

1 A bill to be entitled
2 An act relating to enforcement of school bus passing
3 infractions; amending s. 316.003, F.S.; defining the
4 term "school bus infraction detection system";
5 creating s. 316.173, F.S.; authorizing school
6 districts to install and operate school bus infraction
7 detection systems for a specified purpose; authorizing
8 school districts to contract with a private vendor or
9 manufacturer for specified purposes; requiring the
10 decision to install school bus infraction detection
11 systems to be based on the need to increase public
12 safety; prohibiting an individual from receiving a
13 commission from violations detected through the
14 system; prohibiting a private vendor or manufacturer
15 from receiving a fee or remuneration based on the
16 number of violations detected; requiring the school
17 district to ensure that each system meets certain
18 requirements; requiring the school district to enter
19 into interlocal agreements with law enforcement
20 agencies to enforce violations; providing signage
21 requirements; requiring a school district that
22 installs a school bus infraction detection system to
23 provide certain notice to the public; requiring a
24 school district that has never conducted a school bus
25 infraction detection system program to conduct a

26 public awareness campaign before commencing
27 enforcement under such program; limiting penalties in
28 effect during the public awareness campaign; requiring
29 the private vendor or manufacturer to submit specified
30 information to such law enforcement agencies within a
31 specified timeframe; providing notification
32 requirements and procedures for law enforcement
33 agencies; requiring a person who receives a
34 notification of violation to pay the civil penalty or
35 request a hearing within a specified timeframe;
36 providing for waiver of challenge or dispute as to the
37 delivery of notification of violation; providing for
38 the distribution and use of funds; providing
39 requirements for issuance of a uniform traffic
40 citation; providing for waiver of challenge or dispute
41 as to the delivery of the traffic citation; providing
42 notification requirements and procedures; specifying
43 that the registered owner of a motor vehicle is
44 responsible and liable for paying a uniform traffic
45 citation; providing exceptions; requiring the
46 registered owner of a motor vehicle to furnish an
47 affidavit under certain circumstances; specifying
48 requirements for such affidavit; providing a criminal
49 penalty for submitting a false affidavit; providing
50 that certain recorded video and images are admissible

51 in certain proceedings; providing a rebuttable
52 presumption; providing construction; specifying
53 requirements of and prohibitions on the use of video
54 and images recorded by the school bus infraction
55 detection system; requiring school districts to submit
56 an annual report to the Department of Highway Safety
57 and Motor Vehicles; requiring the department to submit
58 an annual summary report to the Governor and
59 Legislature; requiring school bus infraction detection
60 systems to meet State Board of Education
61 specifications; requiring the state board to establish
62 certain specifications by rule by a specified date;
63 authorizing the state board to adopt rules regarding
64 student privacy; amending s. 318.14, F.S.; conforming
65 provisions to changes made by the act; amending s.
66 318.18, F.S.; providing exceptions to penalties for
67 violations enforced by a school bus infraction
68 detection system; amending s. 322.27, F.S.;
69 prohibiting points from being imposed against a driver
70 license for certain infractions enforced by a school
71 bus infraction detection system; prohibiting such
72 infractions from being used to set motor vehicle
73 insurance rates; amending ss. 1006.21, 316.306, and
74 655.960, F.S.; conforming cross-references and
75 provisions to changes made by the act; providing an

76 | effective date.

77 |

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

79 |

80 | Section 1. Subsections (78) through (109) of section
81 | 316.003, Florida Statutes, are renumbered as subsections (79)
82 | through (110), respectively, subsection (64) is amended, and a
83 | new subsection (78) is added to that section, to read:

84 | 316.003 Definitions.—The following words and phrases, when
85 | used in this chapter, shall have the meanings respectively
86 | ascribed to them in this section, except where the context
87 | otherwise requires:

88 | (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
89 | provided in paragraph (88)(b) ~~(87)(b)~~, any privately owned way
90 | or place used for vehicular travel by the owner and those having
91 | express or implied permission from the owner, but not by other
92 | persons.

93 | (78) SCHOOL BUS INFRACTION DETECTION SYSTEM.—A camera
94 | system affixed to a school bus with two or more camera sensors
95 | or computers that produce a recorded video and two or more film
96 | or digital photographic still images for the purpose of
97 | documenting a motor vehicle being used or operated in a manner
98 | that allegedly violates s. 316.172(1)(a) or (b).

