

By the Committee on Transportation; and Senator Burgess

596-03500A-23

2023766c1

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 vendor or  
9       manufacturer for specified purposes; requiring that  
10      the decision to install school bus infraction  
11      detection systems be in the interest of public safety;  
12      prohibiting an individual from receiving a commission  
13      from violations detected through the school bus  
14      infraction detection system; prohibiting a vendor or  
15      manufacturer from receiving a fee or remuneration  
16      based on the number of violations detected; requiring  
17      the school district to ensure that each school bus  
18      infraction detection system meets certain  
19      requirements; requiring the school district to enter  
20      into interlocal agreements with law enforcement  
21      agencies to enforce violations; providing signage  
22      requirements; prohibiting the sufficiency of signage  
23      from being raised in certain proceedings; requiring a  
24      school district that installs a school bus infraction  
25      detection system to provide certain notice to the  
26      public; requiring a school district that has never  
27      conducted a school bus infraction detection system  
28      program to conduct a public awareness campaign before  
29      commencing enforcement of such system; limiting

596-03500A-23

2023766c1

30 penalties in effect during the public awareness  
31 campaign; requiring the vendor or manufacturer to  
32 submit information regarding alleged violations within  
33 a specified period of time; providing requirements for  
34 such submissions; providing notification requirements  
35 and procedures for law enforcement agencies; providing  
36 for waiver of challenge or dispute as to the delivery  
37 of notification of violation; providing for the  
38 distribution of funds; providing requirements for  
39 issuance of a traffic citation; providing for waiver  
40 of challenge or dispute as to the delivery of the  
41 traffic citation; providing notification requirements  
42 and procedures; specifying that the registered owner  
43 of a motor vehicle is responsible and liable for  
44 paying a traffic citation; providing exceptions;  
45 requiring an owner of a motor vehicle to furnish an  
46 affidavit under certain circumstances; specifying  
47 requirements for such affidavit; requiring the law  
48 enforcement agency to dismiss a notice of violation  
49 and provide proof of such dismissal under certain  
50 circumstances; requiring the law enforcement agency to  
51 notify the registered owner that the notice or  
52 citation will not be dismissed under certain  
53 circumstances; authorizing the law enforcement agency  
54 to issue a certain person a notification of violation;  
55 providing that the affidavit is admissible in a  
56 proceeding for the purpose of proving who was  
57 operating the motor vehicle at the time of the  
58 violation; providing that the owner of a leased

596-03500A-23

2023766c1

59 vehicle is not responsible for paying a traffic  
60 citation or submitting an affidavit; specifying a  
61 timeframe for a law enforcement agency to issue a  
62 notification under certain circumstances; requiring  
63 certain persons to issue an affidavit; providing a  
64 criminal penalty for submitting a false affidavit;  
65 providing that certain images or video are admissible  
66 in certain proceedings; providing a rebuttable  
67 presumption; providing construction; specifying  
68 requirements of and prohibitions on the use of  
69 recorded video and images captured by the school bus  
70 infraction detection system; requiring school  
71 districts to submit a report to the Department of  
72 Education; specifying requirements for such report;  
73 requiring the department to submit a summary report to  
74 the Governor and Legislature; requiring school bus  
75 infraction detection systems to meet the State Board  
76 of Education specifications; requiring the state board  
77 to establish certain specifications through rule by a  
78 specified date; authorizing the state board to adopt  
79 rules regarding student privacy; amending s. 318.14,  
80 F.S.; conforming provisions to changes made by the  
81 act; amending s. 318.18, F.S.; providing exceptions to  
82 penalties for violations enforced by a school bus  
83 infraction detection system; amending s. 322.27, F.S.;  
84 prohibiting points from being imposed against a driver  
85 license for certain infractions enforced by a school  
86 bus infraction detection system; prohibiting such  
87 infractions from being used to set motor vehicle

596-03500A-23

2023766c1

88 insurance rates; amending ss. 316.306, 655.960, and  
89 1006.21, F.S.; conforming cross-references and  
90 provisions to changes made by the act; providing an  
91 effective date.

