



421886

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2023	.	
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The Committee on Fiscal Policy (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 134 - 538

and insert:

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

(d) The school district must enter into an interlocal



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

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

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

25 2. The words "CAMERA ENFORCED."

26 3. A graphic depiction of a camera.

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

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

34 (3) If a school district that has never conducted a school  
35 bus infraction detection system program begins such a program,  
36 the school district must make a public announcement and conduct  
37 a public awareness campaign of the proposed use of school bus  
38 infraction detection systems at least 30 days before commencing



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

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

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

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

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

60 (5) Within 30 days after receiving the information required  
61 in subsection (4), the law enforcement agency, if it determines  
62 that the motor vehicle violated s. 316.172(1)(a) or (b), must  
63 send notice of violation to the registered owner of the motor  
64 vehicle involved in the violation specifying the remedies  
65 available under s. 318.14 and that the violator must pay the  
66 penalty under s. 318.18(5) or furnish an affidavit in accordance  
67 with subsection (10) within 30 days after the notice of



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68 violation is sent in order to avoid court fees, costs, and the  
69 issuance of a uniform traffic citation. The notice of violation  
70 must be sent by first-class mail and include all of the  
71 following:

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

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

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

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

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

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

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

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



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97 notice of violation.

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

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

114 (a) Delivery of the uniform traffic citation constitutes  
115 notification of a violation under this subsection. If the  
116 registered owner or co-owner of the motor vehicle; the person  
117 identified as having care, custody, or control of the motor  
118 vehicle at the time of the violation; or a duly authorized  
119 representative of the owner, co-owner, or identified person  
120 initiates a proceeding to challenge the citation, such person  
121 waives any challenge or dispute as to the delivery of the  
122 uniform traffic citation.

123 (b) In the case of joint ownership of a motor vehicle, the  
124 uniform traffic citation must be mailed to the first name  
125 appearing on the motor vehicle registration, unless the first



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126 name appearing on the registration is a business organization,  
127 in which case the second name appearing on the registration may  
128 be used.

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

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

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

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

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

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

152 (a) An affidavit supporting the exception under paragraph  
153 (9) (a) must include the name, address, date of birth, and, if  
154 known, the driver license number of the person who leased,



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155 rented, or otherwise had care, custody, or control of the motor  
156 vehicle at the time of the alleged violation. If the motor  
157 vehicle was stolen at the time of the alleged violation, the  
158 affidavit must include the police report indicating that the  
159 motor vehicle was stolen.

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

164 (c) If the motor vehicle's owner to whom a notice of  
165 violation or a uniform traffic citation has been issued is  
166 deceased, the affidavit must include a certified copy of the  
167 owner's death certificate showing that the date of death  
168 occurred on or before the date of the alleged violation and one  
169 of the following:

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

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

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

182  
183 Upon receipt of the affidavit and documentation required under



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184 paragraphs (b) and (c), or 30 days after the date of issuance of  
185 a notice of violation sent to a person identified as having  
186 care, custody, or control of the motor vehicle at the time of  
187 the violation under paragraph (a), the law enforcement agency  
188 must dismiss the notice or citation and provide proof of such  
189 dismissal to the person who submitted the affidavit. If, within  
190 30 days after the date of a notice of violation sent to a person  
191 under subsection (11), the law enforcement agency receives an  
192 affidavit under subsection (12) from the person who was sent a  
193 notice of violation affirming that the person did not have care,  
194 custody, or control of the motor vehicle at the time of the  
195 violation, the law enforcement agency must notify the registered  
196 owner that the notice or citation will not be dismissed due to  
197 failure to establish that another person had care, custody, or  
198 control of the motor vehicle at the time of the violation.

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





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213 motor vehicle.

214 (12) If a law enforcement agency receives an affidavit  
215 under paragraph (9) (a), the notice of violation required under  
216 subsection (5) must be sent to the person identified in the  
217 affidavit within 30 days after receipt of the affidavit. The  
218 person identified in an affidavit and sent a notice of violation  
219 may also affirm he or she did not have care, custody, or control  
220 of the motor vehicle at the time of the violation by furnishing  
221 to the appropriate law enforcement agency within 30 days after  
222 the date of the notice of violation an affidavit stating such.

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

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

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

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



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

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

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

262       (b) Any recorded video or still image obtained through the  
263 use of a school bus infraction detection system must be  
264 destroyed within 90 days after the final disposition of the  
265 recorded event. The vendor of the school bus infraction  
266 detection system must provide the school district with written  
267 notice by December 31 of each year that such records have been  
268 destroyed in accordance with this section.

269       (c) Notwithstanding any other law, registered motor vehicle  
270 owner information obtained as a result of the operation of a



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271 school bus infraction detection system is not the property of  
272 the manufacturer or vendor of the system and may be used only  
273 for the purposes of this section.

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

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

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

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

299 4. Any other statistical data and information required by



300 the department to complete the report required by paragraph (c).

