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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 school districts that install a school bus infraction
18 detection system to ensure that each such system meets
19 certain requirements; requiring such school districts
20 to enter into interlocal agreements with law
21 enforcement agencies to enforce violations; providing
22 signage requirements; prohibiting the sufficiency of
23 signage from being raised in certain proceedings;
24 requiring such school districts to provide certain
25 notice to the public; requiring that school districts
26 that never have conducted a school bus infraction
27 detection system program conduct a public awareness
28 campaign before commencing enforcement of such a
29 system; limiting penalties in effect during the public

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

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59 citation or submitting an affidavit; specifying a
60 timeframe for a law enforcement agency to issue a
61 notification under certain circumstances; providing a
62 criminal penalty for submitting a false affidavit;
63 providing that certain recorded video and images are
64 admissible in certain proceedings; providing a
65 rebuttable presumption; providing construction;
66 specifying requirements of and prohibitions on the use
67 of video and images recorded by the school bus
68 infraction detection system; requiring school
69 districts that install a school bus infraction
70 detection system submit a quarterly report to the
71 Department of Highway Safety and Motor Vehicles;
72 requiring each such school district to maintain
73 certain data for a specified time; requiring the
74 department to submit an annual summary report to the
75 Governor and Legislature; requiring that school bus
76 infraction detection systems meet State Board of
77 Education specifications; requiring the state board to
78 establish certain specifications by rule by a
79 specified date; providing that certain equipment is
80 not required to meet the state board specifications;
81 authorizing the state board to adopt rules regarding
82 student privacy; amending s. 318.14, F.S.; conforming
83 provisions to changes made by the act; amending s.
84 318.18, F.S.; providing civil penalties for school bus
85 passing violations enforced by a school bus infraction
86 detection system; providing for distribution of a
87 certain portion thereof; providing conditions under

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88 which a case may be dismissed; amending s. 322.27,
89 F.S.; prohibiting points from being imposed against a
90 driver license for certain infractions enforced by a
91 school bus infraction detection system; prohibiting
92 such infractions from being used to set motor vehicle
93 insurance rates; amending ss. 316.306, 655.960, and
94 1006.21, F.S.; conforming cross-references and
95 provisions to changes made by the act; providing an
96 effective date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 Section 1. Present subsections (78) through (109) of section
101 316.003, Florida Statutes, are redesignated as subsections (79)
102 through (110), respectively, a new subsection (78) is added to
103 that section, and subsection (64) of that section is amended, to
104 read:

105 316.003 Definitions.—The following words and phrases, when
106 used in this chapter, shall have the meanings respectively
107 ascribed to them in this section, except where the context
108 otherwise requires:

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

113 (78) SCHOOL BUS INFRACTION DETECTION SYSTEM.—A camera
114 system affixed to a school bus with two or more camera sensors
115 or computers that produce a recorded video and two or more film
116 or digital photographic still images for the purpose of

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117 documenting a motor vehicle being used or operated in a manner
118 that allegedly violates s. 316.172(1)(a) or (b).

119 Section 2. Section 316.173, Florida Statutes, is created to
120 read:

121 316.173 School bus infraction detection systems.—

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

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

139 (c) The school district must ensure that each school bus
140 infraction detection system meets the requirements of subsection
141 (18).

142 (d) The school district must enter into an interlocal
143 agreement with one or more law enforcement agencies authorized
144 to enforce violations of s. 316.172(1)(a) and (b) within the
145 school district which jointly establishes the responsibilities

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146 of enforcement and the reimbursement of costs associated with
147 school bus infraction detection systems consistent with this
148 section.

149 (2) (a) The school district must post high-visibility
150 reflective signage on the rear of each school bus in which a
151 school bus infraction detection system is installed and
152 operational which indicates the use of such system. The signage
153 must be in the form of one or more signs or stickers and must
154 contain the following elements in substantially the following
155 form:

156 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
157 WHEN RED LIGHTS FLASH."

158 2. The words "CAMERA ENFORCED."

159 3. A graphic depiction of a camera.

