

1 A bill to be entitled
2 An act relating to school bus safety; amending s.
3 316.172, F.S.; authorizing a school district to
4 install cameras on district school buses for certain
5 purposes; authorizing the Department of Highway Safety
6 and Motor Vehicles, a county, or a municipality to
7 authorize a traffic infraction enforcement officer to
8 issue and enforce a citation for certain violations;
9 requiring notification to be sent to the registered
10 owner of the motor vehicle involved in the violation;
11 providing notification requirements; authorizing
12 request for a hearing; prohibiting an individual from
13 receiving a commission from any revenue collected from
14 violations detected through the use of a camera and a
15 manufacturer or vendor from receiving a fee or
16 remuneration based upon the number of violations
17 detected through the use of a camera; providing
18 requirements for issuance of a citation; requiring
19 payment of a citation unless certain information is
20 established in an affidavit; providing affidavit
21 requirements; providing penalties for submitting a
22 false affidavit; providing that certain evidence is
23 admissible in enforcement proceedings; providing
24 construction; requiring participating school districts
25 to submit annual reports to the department; requiring

26 | the department to submit annual reports to the
 27 | Governor and Legislature; providing hearing
 28 | procedures; authorizing an aggrieved party to appeal a
 29 | final order according to certain provisions; amending
 30 | s. 318.18, F.S.; providing disposition of civil
 31 | penalties for certain violations relating to stopping
 32 | for a school bus; amending s. 318.21, F.S.; revising
 33 | distribution of certain civil penalties; providing an
 34 | effective date.

35 |

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

37 |

38 | Section 1. Section 316.172, Florida Statutes, is amended
 39 | to read:

40 | 316.172 Traffic to stop for school bus.—

41 | (1) (a) A ~~Any~~ person using, operating, or driving a vehicle
 42 | on or over the roads or highways of this state shall, upon
 43 | approaching a ~~any~~ school bus that ~~which~~ displays a stop signal,
 44 | bring such vehicle to a full stop while the bus is stopped, and
 45 | the vehicle shall not pass the school bus until the signal has
 46 | been withdrawn. A person who violates this section commits a
 47 | moving violation, punishable as provided in chapter 318.

48 | (b) A ~~Any~~ person using, operating, or driving a vehicle
 49 | that passes a school bus on the side that children enter and
 50 | exit when the school bus displays a stop signal commits a moving

51 violation, punishable as provided in chapter 318, and is subject
52 to a mandatory hearing under ~~the provisions of~~ s. 318.19.

53 (c)1. A school district may, upon approval of the district
54 school board, install a camera on one or more school buses
55 owned, leased, operated, or contracted by the school district to
56 aid in the enforcement of paragraphs (a) and (b) through
57 recording of photographic or electronic images or streaming
58 video. The department, a county, or a municipality may authorize
59 a traffic infraction enforcement officer under s. 316.640 to
60 issue a traffic citation for a violation of paragraph (a) or
61 paragraph (b).

62 a. Within 30 days after a violation, notification must be
63 sent to the registered owner of the motor vehicle involved in
64 the violation specifying the remedies available under s. 318.14
65 and that the violator must pay the penalty provided in s.
66 318.18(5) to the department, county, or municipality, or furnish
67 an affidavit in accordance with paragraph (e), or request a
68 hearing within 60 days following the date of the notification in
69 order to avoid the issuance of a traffic citation. The
70 notification must be sent by first-class mail. The mailing of
71 the notice of violation constitutes notification.

72 b. Included with the notification to the registered owner
73 of the motor vehicle involved in the violation must be a notice
74 that the owner has the right to review the photographic or
75 electronic images or the streaming video evidence that

76 constitutes a rebuttable presumption against the owner of the
77 motor vehicle. The notice must state the time and place or
78 Internet location where the evidence may be examined and
79 observed.

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

93 d. If the registered owner or coowner of the motor
94 vehicle, or the person designated as having care, custody, or
95 control of the motor vehicle at the time of the violation, or an
96 authorized representative of the owner, coowner, or designated
97 person, initiates a proceeding to challenge the violation
98 pursuant to this paragraph, such person waives any challenge or
99 dispute as to the delivery of the notice of violation.

100 2. An individual may not receive a commission from any

101 revenue collected from violations detected through the use of a
102 camera installed pursuant to this paragraph. A manufacturer or
103 vendor may not receive a fee or remuneration based upon the
104 number of violations detected through the use of a camera
105 installed pursuant to this paragraph.

