

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 741 Enforcement of School Bus Passing Infractions  
**SPONSOR(S):** Infrastructure Strategies Committee, Transportation & Modals Subcommittee, Michael  
**TIED BILLS:** IDEN./SIM. **BILLS:** CS/CS/SB 766

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	16 Y, 0 N, As CS	Johnson	Hinshelwood
2) PreK-12 Appropriations Subcommittee	14 Y, 1 N	Bailey	Potvin
3) Infrastructure Strategies Committee	17 Y, 0 N, As CS	Johnson	Harrington

### SUMMARY ANALYSIS

Under Florida law, the authorization for the use of cameras to enforce traffic laws is preempted to the state. The only such traffic cameras currently authorized in statute are commonly known as red light cameras.

The bill authorizes the use of school bus infraction detection system, similar to a red-light camera system, to be used to enforce traffic violations for passing a stopped school bus loading or unloading passengers. The bill:

- Defines the term “school bus infraction detection system.”
- Authorizes school districts to contract with a private vendor or manufacturer to enforce passing a stopped school bus using a school bus infraction detection system.
- Requires the school district to enter into an interlocal agreement with one or more law enforcement agencies regarding enforcement using school bus infraction detection systems.
- Requires specified signage on any school bus with a school bus infraction detection system installed.
- Requires public notice prior to starting a school bus infraction detection system program.
- Provides requirements for issuing a notice of violation or uniform traffic citation when a school bus infraction detection system catches a violator.
- Provides for a \$225 penalty for each violation using a school bus infraction detection system and provides for the distribution of proceeds to school districts.
- Provides that enforcement using a school bus infraction detection system supplements enforcement by a law enforcement officer.
- Provides defenses for persons who receive a notice of violation or uniform traffic citation.
- Provides that images from school bus infraction detection systems may only be used to enforce school bus violation and may not be used for other surveillance purposes.
- Provides for privacy of the data obtained from school bus infraction detection systems.
- Requires reporting by school districts that implement a program for school bus infraction detection systems on school buses, and a summary report by the Department of Highway Safety and Motor Vehicles.
- Provides record retention requirements for specified data.
- Authorizes the clerk of court to dismiss a uniform traffic citation if certain conditions are met.
- Prohibits points from being imposed for a violation of unlawful speed enforced by a school bus infraction detection system and prohibits such violations from being used for purposes of setting motor vehicle insurance rates.
- Confirms the powers of school boards to allow for the use of school bus infraction detection systems.

The bill does not have a fiscal impact to state government. The bill has an indeterminate fiscal impact on local governments and the private sector.

The bill has an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

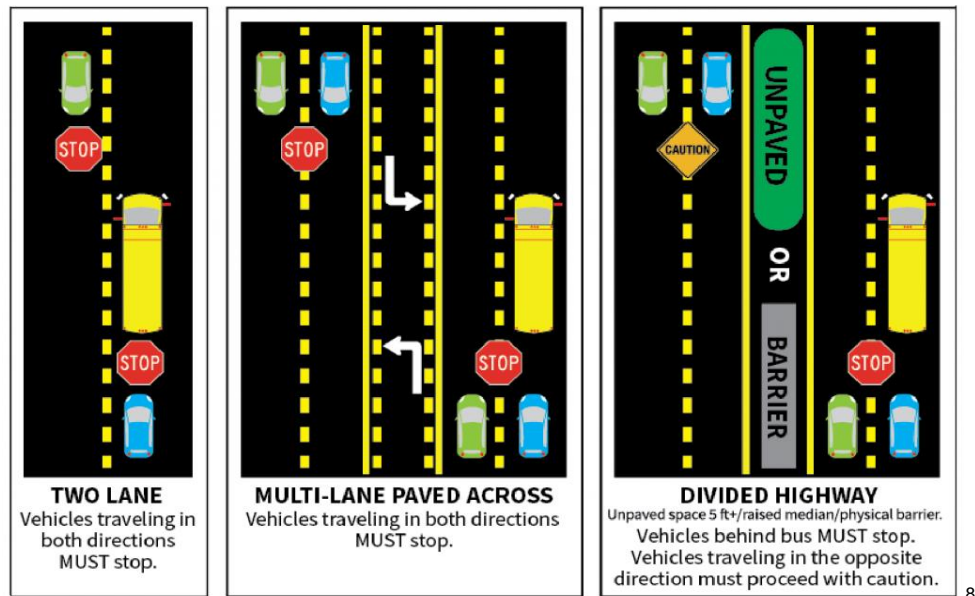
##### Use of Cameras for Traffic Enforcement

