

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

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

51 department annually by a specified date; requiring the
 52 State Board of Education to establish specifications
 53 for testing a side stop signal arm enforcement system
 54 at regular intervals; authorizing the state board to
 55 adopt rules; amending s. 1006.21, F.S.; conforming a
 56 provision to changes made by the act; providing an
 57 effective date.

58

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

60

61 Section 1. Section 316.616, Florida Statutes, is created
 62 to read:

63 316.616 School buses; side stop signal arm enforcement
 64 system.—

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

66 (a) "School bus" has the same meaning as provided in s.
 67 316.6145.

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

74 (2) (a) A school district may install and operate a side
 75 stop signal arm enforcement system on a school bus for the

76 purpose of enforcing s. 316.172. The school district shall post
77 a warning sign or sticker on all school buses in which a system
78 is installed and operational indicating the use of such system.

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

87 (c) The school district shall ensure that the side stop
88 signal arm enforcement system meets the requirements of
89 subsection (12).

90 (d) The school district shall enter into an interlocal
91 agreement with one or more law enforcement agencies authorized
92 to enforce violations of s. 316.172 within the geographic area
93 of the school district which jointly establishes the
94 responsibilities of enforcement and the reimbursement of costs
95 associated with side stop signal arm enforcement system
96 violations consistent with this section.

97 (3) Each private manufacturer or vendor shall, within 30
98 days after an alleged violation is captured, submit the
99 following information to a law enforcement agency that has
100 entered into an interlocal agreement with the school district

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101 pursuant to paragraph (2) (d) :

102 (a) A copy of the recorded image showing the motor
103 vehicle.

104 (b) The license plate number and state of issuance of the
105 motor vehicle.

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

107 (4) (a) Each law enforcement agency that has entered into
108 an interlocal agreement with a school district pursuant to
109 paragraph (2) (d) shall review the information submitted by the
110 private manufacturer or vendor as provided under subsection (3)
111 to determine whether there is sufficient evidence that a
112 violation of s. 316.172 occurred and, if the evidence shows a
113 violation occurred, shall electronically certify a notice of
114 violation.

115 (b) A certificate or a facsimile of a certificate based on
116 inspection of recorded images produced by a side stop signal arm
117 enforcement system and sworn to or affirmed by a law enforcement
118 officer authorized to enforce violations pursuant to paragraph
119 (2) (d) shall be prima facie evidence of the facts contained in
120 it. Upon request by the law enforcement agency, the school
121 district shall provide written documentation that the side stop
122 signal arm enforcement system was operating correctly at the
123 time of the alleged violation.

124 (c) A recorded image evidencing a violation of s. 316.172
125 shall be admissible in any judicial or administrative proceeding

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126 to adjudicate the liability for the violation.

127 (d) A rebuttable presumption shall exist that the
128 registered owner of the motor vehicle was the driver at the time
129 of the alleged violation.

130 (5)(a) Within 30 days after receiving the information
131 provided under subsection (3), a law enforcement agency
132 authorized to enforce violations pursuant to paragraph (2)(d) or
133 an agent authorized by such law enforcement agency shall send by
134 first-class mail a notice of violation to the registered owner
135 of the motor vehicle involved in the violation. Mailing the
136 notice of violation constitutes notification.

137 (b) In the case of joint ownership of a motor vehicle, the
138 notice of violation shall be mailed to the first name appearing
139 on the registration. However, if the first name appearing on the
140 registration is a business entity, the second name appearing on
141 the registration may be used.

142 (c) The notice of violation must include all of the
143 following:

144 1. A copy of the recorded image showing the motor vehicle
145 involved in the violation.

146 2. A citation for the violation indicating the date, time,
147 and location of the alleged violation.

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

150 4. A copy of the certificate described in subsection (4)

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151 and a statement of the inference therein.

152 5. Instructions on how to request a hearing to contest
153 liability or notice.

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

157 (d) The registered owner of the motor vehicle involved in
158 a violation may:

159 1. Admit responsibility for the violation and pay the fine
160 as indicated on the notice of violation. Payment of the fine
161 operates as a final disposition of the civil penalty; or

162 2. Within 20 days after receiving the notice of violation,
163 request a hearing in a county court to contest the violation.

164 (6)(a) If a violation has not been contested and the civil
165 penalty has not been paid within 30 days after a notice required
166 under subsection (5) is mailed, the law enforcement agency or an
167 agent authorized by the law enforcement agency shall send by
168 first-class mail a final notice of the unpaid civil penalty. The
169 final notice must inform the registered owner of the motor
170 vehicle that the law enforcement agency or the agent authorized
171 by the law enforcement agency shall send an electronic referral
172 to the department, in a form prescribed by the department, if
173 the civil penalty is not paid within 30 days after the final
174 notice was mailed and that such referral shall result in the
175 nonrenewal of the registration of such motor vehicle and

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176 prohibit the title transfer of such motor vehicle within this
177 state.

178 (b) Within 5 days after receipt of a referral under
179 paragraph (a), the department shall enter the referral into the
180 department's motor vehicle database and shall refuse to renew
181 the registration of the motor vehicle and prohibit the title
182 transfer of the motor vehicle within this state until the civil
183 penalty is paid.

