

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rizo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 230-255 and insert:

5 Section 3. Paragraph (b) of subsection (1), paragraph (a)
6 of subsection (2), subsections (5) and (7), paragraph (a) of
7 subsection (16), and paragraph (a) of subsection (17) of section
8 316.173, Florida Statutes, are amended to read:

9 316.173 School bus infraction detection systems.-

10 (1)

11 (b) The school district may contract with a private vendor
12 or manufacturer to install a school bus infraction detection
13 system on any school bus within its fleet, whether owned,

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14 contracted, or leased, and for services including, but not
15 limited to, the installation, operation, and maintenance of the
16 system. The school district's decision to install school bus
17 infraction detection systems must be based solely on the need to
18 increase public safety. An individual may not receive a
19 commission from any revenue collected from violations detected
20 through the use of a school bus infraction detection system. A
21 private vendor or manufacturer may not receive a fee or
22 remuneration based upon the number of violations detected
23 through the use of a school bus infraction detection system.
24 This paragraph may not be construed to prohibit a private vendor
25 or manufacturer from receiving a fixed amount of collected
26 proceeds for service rendered in relation to the installation,
27 operation, or maintenance of school bus infraction detection
28 systems.

29 (2) (a) The school district must post ~~high-visibility~~
30 ~~reflective~~ signage on the rear of each school bus in which a
31 school bus infraction detection system is installed and
32 operational which indicates the use of such system. The signage
33 must be in the form of one or more signs or stickers and must
34 contain the following elements in substantially the following
35 form:

36 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
37 WHEN RED LIGHTS FLASH."

38 2. The words "CAMERA ENFORCED."

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39 3. A graphic depiction of a camera.
40 (5) Within 30 days after receiving the information
41 required in subsection (4), the law enforcement agency must, if
42 it is determined ~~determines~~ that the motor vehicle violated s.
43 316.172(1)(a) or (b), ~~must~~ send a notice of violation to the
44 registered owner of the motor vehicle involved in the violation
45 specifying the remedies available under s. 318.14 and that the
46 violator must pay the penalty under s. 318.18(5) or furnish an
47 affidavit in accordance with subsection (10) within 30 days
48 after the notice of violation is sent in order to avoid court
49 fees, costs, and the issuance of a uniform traffic citation. The
50 notice of violation must be sent by first-class mail and include
51 all of the following:
52 (a) A copy of one or more recorded images showing the
53 motor vehicle involved in the violation, including an image
54 showing the license plate of the motor vehicle.
55 (b) The date, time, and location of the violation.
56 (c) The amount of the civil penalty, the date by which the
57 civil penalty must be paid, and instructions on how to pay the
58 civil penalty.
59 (d) Instructions on how to request a hearing to contest
60 liability or the notice of violation.
61 (e) A notice that the owner has the right to review, in
62 person or remotely, the video and images recorded by the school
63 bus infraction detection system which constitute a rebuttable

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64 presumption that the motor vehicle was used in violation of s.
65 316.172(1)(a) or (b).

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

68 (g) A warning that failure to pay the civil penalty or to
69 contest liability within 30 days after the notice is sent will
70 result in the issuance of a uniform traffic citation. A court
71 that has jurisdiction over traffic violations shall determine
72 whether a violation of this section has occurred. If a court
73 finds by a preponderance of the evidence that a violation
74 occurred, the court must uphold the violation. If the notice of
75 violation is upheld, the court must require the petitioner to
76 pay the penalty previously assessed under s. 318.18(5), and may
77 also require the petitioner to pay costs, not to exceed those
78 established in s. 316.0083(5)(e).

79 (7) The civil penalties assessed and collected for a
80 violation of s. 316.172(1)(a) or (b) enforced by a school bus
81 infraction detection system must be remitted to the school
82 district in which the violation occurred. Such civil penalties
83 must be used for the installation, operation, or maintenance of
84 school bus infraction detection systems on school buses,
85 including student transportation safety initiatives, driver
86 recruitment and retention stipends, or other student
87 transportation safety enhancements ~~for any other technology that~~
88 ~~increases the safety of the transportation of students, or for~~

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89 the administration and costs associated with the enforcement of
90 violations as described in this section.

91 (16) (a) 1. ~~Notwithstanding any other law, equipment~~
92 ~~deployed as part of~~ A school bus infraction detection system ~~as~~
93 ~~provided under this section~~ may not be used for ~~capable of~~
94 ~~automated or user-controlled~~ remote surveillance. The collection
95 of evidence by a school bus infraction detection system to
96 enforce violations of s. 316.172 does not constitute remote
97 surveillance.

