

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
2 Committee

3 Representative Michael offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 119-513 and insert:

7 (c) The school district must ensure that each school bus
8 infraction detection system meets the requirements of subsection
9 (18).

10 (d) The school district must enter into an interlocal
11 agreement with one or more law enforcement agencies authorized
12 to enforce violations of s. 316.172(1)(a) and (b) within the
13 school district which jointly establishes the responsibilities
14 of enforcement and the reimbursement of costs associated with
15 school bus infraction detection systems consistent with this
16 section.

Amendment No.

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

24 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
25 WHEN RED LIGHTS FLASH."

26 2. The words "CAMERA ENFORCED."

27 3. A graphic depiction of a camera.

28 (b) The signage must occupy at least 75 percent of the
29 available space that does not contain signs or insignia that are
30 required by other applicable law or by the State Board of
31 Education.

32 (c) The sufficiency of signage or compliance with the
33 signage requirements under this subsection may not be raised in
34 a proceeding challenging a violation of s. 316.172(1) (a) or (b).

35 (3) If a school district that has never conducted a school
36 bus infraction detection system program begins such a program,
37 the school district must make a public announcement and conduct
38 a public awareness campaign of the proposed use of school bus
39 infraction detection systems at least 30 days before commencing
40 enforcement under the school bus infraction detection system
41 program and notify the public of the specific date on which the

Amendment No.

42 program will commence. During the 30-day public awareness
43 campaign, only a warning may be issued to the registered owner
44 of a motor vehicle for a violation of s. 316.172(1)(a) or (b)
45 enforced by a school bus infraction detection system, and a
46 civil penalty may not be imposed under chapter 318.

47 (4) Within 30 days after an alleged violation of s.
48 316.172(1)(a) or (b) is recorded by a school bus infraction
49 detection system, the school district or the private vendor or
50 manufacturer under paragraph (1)(b) must submit the following
51 information to a law enforcement agency that has entered into an
52 interlocal agreement with the school district pursuant to
53 paragraph (1)(d) and has traffic infraction enforcement
54 jurisdiction at the location where the alleged violation
55 occurred:

56 (a) A copy of the recorded video and images showing the
57 motor vehicle allegedly violating s. 316.172(1)(a) or (b).

58 (b) The motor vehicle's license plate number and the state
59 of issuance of the motor vehicle's license plate.

60 (c) The date, time, and location of the alleged violation.

61 (5) Within 30 days after receiving the information
62 required in subsection (4), the law enforcement agency, if it
63 determines that the motor vehicle violated s. 316.172(1)(a) or
64 (b), must send notice of violation to the registered owner of
65 the motor vehicle involved in the violation specifying the
66 remedies available under s. 318.14 and that the violator must

Amendment No.

67 pay the penalty under s. 318.18(5) or furnish an affidavit in
68 accordance with subsection (10) within 30 days after the notice
69 of violation is sent in order to avoid court fees, costs, and
70 the issuance of a uniform traffic citation. The notice of
71 violation must be sent by first-class mail and include all of
72 the following:

73 (a) A copy of one or more recorded images showing the
74 motor vehicle involved in the violation, including an image
75 showing the license plate of the motor vehicle.

76 (b) The date, time, and location of the violation.

77 (c) The amount of the civil penalty, the date by which the
78 civil penalty must be paid, and instructions on how to pay the
79 civil penalty.

80 (d) Instructions on how to request a hearing to contest
81 liability or the notice of violation.

82 (e) A notice that the owner has the right to review, in
83 person or remotely, the video and images recorded by the school
84 bus infraction detection system which constitute a rebuttable
85 presumption that the motor vehicle was used in violation of s.
86 316.172(1) (a) or (b).

87 (f) The time when, and the place or website at which, the
88 recorded video and images may be examined and observed.

89 (g) A warning that failure to pay the civil penalty or to
90 contest liability within 30 days after the notice is sent will
91 result in the issuance of a uniform traffic citation.

631477 - h0741-line 119.docx

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Amendment No.

92 (6) If the registered owner or co-owner of the motor
93 vehicle; the person identified as having care, custody, or
94 control of the motor vehicle at the time of the violation; or an
95 authorized representative of the owner, co-owner, or identified
96 person initiates a proceeding to challenge the violation, such
97 person waives any challenge or dispute as to the delivery of the
98 notice of violation.

