

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1045 Student Transportation Safety

SPONSOR(S): Civil Justice Subcommittee, Michael

TIED BILLS: **IDEN./SIM. BILLS:** SB 994

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	16 Y, 1 N	Walker	Hinshelwood
2) Civil Justice Subcommittee	15 Y, 2 N, As CS	Mathews	Jones
3) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law. The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras), speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit, and school bus infraction detection systems for public school districts.

A school bus infraction detection system is a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates the laws relating to traffic stopping for a school bus. Florida law authorizes school districts to install and operate a school bus infraction detection system on a school bus to enforce such laws.

CS/HB 1045 makes several changes to provisions relating to the use of school bus infraction detection systems, some of which include:

- Authorizing charter schools and private schools to install and operate a school bus infraction detection system on a school bus.
- No longer prohibiting:
 - An individual from receiving a commission from any revenue collected from violations detected through the use of a school bus infraction detection system.
 - A private vendor or manufacturer from receiving a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.
- Authorizing traffic infraction enforcement officers and certified school board security agencies that employ law enforcement officers to enforce laws relating to traffic stopping for a school bus.
- Making changes to the notice of violation process and providing a process to contest a notice of violation through use of a local hearing officer.
- Revising requirements for signage posted on the rear of a school bus indicating the use of a school bus infraction detection system by no longer requiring the signage to be reflective.
- Revising the use for civil penalties assessed and collected for a violation enforced by a school bus infraction detection system.
- Amending provisions relating to use of camera footage.
- Amending reporting requirements.
- Amending the authority of certain police departments in order to authorize their use of school bus infraction detection systems.

The bill will have an indeterminate impact on state, local governments, and the private sector.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Use of Cameras for Traffic Enforcement

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.¹ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),² speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,³ and school bus infraction detection systems for public school districts.⁴

School Bus Infraction Detection Systems

Under Florida law, a school bus infraction detection system is a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates the following laws relating to traffic stopping for a school bus:⁵

- Any person using, operating, or driving a vehicle on or over the roads or highways of this state must, upon approaching any school bus which displays a stop signal, bring such vehicle to a full stop while the bus is stopped, and the vehicle must not pass the school bus until the signal has been withdrawn.⁶
- Any person using, operating, or driving a vehicle must not pass a school bus on the side that children enter and exit when the school bus displays a stop signal.⁷

Florida law authorizes school districts to install and operate a school bus infraction detection system on a school bus to enforce such laws.⁸⁹

School districts may contract with a private vendor or manufacturer to install a school bus infraction detection system on any school bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to install school bus infraction systems must be based solely on the need to increase public safety. Under current law, an individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. Further, a private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.¹⁰

¹ S. 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

² Section 316.003(100), F.S., defines the term "traffic infraction detector" to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. See also s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

³ Ss. 316.003(82), 316.008(9), 316.0776(3), and 316.1896, F.S.

⁴ Ss. 316.003(78) and 316.173, F.S.

⁵ S. 316.003(78), F.S.

⁶ S. 316.172(1)(a), F.S.

⁷ S. 316.172(1)(b), F.S.

⁸ S. 316.173(1)(a), F.S.

⁹ S. 1006.21(3)(h), F.S., provides that a district school board, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system.

¹⁰ S. 316.173(1)(b), F.S.

The school district must ensure that each school bus infraction detection system meets specifications established by the State Board of Education (SBE) and must be tested at regular intervals according to specifications prescribed by SBE rule. Equipment acquired via an agreement entered into by a school district on or before December 31, 2023, is not required to meet SBE specifications until July, 1, 2024.

¹¹

A school district that elects to install a school bus infraction detection system must enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations, within the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems.¹²

On any school bus upon which a school bus infraction detection system is installed and operational, the school district must post high-visibility reflective signage on the rear of the school bus indicating the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic depiction of a camera.¹³

If a school district that has never conducted a school bus infraction detection system program begins such a program, the school district must make a public announcement and conduct a public awareness campaign at least 30 days before commencing enforcement. The school district must notify the public of the specific date on which the program will commence and, during the 30-day public awareness campaign, only a warning may be issued for a violation that is enforced by a school bus infraction detection system; a civil penalty may not be imposed during the 30-day public awareness campaign.¹⁴

Within 30 days after an alleged violation is recorded by a school bus infraction detection system, the school district or the private vendor or manufacturer with whom the school district has entered into a contract, must submit the following information to a law enforcement agency that has entered into an interlocal agreement with the school district and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

- A copy of the recorded video and images showing the motor vehicle’s alleged violations;
- The motor vehicle’s license plate number and the state of issuance of the motor vehicle’s license plate; and
- The date, time, and location of the alleged violation.¹⁵

Within 30 days after receiving the information required above, the law enforcement agency, if it determines that the motor vehicle violated the laws relating to traffic stopping for a school bus, must send a notice of violation to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14, F.S.,¹⁶ and that the violator must pay the penalty under s. 318.18(5), F.S.,¹⁷ or furnish an affidavit within 30 days after the date the notice of violation is sent in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must be sent by first-class mail and include all of the following:

¹¹ S. 316.173(1)(c) and (18), F.S.