99 | Section 2. Section 316.173, Florida Statutes, is created
100 | to read:

101 316.173 School bus infraction detection systems.—

102 (1)(a) A school district may install and operate a school
103 bus infraction detection system on a school bus for the purpose
104 of enforcing s. 316.172(1)(a) and (b) as provided in and
105 consistent with this section.

106 (b) The school district may contract with a private vendor
107 or manufacturer to install a school bus infraction detection
108 system on any school bus within its fleet, whether owned,
109 contracted, or leased, and for services including, but not
110 limited to, the installation, operation, and maintenance of the
111 system. The school district's decision to install school bus
112 infraction detection systems must be based solely on the need to
113 increase public safety. An individual may not receive a
114 commission from any revenue collected from violations detected
115 through the use of a school bus infraction detection system. A
116 private vendor or manufacturer may not receive a fee or
117 remuneration based upon the number of violations detected
118 through the use of a school bus infraction detection system.

119 (c) The school district shall ensure that each school bus
120 infraction detection system meets the requirements of subsection
121 (18).

122 (d) The school district shall enter into an interlocal
123 agreement with one or more law enforcement agencies authorized
124 to enforce violations of s. 316.172(1)(a) and (b) within the
125 school district which jointly establishes the responsibilities

126 of enforcement and the reimbursement of costs associated with
127 school bus infraction detection systems consistent with this
128 section.

129 (2) (a) The school district must post high-visibility
130 reflective signage on the rear of each school bus in which a
131 school bus infraction detection system is installed and
132 operational which indicates the use of such system. The signage
133 must be in the form of one or more signs or stickers and must
134 contain the following elements in substantially the following
135 form:

136 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
137 WHEN RED LIGHTS FLASH."

138 2. The words "CAMERA ENFORCED."

139 3. A graphic depiction of a camera.

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

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

147 (3) If a school district that has never conducted a school
148 bus infraction detection system program begins such a program,
149 the school district must make a public announcement and conduct
150 a public awareness campaign of the proposed use of school bus

151 infraction detection systems at least 30 days before commencing
152 enforcement under the school bus infraction detection system
153 program and notify the public of the specific date on which the
154 program will commence. During the public awareness campaign,
155 only a warning may be issued to the registered owner of a motor
156 vehicle for a violation of s. 316.172(1)(a) or (b) enforced by a
157 school bus infraction detection system, and a civil penalty may
158 not be imposed under chapter 318.

159 (4) Within 30 days after an alleged violation of s.
160 316.172(1)(a) or (b) is recorded by a school bus infraction
161 detection system, the private vendor or manufacturer shall
162 submit the following information to a law enforcement agency
163 that has entered into an interlocal agreement with the school
164 district pursuant to paragraph (1)(d) and has traffic infraction
165 enforcement jurisdiction at the location where the alleged
166 violation occurred:

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

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

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

172 (5) Within 30 days after receiving the information
173 required in subsection (4), the law enforcement agency, if it
174 determines that the motor vehicle violated s. 316.172(1)(a) or
175 (b), must send notice of violation to the registered owner of

176 the motor vehicle involved in the violation specifying the
177 remedies available under s. 318.14 and that the violator must
178 pay the penalty under s. 318.18(5) or furnish an affidavit in
179 accordance with subsection (10) within 30 days after the date of
180 the notification of violation in order to avoid court fees,
181 costs, and the issuance of a uniform traffic citation. The
182 notification of violation must be sent by first-class mail and
183 include all of the following:

184 (a) A copy of the recorded image showing the motor vehicle
185 involved in the violation, including an image showing the
186 license plate of the motor vehicle.

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

188 (c) The amount of the civil penalty, the date by which the
189 civil penalty must be paid, and instructions on how to pay the
190 civil penalty.

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

193 (e) A notice that the owner has the right to review, in
194 person or remotely, the video and images recorded by the school
195 bus infraction detection system which constitute a rebuttable
196 presumption that the motor vehicle was used in violation of s.
197 316.172(a) or (b).

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

200 (g) A warning that failure to pay the civil penalty or to

201 contest liability within 30 days after the notice is mailed will
202 result in the issuance of a uniform traffic citation.