99 (7) The civil penalties assessed and collected for a
100 violation of s. 316.172(1)(a) or (b) enforced by a school bus
101 infraction detection system must be remitted to the school
102 district in which the violation occurred. Such civil penalties
103 must be used for the installation or maintenance of school bus
104 infraction detection systems on school buses, for any other
105 technology that increases the safety of the transportation of
106 students, or for the administration and costs associated with
107 the enforcement of violations as described in this section.

108 (8) A uniform traffic citation must be issued by mailing
109 the uniform traffic citation by certified mail to the address of
110 the registered owner of the motor vehicle involved in the
111 violation if payment has not been made within 30 days after
112 notification under subsection (5) and if the registered owner
113 has not submitted an affidavit in accordance with subsection
114 (10).

115 (a) Delivery of the uniform traffic citation constitutes
116 notification of a violation under this subsection. If the

Amendment No.

117 registered owner or co-owner of the motor vehicle; the person
118 identified as having care, custody, or control of the motor
119 vehicle at the time of the violation; or a duly authorized
120 representative of the owner, co-owner, or identified person
121 initiates a proceeding to challenge the citation, such person
122 waives any challenge or dispute as to the delivery of the
123 uniform traffic citation.

124 (b) In the case of joint ownership of a motor vehicle, the
125 uniform traffic citation must be mailed to the first name
126 appearing on the motor vehicle registration, unless the first
127 name appearing on the registration is a business organization,
128 in which case the second name appearing on the registration may
129 be used.

130 (c) The uniform traffic citation mailed to the registered
131 owner of the motor vehicle involved in the violation must be
132 accompanied by information described in paragraphs (5)(a)-(f).

133 (9) The registered owner of the motor vehicle involved in
134 the violation is responsible and liable for paying the uniform
135 traffic citation issued for a violation of s. 316.172(1)(a) or
136 (b) unless the owner can establish that:

137 (a) The motor vehicle was, at the time of the violation,
138 in the care, custody, or control of another person;

139 (b) A uniform traffic citation was issued by a law
140 enforcement officer to the driver of the motor vehicle for the
141 alleged violation of s. 316.172(1)(a) or (b); or

631477 - h0741-line 119.docx

Published On: 4/14/2023 4:48:19 PM

Amendment No.

142 (c) The motor vehicle's owner was deceased on or before
143 the date of the alleged violation, as established by an
144 affidavit submitted by the representative of the motor vehicle
145 owner's estate or other identified person or family member.

146 (10) To establish such facts under subsection (9), the
147 registered owner of the motor vehicle must, within 30 days after
148 the date of issuance of the notice of violation or the uniform
149 traffic citation, furnish to the law enforcement agency that
150 issued the notice of violation or uniform traffic citation an
151 affidavit setting forth information supporting an exception
152 under subsection (9).

153 (a) An affidavit supporting the exception under paragraph
154 (9)(a) must include the name, address, date of birth, and, if
155 known, the driver license number of the person who leased,
156 rented, or otherwise had care, custody, or control of the motor
157 vehicle at the time of the alleged violation. If the motor
158 vehicle was stolen at the time of the alleged violation, the
159 affidavit must include the police report indicating that the
160 motor vehicle was stolen.

161 (b) If a uniform traffic citation for a violation of s.
162 316.172(1)(a) or (b) was issued at the location of the violation
163 by a law enforcement officer, the affidavit must include the
164 serial number of the uniform traffic citation.

165 (c) If the motor vehicle's owner to whom a notice of
166 violation or a uniform traffic citation has been issued is

Amendment No.

167 deceased, the affidavit must include a certified copy of the
168 owner's death certificate showing that the date of death
169 occurred on or before the date of the alleged violation and one
170 of the following:

171 1. A bill of sale or other document showing that the
172 deceased owner's motor vehicle was sold or transferred after his
173 or her death but on or before the date of the alleged violation.

174 2. Documented proof that the registered license plate
175 belonging to the deceased owner's motor vehicle was returned to
176 the department or any branch office or authorized agent of the
177 department after his or her death but on or before the date of
178 the alleged violation.

179 3. A copy of the police report showing that the deceased
180 owner's registered license plate or motor vehicle was stolen
181 after his or her death but on or before the date of the alleged
182 violation.