92

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

94

95 Section 1. Present subsections (78) through (109) of section  
96 316.003, Florida Statutes, are redesignated as subsections (79)  
97 through (110), respectively, a new subsection (78) is added to  
98 that section, and subsection (64) of that section is amended, to  
99 read:

100 316.003 Definitions.—The following words and phrases, when  
101 used in this chapter, shall have the meanings respectively  
102 ascribed to them in this section, except where the context  
103 otherwise requires:

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

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

114 Section 2. Section 316.173, Florida Statutes, is created to  
115 read:

116 316.173 School bus infraction detection systems.—

596-03500A-23

2023766c1

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

121 (b) The school district may contract with a private vendor  
122 or manufacturer to install a school bus infraction detection  
123 system on any school bus within its fleet, whether owned,  
124 contracted, or leased, and for services including, but not  
125 limited to, the installation, operation, and maintenance of the  
126 system. The school district's decision to install school bus  
127 infraction detection systems must be based solely on the need to  
128 increase public safety. An individual may not receive a  
129 commission from any revenue collected from violations detected  
130 through the use of a school bus infraction detection system. A  
131 private vendor or manufacturer may not receive a fee or  
132 remuneration based upon the number of violations detected  
133 through the use of a school bus infraction detection system.

134 (c) The school district shall ensure that each school bus  
135 infraction detection system meets the requirements of subsection  
136 (18).

137 (d) The school district shall enter into an interlocal  
138 agreement with one or more law enforcement agencies authorized  
139 to enforce violations of s. 316.172(1) (a) and (b) within the  
140 school district which jointly establishes the responsibilities  
141 of enforcement and the reimbursement of costs associated with  
142 school bus infraction detection systems, consistent with this  
143 section.

144 (2) (a) On any school bus in which a school bus infraction  
145 detection system is installed and operational, the school

596-03500A-23

2023766c1

146 district must post high-visibility reflective signage on the  
147 rear of the school bus which indicates the use of such system.  
148 The signage must be in the form of one or more signs or stickers  
149 and must contain the following elements in substantially the  
150 following form:

151 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS  
152 WHEN RED LIGHTS FLASH."

153 2. The words "CAMERA ENFORCED."

154 3. A graphic symbol of a camera.

155 (b) The signage must occupy at least 75 percent of the  
156 available space that does not contain signs or insignia that are  
157 required by other applicable laws or by the State Board of  
158 Education.

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

162 (3) If a school district begins a school bus infraction  
163 detection system program and has never conducted such a program,  
164 the school district must make a public announcement and conduct  
165 a public awareness campaign of the proposed use of school bus  
166 infraction detection systems at least 30 days before commencing  
167 enforcement under the school bus infraction detection system  
168 program and notify the public of the specific date on which the  
169 program will commence. During the public awareness campaign,  
170 only a warning may be issued to the registered owner of the  
171 motor vehicle for a violation of s. 316.172(1)(a) or (b),  
172 enforced by a school bus infraction detection system, and a  
173 civil penalty may not be imposed under chapter 318.

174 (4) Within 30 days after an alleged violation of s.

596-03500A-23

2023766c1

175 316.172(1)(a) or (b) is captured by a school bus infraction  
176 detection system, the private vendor or manufacturer shall  
177 submit the following information to a law enforcement agency  
178 that has entered into an interlocal agreement with the school  
179 district pursuant to paragraph (1)(d) and has traffic infraction  
180 enforcement jurisdiction at the location where the alleged  
181 violation occurred:

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

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

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

187 (5) Within 30 days after receiving the information required  
188 in subsection (4), the law enforcement agency, if it determines  
189 that the motor vehicle violated s. 316.172(1)(a) or (b), must  
190 send a notice of violation to the registered owner of the motor  
191 vehicle involved in the violation, specifying the remedies  
192 available under s. 318.14 and that the violator must pay the  
193 penalty under s. 318.18(5) or furnish an affidavit in accordance  
194 with subsection (10) within 30 days after the date of the  
195 notification of violation in order to avoid court fees, costs,  
196 and the issuance of a uniform traffic citation. The notification  
197 of violation must be sent by first-class mail and include all of  
198 the following:

199 (a) A copy of the recorded image showing the motor vehicle  
200 involved in the violation, including an image showing the  
201 license plate of the motor vehicle.

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

203 (c) The amount of civil penalty, the date by which the

596-03500A-23

2023766c1

204 penalty must be paid, and instructions on how to pay the civil  
205 penalty.