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

114 b. Delivery of the traffic citation constitutes
115 notification under this paragraph. If the registered owner or
116 coowner of the motor vehicle, or the person designated as having
117 care, custody, or control of the motor vehicle at the time of
118 the violation, or a duly authorized representative of the owner,
119 coowner, or designated person, initiates a proceeding to
120 challenge the citation pursuant to this section, such person
121 waives any challenge or dispute as to the delivery of the
122 traffic citation.

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

126 registration is a business organization, in which case the
127 second name appearing on the registration may be used.

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

136 (e)1. The owner of the motor vehicle involved in the
137 violation is responsible and liable for paying the uniform
138 traffic citation issued for a violation of this subsection
139 unless the owner can establish that:

140 a. The motor vehicle proceeded past the school bus in
141 order to yield right-of-way to an emergency vehicle or as part
142 of a funeral procession;

143 b. The motor vehicle proceeded past the school bus at the
144 direction of a law enforcement officer;

145 c. The motor vehicle was, at the time of the violation, in
146 the care, custody, or control of another person;

147 d. A uniform traffic citation was issued by a law
148 enforcement officer to the driver of the motor vehicle for the
149 alleged violation of this subsection; or

150 e. The motor vehicle's owner was deceased on or before the

151 date that the uniform traffic citation was issued, as
152 established by an affidavit submitted by the representative of
153 the motor vehicle owner's estate or other designated person or
154 family member.

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

160 a. An affidavit supporting an exemption under sub-
161 paragraph 1.c. must include the name, address, date of birth,
162 and, if known, the driver license number of the person who
163 leased, rented, or otherwise had care, custody, or control of
164 the motor vehicle at the time of the alleged violation. If the
165 motor vehicle was stolen at the time of the alleged violation,
166 the affidavit must include the police report indicating that the
167 motor vehicle was stolen.

168 b. If a traffic citation for a violation of this
169 subsection was issued at the location of the violation by a law
170 enforcement officer, the affidavit must include the serial
171 number of the uniform traffic citation.

172 c. If the motor vehicle's owner to whom a traffic citation
173 has been issued is deceased, the affidavit must include a
174 certified copy of the owner's death certificate showing that the
175 date of death occurred on or before the issuance of the uniform

176 | traffic citation and one of the following:

177 | (I) A bill of sale or other document showing that the
 178 | deceased owner's motor vehicle was sold or transferred after his
 179 | or her death, but on or before the date of the alleged
 180 | violation.

181 | (II) Documentary proof that the registered license plate
 182 | belonging to the deceased owner's vehicle was returned to the
 183 | department or any branch office or authorized agent of the
 184 | department, but on or before the date of the alleged violation.

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

189 |
 190 | Upon receipt of the affidavit and documentation required under
 191 | this sub-subparagraph, the governmental entity must dismiss the
 192 | citation and provide proof of such dismissal to the person who
 193 | submitted the affidavit.

194 | 3. Upon receipt of an affidavit, the person designated as
 195 | having care, custody, or control of the motor vehicle at the
 196 | time of the violation may be issued a notice of violation
 197 | pursuant to paragraph (c) for a violation of this subsection.
 198 | The affidavit is admissible in a proceeding pursuant to this
 199 | section for the purpose of providing proof that the person
 200 | identified in the affidavit was in actual care, custody, or

201 control of the motor vehicle. The owner of a leased vehicle for
202 which a traffic citation is issued for a violation of this
203 subsection is not responsible for paying the traffic citation
204 and is not required to submit an affidavit as specified in this
205 subsection if the motor vehicle involved in the violation is
206 registered in the name of the lessee of such motor vehicle.

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

211 5. The submission of a false affidavit is a misdemeanor of
212 the second degree, punishable as provided in s. 775.082 or s.
213 775.083.

214 (f) The photographic or electronic images or streaming
215 video attached to or referenced in the traffic citation is
216 evidence that a violation of this subsection has occurred and is
217 admissible in any proceeding to enforce this section and raises
218 a rebuttable presumption that the motor vehicle named in the
219 report or shown in the photographic or electronic images or
220 streaming video evidence was used in violation of this
221 subsection.

222 (g) Paragraphs (c)-(f) supplement the enforcement of this
223 subsection by law enforcement officers and do not prohibit a law
224 enforcement officer from issuing a traffic citation for a
225 violation of this subsection in accordance with normal traffic

226 enforcement techniques.