183
184 Upon receipt of the affidavit and documentation required under
185 paragraphs (b) and (c), or 30 days after the date of issuance of
186 a notice of violation sent to a person identified as having
187 care, custody, or control of the motor vehicle at the time of
188 the violation under paragraph (a), the law enforcement agency
189 must dismiss the notice or citation and provide proof of such
190 dismissal to the person who submitted the affidavit. If, within
191 30 days after the date of a notice of violation sent to a person

Amendment No.

192 under subsection (11), the law enforcement agency receives an
193 affidavit under subsection (12) from the person who was sent a
194 notice of violation affirming that the person did not have care,
195 custody, or control of the motor vehicle at the time of the
196 violation, the law enforcement agency must notify the registered
197 owner that the notice or citation will not be dismissed due to
198 failure to establish that another person had care, custody, or
199 control of the motor vehicle at the time of the violation.

200 (11) Upon receipt of an affidavit under paragraph (9)(a),
201 the law enforcement agency may issue the person identified as
202 having care, custody, or control of the motor vehicle at the
203 time of the violation a notice of violation pursuant to
204 subsection (5) for a violation of s. 316.172(1)(a) or (b). The
205 affidavit is admissible in a proceeding pursuant to this section
206 for the purpose of providing evidence that the person identified
207 in the affidavit was in actual care, custody, or control of the
208 motor vehicle. The owner of a leased motor vehicle for which a
209 uniform traffic citation is issued for a violation of s.
210 316.172(1)(a) or (b) is not responsible for paying the uniform
211 traffic citation and is not required to submit an affidavit as
212 specified in subsection (10) if the motor vehicle involved in
213 the violation is registered in the name of the lessee of such
214 motor vehicle.

215 (12) If a law enforcement agency receives an affidavit
216 under paragraph (9)(a), the notice of violation required under

Amendment No.

217 subsection (5) must be sent to the person identified in the
218 affidavit within 30 days after receipt of the affidavit. The
219 person identified in an affidavit and sent a notice of violation
220 may also affirm he or she did not have care, custody, or control
221 of the motor vehicle at the time of the violation by furnishing
222 to the appropriate law enforcement agency within 30 days after
223 the date of the notice of violation an affidavit stating such.

224 (13) The submission of a false affidavit is a misdemeanor
225 of the second degree, punishable as provided in s. 775.082 or s.
226 775.083.

227 (14) The video and images recorded by a school bus
228 infraction detection system which are attached to or referenced
229 in the uniform traffic citation are evidence of a violation of
230 s. 316.172(1)(a) or (b) and are admissible in any proceeding to
231 enforce this section. The recorded video and images raise a
232 rebuttable presumption that the motor vehicle shown in the
233 recorded video and images was used in violation of s.
234 316.172(1)(a) or (b).

235 (15) This section supplements the enforcement of s.
236 316.172(1)(a) and (b) by a law enforcement officer and does not
237 prohibit a law enforcement officer from issuing a uniform
238 traffic citation for a violation of s. 316.172(1)(a) or (b).

239 (16) (a)1. Notwithstanding any other law, equipment
240 deployed as part of a school bus infraction detection system as

Amendment No.

241 provided under this section may not be capable of automated or
242 user-controlled remote surveillance.

243 2. Video and images recorded as part of the school bus
244 infraction detection system may only be used to document
245 violations of s. 316.172(1) (a) and (b) and may not be used for
246 any other surveillance purposes.

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

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

263 (b) Any recorded video or still image obtained through the
264 use of a school bus infraction detection system must be
265 destroyed within 90 days after the final disposition of the

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Amendment No.

266 recorded event. The vendor of the school bus infraction
267 detection system must provide the school district with written
268 notice by December 31 of each year that such records have been
269 destroyed in accordance with this section.

270 (c) Notwithstanding any other law, registered motor
271 vehicle owner information obtained as a result of the operation
272 of a school bus infraction detection system is not the property
273 of the manufacturer or vendor of the system and may be used only
274 for the purposes of this section.

275 (17) (a) By October 1, 2023, and quarterly thereafter, each
276 school district, in consultation with the law enforcement
277 agencies with which it has interlocal agreements pursuant to
278 this section, operating a school bus infraction detection system
279 must submit a report to the department which details the results
280 of the school bus infraction detection systems in the school
281 district in the preceding quarter. The information from the
282 school districts must be submitted in a form and manner
283 determined by the department, which the department must make
284 available to the school districts by August 1, 2023, and must
285 include at least the following:

286 1. The number of school buses that have a school bus
287 infraction detection system installed, including the date of
288 installation and, if applicable, the date the systems were
289 removed.

