



720974

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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10 316.173 School bus infraction detection systems.—

11 (1)

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

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

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



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- 39 2. The words "CAMERA ENFORCED."
- 40 3. A graphic depiction of a camera.
- 41 (5) Within 30 days after receiving the information required
- 42 in subsection (4), the law enforcement agency must, if it is
- 43 determined ~~determines~~ that the motor vehicle violated s.
- 44 316.172(1)(a) or (b), ~~must~~ send a notice of violation to the
- 45 registered owner of the motor vehicle involved in the violation
- 46 specifying the remedies available under s. 318.14 and that the
- 47 violator must pay the penalty under s. 318.18(5) or furnish an
- 48 affidavit in accordance with subsection (10) within 30 days
- 49 after the notice of violation is sent in order to avoid court
- 50 fees, costs, and the issuance of a uniform traffic citation. The
- 51 notice of violation must be sent by first-class mail and include
- 52 all of the following:
- 53 (a) A copy of one or more recorded images showing the motor
- 54 vehicle involved in the violation, including an image showing
- 55 the license plate of the motor vehicle.
- 56 (b) The date, time, and location of the violation.
- 57 (c) The amount of the civil penalty, the date by which the
- 58 civil penalty must be paid, and instructions on how to pay the
- 59 civil penalty.
- 60 (d) Instructions on how to request a hearing to contest
- 61 liability or the notice of violation.
- 62 (e) A notice that the owner has the right to review, in
- 63 person or remotely, the video and images recorded by the school
- 64 bus infraction detection system which constitute a rebuttable
- 65 presumption that the motor vehicle was used in violation of s.
- 66 316.172(1)(a) or (b).
- 67 (f) The time when, and the place or website at which, the



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68 recorded video and images may be examined and observed.

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

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

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



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97 violations of s. 316.172 does not constitute remote
98 surveillance.

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

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

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

123 (17) (a) By October 1, 2023, and quarterly thereafter, each
124 school district, ~~in consultation with the law enforcement~~
125 ~~agencies with which it has interlocal agreements pursuant to~~



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

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

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

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

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

152 Section 2. Paragraph (c) of subsection (5) of section
153 318.18, Florida Statutes, is amended to read:

154 318.18 Amount of penalties.—The penalties required for a



155 noncriminal disposition pursuant to s. 318.14 or a criminal
156 offense listed in s. 318.17 are as follows:

157 (5)

158 (c) In addition to the penalty under paragraph (a) or
159 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
160 If the alleged offender is found to have committed the offense,
161 the court shall impose the civil penalty under paragraph (a) or
162 paragraph (b) plus an additional \$65. The additional \$65
163 collected under this paragraph shall be remitted to the
164 Department of Revenue for deposit into the Emergency Medical
165 Services Trust Fund of the Department of Health to be used as
166 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
167 (b) is enforced by a school bus infraction detection system
168 pursuant to s. 316.173, the additional amount imposed on a
169 notice of violation, on a ~~the~~ uniform traffic citation, or by
170 the court under this paragraph must be \$25, in lieu of the
171 additional \$65, and must be remitted to the participating school
172 district and used pursuant to s. 316.173(7).

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

174
175 ===== T I T L E A M E N D M E N T =====

176 And the title is amended as follows:

177 Delete everything before the enacting clause
178 and insert:

179 A bill to be entitled
180 An act relating to student transportation safety;
181 amending s. 316.173, F.S.; providing construction;
182 revising requirements for signage posted on the rear
183 of a school bus indicating the use of a school bus



184 infraction detection system; requiring a law
185 enforcement agency to send a notice of violation to
186 the registered owner involved in a violation within a
187 specified timeframe after receiving certain
188 information; requiring a court having jurisdiction
189 over traffic violations to make a determination
190 regarding whether a violation has occurred; requiring
191 the court to uphold the violation if the court finds
192 that a violation has occurred; requiring the court, if
193 the violation is upheld, to require the petitioner to
194 pay certain penalties and costs; revising the required
195 uses for civil penalties assessed and collected for
196 certain violations; prohibiting the use of school bus
197 infraction detection systems for remote surveillance;
198 providing construction; revising purposes for which
199 video and images recorded as part of a school bus
200 infraction detection system may be used; conforming
201 provisions to changes made by the act; making
202 technical changes; amending s. 318.18, F.S.; requiring
203 that certain civil penalties be remitted to a
204 participating school district operating a school bus
205 with a school bus infraction detection system to be
206 used for certain purposes; providing an effective
207 date.