

By Senator Burgess

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

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30 disposition of the civil penalty; providing notice
31 requirements and procedures for unpaid civil
32 penalties; requiring the Department of Highway Safety
33 and Motor Vehicles to refuse to renew the registration
34 of motor vehicles and prohibit the transfer of title
35 under specified circumstances; requiring the
36 department to remove penalties imposed on a registered
37 motor vehicle owner upon notification of proof of
38 payment; requiring that side stop signal arm
39 enforcement system equipment be incapable of automated
40 or user-controlled remote surveillance; specifying
41 requirements of and prohibitions on the use of
42 recorded video and still images captured by the side
43 stop signal arm enforcement system; providing that a
44 registered motor vehicle owner is not responsible for
45 a violation if the vehicle was reported stolen at the
46 time the violation occurred; providing construction;
47 providing a civil penalty; providing for distribution
48 of such penalty; requiring school districts operating
49 a side stop signal arm enforcement system to provide a
50 summary report to the Governor, the Legislature, and
51 the department annually by a specified date; requiring
52 the State Board of Education to establish
53 specifications for testing a side stop signal arm
54 enforcement system at regular intervals; authorizing
55 the state board to adopt rules; amending s. 1006.21,
56 F.S.; conforming a provision to changes made by the
57 act; providing an effective date.

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

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

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

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

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

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

74 (2) (a) A school district may install and operate a side
75 stop signal arm enforcement system on a school bus for the
76 purpose of enforcing s. 316.172. The school district shall post
77 a warning sign or sticker on all school buses in which a system
78 is installed and operational indicating the use of such system.

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

87 (c) The school district shall ensure that the side stop

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88 signal arm enforcement system meets the requirements of
89 subsection (12).

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

97 (3) Each private manufacturer or vendor shall, within 30
98 days after an alleged violation is captured, submit all of the
99 following information to a law enforcement agency that has
100 entered into an interlocal agreement with the school district
101 pursuant to paragraph (2) (d):

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

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

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

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

114 (b) A certificate or a facsimile of a certificate based on
115 inspection of recorded images produced by a side stop signal arm
116 enforcement system and sworn to or affirmed by a law enforcement

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117 officer authorized to enforce s. 316.172 pursuant to paragraph
118 (2)(d) shall be prima facie evidence of the facts contained in
119 it. Upon request by the law enforcement agency, the school
120 district shall provide written documentation that the side stop
121 signal arm enforcement system was operating correctly at the
122 time of the alleged violation.

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

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

129 (5)(a) Within 30 days after receiving the information
130 provided under subsection (3), a law enforcement agency
131 authorized to enforce s. 316.172 pursuant to paragraph (2)(d) or
132 an agent authorized by such law enforcement agency shall send by
133 first-class mail a notice of violation to the registered owner
134 of the motor vehicle involved in the violation. Mailing the
135 notice of violation constitutes notification.

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

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

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

145 2. A citation for the violation indicating the date, time,

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146 and location of the alleged violation.

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

149 4. A copy of the certificate described in subsection (4)
150 and a statement of the inference therein.

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

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

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

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

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

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

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

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

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

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

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

198 3. To the extent practicable, a side stop signal arm
199 enforcement system must use necessary technology to ensure that
200 personal identifying information contained in the recorded video
201 or still images produced by the system which is not relevant to
202 the alleged violation, including, but not limited to, the
203 identity of the driver and any passenger of a motor vehicle, the

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204 interior or contents of a motor vehicle, the identity of an
205 uninvolved person, a number identifying the address of a private
206 residence, and the contents or interior of a private residence,
207 is sufficiently obscured so as not to reveal such personal
208 identifying information.

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

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

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

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

230 (9) This section supplements the enforcement of s. 316.172
231 by a law enforcement officer when a driver fails to stop while a
232 school bus is stopped and does not prohibit a law enforcement

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233 officer from issuing a traffic citation for a violation of s.
234 316.172.

235 (10) (a) The registered owner of a motor vehicle who is
236 found in violation of s. 316.172 by a side stop signal arm
237 enforcement system is subject to a civil penalty of \$200 for a
238 violation of s. 316.172(1) (a) and \$400 for a violation of s.
239 316.172(1) (b). Notwithstanding s. 318.18(5) (a), (b), and (c),
240 the civil penalty shall be paid to the school district in which
241 the violation occurred and must be used for the installation or
242 maintenance of side stop signal arm enforcement systems on
243 school buses, for any other technology that increases the safety
244 of the transportation of students, or for the administration and
245 costs associated with enforcement of such violations. In
246 addition to the civil penalty for a violation of s.
247 316.172(1) (a) or (b), an additional \$65 shall be collected from
248 the registered owner of a motor vehicle and dedicated to the
249 safe schools allocation provided to school districts by the
250 Department of Education pursuant to s. 1011.62(12).

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

256 (c) A violation for which a civil penalty is imposed
257 pursuant to this section is not considered a moving violation
258 for the purpose of assessing points under s. 322.27(3). Such
259 violation is noncriminal, and imposition of a civil penalty
260 pursuant to this section does not constitute a conviction, may
261 not be made a part of the driving record of the person upon whom

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262 such liability is imposed, and may not be used for any purposes
263 in the provision of motor vehicle insurance.

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

272 (12) A side stop signal arm enforcement system must meet
273 specifications established by the State Board of Education and
274 must be tested at regular intervals according to specifications
275 prescribed by state board rule. The state board must establish
276 such specifications by rule on or before December 31, 2023.
277 However, any such equipment acquired by purchase, lease, or
278 other arrangement under an agreement entered into by a school
279 district on or before July 1, 2024, or equipment used to enforce
280 s. 316.172 on or before July 1, 2024, is not required to meet
281 the specifications established by the state board until July 1,
282 2024.

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

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

288 1006.21 Duties of district school superintendent and
289 district school board regarding transportation.-

290 (3) District school boards, after considering

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291 recommendations of the district school superintendent:

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

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