Amendment No.

290 2. The number of notices of violations issued, the number
291 that were contested, the number that were upheld, the number
292 that were dismissed, the number that were issued as uniform
293 traffic citations, and the number that were paid.

294 3. Data for each infraction to determine locations in need
295 of safety improvements. Such data must include, but is not
296 limited to, global positioning system coordinates of the
297 infraction, the date and time of the infraction, and the name of
298 the school that the school bus was transporting students to or
299 from.

300 4. Any other statistical data and information required by
301 the department to complete the report required by paragraph (c).

302 (b) Each school district that operates a school bus
303 infraction detection system is responsible for and must maintain
304 its respective data for reporting purposes under this subsection
305 for at least 2 years after such data is reported to the
306 department.

307 (c) On or before December 31, 2024, and annually
308 thereafter, the department must submit a summary report to the
309 Governor, the President of the Senate, and the Speaker of the
310 House of Representatives regarding the use and operation of
311 school bus infraction detection systems under this section,
312 along with the department's recommendations and any recommended
313 legislation. The summary report must include a review of the
314 information submitted to the department by the school districts

Amendment No.

315 and must describe the enhancement of traffic safety and
316 enforcement programs.

317 (18) A school bus infraction detection system must meet
318 specifications established by the State Board of Education and
319 must be tested at regular intervals according to specifications
320 prescribed by state board rule. The state board must establish
321 such specifications by rule on or before December 31, 2023.
322 However, any such equipment acquired by purchase, lease, or
323 other arrangement under an agreement entered into by a school
324 district on or before December 31, 2023, is not required to meet
325 the specifications established by the state board until July 1,
326 2024.

327 (19) The State Board of Education may adopt rules to
328 address student privacy concerns that may arise from the use of
329 a school bus infraction detection system.

330 Section 3. Subsection (2) of section 318.14, Florida
331 Statutes, is amended to read:

332 318.14 Noncriminal traffic infractions; exception;
333 procedures.—

334 (2) Except as provided in ss. 316.1001(2), and 316.0083,
335 and 316.173, any person cited for a violation requiring a
336 mandatory hearing listed in s. 318.19 or any other criminal
337 traffic violation listed in chapter 316 must sign and accept a
338 citation indicating a promise to appear. The officer may
339 indicate on the traffic citation the time and location of the

Amendment No.

340 scheduled hearing and must indicate the applicable civil penalty
341 established in s. 318.18. For all other infractions under this
342 section, except for infractions under s. 316.1001, the officer
343 must certify by electronic, electronic facsimile, or written
344 signature that the citation was delivered to the person cited.
345 This certification is prima facie evidence that the person cited
346 was served with the citation.

347 Section 4. Paragraphs (b) and (c) of subsection (5) of
348 section 318.18, Florida Statutes, are amended, and paragraph (e)
349 is added to that subsection, to read:

350 318.18 Amount of penalties.—The penalties required for a
351 noncriminal disposition pursuant to s. 318.14 or a criminal
352 offense listed in s. 318.17 are as follows:

353 (5)

354 (b)1. Four hundred dollars for a violation of s.
355 316.172(1)(b), passing a school bus on the side that children
356 enter and exit when the school bus displays a stop signal. If,
357 at a hearing, the alleged offender is found to have committed
358 this offense, the court shall impose a minimum civil penalty of
359 \$400.

360 2. If a violation of s. 316.172(1)(b) is enforced by a
361 school bus infraction detection system pursuant to s. 316.173,
362 the penalty under this paragraph is \$200. If, at a hearing, the
363 alleged offender is found to have committed this offense, the
364 court shall impose a minimum civil penalty of \$200.

Amendment No.

365 3. In addition to this penalty, for a second or subsequent
366 offense within a period of 5 years, the department shall suspend
367 the driver license of the person for not less than 360 days and
368 not more than 2 years.

369 (c) In addition to the penalty under paragraph (a) or
370 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
371 If the alleged offender is found to have committed the offense,
372 the court shall impose the civil penalty under paragraph (a) or
373 paragraph (b) plus an additional \$65. The additional \$65
374 collected under this paragraph shall be remitted to the
375 Department of Revenue for deposit into the Emergency Medical
376 Services Trust Fund of the Department of Health to be used as
377 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
378 (b) is enforced by a school bus infraction detection system
379 pursuant to s. 316.173, the additional amount imposed on the
380 uniform traffic citation or by the court under this paragraph
381 must be \$25, in lieu of the additional \$65, and must be
382 dedicated to the safe schools allocation provided to school
383 districts by the Department of Education pursuant to s.
384 1011.62(12).

