

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 994

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development;
Transportation Committee; and Senator Burgess

SUBJECT: Student Transportation Safety

DATE: February 20, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u>Johnson</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 994 revises statutory provisions relating to the camera enforcement of traffic infractions related to passing of a stopped school bus. Specifically, the bill:

- Authorizes a private vendor or manufacturer of a school bus infraction detector system to receive a fixed amount of collected proceeds for services rendered regarding a school bus infraction detection system.
- Revises required signage on school buses with infraction detection system.
- Allocates civil penalties to the appropriate school district to pay for the program and other student transportation safety enhancements.
- Provides that the collection of evidence from a school bus infraction detection system does not constitute remote surveillance.
- Limits the use of video and images from the system to specified purposes.
- Requires specified traffic penalties to be remitted to a school district.

The bill does not appear to have a fiscal impact on the public, but may have a positive fiscal impact on the private sector. See Section V., Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present 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.⁴

School Bus-Related Traffic Laws

Pursuant to s. 316.172, F.S., a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.⁵ When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.⁶

When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus's signal is withdrawn.⁷ However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least five feet, a raised median, or a physical barrier.⁸

A person cited for failing to stop for a school bus displaying a stop signal pursuant to s. 316.172(1)(a), F.S., commits a moving violation and is subject to a \$200 civil penalty.⁹ A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.¹⁰ Additionally, any person who is convicted, pleads nolo contendere, or is subject to the court withholding adjudication for such violation must attend a driver improvement course.¹¹

A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal pursuant to s. 316.172(1)(b), F.S., also commits a moving violation; however, he or she is subject to a \$400 civil penalty¹² and must attend a mandatory hearing,¹³ and attend a driver improvement course.¹⁴

¹ Section 316.0076, F.S.; ch. 316, F.S., is the Florida Uniform Traffic Control Law.

² Section 316.0083, F.S..

³ Section 316.1896, F.S.

⁴ Section 316.173, F.S.

⁵ Section 316.172(3), F.S.

⁶ *Id.*

⁷ Section 316.172(1)(a), F.S.

⁸ Section 316.172(2), F.S.

⁹ In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 180 days and not more than 1 year. Section 318.18(5)(a), F.S.

¹⁰ Section 318.14, F.S.

¹¹ Sections 322.0261(4)(a) and (c), F.S.

¹² In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 360 days and not more than 2 years. Section. 318.18(5)(a), F.S.

¹³ Sections. 316.172(1)(b) and 318.19(3), F.S.

¹⁴ Sections 322.0261(4)(a) and (c), F.S.

A driver who illegally passes a stopped school bus and:

- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.¹⁵
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:¹⁶
 - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;
 - Participate in a victim’s impact panel session; if such panel does not exist, the driver must attend a driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV) relating to the rights of vulnerable road users relative to vehicles on the roadway;¹⁷ and
 - Pay a \$1,500 fine and have his or her driver license suspended for at least one year.¹⁸

When a driver accumulates a specified number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:

- 12 points in 12 months – 30-day suspension.
- 18 points in 18 months – 3-month suspension.
- 24 points in 36 months – 12-month suspension.¹⁹

School Bus Stop Arm Traffic Citations

The Florida Department of Education created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The 2023 survey showed that on a single day, 11,224 illegal passes were made based on the observations of 8,432 school bus drivers who completed the survey. Of these illegal passes, 568 were made on the right side of the bus where children generally enter and exit the vehicle, and 10,660 were made on the left side.²⁰

School Bus Infraction Detection Systems

In 2023, the Legislature authorized the use of school bus infraction detection systems to enforce traffic violations for passing a stopped school bus loading or unloading passengers.²¹

That bill defined the term “school bus infraction detection system” to mean 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 s. 316.172(1)(a) or (b), F.S.²²

¹⁵ Section 322.27(3)(d)4.a., F.S.

¹⁶ Section 322.27(3)(d)4.b., F.S.

¹⁷ Section 316.027(4)(b), F.S.

¹⁸ Section 318.18(5)(d), F.S.

¹⁹ Section 322.27(3), F.S.

²⁰ Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2023*, <https://www.fldoe.org/core/fileparse.php/7585/urlt/2023illegalpassing.pdf> (last visited January 3, 2024).

²¹ CS/CS/SB 766; Chapter 2023-171, Laws of Fla.

²² Section 316.003(78), F.S.

The 2023 law authorized school districts to 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.²³

An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. 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.²⁴

School district must ensure that each school bus infraction detection system meets State Board of Education (SBE) specifications and must be tested at regular intervals according to specifications prescribed by SBE rule.²⁵ 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, 2024.²⁶

Florida law provides that 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 traffic violations, within the school district. The interlocal agreement jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems.²⁷

On any school bus in 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, which 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.²⁸

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 for at least 30 days before beginning enforcement. The school district must notify the public of the specific date on which the program will begin 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, and a civil penalty may not be imposed.²⁹

²³ Section 316.173(1)(b), F.S.