203 (6) If the registered owner or co-owner of the motor
204 vehicle; the person identified as having care, custody, or
205 control of the motor vehicle at the time of the violation; or an
206 authorized representative of the owner, co-owner, or identified
207 person initiates a proceeding to challenge the violation, such
208 person waives any challenge or dispute as to the delivery of the
209 notification of violation.

210 (7) The civil penalties assessed for a violation of s.
211 316.172(1) (a) or (b) enforced by a school bus infraction
212 detection system must be remitted to the school district in
213 which the violation occurred. Such civil penalties must be used
214 for the installation or maintenance of school bus infraction
215 detection systems on school buses, for any other technology that
216 increases the safety of the transportation of students, or for
217 the administration and costs associated with the enforcement of
218 violations as described in this section.

219 (8) A uniform traffic citation shall be issued by mailing
220 the uniform traffic citation by certified mail to the address of
221 the registered owner of the motor vehicle involved in the
222 violation if payment has not been made within 30 days after
223 notification under subsection (5), if the registered owner has
224 not requested a hearing under s. 318.14, and if the registered
225 owner has not submitted an affidavit in accordance with

226 subsection (10).

227 (a) Delivery of the uniform traffic citation constitutes
 228 notification for a violation of s. 316.172(1) (a) or (b) under
 229 this subsection. If the registered owner or co-owner of the
 230 motor vehicle; the person identified as having care, custody, or
 231 control of the motor vehicle at the time of the violation; or a
 232 duly authorized representative of the owner, co-owner, or
 233 identified person initiates a proceeding to challenge the
 234 citation, such person waives any challenge or dispute as to the
 235 delivery of the uniform traffic citation.

236 (b) In the case of joint ownership of a motor vehicle, the
 237 uniform traffic citation shall be mailed to the first name
 238 appearing on the motor vehicle registration, unless the first
 239 name appearing on the registration is a business organization,
 240 in which case the second name on the registration may be used.

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

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

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

250 (b) A uniform traffic citation was issued by law

251 enforcement to the driver of the motor vehicle for the alleged
 252 violation of s. 316.172(1)(a) or (b); or

253 (c) The motor vehicle's owner was deceased on or before
 254 the date that the uniform traffic citation was issued, as
 255 established by an affidavit submitted by the representative of
 256 the motor vehicle owner's estate or other designated person or
 257 family member.

258 (10) To establish such facts under subsection (9), the
 259 registered owner of the motor vehicle shall, within 30 days
 260 after the date of issuance of the notice of violation or the
 261 uniform traffic citation, furnish to the law enforcement agency
 262 that issued the notice of violation or uniform traffic citation
 263 an affidavit setting forth information supporting an exemption
 264 under subsection (9).

265 (a) An affidavit supporting the exemption under paragraph
 266 (9)(a) must include the name, address, date of birth, and, if
 267 known, the driver license number of the person who leased,
 268 rented, or otherwise had care, custody, or control of the motor
 269 vehicle at the time of the alleged violation. If the motor
 270 vehicle was stolen at the time of the alleged violation, the
 271 affidavit must include the police report indicating that the
 272 motor vehicle was stolen.

273 (b) If a uniform traffic citation for a violation of s.
 274 316.172(1)(a) or (b) was issued at the location of the violation
 275 by a law enforcement officer, the affidavit must include the

276 serial number of the uniform traffic citation.

277 (c) If the motor vehicle's owner to whom a uniform traffic
278 citation has been issued is deceased, the affidavit must include
279 a certified copy of the owner's death certificate showing that
280 the date of death occurred on or before the issuance of the
281 uniform traffic citation and one of the following:

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

285 2. Documented proof that the registered license plate
286 belonging to the deceased owner's motor vehicle was returned to
287 the department or any branch office or authorized agent of the
288 department after his or her death but on or before the date of
289 the alleged violation.

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

294
295 Upon receipt of the affidavit and documentation required under
296 paragraphs (b) and (c), or 30 days after the date of issuance of
297 a notice of violation sent to a person identified as having
298 care, custody, or control of the motor vehicle at the time of
299 the violation under paragraph (a), the law enforcement agency
300 must dismiss the notice or citation and provide proof of such

301 dismissal to the person who submitted the affidavit. If, within
302 30 days after the date of a notice of violation sent to a person
303 under subsection (11), the law enforcement agency receives an
304 affidavit under subsection (12) from the person who was sent a
305 notice of violation affirming that the person did not have care,
306 custody, or control of the motor vehicle at the time of the
307 violation, the law enforcement agency shall notify the
308 registered owner that the notice or citation will not be
309 dismissed due to failure to establish that another person had
310 care, custody, or control of the motor vehicle at the time of
311 the violation.

