

1 A bill to be entitled
2 An act relating to student transportation safety;
3 amending s. 316.173, F.S.; authorizing contracts for
4 installation of school bus infraction detection
5 systems which authorize a private vendor or
6 manufacturer to receive a share of certain revenue
7 collected; providing requirements for such contracts;
8 revising requirements for signage posted on the rear
9 of a school bus indicating the use of a school bus
10 infraction detection system; requiring a law
11 enforcement agency to send a notice of violation to
12 the registered owner of the motor vehicle involved in
13 a violation within a specified timeframe after
14 receiving certain information; requiring a court
15 having jurisdiction over traffic violations to
16 determine whether a violation has occurred; requiring
17 the court to uphold the violation if the court finds
18 that a violation has occurred; requiring the court, if
19 the violation is upheld, to require the petitioner to
20 pay certain penalties and costs; revising the required
21 uses for civil penalties assessed and collected for
22 certain violations; prohibiting the use of a school
23 bus infraction detection system for remote
24 surveillance; providing construction; revising
25 purposes for which video and images recorded as part

26 of a school bus infraction detection system may be
 27 used; conforming provisions to changes made by the
 28 act; amending s. 318.18, F.S.; requiring that certain
 29 civil penalties be remitted to a school district
 30 operating a school bus with a school bus infraction
 31 detection system and be used for certain purposes;
 32 providing an effective date.

33

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

35

36 Section 1. Paragraph (b) of subsection (1), paragraph (a)
 37 of subsection (2), subsections (5) and (7), paragraph (a) of
 38 subsection (16), and paragraph (a) of subsection (17) of section
 39 316.173, Florida Statutes, are amended to read:

40 316.173 School bus infraction detection systems.—

41 (1)

42 (b) The school district may contract with a private vendor
 43 or manufacturer to install a school bus infraction detection
 44 system on any school bus within its fleet, whether owned,
 45 contracted, or leased, and for services including, but not
 46 limited to, the installation, operation, and maintenance of the
 47 system. The school district's decision to install school bus
 48 infraction detection systems must be based solely on the need to
 49 increase public safety. An individual may not receive a
 50 commission from any revenue collected from violations detected

51 through the use of a school bus infraction detection system. A
52 private vendor or manufacturer may not receive a fee or
53 remuneration based upon the number of violations detected
54 through the use of a school bus infraction detection system.
55 However, on or after July 1, 2024, a school district or
56 consortium of school districts may, through a competitive
57 procurement pursuant to s. 287.057, enter into a contract with a
58 private vendor or manufacturer to install a school bus
59 infraction detection system which authorizes the private vendor
60 or manufacturer to receive a share of the revenue collected by a
61 school district for violations detected through the use of a
62 school bus infraction detection system. The procurement must use
63 competitive sealed bids, competitive sealed proposals, or
64 competitive sealed replies. The contract may not be awarded
65 using an exceptional purchase provision provided for in s.
66 287.057(3). A school district or consortium of school districts
67 may not use a contract competitively awarded by another
68 governmental entity for contracts that authorize the private
69 vendor or manufacturer to receive a share of the revenue
70 collected by a school district for violations detected through
71 the use of a school bus infraction detection system. A
72 consortium member district, however, may use a regional
73 consortium service organization contract if one is available.
74 (2) (a) The school district must post ~~high-visibility~~
75 ~~reflective~~ signage on the rear of each school bus in which a

76 school bus infraction detection system is installed and
 77 operational which indicates the use of such system. The signage
 78 must be in the form of one or more signs or stickers and must
 79 contain the following elements in substantially the following
 80 form:

- 81 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
- 82 WHEN RED LIGHTS FLASH."
- 83 2. The words "CAMERA ENFORCED."
- 84 3. A graphic depiction of a camera.

85 (5) Within 30 days after receiving the information
 86 required in subsection (4), the law enforcement agency must, if
 87 it is determined ~~determines~~ that the motor vehicle violated s.
 88 316.172(1)(a) or (b), ~~must~~ send a notice of violation to the
 89 registered owner of the motor vehicle involved in the violation
 90 specifying the remedies available under s. 318.14 and that the
 91 violator must pay the penalty under s. 318.18(5) or furnish an
 92 affidavit in accordance with subsection (10) within 30 days
 93 after the notice of violation is sent in order to avoid court
 94 fees, costs, and the issuance of a uniform traffic citation. The
 95 notice of violation must be sent by first-class mail and include
 96 all of the following:

- 97 (a) A copy of one or more recorded images showing the
- 98 motor vehicle involved in the violation, including an image
- 99 showing the license plate of the motor vehicle.
- 100 (b) The date, time, and location of the violation.

101 (c) The amount of the civil penalty, the date by which the
102 civil penalty must be paid, and instructions on how to pay the
103 civil penalty.

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

106 (e) A notice that the owner has the right to review, in
107 person or remotely, the video and images recorded by the school
108 bus infraction detection system which constitute a rebuttable
109 presumption that the motor vehicle was used in violation of s.
110 316.172(1)(a) or (b).