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

208 (e) A notice that the owner has the right to review, in  
209 person or remotely, the images and video captured by the school  
210 bus infraction detection system which constitute a rebuttable  
211 presumption that the motor vehicle was used in violation of s.  
212 316.172(a) or (b).

213 (f) The time when, and the place or website at which, the  
214 images or video captured may be examined and observed.

215 (g) A warning that failure to pay the civil penalty or to  
216 contest liability within 30 days after the notice is mailed will  
217 result in the issuance of a uniform traffic citation.

218 (6) If the registered owner or co-owner of the motor  
219 vehicle; the person identified as having care, custody, or  
220 control of the motor vehicle at the time of the violation; or an  
221 authorized representative of the owner, co-owner, or identified  
222 person initiates a proceeding to challenge the violation, such  
223 person waives any challenge or dispute as to the delivery of the  
224 notification of violation.

225 (7) The civil penalties assessed for a violation of s.  
226 316.172(1)(a) or (b) enforced by a school bus infraction  
227 detection system must be remitted to the school district in  
228 which the violation occurred. Such civil penalties must be used  
229 for the installation or maintenance of school bus infraction  
230 detection systems on school buses, for any other technology that  
231 increases the safety of the transportation of students, or for  
232 the administration and costs associated with the enforcement of



596-03500A-23

2023766c1

233 violations as described in this section.

234 (8) A uniform traffic citation must be issued by mailing  
235 the uniform traffic citation by certified mail to the address of  
236 the registered owner of the motor vehicle involved in the  
237 violation if payment has not been made within 30 days after  
238 notification under subsection (5), if the registered owner has  
239 not requested a hearing under s. 318.14, or if the registered  
240 owner has not submitted an affidavit in accordance with  
241 subsection (10).

242 (a) Delivery of the uniform traffic citation constitutes  
243 notification for a violation of s. 316.172(1)(a) or (b) under  
244 this subsection. If the registered owner or co-owner of the  
245 motor vehicle; the person identified as having care, custody, or  
246 control of the motor vehicle at the time of the violation; or a  
247 duly authorized representative of the owner, co-owner, or  
248 identified person initiates a proceeding to challenge the  
249 citation, such person waives any challenge or dispute as to  
250 delivery of the traffic citation.

251 (b) In the case of joint ownership of a motor vehicle, the  
252 traffic citation must be mailed to the first name appearing on  
253 the motor vehicle registration, unless the first name appearing  
254 on the registration is a business or organization, in which case  
255 the second name on the citation may be used.

256 (c) The uniform traffic citation mailed to the registered  
257 owner of the motor vehicle involved in the infraction must be  
258 accompanied by information described in paragraphs (5)(a)-(f).

259 (9) The registered owner of the motor vehicle involved in  
260 the violation is responsible and liable for paying the uniform  
261 traffic citation issued for a violation of s. 316.172(1)(a) or

596-03500A-23

2023766c1

262 (b) unless the owner can establish that:

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

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

268 (c) The motor vehicle's owner was deceased on or before the  
269 date that the uniform traffic citation was issued, as  
270 established by an affidavit submitted by the representative of  
271 the motor vehicle owner's estate or other designated person or  
272 family member.

273 (10) To establish such facts under subsection (9), the  
274 registered owner of the motor vehicle shall, within 30 days  
275 after the date of issuance of the notice of violation or the  
276 uniform traffic citation, furnish to the law enforcement agency  
277 that issued the notice of violation or uniform traffic citation  
278 an affidavit setting forth information supporting an exception  
279 under subsection (9).

280 (a) An affidavit supporting the exemption under paragraph  
281 (9) (a) must include the name, address, date of birth, and, if  
282 known, the driver license number of the person who leased,  
283 rented, or otherwise had care, custody, or control of the motor  
284 vehicle at the time of the alleged violation. If the motor  
285 vehicle was stolen at the time of the alleged violation, the  
286 affidavit must include the police report indicating that the  
287 motor vehicle was stolen.

288 (b) If a uniform traffic citation for a violation of s.  
289 316.172(1) (a) or (b) was issued at the location of the violation  
290 by a law enforcement officer, the affidavit must include the

596-03500A-23

2023766c1

291 serial number of the uniform traffic citation.