312 (11) Upon receipt of an affidavit under paragraph (9)(a),
313 the law enforcement agency may issue the person identified as
314 having care, custody, or control of the motor vehicle at the
315 time of the violation a notification of violation pursuant to
316 subsection (5) for a violation of s. 316.172 (1)(a) or (b). The
317 affidavit is admissible in a proceeding pursuant to this section
318 for the purpose of providing evidence that the person identified
319 in the affidavit was in actual care, custody, or control of the
320 motor vehicle. The owner of a leased motor vehicle for which a
321 uniform traffic citation is issued for a violation of s.
322 316.172(1)(a) or (b) is not responsible for paying the uniform
323 traffic citation and is not required to submit an affidavit as
324 specified in subsection (10) if the motor vehicle involved in
325 the violation is registered in the name of the lessee of such

326 motor vehicle.

327 (12) If a law enforcement agency receives an affidavit
328 under paragraph (9)(a), the notification of violation required
329 under subsection (5) must be sent to the person identified in
330 the affidavit within 30 days after receipt of the affidavit. The
331 person identified in an affidavit and sent a notice of violation
332 may also affirm he or she did not have care, custody, or control
333 of the motor vehicle at the time of the violation by furnishing
334 to the appropriate governmental entity within 30 days after the
335 date of the notice of violation an affidavit stating such.

336 (13) The submission of a false affidavit is a misdemeanor
337 of the second degree, punishable as provided in s. 775.082 or s.
338 775.083.

339 (14) The video and images recorded by a school bus
340 infraction detection system which are attached to or referenced
341 in the uniform traffic citation are evidence of a violation of
342 s. 316.172(1)(a) or (b) and are admissible in any proceeding to
343 enforce this section. The recorded video and images raise a
344 rebuttable presumption that the motor vehicle shown in the
345 recorded video and images was used in violation of s.
346 316.172(1)(a) or (b).

347 (15) This section supplements the enforcement of s.
348 316.172(1)(a) and (b) by a law enforcement officer and does not
349 prohibit a law enforcement officer from issuing a traffic
350 citation for a violation of s. 316.172(1)(a) or (b).

351 (16) (a) 1. Notwithstanding any other law, equipment
352 deployed as part of a school bus infraction detection system as
353 provided under this section must be incapable of automated or
354 user-controlled remote surveillance by means of recorded video
355 or still images.

356 2. Video and images recorded as part of the school bus
357 infraction detection system may only be used to document
358 violations of s. 316.172(1) (a) or (b) and may not be used for
359 any other surveillance purposes.

360 3. To the extent practicable, a school bus infraction
361 detection system must use necessary technology to ensure that
362 personal identifying information contained in the video or still
363 images recorded by the system which is not relevant to the
364 alleged violation, including, but not limited to, the identity
365 of the driver and any passenger of a motor vehicle, the interior
366 or contents of a motor vehicle, the identity of an uninvolved
367 person, a number identifying the address of a private residence,
368 and the contents or interior of a private residence, is
369 sufficiently obscured so as not to reveal such personal
370 identifying information.

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

376 (b) Any recorded video or still image obtained through the
377 use of a school bus infraction detection system must be
378 destroyed within 90 days after the final disposition of the
379 recorded event. The vendor of the school bus infraction
380 detection system shall provide the school district with written
381 notice by December 31 of each year that such records have been
382 destroyed in accordance with this section.

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

388 (17) (a) By October 1, 2024, and annually thereafter, each
389 school district, in consultation with the law enforcement
390 agencies with which it has interlocal agreements pursuant to
391 this section, operating a school bus infraction detection system
392 shall provide a report to the department which details the
393 results of the school bus infraction detection systems in the
394 school district in the preceding school year. The information
395 submitted by the school districts must include:

396 1. The number of school buses that have a school bus
397 infraction detection system installed, including the date of
398 installation and, if applicable, the date the systems were
399 removed.

400 2. The number of notices of violation issued, the number

401 that were contested, and the number that were paid per state
402 fiscal year.

403 3. Any other statistical data and information required by
404 the department to complete the report required by paragraph (b).

