

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

51 | admissible in certain proceedings; providing a  
52 | rebuttable presumption; providing construction;  
53 | specifying requirements of and prohibitions on the use  
54 | of video and images recorded by the school bus  
55 | infraction detection system; requiring school  
56 | districts to submit a quarterly report to the  
57 | Department of Highway Safety and Motor Vehicles and to  
58 | maintain certain data for a certain period; requiring  
59 | the department to submit an annual summary report to  
60 | the Governor and Legislature; requiring school bus  
61 | infraction detection systems to meet State Board of  
62 | Education specifications; requiring the state board to  
63 | establish certain specifications by rule by a  
64 | specified date; authorizing the state board to adopt  
65 | rules regarding student privacy; amending s. 318.14,  
66 | F.S.; conforming provisions to changes made by the  
67 | act; amending s. 318.18, F.S.; providing civil  
68 | penalties for school bus passing violations enforced  
69 | by a school bus infraction detection system; providing  
70 | for dedication of a certain portion thereof; providing  
71 | conditions under which a case may be dismissed;  
72 | amending s. 322.27, F.S.; prohibiting points from  
73 | being imposed against a driver license for school bus  
74 | passing violations enforced by a school bus infraction  
75 | detection system; prohibiting such violations from

76 being used to set motor vehicle insurance rates;  
 77 amending ss. 1006.21, 316.306, and 655.960, F.S.;  
 78 conforming cross-references and provisions to changes  
 79 made by the act; providing an effective date.

80

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

82

83 Section 1. Subsections (78) through (109) of section  
 84 316.003, Florida Statutes, are renumbered as subsections (79)  
 85 through (110), respectively, subsection (64) is amended, and a  
 86 new subsection (78) is added to that section, to read:

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

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

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

101 that allegedly violates s. 316.172(1) (a) or (b).

102 Section 2. Section 316.173, Florida Statutes, is created  
103 to read:

104 316.173 School bus infraction detection systems.—

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

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

122 (c) The school district must ensure that each school bus  
123 infraction detection system meets the requirements of subsection  
124 (18).

125 (d) The school district must enter into an interlocal

126 agreement with one or more law enforcement agencies authorized  
127 to enforce violations of s. 316.172(1)(a) and (b) within the  
128 school district which jointly establishes the responsibilities  
129 of enforcement and the reimbursement of costs associated with  
130 school bus infraction detection systems consistent with this  
131 section.

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

139 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS  
140 WHEN RED LIGHTS FLASH."

141 2. The words "CAMERA ENFORCED."

142 3. A graphic depiction of a camera.

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

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

150 (3) If a school district that has never conducted a school

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

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

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

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

- 176        (c) The date, time, and location of the alleged violation.
- 177        (5) Within 30 days after receiving the information
- 178 required in subsection (4), the law enforcement agency, if it
- 179 determines that the motor vehicle violated s. 316.172(1) (a) or
- 180 (b), must send notice of violation to the registered owner of
- 181 the motor vehicle involved in the violation specifying the
- 182 remedies available under s. 318.14 and that the violator must
- 183 pay the penalty under s. 318.18(5) or furnish an affidavit in
- 184 accordance with subsection (10) within 30 days after the notice
- 185 of violation is sent in order to avoid court fees, costs, and
- 186 the issuance of a uniform traffic citation. The notice of
- 187 violation must be sent by first-class mail and include all of
- 188 the following:
- 189        (a) A copy of one or more recorded images showing the
- 190 motor vehicle involved in the violation, including an image
- 191 showing the license plate of the motor vehicle.
- 192        (b) The date, time, and location of the violation.
- 193        (c) The amount of the civil penalty, the date by which the
- 194 civil penalty must be paid, and instructions on how to pay the
- 195 civil penalty.
- 196        (d) Instructions on how to request a hearing to contest
- 197 liability or the notice of violation.
- 198        (e) A notice that the owner has the right to review, in
- 199 person or remotely, the video and images recorded by the school
- 200 bus infraction detection system which constitute a rebuttable



201 presumption that the motor vehicle was used in violation of s.  
 202 316.172(1)(a) or (b).

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

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

208 (6) If the registered owner or co-owner of the motor  
 209 vehicle; the person identified as having care, custody, or  
 210 control of the motor vehicle at the time of the violation; or an  
 211 authorized representative of the owner, co-owner, or identified  
 212 person initiates a proceeding to challenge the violation, such  
 213 person waives any challenge or dispute as to the delivery of the  
 214 notice of violation.

