,
78 or leased, and for services including, but not limited to, the
79 installation, operation, and maintenance of the system. The
80 school district's decision to establish a side stop signal arm
81 enforcement system must be based solely on the need to increase
82 public safety.

83 (c) A school district shall ensure that the side stop
84 signal arm enforcement system meets the requirements of
85 subsection (12).

86 (3) Each private manufacturer or vendor shall, within 30
87 days after an alleged violation is captured, submit the
88 following information to any law enforcement agency authorized
89 to enforce violations of s. 316.172:

90 (a) A copy of the recorded image showing the motor
91 vehicle;

92 (b) The license plate number and state of issuance of the
93 motor vehicle; and

94 (c) The date, time, and place of the alleged violation.

95 (4) (a) Each law enforcement agency authorized to enforce
96 violations of s. 316.172 shall review the information submitted
97 by the manufacturer or vendor as provided under subsection (3)
98 to determine if there is sufficient evidence that a violation of
99 s. 316.172 occurred and, if the evidence shows a violation
100 occurred, shall electronically certify a notice of violation.

101 (b) A certificate or a facsimile of a certificate based on
102 inspection of recorded images produced by a side stop signal arm
103 enforcement system and sworn to or affirmed by a law enforcement
104 officer authorized to enforce violations of s. 316.172 shall be
105 prima facie evidence of the facts contained in it. Upon request
106 by the law enforcement agency, the school district shall provide
107 written documentation that the side stop signal arm enforcement
108 system was operating correctly at the time of the alleged
109 violation.

110 (c) A recorded image evidencing a violation of s. 316.172
111 shall be admissible in any judicial or administrative proceeding
112 to adjudicate the liability for the violation.

113 (d) A rebuttable presumption shall exist that the
114 registered owner of the motor vehicle was the driver at the time
115 of the alleged violation.

116 (5) (a) Within 30 days after receiving the information
117 provided under subsection (3), a law enforcement agency
118 authorized to enforce violations of s. 316.172 or an agent
119 authorized by such law enforcement agency shall send by first-
120 class mail a notice of violation to the registered owner of the
121 motor vehicle involved in the violation. Mailing the notice of
122 violation constitutes notification.

123 (b) In the case of joint ownership of a motor vehicle, the
124 notice of violation shall be mailed to the first name appearing
125 on the registration; however, if the first name appearing on the

126 registration is a business entity, the second name appearing on
127 the registration may be used.

128 (c) The notice of violation must include all of the
129 following:

130 1. A copy of the recorded image showing the motor vehicle
131 involved in the violation.

132 2. A citation for the violation indicating the date, time,
133 and location of the alleged violation.

134 3. The amount of the civil penalty and the date by which
135 such penalty must be paid.

136 4. A copy of the certificate described in subsection (4)
137 and a statement of the inference therein.

138 5. Instructions on how to request a hearing to contest
139 liability or notice.

140 6. A warning that failure to pay the civil penalty or to
141 contest liability within 30 days after the notice is mailed
142 shall waive the right to contest liability.

143 (d) The owner of the motor vehicle involved in a violation
144 may admit responsibility for the violation and pay the fine as
145 indicated on the notice of violation. Payment of the fine
146 operates as a final disposition of the civil penalty.

147 (6) (a) If a violation has not been contested and the civil
148 penalty has not been paid within 30 days after a notice required
149 under subsection (5) is mailed, the law enforcement agency or an
150 agent authorized by the law enforcement agency shall send by

151 first-class mail a final notice of the unpaid civil penalty. The
152 final notice must inform the owner that the law enforcement
153 agency or the agent authorized by the law enforcement agency
154 shall send a referral to the department if the civil penalty is
155 not paid within 30 days after the final notice was mailed and
156 that such referral shall result in the nonrenewal of the
157 registration of such motor vehicle and prohibit the title
158 transfer of such motor vehicle within this state.

159 (b) A referral sent to the department under paragraph (a)
160 must include all of the following:

161 1. Any information known or available to the law
162 enforcement agency or an authorized agent concerning the motor
163 vehicle's license plate number and year of registration and the
164 name of the registered owner of the motor vehicle.

165 2. The date on which the violation occurred.

166 3. The dates on which the required notice and final notice
167 were mailed.

168 4. The seal, logo, emblem, or electronic seal of the law
169 enforcement agency.

170 (c) Within 5 days after receipt of a referral under
171 paragraph (a), the department shall enter the referral into the
172 department's motor vehicle database and shall refuse to renew
173 the registration of the motor vehicle and prohibit the title
174 transfer of the motor vehicle within this state until the civil
175 penalty is paid. The department shall send the registered owner

176 of the motor vehicle by first-class mail a notice stating:

177 1. That the registration of the motor vehicle involved in
178 the violation cannot be renewed within this state.

179 2. That the title of the motor vehicle involved in the
180 violation cannot be transferred within this state.

181 3. That the penalties provided in this paragraph are being
182 imposed due to failure to pay the civil penalty for a violation
183 of s. 316.172 as provided in this section.