405 (b) By December 31, 2024, and annually thereafter, the
406 department shall submit a summary report to the Governor, the
407 President of the Senate, and the Speaker of the House of
408 Representatives regarding the use and operation of school bus
409 infraction detection systems under this section, along with the
410 department's recommendations and any necessary legislation. The
411 summary report must include a review of the information
412 submitted to the department by the school districts and must
413 describe the enhancement of traffic safety and enforcement
414 programs.

415 (18) A school bus infraction detection system must meet
416 specifications established by the State Board of Education and
417 must be tested at regular intervals according to specifications
418 prescribed by state board rule. The state board must establish
419 such specifications by rule on or before December 31, 2023.
420 However, any such equipment acquired by purchase, lease, or
421 other arrangement under an agreement entered into by a school
422 district on or before July 1, 2024, or equipment used to enforce
423 violations of s. 316.172(1) (a) or (b) on or before July 1, 2024,
424 is not required to meet the specifications established by the
425 state board until July 1, 2024.

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

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

431 318.14 Noncriminal traffic infractions; exception;
432 procedures.—

433 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
434 and 316.173, any person cited for a violation requiring a
435 mandatory hearing listed in s. 318.19 or any other criminal
436 traffic violation listed in chapter 316 must sign and accept a
437 citation indicating a promise to appear. The officer may
438 indicate on the traffic citation the time and location of the
439 scheduled hearing and must indicate the applicable civil penalty
440 established in s. 318.18. For all other infractions under this
441 section, except for infractions under s. 316.1001, the officer
442 must certify by electronic, electronic facsimile, or written
443 signature that the citation was delivered to the person cited.
444 This certification is prima facie evidence that the person cited
445 was served with the citation.

446 Section 4. Paragraphs (b) and (c) of subsection (5) of
447 section 318.18, Florida Statutes, are amended to read:

448 318.18 Amount of penalties.—The penalties required for a
449 noncriminal disposition pursuant to s. 318.14 or a criminal
450 offense listed in s. 318.17 are as follows:

451 (5)

452 (b) Four hundred dollars for a violation of s.
453 316.172(1)(b), passing a school bus on the side that children
454 enter and exit when the school bus displays a stop signal. If,
455 at a hearing, the alleged offender is found to have committed
456 this offense, the court shall impose a minimum civil penalty of
457 \$400. In addition to this penalty, for a second or subsequent
458 offense within a period of 5 years, the department shall suspend
459 the driver license of the person for not less than 360 days and
460 not more than 2 years. If a violation of s. 316.172(1)(b) is
461 enforced by a school bus infraction detection system pursuant to
462 s. 316.173, the penalty under this paragraph is \$200, in lieu of
463 the \$400 penalty, and the court must impose a minimum civil
464 penalty under this paragraph of \$200, in lieu of the \$400
465 minimum civil penalty.

466 (c) In addition to the penalty under paragraph (a) or
467 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
468 If the alleged offender is found to have committed the offense,
469 the court shall impose the civil penalty under paragraph (a) or
470 paragraph (b) plus an additional \$65. The additional \$65
471 collected under this paragraph shall be remitted to the
472 Department of Revenue for deposit into the Emergency Medical
473 Services Trust Fund of the Department of Health to be used as
474 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
475 (b) is enforced by a school bus infraction detection system

476 pursuant to s. 316.173, the additional amount imposed on the
 477 uniform traffic citation or by the court under this paragraph
 478 shall be \$25, in lieu of the additional \$65, and must be
 479 dedicated to the safe schools allocation provided to school
 480 districts by the Department of Education pursuant to s.
 481 1011.62(12).

482 Section 5. Paragraph (d) of subsection (3) of section
 483 322.27, Florida Statutes, is amended to read:

484 322.27 Authority of department to suspend or revoke driver
 485 license or identification card.—

486 (3) There is established a point system for evaluation of
 487 convictions of violations of motor vehicle laws or ordinances,
 488 and violations of applicable provisions of s. 403.413(6)(b) when
 489 such violations involve the use of motor vehicles, for the
 490 determination of the continuing qualification of any person to
 491 operate a motor vehicle. The department is authorized to suspend
 492 the license of any person upon showing of its records or other
 493 good and sufficient evidence that the licensee has been
 494 convicted of violation of motor vehicle laws or ordinances, or
 495 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 496 more points as determined by the point system. The suspension
 497 shall be for a period of not more than 1 year.

