

By Senator Jones

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

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30 renew the registration of motor vehicles and prohibit
31 the transfer of title under specified circumstances;
32 requiring the department to remove penalties imposed
33 on a motor vehicle owner upon presentation of adequate
34 proof; requiring that side stop signal arm enforcement
35 system equipment be incapable of automated or user-
36 controlled remote surveillance; specifying
37 requirements of and prohibitions on the use of
38 recorded video and still images captured by the side
39 stop signal arm enforcement system; providing that a
40 motor vehicle owner is not responsible for a violation
41 of this act if the vehicle was reported stolen at the
42 time the violation occurred; providing civil
43 penalties; providing for distribution of such
44 penalties; providing construction; requiring school
45 districts operating a side stop signal arm enforcement
46 system to provide a summary report to the Governor,
47 the Legislature, and the department annually by a
48 specified date; requiring the State Board of Education
49 to adopt rules for a specified purpose and authorizing
50 it to adopt other rules; amending s. 1006.21, F.S.;
51 conforming a provision to changes made by the act;
52 providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 316.616, Florida Statutes, is created to
57 read:

58 316.616 School buses; side stop signal arm enforcement

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59 system.-

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

61 (a) "School bus" has the same meaning as provided in s.
62 316.6145.

63 (b) "Side stop signal arm enforcement system" means a
64 camera system affixed to a school bus with two or more camera
65 sensors or computers that produce recorded video and two or more
66 film or digital photographic still images for the purpose of
67 documenting a motor vehicle being used or operated in a manner
68 that allegedly violates s. 316.172.

69 (2) (a) A school district may install and operate a side
70 stop signal arm enforcement system on a school bus for the
71 purpose of enforcing s. 316.172. The school district shall post
72 a warning sign on all school buses in which a system is
73 installed and operational indicating the use of such system.

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

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

85 (3) Each private manufacturer or vendor shall, within 30
86 days after an alleged violation is captured, submit the
87 following information to any law enforcement agency authorized

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88 to enforce violations of s. 316.172:

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

90 (b) The license plate number and state of issuance of the
91 motor vehicle; and

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

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

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

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

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

114 (5) (a) Within 30 days after receiving the information
115 provided under subsection (3), a law enforcement agency
116 authorized to enforce violations of s. 316.172 or an agent

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117 authorized by such law enforcement agency shall send by first-
118 class mail a notice of violation to the registered owner of the
119 motor vehicle involved in the violation. Mailing the notice of
120 violation constitutes notification.

121 (b) In the case of joint ownership of a motor vehicle, the
122 notice of violation shall be mailed to the first name appearing
123 on the registration; however, if the first name appearing on the
124 registration is a business entity, the second name appearing on
125 the registration may be used.

126 (c) The notice of violation must include all of the
127 following:

128 1. A copy of the recorded image showing the motor vehicle
129 involved in the violation.

130 2. A citation for the violation indicating the date, time,
131 and location of the alleged violation.

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

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

136 5. Instructions on how to request a hearing to contest
137 liability or notice.

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

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

145 (6) (a) If a violation has not been contested and the civil

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146 penalty has not been paid within 30 days after a notice required
147 under subsection (5) is mailed, the law enforcement agency or an
148 agent authorized by the law enforcement agency shall send by
149 first-class mail a final notice of the unpaid civil penalty. The
150 final notice must inform the owner that the law enforcement
151 agency or the agent authorized by the law enforcement agency
152 shall send a referral to the department if the civil penalty is
153 not paid within 30 days after the final notice was mailed and
154 that such referral shall result in the nonrenewal of the
155 registration of such motor vehicle and prohibit the title
156 transfer of such motor vehicle within this state.

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

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

163 2. The date on which the violation occurred.

164 3. The dates on which the required notice and final notice
165 were mailed.

166 4. The seal, logo, emblem, or electronic seal of the law
167 enforcement agency.

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

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

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

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

182 4. The procedure provided in paragraph (d) for removing the
183 penalties provided in this paragraph.

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

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

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

197 3. To the extent practicable, a side stop signal arm
198 enforcement system must use necessary technology to ensure that
199 recorded video or still images produced by the system do not
200 identify the driver, any passenger, or the contents of a motor
201 vehicle.

202 4. A notice of a violation issued under this section may
203 not be dismissed solely because a recorded video or still images

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204 allow for the identification of the driver, any passenger, or
205 the contents of a motor vehicle as long as a reasonable effort
206 has been made to comply with this subsection.

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

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

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

223 (9) This section supplements the enforcement of s. 316.172
224 by law enforcement officers when a driver fails to stop while a
225 school bus is stopped and does not prohibit a law enforcement
226 officer from issuing a traffic citation for a violation of s.
227 316.172.

228 (10) (a) The registered owner of a motor vehicle who is
229 found in violation of s. 316.172 by a side stop signal arm
230 enforcement system is subject to a civil penalty of \$200 for a
231 violation of s. 316.172(1) (a) and \$400 for a violation of s.
232 316.172(1) (b). Notwithstanding s. 318.18(5), the fine shall be

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233 paid to the school district where the violation occurred and
234 must be used for the installation or maintenance of side stop
235 signal arm enforcement systems on school buses or for any other
236 technology that increases the safety of the transportation of
237 students.

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

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

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

259 (12) Any side stop signal arm enforcement system must meet
260 specifications established by the State Board of Education and
261 must be tested at regular intervals according to specifications

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262 prescribed by state board rule. The state board must establish
263 such specifications by rule on or before December 31, 2021.
264 However, any such equipment acquired by purchase, lease, or
265 other arrangement under an agreement entered into by a school
266 district on or before July 1, 2022, or equipment used to enforce
267 violations of s. 316.172 on or before July 1, 2022, is not
268 required to meet the specifications established by the state
269 board until July 1, 2022.

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

273 Section 2. Paragraph (h) is added to subsection (3) of
274 section 1006.21, Florida Statutes, to read:

275 1006.21 Duties of district school superintendent and
276 district school board regarding transportation.-

277 (3) District school boards, after considering
278 recommendations of the district school superintendent:

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

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