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

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

167 (3) If a school district that has never conducted a school
168 bus infraction detection system program begins such a program,
169 the school district must make a public announcement and conduct
170 a public awareness campaign of the proposed use of school bus
171 infraction detection systems at least 30 days before commencing
172 enforcement under the school bus infraction detection system
173 program and notify the public of the specific date on which the
174 program will commence. During the 30-day public awareness

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175 campaign, only a warning may be issued to the registered owner
176 of a motor vehicle for a violation of s. 316.172(1)(a) or (b)
177 enforced by a school bus infraction detection system, and a
178 civil penalty may not be imposed under chapter 318.

179 (4) Within 30 days after an alleged violation of s.
180 316.172(1)(a) or (b) is recorded by a school bus infraction
181 detection system, the school district or the private vendor or
182 manufacturer under paragraph (1)(b) must submit the following
183 information to a law enforcement agency that has entered into an
184 interlocal agreement with the school district pursuant to
185 paragraph (1)(d) and has traffic infraction enforcement
186 jurisdiction at the location where the alleged violation
187 occurred:

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

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

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

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

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204 following:

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

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

209 (c) The amount of the civil penalty, the date by which the
210 civil penalty must be paid, and instructions on how to pay the
211 civil penalty.

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

214 (e) A notice that the owner has the right to review, in
215 person or remotely, the video and images recorded by the school
216 bus infraction detection system which constitute a rebuttable
217 presumption that the motor vehicle was used in violation of s.
218 316.172(1)(a) or (b).

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

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

224 (6) If the registered owner or co-owner of the motor
225 vehicle; the person identified as having care, custody, or
226 control of the motor vehicle at the time of the violation; or an
227 authorized representative of the owner, co-owner, or identified
228 person initiates a proceeding to challenge the violation, such
229 person waives any challenge or dispute as to the delivery of the
230 notice of violation.

231 (7) The civil penalties assessed and collected for a
232 violation of s. 316.172(1)(a) or (b) enforced by a school bus

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233 infraction detection system must be remitted to the school
234 district in which the violation occurred. Such civil penalties
235 must be used for the installation or maintenance of school bus
236 infraction detection systems on school buses, for any other
237 technology that increases the safety of the transportation of
238 students, or for the administration and costs associated with
239 the enforcement of violations as described in this section.

240 (8) A uniform traffic citation must be issued by mailing
241 the uniform traffic citation by certified mail to the address of
242 the registered owner of the motor vehicle involved in the
243 violation if payment has not been made within 30 days after
244 notification under subsection (5) and if the registered owner
245 has not submitted an affidavit in accordance with subsection
246 (10).

247 (a) Delivery of the uniform traffic citation constitutes
248 notification of a violation under this subsection. If the
249 registered owner or co-owner of the motor vehicle; the person
250 identified as having care, custody, or control of the motor
251 vehicle at the time of the violation; or a duly authorized
252 representative of the owner, co-owner, or identified person
253 initiates a proceeding to challenge the citation, such person
254 waives any challenge or dispute as to the delivery of the
255 uniform traffic citation.

256 (b) In the case of joint ownership of a motor vehicle, the
257 uniform traffic citation must be mailed to the first name
258 appearing on the motor vehicle registration, unless the first
259 name appearing on the registration is a business organization,
260 in which case the second name appearing on the registration may
261 be used.

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

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

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

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

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

278 (10) To establish such facts under subsection (9), the
279 registered owner of the motor vehicle must, within 30 days after
280 the date of issuance of the notice of violation or the uniform
281 traffic citation, furnish to the law enforcement agency that
282 issued the notice of violation or uniform traffic citation an
283 affidavit setting forth information supporting an exception
284 under subsection (9).

285 (a) An affidavit supporting the exception under paragraph
286 (9) (a) must include the name, address, date of birth, and, if
287 known, the driver license number of the person who leased,
288 rented, or otherwise had care, custody, or control of the motor
289 vehicle at the time of the alleged violation. If the motor
290 vehicle was stolen at the time of the alleged violation, the

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291 affidavit must include the police report indicating that the
292 motor vehicle was stolen.

293 (b) If a uniform traffic citation for a violation of s.
294 316.172(1)(a) or (b) was issued at the location of the violation
295 by a law enforcement officer, the affidavit must include the
296 serial number of the uniform traffic citation.