¹² S. 316.173(1)(d), F.S.

¹³ S. 316.173(2), F.S.

¹⁴ S. 316.173(3), F.S.

¹⁵ S. 316.173(4), F.S.

¹⁶ S. 318.14, F.S., provides procedures for noncriminal traffic infractions.

¹⁷ S. 318.18(5), F.S., provides a minimum penalty of \$200 for a failure to stop for a school bus and a minimum penalty of \$200 for passing a school bus on the side that children enter and exit if the violation is enforced by a school bus infraction detection system. In addition to these penalties, if the alleged offender is found to have committed the offense and it is enforced by a school bus infraction detection system, then the court must impose the civil penalty aforementioned plus an additional \$25.

- A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle;
- The date, time, and location of the violation;
- The amount of the civil penalty, the date by which the civil penalty must be paid, and instructions on how to pay the civil penalty;
- Instructions on how to request a hearing to contest liability or the notice of violation;
- A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of law;
- The time when, and the place or website at which, the recorded video and images may be examined and observed; and
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.¹⁸

If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.¹⁹

Civil penalties assessed and collected for a violation enforced by a school bus infraction detection system must be remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations.²⁰

If payment for a violation has not been made within 30 days after the notice of violation and if the registered owner has not submitted an affidavit supporting an exception,²¹ a uniform traffic citation is issued and mailed via certified mail to the address of the registered owner of the motor vehicle involved in the violation

Delivery of the uniform traffic citation constitutes notification of a violation. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation, such person waives any challenge or dispute as to delivery of the uniform traffic citation.²²

In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.²³

The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the violation must be accompanied by information that was also included in the notice of violation.²⁴

The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of the laws relating to traffic stopping for a school bus, unless the owner can establish that:

- The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;

¹⁸ S. 316.173(5), F.S.

¹⁹ S. 316.173(6), F.S.

²⁰ S. 316.173(7), F.S.

²¹ S. 316.173(8), F.S.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

- A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation; or
- The motor vehicle's owner was deceased on or before the date of the alleged violation, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other identified person or family member.²⁵

To establish the above facts, the registered owner of the motor vehicle must, within 30 days after the date of issuance of the notice of violation or the traffic citation, furnish to the law enforcement agency an affidavit setting forth information supporting an exception:

- An affidavit stating that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.
- If a uniform traffic citation for a violation was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.
- If the motor vehicle's owner to whom a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:
 - A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
 - Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the Department of Highway Safety and Motor Vehicles (DHSMV) or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
 - A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.²⁶

Upon receipt of the required affidavit and documentation specified above related to the issuance of a uniform traffic citation or a deceased owner, or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date a notice of violation was sent to a person, the county or municipality receives an affidavit from the person who was sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.²⁷

Upon receipt of an affidavit that another person had care, custody, and control of the motor vehicle, the law enforcement agency may issue the person identified as having care, custody, or control of the motor vehicle when the violation was detected, a notice of violation. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a uniform traffic citation is issued for a violation of s. 316.172(1)(a) or (b), F.S., is not responsible for paying the uniform traffic citation and is not required to submit an affidavit if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.²⁸

If a law enforcement agency receives an affidavit identifying another person having, care, custody, or control of the vehicle, the required notice of violation of must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a

²⁵ S. 316.173(9), F.S.

²⁶ S. 316.173(10), F.S.