98 2. Video and images recorded as part of a ~~the~~ school bus
99 infraction detection system may only be used for traffic
100 enforcement and for purposes of determining criminal or civil
101 liability for incidents captured by the school bus infraction
102 detection system incidental to the permissible use of the school
103 bus infraction detection system to document violations of s.
104 ~~316.172(1)(a) and (b) and may not be used for any other~~
105 ~~surveillance purposes.~~

106 3. To the extent practicable, a school bus infraction
107 detection system must use necessary technology to ensure that
108 personal identifying information contained in the video or still
109 images recorded by the system which is not relevant to the
110 alleged violation, including, but not limited to, the identity
111 of the driver and any passenger of a motor vehicle, the interior
112 or contents of a motor vehicle, the identity of an uninvolved
113 person, a number identifying the address of a private residence,

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114 and the contents or interior of a private residence, is
115 sufficiently obscured so as not to reveal such personal
116 identifying information.

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

122 (17) (a) By October 1, 2023, and quarterly thereafter, each
123 school district, ~~in consultation with the law enforcement~~
124 ~~agencies with which it has interlocal agreements pursuant to~~
125 ~~this section,~~ operating a school bus infraction detection system
126 must submit, in consultation with the law enforcement agencies
127 with which it has interlocal agreements pursuant to this
128 section, a report to the department which details the results of
129 the school bus infraction detection systems in the school
130 district in the preceding quarter. The information from the
131 school districts must be submitted in a form and manner
132 determined by the department, which the department must make
133 available to the school districts by August 1, 2023, and must
134 include at least the following:

135 1. The number of school buses that have a school bus
136 infraction detection system installed, including the date of
137 installation and, if applicable, the date the systems were
138 removed.

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139 2. The number of notices of violations issued, the number
140 that were contested, the number that were upheld, the number
141 that were dismissed, the number that were issued as uniform
142 traffic citations, and the number that were paid.

143 3. Data for each infraction to determine locations in need
144 of safety improvements. Such data ~~may~~ ~~must~~ include, but is not
145 limited to, global positioning system coordinates of the
146 infraction, the date and time of the infraction, and the name of
147 the school that the school bus was transporting students to or
148 from.

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

151 Section 4. Paragraph (c) of subsection (5) of section
152 318.18, Florida Statutes, is amended to read:

153 318.18 Amount of penalties.—The penalties required for a
154 noncriminal disposition pursuant to s. 318.14 or a criminal
155 offense listed in s. 318.17 are as follows:

156 (5)

157 (c) In addition to the penalty under paragraph (a) or
158 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
159 If the alleged offender is found to have committed the offense,
160 the court shall impose the civil penalty under paragraph (a) or
161 paragraph (b) plus an additional \$65. The additional \$65
162 collected under this paragraph shall be remitted to the
163 Department of Revenue for deposit into the Emergency Medical

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164 Services Trust Fund of the Department of Health to be used as
 165 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
 166 (b) is enforced by a school bus infraction detection system
 167 pursuant to s. 316.173, the additional amount imposed on a
 168 notice of violation, on a ~~the~~ uniform traffic citation, or by
 169 the court under this paragraph must be \$25, in lieu of the
 170 additional \$65, and must be remitted to the participating school
 171 district and used pursuant to s. 316.173(7).

T I T L E A M E N D M E N T

175 Remove lines 14-17 and insert:
 176 amending s. 316.173, F.S.; providing construction;
 177 revising requirements for signage posted on the rear
 178 of a school bus indicating the use of a school bus
 179 infraction detection system; requiring a law
 180 enforcement agency to send a notice of violation to
 181 the registered owner involved in a violation within a
 182 specified timeframe after receiving certain
 183 information; requiring a court having jurisdiction
 184 over traffic violations to make a determination
 185 regarding whether a violation has occurred; requiring
 186 the court to uphold the violation if the court finds
 187 that a violation has occurred; requiring the court, if
 188 the violation is upheld, to require the petitioner to

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189 pay certain penalties and costs; revising the required
190 uses for civil penalties assessed and collected for
191 certain violations; prohibiting the use of school bus
192 infraction detection systems for remote surveillance;
193 providing construction; revising purposes for which
194 video and images recorded as part of a school bus
195 infraction detection system may be used; amending s.
196 318.18, F.S.; requiring that certain civil penalties
197 be remitted to a participating school district
198 operating a school bus with a school bus infraction
199 detection system to be used for certain purposes;
200 amending s. 1001.372, F.S.; revising the

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