297 (c) If the motor vehicle's owner to whom a notice of
298 violation or a uniform traffic citation has been issued is
299 deceased, the affidavit must include a certified copy of the
300 owner's death certificate showing that the date of death
301 occurred on or before the date of the alleged violation and one
302 of the following:

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

306 2. Documented proof that the registered license plate
307 belonging to the deceased owner's motor vehicle was returned to
308 the department or any branch office or authorized agent of the
309 department after his or her death but on or before the date of
310 the alleged violation.

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

315

316 Upon receipt of the affidavit and documentation required under
317 paragraphs (b) and (c), or 30 days after the date of issuance of
318 a notice of violation sent to a person identified as having
319 care, custody, or control of the motor vehicle at the time of

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320 the violation under paragraph (a), the law enforcement agency
321 must dismiss the notice or citation and provide proof of such
322 dismissal to the person who submitted the affidavit. If, within
323 30 days after the date of a notice of violation sent to a person
324 under subsection (11), the law enforcement agency receives an
325 affidavit under subsection (12) from the person who was sent a
326 notice of violation affirming that the person did not have care,
327 custody, or control of the motor vehicle at the time of the
328 violation, the law enforcement agency must notify the registered
329 owner that the notice or citation will not be dismissed due to
330 failure to establish that another person had care, custody, or
331 control of the motor vehicle at the time of the violation.

332 (11) Upon receipt of an affidavit under paragraph (9) (a),
333 the law enforcement agency may issue the person identified as
334 having care, custody, or control of the motor vehicle at the
335 time of the violation a notice of violation pursuant to
336 subsection (5) for a violation of s. 316.172(1) (a) or (b). The
337 affidavit is admissible in a proceeding pursuant to this section
338 for the purpose of providing evidence that the person identified
339 in the affidavit was in actual care, custody, or control of the
340 motor vehicle. The owner of a leased motor vehicle for which a
341 uniform traffic citation is issued for a violation of s.
342 316.172(1) (a) or (b) is not responsible for paying the uniform
343 traffic citation and is not required to submit an affidavit as
344 specified in subsection (10) if the motor vehicle involved in
345 the violation is registered in the name of the lessee of such
346 motor vehicle.

347 (12) If a law enforcement agency receives an affidavit
348 under paragraph (9) (a), the notice of violation required under

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349 subsection (5) must be sent to the person identified in the
350 affidavit within 30 days after receipt of the affidavit. The
351 person identified in an affidavit and sent a notice of violation
352 may also affirm he or she did not have care, custody, or control
353 of the motor vehicle at the time of the violation by furnishing
354 to the appropriate law enforcement agency within 30 days after
355 the date of the notice of violation an affidavit stating such.

356 (13) The submission of a false affidavit is a misdemeanor
357 of the second degree, punishable as provided in s. 775.082 or s.
358 775.083.

359 (14) The video and images recorded by a school bus
360 infraction detection system which are attached to or referenced
361 in the uniform traffic citation are evidence of a violation of
362 s. 316.172(1) (a) or (b) and are admissible in any proceeding to
363 enforce this section. The recorded video and images raise a
364 rebuttable presumption that the motor vehicle shown in the
365 recorded video and images was used in violation of s.
366 316.172(1) (a) or (b).

367 (15) This section supplements the enforcement of s.
368 316.172(1) (a) and (b) by a law enforcement officer and does not
369 prohibit a law enforcement officer from issuing a uniform
370 traffic citation for a violation of s. 316.172(1) (a) or (b).

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

375 2. Video and images recorded as part of the school bus
376 infraction detection system may only be used to document
377 violations of s. 316.172(1) (a) and (b) and may not be used for

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378 any other surveillance purposes.

379 3. To the extent practicable, a school bus infraction
380 detection system must use necessary technology to ensure that
381 personal identifying information contained in the video or still
382 images recorded by the system which is not relevant to the
383 alleged violation, including, but not limited to, the identity
384 of the driver and any passenger of a motor vehicle, the interior
385 or contents of a motor vehicle, the identity of an uninvolved
386 person, a number identifying the address of a private residence,
387 and the contents or interior of a private residence, is
388 sufficiently obscured so as not to reveal such personal
389 identifying information.