292 (c) If the motor vehicle's owner to whom a traffic citation  
293 has been issued is deceased, the affidavit must include a  
294 certified copy of the owner's death certificate showing that the  
295 death occurred on or before the date of the issuance of the  
296 traffic citation and one of the following:

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

300 2. Documented proof that the registered license plate  
301 belonging to the deceased owner's motor vehicle was returned to  
302 the department or any branch office or authorized agent of the  
303 department after his or her death but on or before the date of  
304 the alleged violation.

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

309  
310 Upon receipt of the affidavit and documentation required under  
311 paragraphs (b) and (c), or 30 days after the date of issuance of  
312 a notice of violation sent to a person identified as having  
313 care, custody, or control of the motor vehicle at the time of  
314 the violation under paragraph (a), the law enforcement agency  
315 must dismiss the notice or citation and provide proof of such  
316 dismissal to the person who submitted the affidavit. If, within  
317 30 days after the date of a notice of violation sent to a person  
318 under subsection (11), the law enforcement agency receives an  
319 affidavit under this subsection from the person who was sent a

596-03500A-23

2023766c1

320 notice of violation affirming that the person did not have care,  
321 custody, or control of the motor vehicle at the time of the  
322 violation, the law enforcement agency must notify the registered  
323 owner that the notice or citation will not be dismissed due to  
324 failure to establish that another person had care, custody, or  
325 control of the motor vehicle at the time of the violation.

326 (11) Upon receipt of an affidavit under paragraph (9) (a),  
327 the law enforcement agency may issue the person identified as  
328 having care, custody, or control of the motor vehicle at the  
329 time of the violation a notification of violation pursuant to  
330 subsection (5) for a violation of s. 316.172(1) (a) or (b). The  
331 affidavit is admissible in a proceeding pursuant to this section  
332 for the purpose of providing evidence that the person identified  
333 in the affidavit was in actual care, custody, or control of the  
334 motor vehicle. The owner of a leased motor vehicle for which a  
335 traffic citation is issued for a violation of s. 316.172(1) (a)  
336 or (b) is not responsible for paying the traffic citation and is  
337 not required to submit an affidavit as specified in subsection  
338 (10) if the motor vehicle involved in the violation is  
339 registered in the name of the lessee of such motor vehicle.

340 (12) If a law enforcement agency receives an affidavit  
341 under paragraph (9) (a), the notification of violation required  
342 under subsection (5) must be sent to the person identified in  
343 the affidavit within 30 days after receipt of the affidavit. The  
344 person identified in an affidavit and sent a notice of violation  
345 may also affirm he or she did not have care, custody, or control  
346 of the motor vehicle at the time of the violation by furnishing  
347 to the appropriate governmental entity within 30 days after the  
348 date of the notice of violation an affidavit stating such.

596-03500A-23

2023766c1

349 (13) The submission of a false affidavit is a misdemeanor  
350 of the second degree, punishable as provided in s. 775.082 or s.  
351 775.083.

352 (14) The images and video captured by a school bus  
353 infraction detection system which are attached to or referenced  
354 in the traffic citation are evidence of a violation of s.  
355 316.172(1)(a) or (b) and are admissible in any proceeding to  
356 enforce this section. The images and video raise a rebuttable  
357 presumption that the motor vehicle shown in the images and video  
358 was used in violation of s. 316.172(1)(a) or (b).

359 (15) This section supplements the enforcement of s.  
360 316.172(1)(a) and (b) by a law enforcement officer and does not  
361 prohibit a law enforcement officer from issuing a traffic  
362 citation for a violation of s. 316.172(1)(a) or (b).

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

368 2. Images collected as part of the school bus infraction  
369 detection system may be used only to document violations of s.  
370 316.172(1)(a) or (b) and may not be used for any other  
371 surveillance purposes.

372 3. To the extent practicable, a school bus infraction  
373 detection system must use necessary technology to ensure that  
374 personal identifying information contained in the recorded video  
375 or still images produced by the system which is not relevant to  
376 the alleged violation, including, but not limited to, the  
377 identity of the driver and any passenger of a motor vehicle, the

596-03500A-23

2023766c1

378 interior or contents of a motor vehicle, the identity of an  
379 uninvolved person, a number identifying the address of a private  
380 residence, and the contents or interior of a private residence,  
381 is sufficiently obscured so as not to reveal such personal  
382 identifying information.