²⁷ *Id.*

²⁸ 316.173(11), F.S.

notice of violation may also affirm he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate law enforcement agency within 30 days after the date of the notice of violation an affidavit stating such.²⁹

The submission of a false affidavit is a misdemeanor of the second degree³⁰, punishable with up to 60 days in jail or a \$500 fine.³¹

The video and images by a school bus infraction detection system which are attached to or referenced in the traffic citation are evidence of a violation and are admissible in any proceeding. The recorded video and images raise a rebuttable presumption that the motor vehicle shown in the recorded video and images was used in violation of the laws relating to stopping for a school bus.³²

Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system may not be capable of automated or user-controlled remote surveillance.³³

Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor of the school bus infraction detection system must provide the school district with written notice by December 31 of each year that such records have been destroyed. Registered motor vehicle owner information obtained as a result of the operation of a school bus infraction detection system is not the property of the manufacturer or vendor of the system and may be used only for specified purposes.³⁴

To the extent practicable, a school bus infraction detection system may use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation is sufficiently obscured so as not to reveal such personal identifying information. A notice of a violation or uniform traffic citation may not be dismissed solely because a recorded video or still images reveal personal identifying information as long as a reasonable effort has been made to comply with the privacy provisions.³⁵

On a quarterly basis, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements, operating a school bus infraction detection system must submit a report to DHSMV which details the results of the school bus infraction detection systems in the school district in the preceding quarter. The information submitted by the school district must be submitted in a form and manner determined by DHSMV, and must include, at least the:

- The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.
- The number of notices of violations issued and the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.
- Data for each infraction to determine the locations in need of safety improvements. Such data must include, but is not limited to, global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school to or from which the school bus was transporting students.
- Any other statistical data and information required by DHSMV to complete the report required below.³⁶

Each school district that operates a school bus infraction detection system is responsible for and must maintain its respective data for reporting purposes for at least 2 years after such data is reported to DHSMV.³⁷

²⁹ S. 316.173 (12), F.S.

³⁰ S. 316.173 (13), F.S.

³¹ This is as provided in s.775.082, F.S., or s. 775.083, F.S.

³² S. 316.173(14), F.S.

³³ S. 316.173(16), F.S.

³⁴ *Id.*

³⁵ *Id.*

³⁶ S. 316.173(17)(a), F.S.

By December 31, 2024, and annually thereafter, DHSMV must submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the use and operation of school bus infraction detection systems along with DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.³⁸

Effect of the Bill

CS/HB 1045 makes changes to provisions relating to the use of school bus infraction detection systems by removing the prohibition on commissions and fee-sharing, authorizing charter schools and private schools to install and operate a school bus infraction detection system on a school bus, authorizing traffic infraction enforcement officers and certain school board security agencies to issue school bus passing infractions, making changes to the notice of violation process, providing a process to contest a notice of violation through the use of a local hearing officer, amending school bus signage requirements, amending provisions relating to civil penalties, amending provisions relating to use of camera footage, amending reporting requirements, and amending the authority of certain police departments in order to authorize their use of school bus infraction detection systems.

Commissions and Fee-Sharing

The bill clarifies that the existing prohibition against the collection of a commission or a fee based on the number of violations issued or detected does not prohibit a vendor or manufacturer from receiving a fixed percentage of collected proceeds for services rendered in relation to the installation, operation, or maintenance of school bus infraction detection systems.

Traffic Infraction Enforcement Officers

The bill authorizes traffic infraction enforcement officers and certified school board security agencies that employ law enforcement officers to enforce school bus passing infractions. A school safety officer who successfully completes instruction in traffic enforcement procedures and court presentation may be authorized by a county, municipality, or applicable school entity as a traffic infraction enforcement officer and may issue notices of violation and uniform traffic citations under s. 316.173, F.S., within the county in which the school district, charter school, or private school is located.

Notice of Violation and Local Hearing Officer Process

For purposes of the school bus infraction detection systems, the bill defines a local hearing officer to mean a person that:

- Is designated by a school district, charter school, or private school to issue traffic citations under laws relating to the school bus infraction system.
- Is authorized to conduct hearings related to a notice of violation issued.

The local hearing officer may:

- Be an attorney in good standing with The Florida Bar for at least 5 years.
- Serve in such office for one or more school entities, and such service does not constitute dual officeholding as prohibited by s. 5(a), Art. II of the State Constitution.
- Be the local hearing officer of a county or municipality.

The bill authorizes a notice of violation for a school bus passing infraction to be sent by an *agent* of law enforcement or by a traffic infraction enforcement officer.

The bill allows, in lieu of hearings administered by a county traffic court, that the governing board of a school entity, by resolution, may establish the following hearing procedures:

³⁷ S. 316.173(17)(b), F.S.

³⁸ S. 316.173(17)(c), F.S.