184 4. The procedure provided in paragraph (d) for removing
185 the penalties provided in this paragraph.

186 (d) The department shall remove the penalties imposed
187 under paragraph (c) when the registered owner of the motor
188 vehicle or any other person presents the department with
189 adequate proof that the civil penalty has been paid.

190 (7) (a) 1. Notwithstanding any other law, equipment deployed
191 as part of a side stop signal arm enforcement system as provided
192 under this section must be incapable of automated or user-
193 controlled remote surveillance by means of recorded video or
194 still images.

195 2. Recorded images collected as part of the side stop
196 signal arm enforcement system may only be used to document
197 violations of s. 316.172 and may not be used for any other
198 surveillance purposes.

199 3. To the extent practicable, a side stop signal arm
200 enforcement system must use necessary technology to ensure that

201 recorded video or still images produced by the system do not
202 identify the driver, any passenger, or the contents of a motor
203 vehicle.

204 4. A notice of a violation issued under this section may
205 not be dismissed solely because a recorded video or still images
206 allow for the identification of the driver, any passenger, or
207 the contents of a motor vehicle as long as a reasonable effort
208 has been made to comply with this subsection.

209 (b) Any recorded video or still image obtained through the
210 use of a side stop signal arm enforcement system must be
211 destroyed within 90 days after the final disposition of the
212 recorded event. The vendor of a side stop signal arm enforcement
213 system shall notify the school district by written notice in
214 accordance with this section that such records have been
215 destroyed.

216 (c) Notwithstanding any other law, registered motor
217 vehicle owner information obtained as a result of the operation
218 of a side stop signal arm enforcement system is not the property
219 of the manufacturer or vendor of the system and may be used only
220 for the purposes of this section.

221 (8) The owner of a motor vehicle is not responsible for a
222 violation of this section if the vehicle involved was reported
223 to a state or local law enforcement agency as stolen at the time
224 the violation occurred.

225 (9) This section supplements the enforcement of s. 316.172

226 by law enforcement officers when a driver fails to stop while a
227 school bus is stopped and does not prohibit a law enforcement
228 officer from issuing a traffic citation for a violation of s.
229 316.172.

230 (10) (a) The registered owner of a motor vehicle who is
231 found in violation of s. 316.172 by a side stop signal arm
232 enforcement system is subject to a civil penalty of \$200 for a
233 violation of s. 316.172(1) (a) and \$400 for a violation of s.
234 316.172(1) (b). Notwithstanding s. 318.18(5), the fine shall be
235 paid to the school district where the violation occurred and
236 must be used for the installation or maintenance of side stop
237 signal arm enforcement systems on school buses or for any other
238 technology that increases the safety of the transportation of
239 students.

240 (b) For each violation under this section, the registered
241 owner of the motor vehicle shall be liable for the imposed
242 penalty unless the owner is convicted of the same violation
243 under s. 316.172 or unless the motor vehicle was stolen at the
244 time of the violation as provided under subsection (8).

245 (c) A violation for which a civil penalty is imposed
246 pursuant to this section is not considered a moving violation
247 for the purpose of assessing points under s. 322.27(3). Such
248 violation is noncriminal and imposition of a civil penalty
249 pursuant to this section does not constitute a conviction, may
250 not be made a part of the driving record of the person upon whom

251 such liability is imposed, and may not be used for any purposes
252 in the provision of motor vehicle insurance.

253 (11) By December 31, 2021, and annually thereafter, a
254 school district operating a side stop signal arm enforcement
255 system shall provide a summary report to the Governor, the
256 President of the Senate, the Speaker of the House of
257 Representatives, and the department regarding the use and
258 operation of the system under this section, including the number
259 of citations issued and the amount of funds collected for the
260 preceding state fiscal year.

261 (12) Any side stop signal arm enforcement system must meet
262 specifications established by the State Board of Education and
263 must be tested at regular intervals according to specifications
264 prescribed by state board rule. The state board must establish
265 such specifications by rule on or before December 31, 2021.
266 However, any such equipment acquired by purchase, lease, or
267 other arrangement under an agreement entered into by a school
268 district on or before July 1, 2022, or equipment used to enforce
269 violations of s. 316.172 on or before July 1, 2022, is not
270 required to meet the specifications established by the state
271 board until July 1, 2022.

272 (13) The State Board of Education may adopt rules to
273 address student privacy concerns that may arise from the use of
274 a side stop signal arm enforcement system.

275 Section 2. Paragraph (h) is added to subsection (3) of

HB 1199

2021

276 | section 1006.21, Florida Statutes, to read:

277 | 1006.21 Duties of district school superintendent and
278 | district school board regarding transportation.-

279 | (3) District school boards, after considering
280 | recommendations of the district school superintendent:

281 | (h) May install and operate, or enter into an agreement
282 | with a private vendor or manufacturer to provide, a side stop
283 | signal arm enforcement system for each school bus pursuant to s.
284 | 316.616.

285 | Section 3. This act shall take effect July 1, 2021.