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.<sup>1</sup> The only cameras currently authorized to enforce traffic laws are traffic infraction detectors,<sup>2</sup> commonly known as red light cameras.<sup>3</sup>

##### School Bus Traffic Laws

Under s. 316.172, F.S., a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.<sup>4</sup> When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.<sup>5</sup>

When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus's signal is withdrawn.<sup>6</sup> However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least five feet, a raised median, or a physical barrier.<sup>7</sup>



<sup>1</sup> S. 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

<sup>2</sup> S. 316.003(98), F.S., defines the term "traffic infraction detector" to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

<sup>3</sup> S. 316.0083, F.S.

<sup>4</sup> S. 316.172(3), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> S. 316.172(1)(a), F.S.

<sup>7</sup> S. 316.172(2), F.S.

<sup>8</sup> Department of Highway Safety and Motor Vehicles, *Child Safety: School Bus Safety*, <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited Mar. 17, 2023).

A person cited for failing to stop for a school bus displaying a stop signal pursuant to s. 316.172(1)(a), F.S., commits a moving violation and is subject to a \$200 civil penalty.<sup>9</sup> A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.<sup>10</sup> Additionally, person convicted, pleads nolo contendere, or the court withholds adjudication for such violation must attend a driver improvement course.<sup>11</sup>

A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal pursuant to s. 316.172(1)(b), F.S., also commits a moving violation; however, he or she is subject to a \$400 civil penalty<sup>12</sup> and must attend a mandatory hearing,<sup>13</sup> and attend a driver improvement course.<sup>14</sup>

A driver who illegally passes a stopped school bus and:

- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.<sup>15</sup>
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:<sup>16</sup>
  - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;
  - Participate in a victim's impact panel session; if such panel does not exist, the driver must attend a driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV) relating to the rights of vulnerable road users relative to vehicles on the roadway;<sup>17</sup> and
  - Pay a \$1,500 fine and have his or her driver license suspended for at least 1 year.<sup>18</sup>

When a driver accumulates a certain number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:

- 12 points in 12 months – 30-day suspension.
- 18 points in 18 months – 3-month suspension.
- 24 points in 36 months – 12-month suspension.<sup>19</sup>

### School Bus Stop Arm Traffic Citations

The Department of Education (DOE) created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The survey results from 2022 show that on a single day, 7,867 illegal passes were made based on the observations of 6,416 school bus drivers who completed the survey. Of these illegal passes, 299 were made on the right side of the bus where children generally enter and exit the vehicle, 7,104 were made on the left side.<sup>20</sup>

The National Highway Traffic Safety Administration (NHTSA) indicates that from 2010 to 2019, 240 school-age children died in school-transportation-related crashes.<sup>21</sup> Half (50 percent) were struck by

---

<sup>9</sup> In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 180 days and not more than 1 year. S. 318.18(5)(a), F.S.

<sup>10</sup> S. 318.14, F.S.

<sup>11</sup> Ss. 322.0261 (4)(a) and (c), F.S.

<sup>12</sup> In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 360 days and not more than 2 years. S. 318.18(5)(b), F.S.

<sup>13</sup> Ss. 316.172(1)(b) and 318.19(3), F.S.

<sup>14</sup> Ss. 322.0261 (4)(a) and (c), F.S.

<sup>15</sup> S. 322.27(3)(d)4.a., F.S.

<sup>16</sup> S. 322.27(3)(d)4.b., F.S.

<sup>17</sup> S. 316.027(4)(b), F.S.

<sup>18</sup> S. 318.18(5)(d), F.S.

<sup>19</sup> S. 322.27(3), F.S.

<sup>20</sup> Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2022*, <https://www.fldoe.org/core/fileparse.php/7585/urlt/2022illegalpassing.pdf> (last visited Mar. 20, 2023).

