

By Senator Garcia

36-00068-25

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1 A bill to be entitled
2 An act relating to school buses; amending s. 316.003,
3 F.S.; revising the definition of the term "school bus"
4 as it relates to state uniform traffic control; making
5 a technical change; amending s. 322.01, F.S.; revising
6 the definition of the term "school bus" as it relates
7 to driver licenses to include a motor vehicle used to
8 transport students to and from a charter school, in
9 addition to a public or private school; amending s.
10 1006.25, F.S.; revising the definition of the term
11 "school bus" to include a motor vehicle regularly used
12 for the transportation of students of private and
13 charter schools in addition to public schools;
14 reenacting ss. 163.31801(3)(a), 212.055(6)(c),
15 316.6145(5), 316.72(2), 324.022(2)(a), 627.733(1)(a),
16 1002.40(2)(c), and 1011.71(2)(i), F.S., relating to
17 impact fees, short title, intent, minimum
18 requirements, audits, and challenges; discretionary
19 sales surtaxes, legislative intent, authorization, and
20 use of proceeds; school bus safety belts or other
21 restraint systems required; buses simulating school
22 buses in color and insignia and conditions of use;
23 financial responsibility for property damage; required
24 security; the Hope Scholarship Program; and district
25 school tax, respectively, to incorporate the
26 amendments made to s. 1006.25, F.S., in references
27 thereto; providing an effective date.

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

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Section 1. Subsection (78) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(78) SCHOOL BUS.—Any motor vehicle that complies with the color and identification requirements of chapter 1006 and is used to transport children to or from a public, ~~or private,~~ or charter school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.

Section 2. Subsection (39) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(39) "School bus" means a motor vehicle that is designed to transport more than 15 persons, including the driver, and that is used to transport students to and from a public, ~~or private,~~ or charter school or in connection with school activities, but does not include a bus operated by a common carrier in the urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.

Section 3. Section 1006.25, Florida Statutes, is amended to read:

1006.25 School buses. ~~School buses shall be defined and~~

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59 ~~meet specifications as follows:~~

60 (1) DEFINITION.—For the purpose of this part, a “school
61 bus” is a motor vehicle regularly used for the transportation of
62 prekindergarten disability program and kindergarten through
63 grade 12 students of ~~the~~ public, private, or charter schools to
64 and from school or to and from school activities. The term
65 includes motor vehicles, ~~and~~ owned, operated, rented,
66 contracted, or leased by any district school board, school buses
67 purchased under s. 1002.42(15), and vehicles used for the
68 transportation of students as provided in s. 1002.33(20)(c). The
69 term does not include ~~except:~~

70 (a) Passenger cars, multipurpose passenger vehicles, and
71 trucks as defined in 49 C.F.R. part 571.

72 (b) Motor vehicles subject to, and meeting all requirements
73 of, the United States Department of Transportation, Federal
74 Motor Carrier Safety Regulations under Title 49, Code of Federal
75 Regulations and operated by carriers operating under the
76 jurisdiction of these regulations but not used exclusively for
77 the transportation of public school students.

78 (2) SPECIFICATIONS.—Each school bus as defined in 49 C.F.R.
79 part 571 and subsection (1) that is rented, leased, purchased,
80 or contracted for must meet the applicable federal motor vehicle
81 safety standards and other specifications as prescribed by rules
82 of the State Board of Education.

83 (3) STANDARDS FOR LEASED VEHICLES.—A motor vehicle owned
84 and operated by a county or municipal transit authority that is
85 leased by the district school board for transportation of
86 public, private, or charter school students must meet such
87 standards as the State Board of Education establishes by rule. A

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88 school bus authorized by a district school board to carry
89 passengers other than school students must have the words
90 "School Bus" and any other signs and insignia that mark or
91 designate it as a school bus covered, removed, or otherwise
92 concealed while such passengers are being transported.

93 (4) OCCUPANT PROTECTION SYSTEMS.—Students may be
94 transported only in designated seating positions, except as
95 provided in s. 1006.22(11), and must use the occupant crash
96 protection system provided by the manufacturer, which system
97 must comply with the requirements of 49 C.F.R. part 571 or with
98 specifications of the State Board of Education.