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

- 501 1. Reckless driving, willful and wanton—4 points.
- 502 2. Leaving the scene of a crash resulting in property
503 damage of more than \$50—6 points.
- 504 3. Unlawful speed, or unlawful use of a wireless
505 communications device, resulting in a crash—6 points.
- 506 4. Passing a stopped school bus:
- 507 a. Not causing or resulting in serious bodily injury to or
508 death of another—4 points.
- 509 b. Causing or resulting in serious bodily injury to or
510 death of another—6 points.
- 511 c. No points shall be imposed for a violation of passing a
512 stopped school bus when enforced by a school bus infraction
513 detection system. In addition, a violation of s. 316.172(1)(a)
514 or (b) when enforced by a school bus infraction detection system
515 pursuant to s. 316.173 may not be used for purposes of setting
516 motor vehicle insurance rates.
- 517 5. Unlawful speed:
- 518 a. Not in excess of 15 miles per hour of lawful or posted
519 speed—3 points.
- 520 b. In excess of 15 miles per hour of lawful or posted
521 speed—4 points.
- 522 6. A violation of a traffic control signal device as
523 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
524 However, no points shall be imposed for a violation of s.
525 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

526 stop at a traffic signal and when enforced by a traffic
527 infraction enforcement officer. In addition, a violation of s.
528 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
529 stop at a traffic signal and when enforced by a traffic
530 infraction enforcement officer may not be used for purposes of
531 setting motor vehicle insurance rates.

532 7. All other moving violations (including parking on a
533 highway outside the limits of a municipality)—3 points. However,
534 no points shall be imposed for a violation of s. 316.0741 or s.
535 316.2065(11); and points shall be imposed for a violation of s.
536 316.1001 only when imposed by the court after a hearing pursuant
537 to s. 318.14(5).

538 8. Any moving violation covered in this paragraph,
539 excluding unlawful speed and unlawful use of a wireless
540 communications device, resulting in a crash—4 points.

541 9. Any conviction under s. 403.413(6)(b)—3 points.

542 10. Any conviction under s. 316.0775(2)—4 points.

543 11. A moving violation covered in this paragraph which is
544 committed in conjunction with the unlawful use of a wireless
545 communications device within a school safety zone—2 points, in
546 addition to the points assigned for the moving violation.

547 Section 6. Paragraph (h) is added to subsection (3) of
548 section 1006.21, Florida Statutes, to read:

549 1006.21 Duties of district school superintendent and
550 district school board regarding transportation.—

551 (3) District school boards, after considering
 552 recommendations of the district school superintendent:

553 (h) May install and operate, or enter into an agreement
 554 with a private vendor or manufacturer to provide, a school bus
 555 infraction detection system pursuant to s. 316.173.

556 Section 7. Paragraph (a) of subsection (3) of section
 557 316.306, Florida Statutes, is amended to read:

558 316.306 School and work zones; prohibition on the use of a
 559 wireless communications device in a handheld manner.—

560 (3)(a)1. A person may not operate a motor vehicle while
 561 using a wireless communications device in a handheld manner in a
 562 designated school crossing, school zone, or work zone area as
 563 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
 564 shall only be applicable to work zone areas if construction
 565 personnel are present or are operating equipment on the road or
 566 immediately adjacent to the work zone area. For the purposes of
 567 this paragraph, a motor vehicle that is stationary is not being
 568 operated and is not subject to the prohibition in this
 569 paragraph.

570 2. Effective January 1, 2020, a law enforcement officer
 571 may stop motor vehicles and issue citations to persons who are
 572 driving while using a wireless communications device in a
 573 handheld manner in violation of subparagraph 1.

574 Section 8. Subsection (1) of section 655.960, Florida
 575 Statutes, is amended to read:

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576 655.960 Definitions; ss. 655.960-655.965.—As used in this
577 section and ss. 655.961-655.965, unless the context otherwise
578 requires:

579 (1) "Access area" means any paved walkway or sidewalk
580 which is within 50 feet of any automated teller machine. The
581 term does not include any street or highway open to the use of
582 the public, as defined in s. 316.003(88) (a) ~~s. 316.003(87) (a)~~ or
583 (b), including any adjacent sidewalk, as defined in s. 316.003.

584 Section 9. This act shall take effect July 1, 2023.