227 (h)1. Each school district that has installed a camera on
228 one or more school buses shall submit a report by October 1,
229 2022, and annually thereafter, to the department which details
230 the results of using the camera and the procedures for
231 enforcement for the preceding state fiscal year. The information
232 submitted by the school district must include statistical data
233 and information required by the department to complete the
234 report required under subparagraph 2.

235 2. On or before December 31, 2022, and annually
236 thereafter, the department shall provide a summary report to the
237 Governor, the President of the Senate, and the Speaker of the
238 House of Representatives regarding the use and operation of
239 cameras under this subsection, along with the department's
240 recommendations and any necessary legislation. The summary
241 report must include a review of the information submitted to the
242 department by the school districts and must describe the
243 enhancement of traffic safety and enforcement.

244 (i) Procedures for a hearing under this subsection are as
245 follows:

246 1. The department shall publish and make available
247 electronically to each school district a model Request for
248 Hearing form to assist each school district administering this
249 subsection.

250 2. The county or municipality electing to authorize

251 traffic infraction enforcement officers to issue traffic
252 citations under subparagraph (c)1. shall designate by resolution
253 existing staff to serve as the clerk to the local hearing
254 officer.

255 3. Any person, referred to in this paragraph as the
256 "petitioner," who elects to request a hearing under subparagraph
257 (c)1. shall be scheduled for a hearing by the clerk to the local
258 hearing officer to appear before a local hearing officer with
259 notice to be sent by first-class mail. Upon receipt of the
260 notice, the petitioner may reschedule the hearing once by
261 submitting a written request to reschedule to the clerk to the
262 local hearing officer at least 5 calendar days before the day of
263 the originally scheduled hearing. The petitioner may cancel his
264 or her appearance before the local hearing officer by paying the
265 penalty assessed under s. 318.18(5), plus \$50 in administrative
266 costs, before the start of the hearing.

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

275 5. At the conclusion of the hearing, the local hearing

276 officer shall determine whether a violation under this
277 subsection has occurred, in which case the local hearing officer
278 shall uphold or dismiss the violation. The local hearing officer
279 shall issue a final administrative order including the
280 determination and, if the notice of violation is upheld, require
281 the petitioner to pay the penalty previously assessed under s.
282 318.18(5) and may also require the petitioner to pay county or
283 municipal costs, not to exceed \$250. The final administrative
284 order shall be mailed to the petitioner by first-class mail.

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

287 (2) The driver of a vehicle upon a divided highway with an
288 unpaved space of at least 5 feet, a raised median, or a physical
289 barrier is not required to stop when traveling in the opposite
290 direction of a school bus that ~~which~~ is stopped in accordance
291 with ~~the provisions of~~ this section.

292 (3) Every school bus shall stop as far to the right of the
293 street as possible and shall display warning lights and stop
294 signals as required by rules of the State Board of Education
295 before discharging or loading passengers. When possible, a
296 school bus shall not stop where the visibility is obscured for a
297 distance of 200 feet in either direction ~~way~~ from the bus.

298 Section 2. Paragraph (e) is added to subsection (5) of
299 section 318.18, Florida Statutes, to read:

300 318.18 Amount of penalties.—The penalties required for a

301 noncriminal disposition pursuant to s. 318.14 or a criminal
 302 offense listed in s. 318.17 are as follows:

303 (5)

304 (e) Of the amount of the penalties imposed under
 305 paragraphs (a), (b), and (d):

306 1. Forty percent shall be remitted to the school district
 307 in which the offense was committed.

308 2. Ten percent shall be remitted to the sheriff's office
 309 of the county in which the offense was committed.

310 3. Ten percent shall be remitted to the fire department
 311 having jurisdiction over the area in which the offense was
 312 committed.

313 4. Twenty percent shall be remitted to the Department of
 314 Law Enforcement.

315 5. Twenty percent shall be deposited in the General
 316 Revenue Fund.

317 Section 3. Subsection (22) is added to section 318.21,
 318 Florida Statutes, to read:

319 318.21 Disposition of civil penalties by county courts.—

320 All civil penalties received by a county court pursuant to the
 321 provisions of this chapter shall be distributed and paid monthly
 322 as follows:

323 (22) Notwithstanding subsections (1) and (2), the proceeds
 324 from the penalties imposed under s. 318.18(5) (a), (b), and (d)
 325 shall be distributed as provided in s. 318.18(5) (e).

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2021

326 | Section 4. This act shall take effect October 1, 2021. |