99 Section 4. For the purpose of incorporating the amendment
100 made by this act to section 1006.25, Florida Statutes, in a
101 reference thereto, paragraph (a) of subsection (3) of section
102 163.31801, Florida Statutes, is reenacted to read:

103 163.31801 Impact fees; short title; intent; minimum
104 requirements; audits; challenges.—

105 (3) For purposes of this section, the term:

106 (a) "Infrastructure" means a fixed capital expenditure or
107 fixed capital outlay, excluding the cost of repairs or
108 maintenance, associated with the construction, reconstruction,
109 or improvement of public facilities that have a life expectancy
110 of at least 5 years; related land acquisition, land improvement,
111 design, engineering, and permitting costs; and other related
112 construction costs required to bring the public facility into
113 service. The term also includes a fire department vehicle, an
114 emergency medical service vehicle, a sheriff's office vehicle, a
115 police department vehicle, a school bus as defined in s.
116 1006.25, and the equipment necessary to outfit the vehicle or

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117 bus for its official use. For independent special fire control
118 districts, the term includes new facilities as defined in s.
119 191.009(4).

120 Section 5. For the purpose of incorporating the amendment
121 made by this act to section 1006.25, Florida Statutes, in a
122 reference thereto, paragraph (c) of subsection (6) of section
123 212.055, Florida Statutes, is reenacted to read:

124 212.055 Discretionary sales surtaxes; legislative intent;
125 authorization and use of proceeds.—It is the legislative intent
126 that any authorization for imposition of a discretionary sales
127 surtax shall be published in the Florida Statutes as a
128 subsection of this section, irrespective of the duration of the
129 levy. Each enactment shall specify the types of counties
130 authorized to levy; the rate or rates which may be imposed; the
131 maximum length of time the surtax may be imposed, if any; the
132 procedure which must be followed to secure voter approval, if
133 required; the purpose for which the proceeds may be expended;
134 and such other requirements as the Legislature may provide.
135 Taxable transactions and administrative procedures shall be as
136 provided in s. 212.054.

137 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

138 (c) The resolution providing for the imposition of the
139 surtax must set forth a plan for use of the surtax proceeds for
140 fixed capital expenditures or fixed capital costs associated
141 with the construction, reconstruction, or improvement of school
142 facilities and campuses which have a useful life expectancy of 5
143 or more years, and any land acquisition, land improvement,
144 design, and engineering costs related thereto, or any purchase,
145 lease-purchase, lease, or maintenance of school buses, as

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146 defined in s. 1006.25, which have a life expectancy of 5 years
147 or more. Additionally, the plan shall include the costs of
148 retrofitting and providing for technology implementation,
149 including hardware and software, for the various sites within
150 the school district. Surtax revenues may be used to service bond
151 indebtedness to finance projects authorized by this subsection,
152 and any interest accrued thereto may be held in trust to finance
153 such projects. Neither the proceeds of the surtax nor any
154 interest accrued thereto shall be used for operational expenses.
155 Surtax revenues shared with charter schools shall be shared
156 based on their proportionate share of total school district
157 capital outlay full-time equivalent enrollment as adopted by the
158 education estimating conference established in s. 216.136 and
159 expended by the charter school in a manner consistent with the
160 allowable uses set forth in s. 1013.62(4). All revenues and
161 expenditures shall be accounted for in a charter school's
162 monthly or quarterly financial statement pursuant to s.
163 1002.33(9). The eligibility of a charter school to receive funds
164 under this subsection shall be determined in accordance with s.
165 1013.62(1). If a school's charter is not renewed or is
166 terminated and the school is dissolved under the provisions of
167 law under which the school was organized, any unencumbered funds
168 received under this subsection shall revert to the sponsor.

169 Section 6. For the purpose of incorporating the amendment
170 made by this act to section 1006.25, Florida Statutes, in a
171 reference thereto, subsection (5) of section 316.6145, Florida
172 Statutes, is reenacted to read:

173 316.6145 School buses; safety belts or other restraint
174 systems required.-

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175 (5) The provisions of this section shall not apply to
176 vehicles as defined in s. 1006.25(1)(b).