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

113 (g) A warning that failure to pay the civil penalty or to
114 contest liability within 30 days after the notice is sent will
115 result in the issuance of a uniform traffic citation. A court
116 that has jurisdiction over traffic violations shall determine
117 whether a violation of this section has occurred. If a court
118 finds by a preponderance of the evidence that a violation has
119 occurred, the court must uphold the violation. If the notice of
120 violation is upheld, the court must require the petitioner to
121 pay the penalty previously assessed under s. 318.18(5), and may
122 also require the petitioner to pay costs, not to exceed those
123 established in s. 316.0083(5)(e).

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

126 | infraction detection system must be remitted to the school
 127 | district in which the violation occurred. Such civil penalties
 128 | must be used for the installation, operation, or maintenance of
 129 | school bus infraction detection systems on school buses,
 130 | including student transportation safety initiatives, driver
 131 | recruitment and retention stipends, or other student
 132 | transportation safety enhancements ~~for any other technology that~~
 133 | ~~increases the safety of the transportation of students,~~ or for
 134 | the administration and costs associated with the enforcement of
 135 | violations as described in this section.

136 | (16) (a) 1. ~~Notwithstanding any other law, equipment~~
 137 | ~~deployed as part of~~ A school bus infraction detection system ~~as~~
 138 | ~~provided under this section~~ may not be used for ~~capable of~~
 139 | ~~automated or user-controlled~~ remote surveillance. The collection
 140 | of evidence by a school bus infraction detection system to
 141 | enforce violations of s. 316.172 does not constitute remote
 142 | surveillance.

143 | 2. Video and images recorded as part of a ~~the~~ school bus
 144 | infraction detection system may only be used for traffic
 145 | enforcement and for purposes of determining criminal or civil
 146 | liability for incidents captured by the school bus infraction
 147 | detection system incidental to the permissible use of the school
 148 | bus infraction detection system ~~to document violations of s.~~
 149 | ~~316.172 (1) (a) and (b) and may not be used for any other~~
 150 | ~~surveillance purposes.~~

151 3. To the extent practicable, a school bus infraction
152 detection system must use necessary technology to ensure that
153 personal identifying information contained in the video or still
154 images recorded by the system which is not relevant to the
155 alleged violation, including, but not limited to, the identity
156 of the driver and any passenger of a motor vehicle, the interior
157 or contents of a motor vehicle, the identity of an uninvolved
158 person, a number identifying the address of a private residence,
159 and the contents or interior of a private residence, is
160 sufficiently obscured so as not to reveal such personal
161 identifying information.

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

167 (17) (a) By October 1, 2023, and quarterly thereafter, each
168 school district, ~~in consultation with the law enforcement~~
169 ~~agencies with which it has interlocal agreements pursuant to~~
170 ~~this section,~~ operating a school bus infraction detection system
171 must submit, in consultation with the law enforcement agencies
172 with which it has interlocal agreements pursuant to this
173 section, a report to the department which details the results of
174 the school bus infraction detection systems in the school
175 district in the preceding quarter. The information from the

176 school districts must be submitted in a form and manner
177 determined by the department, which the department must make
178 available to the school districts by August 1, 2023, and must
179 include at least the following:

180 1. The number of school buses that have a school bus
181 infraction detection system installed, including the date of
182 installation and, if applicable, the date the systems were
183 removed.

184 2. The number of notices of violations issued, the number
185 that were contested, the number that were upheld, the number
186 that were dismissed, the number that were issued as uniform
187 traffic citations, and the number that were paid.

188 3. Data for each infraction to determine locations in need
189 of safety improvements. Such data may ~~must~~ include, but is not
190 limited to, global positioning system coordinates of the
191 infraction, the date and time of the infraction, and the name of
192 the school that the school bus was transporting students to or
193 from.

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

196 Section 2. Paragraph (c) of subsection (5) of section
197 318.18, Florida Statutes, is amended to read:

198 318.18 Amount of penalties.—The penalties required for a
199 noncriminal disposition pursuant to s. 318.14 or a criminal
200 offense listed in s. 318.17 are as follows:

201 (5)

202 (c) In addition to the penalty under paragraph (a) or

203 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).

204 If the alleged offender is found to have committed the offense,

205 the court shall impose the civil penalty under paragraph (a) or

206 paragraph (b) plus an additional \$65. The additional \$65

207 collected under this paragraph shall be remitted to the

208 Department of Revenue for deposit into the Emergency Medical

209 Services Trust Fund of the Department of Health to be used as

210 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or

211 (b) is enforced by a school bus infraction detection system

212 pursuant to s. 316.173, the additional amount imposed on a

213 notice of violation, on a ~~the~~ uniform traffic citation, or by

214 the court under this paragraph must be \$25, in lieu of the

215 additional \$65, and must be remitted to the participating school

216 district and used pursuant to s. 316.173(7).

217 Section 3. This act shall take effect upon becoming a law.