<sup>21</sup> National Highway Traffic Safety Administration, *2010-2019 Data: School Transportation-Related Crashes* May 2021, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813105.pdf> (last visited Mar. 20, 2023).

school buses or vehicles functioning as school buses, while the other half (50 percent) were struck by other vehicles involved in the crashes.<sup>22</sup>

To increase student transportation safety, at least 24 states have school bus stop-arm camera laws.<sup>23</sup> These systems are typically equipped with multiple sensors and cameras affixed to a school bus. The sensor triggers a tag on the recording each time it senses a vehicle passing the stopped bus illegally.<sup>24</sup> When a vehicle illegally passes a stopped school bus, the sensor triggers two cameras to capture a high-definition digital video recording (DVR) from both directions. The cameras capture both oncoming traffic and vehicles passing the stopped bus on the driver side. The DVR recording is flagged as a violation and tags information for enforcement, including, but not limited to, the time, date, and location of the violation and images or film of the subject vehicle and license plate. The violation recordings captured are reviewed and processed by a third-party private manufacturer or vendor.<sup>25</sup>

Florida does not currently authorize the use of traffic infraction technology or school bus side stop signal arm enforcement systems to detect violations of school bus stop signals.

### School District Transportation Duties

Florida law requires district school superintendents to ascertain which students should be transported to school or to school activities; determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules as may be necessary. Superintendents are also responsible for seeing that all rules relating to the transportation of students approved by the district school board, as well as rules of the State Board of Education, are properly carried into effect.<sup>26</sup>

After considering recommendations of the district school superintendent, the district school board must make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities; and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof. The district school board is also responsible for adopting the necessary rules to ensure safety, economy, and efficiency in the operation of all buses.<sup>27</sup>

## **Effect of the Bill**

### Definitions

The bill defines the term “school bus infraction detection system” to mean a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates s. 316.172(1)(a) or (b), F.S.

### School Bus Infraction Detection Systems

The bill creates s. 316.173, F.S., authorizing school districts to install and operate a school bus infraction detection system on a school bus for the purpose of enforcing s. 316.172(1)(a) and (b), F.S., as provided in and consistent with s. 316.173, F.S.

---

<sup>22</sup> *Id.* at 2.

<sup>23</sup> National Conference of State Legislatures, *State School Bus Stop-Arm Camera Laws* (Feb. 15, 2023), <https://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx> (last visited Mar. 20, 2023).

<sup>24</sup> Seon Automated Stop-Arm Camera Solution, <https://www.seon.com/school-bus-safety/school-bus-camera-systems/stop-arm-system> (last visited Mar. 20, 2023).

<sup>25</sup> *Id.*

<sup>26</sup> S. 1006.21(1), F.S.

<sup>27</sup> S. 1006.21(2), F.S.

The bill provides for school districts to contract with a private vendor or manufacturer to install a school bus infraction detection system on any school bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to install school bus infraction systems must be based solely on the need to increase public safety. An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.

The school district must ensure that each school bus infraction detection system meets specifications established by the State Board of Education (SBE) and must be tested at regular intervals according to specifications prescribed by SBE rule. The SBE must establish such specifications by rule on or before December 31, 2023. The bill provides that equipment acquired via an agreement entered into by a school district on or before December 31, 2023, is not required to meet SBE specifications until July 1, 2024.

The bill requires that a school district that elects to install a school bus infraction detection system must enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations of s. 316.172(1)(a) and (b), F.S., within the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems.

The bill requires that on any school bus in which a school bus infraction detection system is installed and operational, the school district must post high-visibility reflective signage on the rear of the school bus which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

- The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS WHEN RED LIGHTS FLASH."
- The words "CAMERA ENFORCED."
- A graphic depiction of a camera.

The bill requires the signage to occupy at least 75 percent of the available space that does not contain signs or insignia that are required by other applicable law or by the State Board of Education. The sufficiency of signage or compliance with the signage requirements above may not be raised in a proceeding challenging a violation of s. 316.172(1)(a) or (b), F.S.