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

388 (b) Any recorded video or still image obtained through the  
389 use of a school bus infraction detection system must be  
390 destroyed within 90 days after the final disposition of the  
391 recorded event. The vendor of a school bus infraction detection  
392 system shall provide the school district with written notice by  
393 December 31 of each year that such records have been destroyed  
394 in accordance with this section.

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

400 (17) (a) By October 1, 2024, and annually thereafter, each  
401 school district, in consultation with the law enforcement  
402 agencies with which it has interlocal agreements pursuant to  
403 this section, operating a school bus infraction detection system  
404 shall provide a report to Department of Education which details  
405 the results of the school bus infraction detection systems in  
406 the school district in the preceding school year. The

596-03500A-23

2023766c1

407 information submitted by the school districts must include:

408 1. The number of buses which have a school bus infraction  
409 detection system installed, including the date of installation  
410 and, if applicable, the date the systems were removed.

411 2. The number of notices of violation issued, the number  
412 that were contested, and the number that were paid per state  
413 fiscal year.

414 3. Any other statistical data and information required by  
415 the Department of Education to complete the report required by  
416 paragraph (b).

417 (b) By December 31, 2024, and annually thereafter, the  
418 Department of Education shall submit a summary report to the  
419 Governor, the President of the Senate, and the Speaker of the  
420 House of Representatives regarding the use and operation of  
421 school bus infraction detection systems under this section,  
422 along with the Department of Education's recommendations on any  
423 necessary legislation. The summary report must include a review  
424 of the information submitted to the Department of Education by  
425 the school districts and must describe the enhancement of  
426 traffic safety and enforcement programs.

427 (18) A school bus infraction detection system must meet  
428 specifications established by the State Board of Education and  
429 must be tested at regular intervals according to specifications  
430 prescribed by state board rule. The state board must establish  
431 such specifications by rule on or before December 31, 2023.  
432 However, any such equipment acquired by purchase, lease, or  
433 other arrangement under an agreement entered into by a school  
434 district on or before July 1, 2024, or equipment used to enforce  
435 violations of s. 316.172(1) (a) or (b) on or before July 1, 2024,

596-03500A-23

2023766c1

436 is not required to meet the specifications established by the  
437 state board until July 1, 2024.

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

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

443 318.14 Noncriminal traffic infractions; exception;  
444 procedures.—

445 (2) Except as provided in ss. 316.0083, 316.1001(2), and  
446 316.173 ~~ss. 316.1001(2) and 316.0083~~, any person cited for a  
447 violation requiring a mandatory hearing listed in s. 318.19 or  
448 any other criminal traffic violation listed in chapter 316 must  
449 sign and accept a citation indicating a promise to appear. The  
450 officer may indicate on the traffic citation the time and  
451 location of the scheduled hearing and must indicate the  
452 applicable civil penalty established in s. 318.18. For all other  
453 infractions under this section, except for infractions under s.  
454 316.1001, the officer must certify by electronic, electronic  
455 facsimile, or written signature that the citation was delivered  
456 to the person cited. This certification is prima facie evidence  
457 that the person cited was served with the citation.

458 Section 4. Subsection (5) of section 318.18, Florida  
459 Statutes, is amended to read:

460 318.18 Amount of penalties.—The penalties required for a  
461 noncriminal disposition pursuant to s. 318.14 or a criminal  
462 offense listed in s. 318.17 are as follows:

463 (5) (a) Two hundred dollars for a violation of s.  
464 316.172(1) (a), failure to stop for a school bus. If, at a



596-03500A-23

2023766c1

465 hearing, the alleged offender is found to have committed this  
466 offense, the court must ~~shall~~ impose a minimum civil penalty of  
467 \$200. In addition to this penalty, for a second or subsequent  
468 offense within a period of 5 years, the department shall suspend  
469 the driver license of the person for not less than 180 days and  
470 not more than 1 year.