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

224 (8) A uniform traffic citation must be issued by mailing  
 225 the uniform traffic citation by certified mail to the address of

226 the registered owner of the motor vehicle involved in the  
227 violation if payment has not been made within 30 days after  
228 notification under subsection (5) and if the registered owner  
229 has not submitted an affidavit in accordance with subsection  
230 (10).

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

240 (b) In the case of joint ownership of a motor vehicle, the  
241 uniform traffic citation must be mailed to the first name  
242 appearing on the motor vehicle registration, unless the first  
243 name appearing on the registration is a business organization,  
244 in which case the second name appearing on the registration may  
245 be used.

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

249 (9) The registered owner of the motor vehicle involved in  
250 the violation is responsible and liable for paying the uniform

251 traffic citation issued for a violation of s. 316.172(1)(a) or  
 252 (b) unless the owner can establish that:

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

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

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

262 (10) To establish such facts under subsection (9), the  
 263 registered owner of the motor vehicle must, within 30 days after  
 264 the date of issuance of the notice of violation or the uniform  
 265 traffic citation, furnish to the law enforcement agency that  
 266 issued the notice of violation or uniform traffic citation an  
 267 affidavit setting forth information supporting an exception  
 268 under subsection (9).

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

276 motor vehicle was stolen.

277 (b) If a uniform traffic citation for a violation of s.  
278 316.172(1)(a) or (b) was issued at the location of the violation  
279 by a law enforcement officer, the affidavit must include the  
280 serial number of the uniform traffic citation.

281 (c) If the motor vehicle's owner to whom a notice of  
282 violation or a uniform traffic citation has been issued is  
283 deceased, the affidavit must include a certified copy of the  
284 owner's death certificate showing that the date of death  
285 occurred on or before the date of the alleged violation and one  
286 of the following:

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

290 2. Documented proof that the registered license plate  
291 belonging to the deceased owner's motor vehicle was returned to  
292 the department or any branch office or authorized agent of the  
293 department after his or her death but on or before the date of  
294 the alleged violation.

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

299  
300 Upon receipt of the affidavit and documentation required under

301 paragraphs (b) and (c), or 30 days after the date of issuance of  
302 a notice of violation sent to a person identified as having  
303 care, custody, or control of the motor vehicle at the time of  
304 the violation under paragraph (a), the law enforcement agency  
305 must dismiss the notice or citation and provide proof of such  
306 dismissal to the person who submitted the affidavit. If, within  
307 30 days after the date of a notice of violation sent to a person  
308 under subsection (11), the law enforcement agency receives an  
309 affidavit under subsection (12) from the person who was sent a  
310 notice of violation affirming that the person did not have care,  
311 custody, or control of the motor vehicle at the time of the  
312 violation, the law enforcement agency must notify the registered  
313 owner that the notice or citation will not be dismissed due to  
314 failure to establish that another person had care, custody, or  
315 control of the motor vehicle at the time of the violation.

316 (11) Upon receipt of an affidavit under paragraph (9)(a),  
317 the law enforcement agency may issue the person identified as  
318 having care, custody, or control of the motor vehicle at the  
319 time of the violation a notice of violation pursuant to  
320 subsection (5) for a violation of s. 316.172(1)(a) or (b). The  
321 affidavit is admissible in a proceeding pursuant to this section  
322 for the purpose of providing evidence that the person identified  
323 in the affidavit was in actual care, custody, or control of the  
324 motor vehicle. The owner of a leased motor vehicle for which a  
325 uniform traffic citation is issued for a violation of s.

326 316.172(1)(a) or (b) is not responsible for paying the uniform  
327 traffic citation and is not required to submit an affidavit as  
328 specified in subsection (10) if the motor vehicle involved in  
329 the violation is registered in the name of the lessee of such  
330 motor vehicle.

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

340 (13) The submission of a false affidavit is a misdemeanor  
341 of the second degree, punishable as provided in s. 775.082 or s.  
342 775.083.

343 (14) The video and images recorded by a school bus  
344 infraction detection system which are attached to or referenced  
345 in the uniform traffic citation are evidence of a violation of  
346 s. 316.172(1)(a) or (b) and are admissible in any proceeding to  
347 enforce this section. The recorded video and images raise a  
348 rebuttable presumption that the motor vehicle shown in the  
349 recorded video and images was used in violation of s.  
350 316.172(1)(a) or (b).

351 (15) This section supplements the enforcement of s.  
352 316.172(1)(a) and (b) by a law enforcement officer and does not  
353 prohibit a law enforcement officer from issuing a uniform  
354 traffic citation for a violation of s. 316.172(1)(a) or (b).