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

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

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

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



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

331 318.14 Noncriminal traffic infractions; exception;  
332 procedures.—

333 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,  
334 and 316.173, any person cited for a violation requiring a  
335 mandatory hearing listed in s. 318.19 or any other criminal  
336 traffic violation listed in chapter 316 must sign and accept a  
337 citation indicating a promise to appear. The officer may  
338 indicate on the traffic citation the time and location of the  
339 scheduled hearing and must indicate the applicable civil penalty  
340 established in s. 318.18. For all other infractions under this  
341 section, except for infractions under s. 316.1001, the officer  
342 must certify by electronic, electronic facsimile, or written  
343 signature that the citation was delivered to the person cited.  
344 This certification is prima facie evidence that the person cited  
345 was served with the citation.

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

349 318.18 Amount of penalties.—The penalties required for a  
350 noncriminal disposition pursuant to s. 318.14 or a criminal  
351 offense listed in s. 318.17 are as follows:

352 (5)

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



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358 \$400.

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

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

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

384 (e) If a person who is mailed a uniform traffic citation  
385 for a violation of s. 316.172(1)(a) or (b), as enforced by a  
386 school bus infraction detection system under s. 316.173,



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387 presents documentation from the appropriate law enforcement  
388 agency that the traffic citation was in error, the clerk of  
389 court may dismiss the case. The clerk of court may not charge  
390 for this service.

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

393 322.27 Authority of department to suspend or revoke driver  
394 license or identification card.—

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

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

- 410 1. Reckless driving, willful and wanton—4 points.
- 411 2. Leaving the scene of a crash resulting in property  
412 damage of more than \$50—6 points.
- 413 3. Unlawful speed, or unlawful use of a wireless  
414 communications device, resulting in a crash—6 points.
- 415 4. Passing a stopped school bus:



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416 a. Not causing or resulting in serious bodily injury to or  
417 death of another—4 points.

418 b. Causing or resulting in serious bodily injury to or  
419 death of another—6 points.

420 c. Points may not be imposed for a violation of passing a  
421 stopped school bus as provided in s. 316.172(1)(a) or (b) when  
422 enforced by a school bus infraction detection system pursuant s.  
423 316.173. In addition, a violation of s. 316.172(1)(a)

424  
425 ===== T I T L E A M E N D M E N T =====

426 And the title is amended as follows:

427 Delete lines 35 - 83

428 and insert:

429 for challenges or disputes as to the delivery of a  
430 notice of violation; providing for the distribution  
431 and use of funds; providing requirements for issuance  
432 of a uniform traffic citation; providing for waiver of  
433 challenge or dispute as to the delivery of the uniform  
434 traffic citation; providing notification requirements  
435 and procedures; specifying that the registered owner  
436 of a motor vehicle is responsible and liable for  
437 paying a uniform traffic citation; providing  
438 exceptions; requiring the registered owner of a motor  
439 vehicle to furnish an affidavit under certain  
440 circumstances; specifying requirements for such  
441 affidavit; requiring the law enforcement agency to  
442 dismiss a notice of violation and provide proof of  
443 such dismissal under certain circumstances; requiring  
444 the law enforcement agency to notify the registered





445 owner that the notice or citation will not be  
446 dismissed under certain circumstances; authorizing the  
447 law enforcement agency to issue a certain person a  
448 notification of violation; providing that the  
449 affidavit is admissible in a proceeding for the  
450 purpose of proving who was operating the motor vehicle  
451 at the time of the violation; providing that the owner  
452 of a leased vehicle is not responsible for paying a  
453 traffic citation or submitting an affidavit;  
454 specifying a timeframe for a law enforcement agency to  
455 issue a notification under certain circumstances;  
456 providing a criminal penalty for submitting a false  
457 affidavit; providing that certain recorded video and  
458 images are admissible in certain proceedings;  
459 providing a rebuttable presumption; providing  
460 construction; specifying requirements of and  
461 prohibitions on the use of video and images recorded  
462 by the school bus infraction detection system;  
463 requiring school districts to submit a quarterly  
464 report to the Department of Highway Safety and Motor  
465 Vehicles; requiring each school district to maintain  
466 certain data for a specified time; requiring the  
467 department to submit an annual summary report to the  
468 Governor and Legislature; requiring school bus  
469 infraction detection systems to meet State Board of  
470 Education specifications; requiring the state board to  
471 establish certain specifications by rule by a  
472 specified date; providing that certain equipment does  
473 not have to meet the state board specifications;



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474 authorizing the state board to adopt rules regarding  
475 student privacy; amending s. 318.14, F.S.; conforming  
476 provisions to changes made by the act; amending s.  
477 318.18, F.S.; providing civil penalties for school bus  
478 passing violations enforced by a school bus infraction  
479 detection system; providing for distribution of a  
480 certain portion thereof; providing conditions under  
481 which a case may be dismissed; amending s. 322.27,  
482 F.S.;