²⁴ *Id.*

²⁵ The State Board of Education’s rules are in Rule 6A-3.003, F.A.C. The SBE was required to establish such specifications, by rule, on or before December 31, 2023.

²⁶ Section 316.173(1)(c) and (18), F.S.

²⁷ Section 316.173(1)(d), F.S.

²⁸ Section 316.173(2), F.S.

²⁹ Section 316.173(3), F.S.

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.³⁰

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 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.,³¹ and that the violator must pay the penalty under s. 318.18(5), F.S.,³² 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:

- 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.³³

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.³⁴

³⁰ Section 316.173(4), F.S.

³¹ Section 318.14, F.S., provides procedures for noncriminal traffic infractions.

³² Section 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.

³³ Section 316.173(5), F.S.

³⁴ Section 316.173(6), F.S.

The civil penalties assessed and collected for a violation enforced by a school bus infraction detection system are 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.³⁵

If payment 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, a uniform traffic citation must be issued, by certified mail, to the address of the registered owner of the motor vehicle involved in the violation.³⁶

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.³⁷

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.³⁸ 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.³⁹

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;
- 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.⁴⁰

The statute also provides requirements for establishing the above facts and provides mechanism for citing another person who had care, custody, and control of the motor vehicle.⁴¹

Florida law provides that 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 and video images raise a rebuttable presumption that the motor vehicle shown in the recorded and video images was used in violation of the laws relating to

³⁵ Section 316.173(7), F.S.

³⁶ Section 316.173(8), F.S.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 316.173(9), F.S.

⁴¹ *See* sections 316.173(10)-(13), F.S.

stopping for a school bus.⁴² 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.⁴³

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 providing 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.⁴⁴

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.⁴⁵

By October 1, 2023, and quarterly thereafter, 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 the Department of Highway Safety and Motor Vehicles (DHSMV) detailing 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 form and manner determined by the DHSMV, and must include, the following:

- 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 to determine the locations in need of safety improvements.
- Any other statistical data and information the DHSMV requires to complete its required report.⁴⁶

By December 31, 2024, and annually thereafter, the 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 the DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to the DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.⁴⁷

⁴² Section 316.173(14), F.S.

⁴³ Section 316.173(16), F.S.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Section 316.173(17)(a), F.S.

⁴⁷ Section 316.173(17)(c), F.S.

III. Effect of Proposed Changes:

The bill amends s. 316.173, F.S., relating to school bus infraction detection systems for the purpose of enforcing s. 316.172(1)(a) and (b), F.S.

Prohibition on Commissions and Fee-Sharing

The bill retains the existing prohibitions on:

- An individual receiving a commission from any revenue collected from violations detected through the use of a school bus infraction detection system; and
- A private vendor or manufacturer receiving fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.

However, the bill authorizes a private vendor or manufacturer to receive a fixed amount of collected proceeds for service rendered in relation to the installation, operation, or maintenance of a school bus infraction detection system.

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 high-visibility reflective.

Court Requirements

The bill provides that a court that has jurisdiction over traffic violations must determine whether a violation has occurred. If a court finds by a preponderance of the evidence that a violation has occurred, the court must uphold the violation. If the notice of violation is upheld, the court must require the \$200 or \$400 penalty, plus an additional \$25,⁴⁸ and may also require the petitioner to pay costs, not to exceed \$250.⁴⁹

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.

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.

⁴⁸ These penalties are assessed pursuant to s. 318.18(5), F.S.

⁴⁹ This is the maximum county or municipal costs for red light camera violations going to a hearing. *See* s. 316.0083(5)(e), F.S.

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 operating the school bus with a school bus infraction detection system.

Use of Camera Footage

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 the DHSMV by making technical changes to the requirement that such report be made in consultation with the law enforcement agencies with which the school district has interlocal agreements.

Effective Date

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Entities that install and operate school bus infraction detection systems may experience an increase in revenues associated with the addition of additional school bus infraction detection systems.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.173 and 318.18.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Transportation, Tourism, and Economic Development on February 13, 2024:

The committee substitute

- Removes the changes to the definition of “local hearing officer.”
- Removes the authorization for charter schools and private schools to equip school bus infraction detection systems on their buses.
- Authorizes a vendor or manufacturer to receive a fixed amount of collected proceeds, instead of a fixed percentage of collected proceeds.
- Removes the authorization for traffic infraction enforcement officers and school safety officers to enforce violations.
- Revises signage provisions to remove the requirement for high-visibility signage.
- Removes administrative hearing provisions from the bill.
- Provides requirements for a traffic court to review violations.

CS by Transportation Committee on January 30, 2024:

The committee substitute removes the repeal of the prohibition against commissions from school bus infraction detection systems and stipulates that a private vendor or manufacturer of school bus infraction detection systems may receive a fixed percentage of the proceeds collected in relation to the installation, operation, or maintenance of such systems.

B. Amendments:

None.