177 Section 7. For the purpose of incorporating the amendment
178 made by this act to section 1006.25, Florida Statutes, in a
179 reference thereto, subsection (2) of section 316.72, Florida
180 Statutes, is reenacted to read:

181 316.72 Buses simulating school buses in color and insignia;
182 conditions of use.—

183 (2) Any educational, recreational, religious, or charitable
184 organization may own, operate, rent, or lease any bus which has
185 been painted the orange or yellow color known as "school bus
186 chrome" and which has been equipped with the signs, lights,
187 insignia, and other features which normally characterize a
188 school bus, as defined in s. 1006.25, consistent with the
189 provisions of this section.

190 Section 8. For the purpose of incorporating the amendment
191 made by this act to section 1006.25, Florida Statutes, in a
192 reference thereto, paragraph (a) of subsection (2) of section
193 324.022, Florida Statutes, is reenacted to read:

194 324.022 Financial responsibility for property damage.—

195 (2) As used in this section, the term:

196 (a) "Motor vehicle" means any self-propelled vehicle that
197 has four or more wheels and that is of a type designed and
198 required to be licensed for use on the highways of this state,
199 and any trailer or semitrailer designed for use with such
200 vehicle. The term does not include:

201 1. A mobile home.

202 2. A motor vehicle that is used in mass transit and
203 designed to transport more than five passengers, exclusive of

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204 the operator of the motor vehicle, and that is owned by a
205 municipality, transit authority, or political subdivision of the
206 state.

207 3. A school bus as defined in s. 1006.25.

208 4. A vehicle providing for-hire transportation that is
209 subject to the provisions of s. 324.031. A taxicab shall
210 maintain security as required under s. 324.032(1).

211 5. A personal delivery device as defined in s. 316.003.

212 Section 9. For the purpose of incorporating the amendment
213 made by this act to section 1006.25, Florida Statutes, in a
214 reference thereto, paragraph (a) of subsection (1) of section
215 627.733, Florida Statutes, is reenacted to read:

216 627.733 Required security.—

217 (1)(a) Every owner or registrant of a motor vehicle, other
218 than a motor vehicle used as a school bus as defined in s.
219 1006.25 or limousine, required to be registered and licensed in
220 this state shall maintain security as required by subsection (3)
221 in effect continuously throughout the registration or licensing
222 period.

223 Section 10. For the purpose of incorporating the amendment
224 made by this act to section 1006.25, Florida Statutes, in a
225 reference thereto, paragraph (c) of subsection (2) of section
226 1002.40, Florida Statutes, is reenacted to read:

227 1002.40 The Hope Scholarship Program.—

228 (2) DEFINITIONS.—As used in this section, the term:

229 (c) "School" means any educational program or activity
230 conducted by a public K-12 educational institution, any school-
231 related or school-sponsored program or activity, and riding on a
232 school bus, as defined in s. 1006.25(1), including waiting at a

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233 school bus stop.

234 Section 11. For the purpose of incorporating the amendment
235 made by this act to section 1006.25, Florida Statutes, in a
236 reference thereto, paragraph (i) of subsection (2) of section
237 1011.71, Florida Statutes, is reenacted to read:

238 1011.71 District school tax.—

239 (2) In addition to the maximum millage levy as provided in
240 subsection (1), each school board may levy not more than 1.5
241 mills against the taxable value for school purposes for charter
242 schools pursuant to s. 1013.62(1) and (3) and for district
243 schools to fund:

244 (i) Payment of the cost of school buses when a school
245 district contracts with a private entity to provide student
246 transportation services if the district meets the requirements
247 of this paragraph.

248 1. The district's contract must require that the private
249 entity purchase, lease-purchase, or lease, and operate and
250 maintain, one or more school buses of a specific type and size
251 that meet the requirements of s. 1006.25.

252 2. Each such school bus must be used for the daily
253 transportation of public school students in the manner required
254 by the school district.

255 3. Annual payment for each such school bus may not exceed
256 10 percent of the purchase price of the state pool bid.

257 4. The proposed expenditure of the funds for this purpose
258 must have been included in the district school board's notice of
259 proposed tax for school capital outlay as provided in s.
260 200.065(10).

261 Section 12. This act shall take effect July 1, 2025.