If a school district that has never conducted a school bus infraction detection system program begins such a program, the school district must make a public announcement and conduct a public awareness campaign at least 30 days before commencing enforcement. The school district must notify the public of the specific date on which the program will commence and, during the 30-day public awareness campaign, may only issue a warning for a violation of s. 316.172(1)(a) or (b), F.S., enforced by a school bus infraction detection system and a civil penalty may not be imposed.

The bill provides that within 30 days after an alleged violation of s. 316.172(1)(a) or (b), F.S., is recorded by a school bus infraction detection system, the school district or the private vendor or manufacturer with whom the school district has entered into a contract, must submit the following information to a law enforcement agency that has entered into an interlocal agreement with the school district, and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

- A copy of the recorded video and images showing the motor vehicle allegedly violating s. 316.172(1)(a) or (b), F.S.
- The motor vehicle's license plate number and the state of issuance of the motor vehicle's license plate.
- The date, time, and location of the alleged violation.

Within 30 days after receiving the information required above, the law enforcement agency, if it determines that the motor vehicle violated s. 316.172(1)(a) or (b), F.S., must send notice of violation to

the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14, F.S.,<sup>28</sup> and that the violator must pay the penalty under s. 318.18(5), F.S.,<sup>29</sup> or furnish an affidavit within 30 days after the date the notice of violation is sent in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must be sent by first-class mail and include all of the following:

- A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.
- The date, time, and location of the violation.
- The amount of the civil penalty, the date by which the civil penalty must be paid, and instructions on how to pay the civil penalty.
- Instructions on how to request a hearing to contest liability or the notice of violation.
- A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of s. 316.172(a) or (b), F.S.
- The time when, and the place or website at which, the recorded video and images may be examined and observed.
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.

If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.

The bill provides that the civil penalties assessed and collected for a violation of s. 316.172(1)(a) or (b), F.S., enforced by a school bus infraction detection system are remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations.

The bill requires a uniform traffic citation to be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 30 days after the notice of violation and if the registered owner has not submitted an affidavit in regarding an exception.

Delivery of the uniform traffic citation constitutes notification of a violation. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation, such person waives any challenge or dispute as to delivery of the uniform traffic citation.

In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the violation must be accompanied by information described above that was also included in the notice of violation.

The bill provides that the registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.172(1)(a) or (b), F.S., unless the owner can establish that:

- The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;

---

<sup>28</sup> S. 318.14, F.S., provides procedures for noncriminal traffic infractions.

<sup>29</sup> S. 318.18(5), F.S., provides penalties for failure to stop for a school bus.

- A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.172(1)(a) or (b), F.S.; or
- The motor vehicle's owner was deceased on or before the date of the alleged violation, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other identified person or family member.

To establish the above facts, the registered owner of the motor vehicle must, within 30 days after the date of issuance of the notice of violation or the traffic citation, furnish to the law enforcement agency an affidavit setting forth information supporting an exception:

- An affidavit stating that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.
- If a uniform traffic citation for a violation of s. 316.172(1)(a) or (b), F.S., was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.
- If the motor vehicle's owner to whom a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:
  - A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
  - Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to DHSMV or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
  - A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

Upon receipt of the required affidavit and documentation specified above related to the issuance of a uniform traffic citation or a deceased owner, or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date a notice of violation was sent to a person, the county or municipality receives an affidavit from the person sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

Upon receipt of an affidavit that another person had care, custody, and control of the motor vehicle, the law enforcement agency may issue the person identified as having care, custody, or control of the motor vehicle at the time of the violation a notice of violation for a violation of s. 316.172 (1)(a) or (b), F.S. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a uniform traffic citation is issued for a violation of s. 316.172(1)(a) or (b), F.S., is not responsible for paying the uniform traffic citation and is not required to submit an affidavit if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

If a law enforcement agency receives an affidavit identifying another person having, care, custody, or control of the vehicle, the required notice of violation of must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a notice of violation may also affirm he or she did not have care, custody, or control of the motor vehicle

at the time of the violation by furnishing to the appropriate law enforcement agency within 30 days after the date of the notice of violation an affidavit stating such.