471 (b) Four hundred dollars for a violation of s.  
472 316.172(1)(b), passing a school bus on the side that children  
473 enter and exit when the school bus displays a stop signal. If,  
474 at a hearing, the alleged offender is found to have committed  
475 this offense, the court must ~~shall~~ impose a minimum civil  
476 penalty of \$400. In addition to this penalty, for a second or  
477 subsequent offense within a period of 5 years, the department  
478 shall suspend the driver license of the person for not less than  
479 360 days and not more than 2 years. If a violation of s.  
480 316.172(1)(b) is enforced by a school bus infraction detection  
481 system pursuant to s. 316.173, the penalty under this paragraph  
482 is \$200, in lieu of the \$400 penalty, and a court must impose a  
483 minimum civil penalty under this paragraph of \$200, in lieu of  
484 the \$400 minimum civil penalty.

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 must ~~shall~~ impose the civil penalty under paragraph  
489 (a) or paragraph (b) plus an additional \$65. The additional \$65  
490 collected under this paragraph must ~~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

596-03500A-23

2023766c1

494 (b) is enforced by a school bus infraction detection system  
495 pursuant to s. 316.173, the fee imposed on the citation or by  
496 the court under this paragraph is \$25, in lieu of the \$65 fee,  
497 which must be dedicated to the safe schools allocation provided  
498 to school districts by the Department of Education pursuant to  
499 s. 1011.62(12).

500 (d) Notwithstanding any other provision of law to the  
501 contrary, \$1,500 for a violation of s. 316.172(1)(a) or (b) that  
502 causes or results in serious bodily injury to or death of  
503 another. The person may enter into a payment plan with the clerk  
504 of court pursuant to s. 28.246. In addition to this penalty, the  
505 department shall suspend the driver license of the person for  
506 not less than 1 year.

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.

596-03500A-23

2023766c1

523 (d) The point system is ~~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 when enforced by a school bus infraction  
538 detection system. In addition, a violation of s. 316.172(1)(a)  
539 or (b) when enforced by a school bus infraction detection system  
540 pursuant to s. 316.173 may not be used for purposes of setting  
541 motor vehicle insurance rates.
- 542 5. Unlawful speed:
  - 543 a. Not in excess of 15 miles per hour of lawful or posted  
544 speed—3 points.
  - 545 b. In excess of 15 miles per hour of lawful or posted  
546 speed—4 points.
- 547 6. A violation of a traffic control signal device as  
548 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
549 However, ~~no~~ no points may not ~~shall~~ be imposed for a violation of  
550 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
551 stop at a traffic signal and when enforced by a traffic

596-03500A-23

2023766c1

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

557 7. All other moving violations (including parking on a  
558 highway outside the limits of a municipality)-3 points. However,  
559 ~~no~~ points may not ~~shall~~ be imposed for a violation of s.  
560 316.0741 or s. 316.2065(11); and points may ~~shall~~ be imposed for  
561 a violation of s. 316.1001 only when imposed by the court after  
562 a hearing pursuant to s. 318.14(5).

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

566 9. Any conviction under s. 403.413(6)(b)-3 points.

567 10. Any conviction under s. 316.0775(2)-4 points.

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

572 Section 6. Paragraph (a) of subsection (3) of section  
573 316.306, Florida Statutes, is amended to read:

574 316.306 School and work zones; prohibition on the use of a  
575 wireless communications device in a handheld manner.-

576 (3)(a)1. A person may not operate a motor vehicle while  
577 using a wireless communications device in a handheld manner in a  
578 designated school crossing, school zone, or work zone area as  
579 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph  
580 shall only be applicable to work zone areas if construction

596-03500A-23

2023766c1

581 personnel are present or are operating equipment on the road or  
582 immediately adjacent to the work zone area. For the purposes of  
583 this paragraph, a motor vehicle that is stationary is not being  
584 operated and is not subject to the prohibition in this  
585 paragraph.

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

590 Section 7. Subsection (1) of section 655.960, Florida  
591 Statutes, is amended to read:

592 655.960 Definitions; ss. 655.960-655.965.—As used in this  
593 section and ss. 655.961-655.965, unless the context otherwise  
594 requires:

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

600 Section 8. Paragraph (h) is added to subsection (3) of  
601 section 1006.21, Florida Statutes, to read:

602 1006.21 Duties of district school superintendent and  
603 district school board regarding transportation.—

604 (3) District school boards, after considering  
605 recommendations of the district school superintendent:

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

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