385 (e) If a person who is mailed a uniform traffic citation
386 for a violation of s. 316.172(1)(a) or (b), as enforced by a
387 school bus infraction detection system under s. 316.173,
388 presents documentation from the appropriate law enforcement
389 agency that the traffic citation was in error, the clerk of

Amendment No.

390 court may dismiss the case. The clerk of court may not charge
391 for this service.

392 Section 5. Paragraph (d) of subsection (3) of section
393 322.27, Florida Statutes, is amended to read:

394 322.27 Authority of department to suspend or revoke driver
395 license or identification card.—

396 (3) There is established a point system for evaluation of
397 convictions of violations of motor vehicle laws or ordinances,
398 and violations of applicable provisions of s. 403.413(6) (b) when
399 such violations involve the use of motor vehicles, for the
400 determination of the continuing qualification of any person to
401 operate a motor vehicle. The department is authorized to suspend
402 the license of any person upon showing of its records or other
403 good and sufficient evidence that the licensee has been
404 convicted of violation of motor vehicle laws or ordinances, or
405 applicable provisions of s. 403.413(6) (b), amounting to 12 or
406 more points as determined by the point system. The suspension
407 shall be for a period of not more than 1 year.

408 (d) The point system shall have as its basic element a
409 graduated scale of points assigning relative values to
410 convictions of the following violations:

- 411 1. Reckless driving, willful and wanton—4 points.
- 412 2. Leaving the scene of a crash resulting in property
413 damage of more than \$50—6 points.

Amendment No.

- 414 3. Unlawful speed, or unlawful use of a wireless
415 communications device, resulting in a crash-6 points.
- 416 4. Passing a stopped school bus:
- 417 a. Not causing or resulting in serious bodily injury to or
418 death of another-4 points.
- 419 b. Causing or resulting in serious bodily injury to or
420 death of another-6 points.
- 421 c. Points may not be imposed for a violation of passing a
422 stopped school bus as provided in s. 316.172(1) (a) or (b) when
423 enforced by a school bus infraction detection system pursuant s.
424 316.173. In addition, a violation of s. 316.172 (1) (a)

425 -----
426
427 **T I T L E A M E N D M E N T**

428 Remove lines 34-68 and insert:
429 notice of violation to pay the civil penalty or
430 request a hearing within a specified timeframe;
431 providing for waiver of challenge or dispute as to the
432 delivery of a notice of violation; providing for the
433 distribution and use of funds; providing requirements
434 for issuance of a uniform traffic citation; providing
435 for waiver of challenge or dispute as to the delivery
436 of the uniform traffic citation; providing
437 notification requirements and procedures; specifying
438 that the registered owner of a motor vehicle is

631477 - h0741-line 119.docx

Published On: 4/14/2023 4:48:19 PM

Amendment No.

439 responsible and liable for paying a uniform traffic
440 citation; providing exceptions; requiring the
441 registered owner of a motor vehicle to furnish an
442 affidavit under certain circumstances; specifying
443 requirements for such affidavit; providing a criminal
444 penalty for submitting a false affidavit; providing
445 that certain recorded video and images are admissible
446 in certain proceedings; providing a rebuttable
447 presumption; providing construction; specifying
448 requirements of and prohibitions on the use of video
449 and images recorded by the school bus infraction
450 detection system; requiring school districts to submit
451 a quarterly report to the Department of Highway Safety
452 and Motor Vehicles; requiring the department to submit
453 an annual summary report to the Governor and
454 Legislature; requiring school bus infraction detection
455 systems to meet State Board of Education
456 specifications; requiring the state board to establish
457 certain specifications by rule by a specified date;
458 authorizing the state board to adopt rules regarding
459 student privacy; amending s. 318.14, F.S.; conforming
460 provisions to changes made by the act; amending s.
461 318.18, F.S.; providing civil penalties for school bus
462 passing violations enforced by a school bus infraction
463 detection system; providing for distribution of a

631477 - h0741-line 119.docx

Published On: 4/14/2023 4:48:19 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 741 (2023)

Amendment No.

464 | certain portion thereof; providing conditions under
465 | which a case may be dismissed; amending s. 322.27,
466 | F.S.;