The submission of a false affidavit is a misdemeanor of the second degree, punishable with up to 60 days in jail or a \$500 fine.<sup>30</sup>

The video and images by a school bus infraction detection system which are attached to or referenced in the traffic citation are evidence of a violation of s. 316.172(1)(a) or (b), F.S., and are admissible in any proceeding to enforce s. 316.173, F.S. The recorded and video images raise a rebuttable presumption that the motor vehicle shown in the recorded and video images was used in violation of s. 316.172(1)(a) or (b), F.S.

Section 316.173, F.S., supplements the enforcement of s. 316.172(1)(a) and (b), F.S., by a law enforcement officer and does not prohibit a law enforcement officer from issuing a traffic citation for a violation of s. 316.172(1)(a) or (b), F.S.

The bill provides that notwithstanding any other law, equipment deployed as part of a school bus infraction detection system may not be capable of automated or user-controlled remote surveillance. Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor of the school bus infraction detection system must provide the school district with written notice by December 31 of each year that such records have been destroyed. Registered motor vehicle owner information obtained as a result of the operation of a school bus infraction detection system is not the property of the manufacturer or vendor of the system and may be used only for specified purposes.

The bill requires to the extent practicable, a school bus infraction detection system to use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation is sufficiently obscured so as not to reveal such personal identifying information. A notice of a violation or uniform traffic citation may not be dismissed solely because a recorded video or still images reveal personal identifying information as long as a reasonable effort has been made to comply with the privacy provisions in bill.

By October 1, 2023, and quarterly thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this section, operating a school bus infraction detection system must submit a report to DHSMV which details the results of the school bus infraction detection systems in the school district in the preceding quarter. The information from school districts be submitted in a form and manner determined by DHSMV, which DHSMV must make available to the school districts by August 1, 2023, and must include at least the following:

- The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.
- The number of notices of violations issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.
- Data for each infraction to determine the locations in need of safety improvements. Such data must include, but is not limited to, global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school to or from which the school bus was transporting students.
- Any other statistical data and information required by DHSMV to complete the report required below.

Each school district that operates a school bus infraction detection system is responsible for and must maintain its respective data for reporting purposes for at least 2 years after such data is reported to DHSMV.

---

<sup>30</sup> This is as provided in s.775.082, F.S., or s. 775.083, F.S.



The bill provides that by December 31, 2024, and annually thereafter, the DHSMV must submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the use and operation of school bus infraction detection systems along with DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.

The bill authorizes the SBE to adopt rules to address student privacy concern that may arise from the sue of a school bus infraction detection system.

#### Penalties/Driver License Points

The bill maintains the current \$200 penalty for a violation of s. 316.172(1)(a), F.S., for failure to stop for a school bus, the same as if the violation was enforced by a law enforcement officer. For passing a school bus on the side children enter and exit the bus while the bus is displaying a stop signal and enforced by a school bus infraction detection system, the penalty is \$200, rather than the \$400 penalty if the violation was enforced by a law enforcement officer.

The bill also provides that if a violation of s. 316.172(1)(a) or (b), F.S., is enforced by a school bus infraction detection system, the additional amount imposed on the uniform traffic citation or by the court is \$25, in lieu of the additional \$65, and must be dedicated to the safe schools allocation provided to school districts by the Department of Education.<sup>31</sup>

Below is a comparison of penalties under current law versus penalties provided in the bill. The penalties under current law would still be imposed if a school bus passing infraction is observed by law enforcement and not by a school bus infraction detection system.

---

<sup>31</sup> The safe schools allocation is pursuant to s. 1011.62(12), F.S.  
**STORAGE NAME:** h0741d.ISC  
**DATE:** 4/19/2023

	<b>Current Law</b> (caught by law enforcement)	<b>Bill</b> (caught by bus camera)
<b>s. 316.172(1)(a), F.S., offense</b> (passing on driver's side of bus)	<b>\$200</b> penalty + <b>\$65</b> penalty that goes to Department of Health <b>TOTAL = \$265</b>	<b>\$200</b> penalty + <b>\$25</b> penalty that goes to safe schools allocation through Department of Education <b>TOTAL = \$225</b>
<b>s. 316.172(1)(b), F.S., offense</b> (passing on entrance/exit side of bus)	<b>\$400</b> penalty + <b>\$65</b> penalty that goes to Department of Health <b>TOTAL = \$465</b>	<b>\$200</b> penalty + <b>\$25</b> penalty that goes to safe schools allocation through Department of Education <b>TOTAL = \$225</b>

The bill provides that if a person is mailed a uniform traffic citation for a violation of s. 316.172(1)(a) or (b), F.S., as enforced by a school bus infraction detection system, presents documentation from the appropriation law enforcement agency that the uniform traffic citation was in error, the clerk of the court may dismiss the case. The clerk of court may not charge for this service.