355 (16)(a)1. Notwithstanding any other law, equipment  
356 deployed as part of a school bus infraction detection system as  
357 provided under this section may not be capable of automated or  
358 user-controlled remote surveillance.

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

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

374 4. A notice of a violation or uniform traffic citation  
375 issued under this section may not be dismissed solely because a

376 recorded video or still images reveal personal identifying  
377 information as provided in subparagraph 3. as long as a  
378 reasonable effort has been made to comply with this subsection.

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

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

391 (17) (a) By October 1, 2023, and quarterly thereafter, each  
392 school district, in consultation with the law enforcement  
393 agencies with which it has interlocal agreements pursuant to  
394 this section, operating a school bus infraction detection system  
395 must submit a report to the department which details the results  
396 of the school bus infraction detection systems in the school  
397 district in the preceding quarter. The information from the  
398 school districts must be submitted in a form and manner  
399 determined by the department, which the department must make  
400 available to the school districts by August 1, 2023, and must



401 include at least the following:

402 1. The number of school buses that have a school bus  
 403 infraction detection system installed, including the date of  
 404 installation and, if applicable, the date the systems were  
 405 removed.

406 2. The number of notices of violations issued, the number  
 407 that were contested, the number that were upheld, the number  
 408 that were dismissed, the number that were issued as uniform  
 409 traffic citations, and the number that were paid.

410 3. Data for each infraction to determine locations in need  
 411 of safety improvements. Such data must include, but is not  
 412 limited to, global positioning system coordinates of the  
 413 infraction, the date and time of the infraction, and the name of  
 414 the school to or from which the school bus was transporting  
 415 students.

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

418 (b) Each school district that operates a school bus  
 419 infraction detection system is responsible for and must maintain  
 420 its respective data for reporting purposes under this subsection  
 421 for at least 2 years after such data is reported to the  
 422 department.

423 (c) On or before December 31, 2024, and annually  
 424 thereafter, the department must submit a summary report to the  
 425 Governor, the President of the Senate, and the Speaker of the

426 House of Representatives regarding the use and operation of  
427 school bus infraction detection systems under this section,  
428 along with the department's recommendations and any recommended  
429 legislation. The summary report must include a review of the  
430 information submitted to the department by the school districts  
431 and must describe the enhancement of traffic safety and  
432 enforcement programs.

433 (18) A school bus infraction detection system must meet  
434 specifications established by the State Board of Education and  
435 must be tested at regular intervals according to specifications  
436 prescribed by state board rule. The state board must establish  
437 such specifications by rule on or before December 31, 2023.  
438 However, any such equipment acquired by purchase, lease, or  
439 other arrangement under an agreement entered into by a school  
440 district on or before December 31, 2023, is not required to meet  
441 the specifications established by the state board until July 1,  
442 2024.

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

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

448 318.14 Noncriminal traffic infractions; exception;  
449 procedures.—

450 (2) Except as provided in ss. 316.1001(2) ~~and~~ 316.0083,

451 and 316.173, any person cited for a violation requiring a  
 452 mandatory hearing listed in s. 318.19 or any other criminal  
 453 traffic violation listed in chapter 316 must sign and accept a  
 454 citation indicating a promise to appear. The officer may  
 455 indicate on the traffic citation the time and location of the  
 456 scheduled hearing and must indicate the applicable civil penalty  
 457 established in s. 318.18. For all other infractions under this  
 458 section, except for infractions under s. 316.1001, the officer  
 459 must certify by electronic, electronic facsimile, or written  
 460 signature that the citation was delivered to the person cited.  
 461 This certification is prima facie evidence that the person cited  
 462 was served with the citation.

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

466 318.18 Amount of penalties.—The penalties required for a  
 467 noncriminal disposition pursuant to s. 318.14 or a criminal  
 468 offense listed in s. 318.17 are as follows:

469 (5)

470 (b)1. Four hundred dollars for a violation of s.  
 471 316.172(1)(b), passing a school bus on the side that children  
 472 enter and exit when the school bus displays a stop signal. If,  
 473 at a hearing, the alleged offender is found to have committed  
 474 this offense, the court shall impose a minimum civil penalty of  
 475 \$400.

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

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

485        (c) In addition to the penalty under paragraph (a) or  
486 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).  
487 If the alleged offender is found to have committed the offense,  
488 the court shall impose the civil penalty under paragraph (a) or  
489 paragraph (b) plus an additional \$65. The additional \$65  
490 collected under this paragraph shall be remitted to the  
491 Department of Revenue for deposit into the Emergency Medical  
492 Services Trust Fund of the Department of Health to be used as  
493 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or  
494 (b) is enforced by a school bus infraction detection system  
495 pursuant to s. 316.173, the additional amount imposed on the  
496 uniform traffic citation or by the court under this paragraph is  
497 \$25, in lieu of the additional \$65, and must be dedicated to the  
498 safe schools allocation provided to school districts by the  
499 Department of Education pursuant to s. 1011.62(12).