184 (c) The department shall remove the penalties imposed
185 under paragraph (b) upon receipt of notification, in an
186 electronic format and method prescribed by the department, that
187 the registered owner of the motor vehicle or any other person
188 has presented the department with adequate proof that the civil
189 penalty has been paid.

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

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

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

201 personal identifying information contained in the recorded video
 202 or still images produced by the system which is not relevant to
 203 the alleged violation, including, but not limited to, the
 204 identity of the driver and any passenger of a motor vehicle, the
 205 interior or contents of a motor vehicle, the identity of an
 206 uninvolved person, a number identifying the address of a private
 207 residence, and the contents or interior of a private residence,
 208 is sufficiently obscured so as not to reveal such personal
 209 identifying information.

210 4. A notice of a violation issued under this section may
 211 not be dismissed solely because a recorded video or still images
 212 reveal personal identifying information as provided in
 213 subparagraph 3. as long as a reasonable effort has been made to
 214 comply with this subsection.

215 (b) Any recorded video or still image obtained through the
 216 use of a side stop signal arm enforcement system must be
 217 destroyed within 90 days after the final disposition of the
 218 recorded event. The vendor of a side stop signal arm enforcement
 219 system shall provide the school district with written notice by
 220 December 31 of each year that such records have been destroyed
 221 in accordance with this section.

222 (c) Notwithstanding any other law, registered motor
 223 vehicle owner information obtained as a result of the operation
 224 of a side stop signal arm enforcement system is not the property
 225 of the manufacturer or vendor of the system and may be used only

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226 for the purposes of this section.

227 (8) The registered owner of a motor vehicle is not
228 responsible for a violation of this section if the vehicle
229 involved was reported to a state or local law enforcement agency
230 as stolen at the time the violation occurred.

231 (9) This section supplements the enforcement of s. 316.172
232 by a law enforcement officer when a driver fails to stop while a
233 school bus is stopped and does not prohibit a law enforcement
234 officer from issuing a traffic citation for a violation of s.
235 316.172.

236 (10) (a) The registered owner of a motor vehicle who is
237 found in violation of s. 316.172 by a side stop signal arm
238 enforcement system is subject to a civil penalty of \$200 for a
239 violation of s. 316.172(1) (a) and \$400 for a violation of s.
240 316.172(1) (b). Notwithstanding s. 318.18(5) (a), (b), and (c),
241 the civil penalty shall be paid to the school district in which
242 the violation occurred and must be used for the installation or
243 maintenance of side stop signal arm enforcement systems on
244 school buses, for any other technology that increases the safety
245 of the transportation of students, or for the administration and
246 costs associated with enforcement of such violations. In
247 addition to the civil penalty for a violation of s.
248 316.172(1) (a) or (b), an additional \$65 shall be collected from
249 the registered owner of a motor vehicle and dedicated to the
250 safe schools allocation provided to school districts by the

251 Department of Education pursuant to s. 1011.62(12).

252 (b) For each violation under this section, the registered
 253 owner of the motor vehicle shall be liable for the imposed
 254 penalty unless the owner is convicted of the same violation
 255 under s. 316.172 or unless the motor vehicle was stolen at the
 256 time of the violation as provided under subsection (8).

257 (c) A violation for which a civil penalty is imposed
 258 pursuant to this section is not considered a moving violation
 259 for the purpose of assessing points under s. 322.27(3). Such
 260 violation is noncriminal, and imposition of a civil penalty
 261 pursuant to this section does not constitute a conviction, may
 262 not be made a part of the driving record of the person upon whom
 263 such liability is imposed, and may not be used for any purposes
 264 in the provision of motor vehicle insurance.

265 (11) By December 31, 2023, and annually thereafter, a
 266 school district operating a side stop signal arm enforcement
 267 system shall provide a summary report to the Governor, the
 268 President of the Senate, the Speaker of the House of
 269 Representatives, and the department regarding the use and
 270 operation of the system under this section, including the number
 271 of citations issued and the amount of funds collected for the
 272 preceding state fiscal year.

273 (12) A side stop signal arm enforcement system must meet
 274 specifications established by the State Board of Education and
 275 must be tested at regular intervals according to specifications

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276 prescribed by state board rule. The state board must establish
277 such specifications by rule on or before December 31, 2023.
278 However, any such equipment acquired by purchase, lease, or
279 other arrangement under an agreement entered into by a school
280 district on or before July 1, 2024, or equipment used to enforce
281 violations of s. 316.172 on or before July 1, 2024, is not
282 required to meet the specifications established by the state
283 board until July 1, 2024.

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

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

289 1006.21 Duties of district school superintendent and
290 district school board regarding transportation.—

291 (3) District school boards, after considering
292 recommendations of the district school superintendent:

293 (h) May install and operate, or enter into an agreement
294 with a private vendor or manufacturer to provide, a side stop
295 signal arm enforcement system for each school bus pursuant to s.
296 316.616.

297 Section 3. This act shall take effect July 1, 2023.