The bill prohibits points from being imposed for a violation of passing a stopped school bus when enforced by a school bus infraction detection system. In addition, a violation of s. 316.172(1)(a) or (b), F.S., when enforced by a school bus infraction detection system may not be used for purposes of setting motor vehicle insurance rates.

#### Powers of School Districts

The bill creates s. 1006.21(3)(h), F.S., providing that a district school board, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system.

#### Conforming Changes

The bill amends s. 318.14, F.S., relating to noncriminal traffic infractions to provide an exception to a statutory requirement that certain traffic violations be signed by the alleged violator.

The bill amends ss. 316.306 and 655.960, F.S., conforming cross-references.

#### Effective Date

The bill has an effective date of July 1, 2023.

#### B. SECTION DIRECTORY:

- Section 1** Amends s. 316.003, F.S., providing definitions.
- Section 2** Creates s. 316.173, F.S., relating to school bus infraction detection systems.
- Section 3** Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exception, procedures.
- Section 4** Amends s. 318.18, F.S., relating to the amount of penalties.
- Section 5** Amends s. 322.27, F.S., relating to authority of DHSMV to suspend or revoke driver license or identification card.

- Section 6** Amends s. 1006.21, F.S., relating to duties of district school superintendent and district school board regarding transportation.
- Section 7** Amends s. 316.306, F.S., relating to school and work zones; prohibition on the use of a wireless communications device in a handheld manner.
- Section 8** Amends s. 655.960, F.S., relating to definitions.
- Section 9** Provides an effective date of July 1, 2023.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. School districts may experience an increase in revenue from the collection of penalties.

2. Expenditures:

Indeterminate. The collection of penalties is intended to cover the cost to administer the school bus infraction detection system.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. Manufacturers and vendors of school bus infraction enforcement systems may see an increase in revenues associated with this program.

Drivers may be cited more frequently for bus passing infractions and individuals who submit false affidavits defending the imposition of a traffic infraction may be subject to jail time and fines if found guilty of a second-degree misdemeanor.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires school bus infraction detection systems to meet requirements set by State Board of Education rule. The bill also authorizes the State Board of Education to establish rules regarding student privacy regarding school bus infraction detection systems.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 22, 2022, the Transportation & Modals Subcommittee considered a proposed committee substitute with one amendment and reported the bill favorably as a committee substitute. The committee substitute differs from HB 741 in the following ways:

- Defines the term “school bus infraction detection system.”
- Prohibits an individual from receiving a commission from any revenue collected from a school bus infraction detection system.
- Prevents a private vendor or manufacturer from receiving a fee or remuneration based upon the number of violations detected.
- Requires specified signs on a school bus with a school bus infraction detection system.
- Requires public notice prior to a school board starting a school bus infraction detection system program.
- Provides for the mailing of the notice of violation and a uniform traffic citation.
- Establishes exceptions to the registered owner of the motor vehicle being responsible for the violation and provides how to substantiate such exceptions.
- Revises reporting requirements to have school district reports submitted to DHSMV instead of DOE, and to have DHSMV submit a summary report to the Governor and the Legislature.
- Reduces the penalty associated with passing a stopped school bus when enforced by a school bus infraction detection system.
- Makes other technical and conforming changes.

On April 17, 2023, the Infrastructure Strategies Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Amends reporting requirements and adds a records retention requirement for school districts that operate school bus infraction detection systems.
- Clarifies processes relating to a “notice of violation” and a “uniform traffic citation.”
- Authorizes the clerk of court to dismiss a uniform traffic citation if certain conditions are met.
- Makes other technical and clarifying changes.

This analysis has been updated to reflect the committee substitute as approved by the Infrastructure Strategies Committee.