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

395 (b) Any recorded video or still image obtained through the
396 use of a school bus infraction detection system must be
397 destroyed within 90 days after the final disposition of the
398 recorded event. The vendor of the school bus infraction
399 detection system must provide the school district with written
400 notice by December 31 of each year that such records have been
401 destroyed in accordance with this section.

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

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407 (17) (a) By October 1, 2023, and quarterly thereafter, each
408 school district, in consultation with the law enforcement
409 agencies with which it has interlocal agreements pursuant to
410 this section, operating a school bus infraction detection system
411 must submit a report to the department which details the results
412 of the school bus infraction detection systems in the school
413 district in the preceding quarter. The information from the
414 school districts must be submitted in a form and manner
415 determined by the department, which the department must make
416 available to the school districts by August 1, 2023, and must
417 include at least the following:

418 1. The number of school buses that have a school bus
419 infraction detection system installed, including the date of
420 installation and, if applicable, the date the systems were
421 removed.

422 2. The number of notices of violations issued, the number
423 that were contested, the number that were upheld, the number
424 that were dismissed, the number that were issued as uniform
425 traffic citations, and the number that were paid.

426 3. Data for each infraction to determine locations in need
427 of safety improvements. Such data must include, but is not
428 limited to, global positioning system coordinates of the
429 infraction, the date and time of the infraction, and the name of
430 the school that the school bus was transporting students to or
431 from.

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

434 (b) Each school district that operates a school bus
435 infraction detection system is responsible for and must maintain

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436 its respective data for reporting purposes under this subsection
437 for at least 2 years after such data is reported to the
438 department.

439 (c) On or before December 31, 2024, and annually
440 thereafter, the department shall submit a summary report to the
441 Governor, the President of the Senate, and the Speaker of the
442 House of Representatives regarding the use and operation of
443 school bus infraction detection systems under this section,
444 along with the department's recommendations and any recommended
445 legislation. The summary report must include a review of the
446 information submitted to the department by the school districts
447 and must describe the enhancement of traffic safety and
448 enforcement programs.

449 (18) A school bus infraction detection system must meet
450 specifications established by the State Board of Education and
451 must be tested at regular intervals according to specifications
452 prescribed by state board rule. The state board must establish
453 such specifications by rule on or before December 31, 2023.
454 However, any such equipment acquired by purchase, lease, or
455 other arrangement under an agreement entered into by a school
456 district on or before December 31, 2023, is not required to meet
457 the specifications established by the state board until July 1,
458 2024.

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

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

464 318.14 Noncriminal traffic infractions; exception;

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465 procedures.—

466 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
467 and 316.173, any person cited for a violation requiring a
468 mandatory hearing listed in s. 318.19 or any other criminal
469 traffic violation listed in chapter 316 must sign and accept a
470 citation indicating a promise to appear. The officer may
471 indicate on the traffic citation the time and location of the
472 scheduled hearing and must indicate the applicable civil penalty
473 established in s. 318.18. For all other infractions under this
474 section, except for infractions under s. 316.1001, the officer
475 must certify by electronic, electronic facsimile, or written
476 signature that the citation was delivered to the person cited.
477 This certification is prima facie evidence that the person cited
478 was served with the citation.

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

482 318.18 Amount of penalties.—The penalties required for a
483 noncriminal disposition pursuant to s. 318.14 or a criminal
484 offense listed in s. 318.17 are as follows:

485 (5)

486 (b)1. Four hundred dollars for a violation of s.
487 316.172(1)(b), passing a school bus on the side that children
488 enter and exit when the school bus displays a stop signal. If,
489 at a hearing, the alleged offender is found to have committed
490 this offense, the court shall impose a minimum civil penalty of
491 \$400.

492 2. If a violation of s. 316.172(1)(b) is enforced by a
493 school bus infraction detection system pursuant to s. 316.173,

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494 the penalty under this paragraph is \$200. If, at a hearing, the
495 alleged offender is found to have committed this offense, the
496 court must impose a minimum civil penalty of \$200.

