

**By** the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator Burgess

606-03286-24

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1                                   A bill to be entitled  
2       An act relating to student transportation safety;  
3       amending s. 316.173, F.S.; providing construction;  
4       revising requirements for signage posted on the rear  
5       of a school bus indicating the use of a school bus  
6       infraction detection system; requiring a law  
7       enforcement agency to send a notice of violation to  
8       the registered owner involved in a violation within a  
9       specified timeframe after receiving certain  
10      information; requiring a court having jurisdiction  
11      over traffic violations to make a determination  
12      regarding whether a violation has occurred; requiring  
13      the court to uphold the violation if the court finds  
14      that a violation has occurred; requiring the court, if  
15      the violation is upheld, to require the petitioner to  
16      pay certain penalties and costs; revising the required  
17      uses for civil penalties assessed and collected for  
18      certain violations; prohibiting the use of school bus  
19      infraction detection systems for remote surveillance;  
20      providing construction; revising purposes for which  
21      video and images recorded as part of a school bus  
22      infraction detection system may be used; conforming  
23      provisions to changes made by the act; making  
24      technical changes; amending s. 318.18, F.S.; requiring  
25      that certain civil penalties be remitted to a  
26      participating school district operating a school bus  
27      with a school bus infraction detection system to be  
28      used for certain purposes; providing an effective  
29      date.

606-03286-24

2024994c2

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

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:

316.173 School bus infraction detection systems.—

(1)

(b) The school district 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 detection systems must be based solely on the need to increase public safety. 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. This paragraph may not be construed to prohibit a private vendor or manufacturer from receiving a fixed amount of collected proceeds for service rendered in relation to the installation, operation, or maintenance of school bus infraction detection systems.

(2) (a) The school district must post ~~high-visibility~~ ~~reflective~~ signage on the rear of each school bus in which a

606-03286-24

2024994c2

59 school bus infraction detection system is installed and  
60 operational which indicates the use of such system. The signage  
61 must be in the form of one or more signs or stickers and must  
62 contain the following elements in substantially the following  
63 form:

64 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS  
65 WHEN RED LIGHTS FLASH."

66 2. The words "CAMERA ENFORCED."

67 3. A graphic depiction of a camera.

68 (5) Within 30 days after receiving the information required  
69 in subsection (4), the law enforcement agency must, if it is  
70 determined ~~determines~~ that the motor vehicle violated s.  
71 316.172(1)(a) or (b), ~~must~~ send a notice of violation to the  
72 registered owner of the motor vehicle involved in the violation  
73 specifying the remedies available under s. 318.14 and that the  
74 violator must pay the penalty under s. 318.18(5) or furnish an  
75 affidavit in accordance with subsection (10) within 30 days  
76 after the notice of violation is sent in order to avoid court  
77 fees, costs, and the issuance of a uniform traffic citation. The  
78 notice of violation must be sent by first-class mail and include  
79 all of the following:

80 (a) A copy of one or more recorded images showing the motor  
81 vehicle involved in the violation, including an image showing  
82 the license plate of the motor vehicle.

83 (b) The date, time, and location of the violation.

84 (c) The amount of the civil penalty, the date by which the  
85 civil penalty must be paid, and instructions on how to pay the  
86 civil penalty.

87 (d) Instructions on how to request a hearing to contest

606-03286-24

2024994c2

88 liability or the notice of violation.

89 (e) A notice that the owner has the right to review, in  
90 person or remotely, the video and images recorded by the school  
91 bus infraction detection system which constitute a rebuttable  
92 presumption that the motor vehicle was used in violation of s.  
93 316.172(1)(a) or (b).

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

96 (g) A warning that failure to pay the civil penalty or to  
97 contest liability within 30 days after the notice is sent will  
98 result in the issuance of a uniform traffic citation. A court  
99 that has jurisdiction over traffic violations shall determine  
100 whether a violation of this section has occurred. If a court  
101 finds by a preponderance of the evidence that a violation  
102 occurred, the court must uphold the violation. If the notice of  
103 violation is upheld, the court must require the petitioner to  
104 pay the penalty previously assessed under s. 318.18(5), and may  
105 also require the petitioner to pay costs, not to exceed those  
106 established in s. 316.0083(5)(e).