500        (e) If a person who is mailed a uniform traffic citation

501 for a violation of s. 316.172(1) (a) or (b), as enforced by a  
502 school bus infraction detection system pursuant to s. 316.173,  
503 presents documentation from the appropriate law enforcement  
504 agency that the uniform traffic citation was in error, the clerk  
505 of court may dismiss the case. The clerk of court may not charge  
506 for this service.

507 Section 5. Paragraph (d) of subsection (3) of section  
508 322.27, Florida Statutes, is amended to read:

509 322.27 Authority of department to suspend or revoke driver  
510 license or identification card.—

511 (3) There is established a point system for evaluation of  
512 convictions of violations of motor vehicle laws or ordinances,  
513 and violations of applicable provisions of s. 403.413(6) (b) when  
514 such violations involve the use of motor vehicles, for the  
515 determination of the continuing qualification of any person to  
516 operate a motor vehicle. The department is authorized to suspend  
517 the license of any person upon showing of its records or other  
518 good and sufficient evidence that the licensee has been  
519 convicted of violation of motor vehicle laws or ordinances, or  
520 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
521 more points as determined by the point system. The suspension  
522 shall be for a period of not more than 1 year.

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

- 526           1. Reckless driving, willful and wanton—4 points.
- 527           2. Leaving the scene of a crash resulting in property  
528 damage of more than \$50—6 points.
- 529           3. Unlawful speed, or unlawful use of a wireless  
530 communications device, resulting in a crash—6 points.
- 531           4. Passing a stopped school bus:
- 532           a. Not causing or resulting in serious bodily injury to or  
533 death of another—4 points.
- 534           b. Causing or resulting in serious bodily injury to or  
535 death of another—6 points.
- 536           c. Points may not be imposed for a violation of passing a  
537 stopped school bus as provided in s. 316.172(1) (a) or (b) when  
538 enforced by a school bus infraction detection system pursuant to  
539 s. 316.173. In addition, a violation of s. 316.172(1) (a) or (b)  
540 when enforced by a school bus infraction detection system  
541 pursuant to s. 316.173 may not be used for purposes of setting  
542 motor vehicle insurance rates.
- 543           5. Unlawful speed:
- 544           a. Not in excess of 15 miles per hour of lawful or posted  
545 speed—3 points.
- 546           b. In excess of 15 miles per hour of lawful or posted  
547 speed—4 points.
- 548           6. A violation of a traffic control signal device as  
549 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.
- 550 However, no points shall be imposed for a violation of s.

551 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
552 stop at a traffic signal and when enforced by a traffic  
553 infraction enforcement officer. In addition, a violation of s.  
554 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
555 stop at a traffic signal and when enforced by a traffic  
556 infraction enforcement officer may not be used for purposes of  
557 setting motor vehicle insurance rates.

558 7. All other moving violations (including parking on a  
559 highway outside the limits of a municipality)—3 points. However,  
560 no points shall be imposed for a violation of s. 316.0741 or s.  
561 316.2065(11); and points shall be imposed for a violation of s.  
562 316.1001 only when imposed by the court after a hearing pursuant  
563 to s. 318.14(5).

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

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

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

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

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

575 1006.21 Duties of district school superintendent and

576 district school board regarding transportation.—

577 (3) District school boards, after considering  
578 recommendations of the district school superintendent:

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

582 Section 7. Paragraph (a) of subsection (3) of section  
583 316.306, Florida Statutes, is amended to read:

584 316.306 School and work zones; prohibition on the use of a  
585 wireless communications device in a handheld manner.—

586 (3)(a)1. A person may not operate a motor vehicle while  
587 using a wireless communications device in a handheld manner in a  
588 designated school crossing, school zone, or work zone area as  
589 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph  
590 shall only be applicable to work zone areas if construction  
591 personnel are present or are operating equipment on the road or  
592 immediately adjacent to the work zone area. For the purposes of  
593 this paragraph, a motor vehicle that is stationary is not being  
594 operated and is not subject to the prohibition in this  
595 paragraph.

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

600 Section 8. Subsection (1) of section 655.960, Florida



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601 Statutes, is amended to read:

602 655.960 Definitions; ss. 655.960-655.965.—As used in this  
603 section and ss. 655.961-655.965, unless the context otherwise  
604 requires:

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

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