- DHSMV must publish and make available electronically to each school entity's governing board a model request for hearing form. The form must include the option for a petitioner to choose whether to attend the hearing in person or virtually.
- The school district, charter school, or private school must designate existing staff or a designated staff agent to serve as the clerk to the local hearing officer.
- A petitioner who elects to request a hearing must be scheduled for a hearing by the clerk to the local hearing officer. The petitioner may appear before a local hearing officer in person or virtually, with notice to be sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer, at least 5 calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the penalty assessed under s. 318.18, F.S.,³⁹ plus \$50 in administrative costs, before the start of the hearing.
- All testimony at the hearing must be under oath and recorded. The local hearing officer must take testimony from a traffic infraction enforcement officer, or law enforcement agency designee, and the petitioner, and may take testimony from others. The local hearing officer must review the video and images. Formal rules of evidence do not apply, but due process and the preponderance of evidence standard shall be observed and govern the proceedings.
- At the conclusion of the hearing, the local hearing officer must determine whether a violation has occurred, in which case the hearing officer shall uphold or dismiss the violation. The local hearing officer must issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under s. 318.18⁴⁰, and may also require the petitioner to pay school entity costs, including local hearing officer and hearing administrative costs, not to exceed \$250. The final administrative order shall be mailed to the petitioner by first-class mail.
- Allow for an aggrieved party to appeal a final administrative order consistent with the process provided under s. 162.11, F.S.⁴¹

School Bus Signage

The bill revises requirements for signage posted on the rear of a school bus indicating use of a school bus infraction detection system by no longer requiring the signage to be reflective.

Civil Penalties

The bill provides that the civil penalties assessed and collected via the enforcement of a school bus infraction detection system must be remitted to the school district in which the violation occurred or to the charter school or private school that reported the violation.

The bill revises the use for civil penalties assessed and collected for a violation enforced by a school bus infraction detection system. Such penalties must be used for the installation, operation, or maintenance of school bus infraction detection systems on school buses, including student transportation safety initiatives, driver recruitment and retention stipends, or other student transportation safety enhancements, or for administration and costs associated with the enforcement of the violations.

The bill clarifies that the \$25 civil penalty provided in s. 318.18(5)(c), F.S., applies to a notice of violation. The bill provides that this fee must be remitted to the participating school district, charter school, or private school operating the school bus with a school bus infraction detection system.

Use of Camera Footage

³⁹ *Supra* note 17.

⁴⁰ *Supra* note 17.

⁴¹ S. 162.11, F.S. provides that an aggrieved party may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal must not be a hearing de novo but must be limited to appellate review of the record created before the enforcement board. An appeal must be filed within 30 days of the execution of the order to be appealed.

The bill provides that a school bus infraction detection system may not be used for remote surveillance, and the collection of evidence by a school bus infraction detection system to enforce violations does not constitute remote surveillance.

The bill provides that a school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the school bus infraction detection system.

Reporting Requirements

The bill revises the quarterly report requirements due to DHSMV by:

- Requiring that such report which details the results of the school bus infraction detection systems must be made by each school district, charter school, or private school, in consultation with the law enforcement agencies with which it has interlocal agreements or with designated traffic infraction enforcement officers.
- Providing that DHSMV must make the acquired report information available to school districts by August 1, 2023, and to charter schools and private schools by August 1, 2024.
- Amending the data requirements of the report to allow flexibility and no longer expressly mandating the data to include global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from.

Authority of Certain Police Departments to Use School Bus Infraction Detection Systems

The bill provides that the authority of a police department of each chartered municipality to enforce traffic laws throughout the municipality includes the authority for such police department to use school bus infraction detection systems.

Effective Date

The bill is effective upon becoming law.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.003, F.S., relating to definitions.

Section 2 Amends s. 316.173, F.S., relating to school bus infraction detection systems.

Section 3 Amends s. 316.640, F.S., relating to enforcement.

Section 4 Amends s. 318.18, F.S., relating to amount of penalties.

Section 5 Provides effective date upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. To the extent that governing boards of school entities elect to establish by resolution the new hearing procedures outlined in the bill, DHSMV will be required to provide such entities with

a model request for hearing form, which may incur programming costs. Also, with the addition of private schools and charter schools, DHSMV could receive data from more schools, which administratively may have a negative fiscal impact on DHSMV due to the extra work involved with creating the annual summary report.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
Indeterminate.
2. Expenditures:
Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:
None.

B. RULE-MAKING AUTHORITY:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 1, 2024, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The committee substitute reinserted existing law prohibiting an individual or private vendor from receiving a commission or fee based on the number of violations issued or detected. Further, the committee substitute clarified that the language prohibiting the collection of a commission or fee does not prohibit a private manufacturer or vendor from receiving a fixed percentage of collected proceeds for services rendered in relation to the installation, operation, or maintenance of a school bus infraction detection system.

This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.