107 (7) The civil penalties assessed and collected for a  
108 violation of s. 316.172(1)(a) or (b) enforced by a school bus  
109 infraction detection system must be remitted to the school  
110 district in which the violation occurred. Such civil penalties  
111 must be used for the installation, operation, or maintenance of  
112 school bus infraction detection systems on school buses,  
113 including student transportation safety initiatives, driver  
114 recruitment and retention stipends, or other student  
115 transportation safety enhancements ~~for any other technology that~~  
116 ~~increases the safety of the transportation of students, or for~~

606-03286-24

2024994c2

117 the administration and costs associated with the enforcement of  
118 violations as described in this section.

119 (16) (a) 1. ~~Notwithstanding any other law, equipment deployed~~  
120 ~~as part of~~ A school bus infraction detection system ~~as provided~~  
121 ~~under this section~~ may not be used for ~~capable of automated or~~  
122 ~~user-controlled~~ remote surveillance. The collection of evidence  
123 by a school bus infraction detection system to enforce  
124 violations of s. 316.172 does not constitute remote  
125 surveillance.

126 2. Video and images recorded as part of a ~~the~~ school bus  
127 infraction detection system may only be used for traffic  
128 enforcement and for purposes of determining criminal or civil  
129 liability for incidents captured by the school bus infraction  
130 detection system incidental to the permissible use of the school  
131 bus infraction detection system to document violations of s.  
132 ~~316.172(1) (a) and (b) and may not be used for any other~~  
133 ~~surveillance purposes.~~

134 3. To the extent practicable, a school bus infraction  
135 detection system must use necessary technology to ensure that  
136 personal identifying information contained in the video or still  
137 images recorded by the system which is not relevant to the  
138 alleged violation, including, but not limited to, the identity  
139 of the driver and any passenger of a motor vehicle, the interior  
140 or contents of a motor vehicle, the identity of an uninvolved  
141 person, a number identifying the address of a private residence,  
142 and the contents or interior of a private residence, is  
143 sufficiently obscured so as not to reveal such personal  
144 identifying information.

145 4. A notice of a violation or uniform traffic citation

606-03286-24

2024994c2

146 issued under this section may not be dismissed solely because a  
147 recorded video or still images reveal personal identifying  
148 information as provided in subparagraph 3. as long as a  
149 reasonable effort has been made to comply with this subsection.

150 (17) (a) By October 1, 2023, and quarterly thereafter, each  
151 school district, ~~in consultation with the law enforcement~~  
152 ~~agencies with which it has interlocal agreements pursuant to~~  
153 ~~this section,~~ operating a school bus infraction detection system  
154 must submit, in consultation with the law enforcement agencies  
155 with which it has interlocal agreements pursuant to this  
156 section, a report to the department which details the results of  
157 the school bus infraction detection systems in the school  
158 district in the preceding quarter. The information from the  
159 school districts must be submitted in a form and manner  
160 determined by the department, which the department must make  
161 available to the school districts by August 1, 2023, and must  
162 include at least the following:

163 1. The number of school buses that have a school bus  
164 infraction detection system installed, including the date of  
165 installation and, if applicable, the date the systems were  
166 removed.

167 2. The number of notices of violations issued, the number  
168 that were contested, the number that were upheld, the number  
169 that were dismissed, the number that were issued as uniform  
170 traffic citations, and the number that were paid.

171 3. Data for each infraction to determine locations in need  
172 of safety improvements. Such data may ~~must~~ include, but is not  
173 limited to, global positioning system coordinates of the  
174 infraction, the date and time of the infraction, and the name of

606-03286-24

2024994c2

175 the school that the school bus was transporting students to or  
176 from.

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

179 Section 2. Paragraph (c) of subsection (5) of section  
180 318.18, Florida Statutes, is amended to read:

181 318.18 Amount of penalties.—The penalties required for a  
182 noncriminal disposition pursuant to s. 318.14 or a criminal  
183 offense listed in s. 318.17 are as follows:

184 (5)

185 (c) In addition to the penalty under paragraph (a) or  
186 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).  
187 If the alleged offender is found to have committed the offense,  
188 the court shall impose the civil penalty under paragraph (a) or  
189 paragraph (b) plus an additional \$65. The additional \$65  
190 collected under this paragraph shall be remitted to the  
191 Department of Revenue for deposit into the Emergency Medical  
192 Services Trust Fund of the Department of Health to be used as  
193 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or  
194 (b) is enforced by a school bus infraction detection system  
195 pursuant to s. 316.173, the additional amount imposed on a  
196 notice of violation, on a ~~the~~ uniform traffic citation, or by  
197 the court under this paragraph must be \$25, in lieu of the  
198 additional \$65, and must be remitted to the participating school  
199 district and used pursuant to s. 316.173(7).

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