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

501 (c) In addition to the penalty under paragraph (a) or
502 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
503 If the alleged offender is found to have committed the offense,
504 the court shall impose the civil penalty under paragraph (a) or
505 paragraph (b) plus an additional \$65. The additional \$65
506 collected under this paragraph shall be remitted to the
507 Department of Revenue for deposit into the Emergency Medical
508 Services Trust Fund of the Department of Health to be used as
509 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
510 (b) is enforced by a school bus infraction detection system
511 pursuant to s. 316.173, the additional amount imposed on the
512 uniform traffic citation or by the court under this paragraph
513 must be \$25, in lieu of the additional \$65.

514 (e) If a person who is mailed a uniform traffic citation
515 for a violation of s. 316.172(1)(a) or (b), as enforced by a
516 school bus infraction detection system under s. 316.173,
517 presents documentation from the appropriate law enforcement
518 agency that the traffic citation was in error, the clerk of
519 court may dismiss the case. The clerk of court may not charge
520 for this service.

521 Section 5. Paragraph (d) of subsection (3) of section
522 322.27, Florida Statutes, is amended to read:

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523 322.27 Authority of department to suspend or revoke driver
524 license or identification card.—

525 (3) There is established a point system for evaluation of
526 convictions of violations of motor vehicle laws or ordinances,
527 and violations of applicable provisions of s. 403.413(6) (b) when
528 such violations involve the use of motor vehicles, for the
529 determination of the continuing qualification of any person to
530 operate a motor vehicle. The department is authorized to suspend
531 the license of any person upon showing of its records or other
532 good and sufficient evidence that the licensee has been
533 convicted of violation of motor vehicle laws or ordinances, or
534 applicable provisions of s. 403.413(6) (b), amounting to 12 or
535 more points as determined by the point system. The suspension
536 shall be for a period of not more than 1 year.

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

540 1. Reckless driving, willful and wanton—4 points.

541 2. Leaving the scene of a crash resulting in property
542 damage of more than \$50—6 points.

543 3. Unlawful speed, or unlawful use of a wireless
544 communications device, resulting in a crash—6 points.

545 4. Passing a stopped school bus:

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

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

550 c. Points may not be imposed for a violation of passing a
551 stopped school bus as provided in s. 316.172(1) (a) or (b) when

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552 enforced by a school bus infraction detection system pursuant s.
553 316.173. In addition, a violation of s. 316.172(1) (a) or (b)
554 when enforced by a school bus infraction detection system
555 pursuant to s. 316.173 may not be used for purposes of setting
556 motor vehicle insurance rates.

557 5. Unlawful speed:

558 a. Not in excess of 15 miles per hour of lawful or posted
559 speed—3 points.

560 b. In excess of 15 miles per hour of lawful or posted
561 speed—4 points.

562 6. A violation of a traffic control signal device as
563 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.
564 However, ~~no~~ points may not shall be imposed for a violation of
565 s. 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to
566 stop at a traffic signal and when enforced by a traffic
567 infraction enforcement officer. In addition, a violation of s.
568 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to
569 stop at a traffic signal and when enforced by a traffic
570 infraction enforcement officer may not be used for purposes of
571 setting motor vehicle insurance rates.

572 7. All other moving violations (including parking on a
573 highway outside the limits of a municipality)—3 points. However,
574 ~~no~~ points may not shall be imposed for a violation of s.
575 316.0741 or s. 316.2065(11); and points may shall be imposed for
576 a violation of s. 316.1001 only when imposed by the court after
577 a hearing pursuant to s. 318.14(5).

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

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

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

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

587 Section 6. Paragraph (a) of subsection (3) of section
588 316.306, Florida Statutes, is amended to read:

589 316.306 School and work zones; prohibition on the use of a
590 wireless communications device in a handheld manner.—

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

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

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

607 655.960 Definitions; ss. 655.960–655.965.—As used in this
608 section and ss. 655.961–655.965, unless the context otherwise
609 requires:

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

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

617 1006.21 Duties of district school superintendent and
618 district school board regarding transportation.-

619 (3) District school boards, after considering
620 recommendations of the district school superintendent:

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

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