

1 A bill to be entitled
2 An act relating to photographic enforcement of school
3 bus safety; creating s. 316.616, F.S.; defining the
4 terms "school bus" and "side stop signal arm
5 enforcement system"; authorizing school districts to
6 install and operate side stop signal arm enforcement
7 systems on school buses; requiring school districts to
8 post certain warning signs or stickers on such buses;
9 authorizing school districts to contract with a
10 private vendor or manufacturer to provide side stop
11 signal arm enforcement systems; requiring
12 manufacturers and vendors to submit specified
13 information to law enforcement agencies within a
14 specified timeframe; requiring law enforcement
15 agencies to review such information to determine
16 whether a violation occurred and electronically
17 certify the notice of violation under certain
18 circumstances; providing that certain certificates
19 sworn to or affirmed by a law enforcement officer are
20 prima facie evidence; providing that recorded images
21 evidencing a violation of this act shall be admissible
22 in any judicial or administrative proceeding for a
23 certain purpose; providing a rebuttable presumption;
24 providing notice requirements and procedures;
25 authorizing motor vehicle owners served a notice of

26 violation to take certain actions as a final
27 disposition of such notice; providing that payment of
28 the fine operates as a final disposition of the civil
29 penalty; providing notice requirements and procedures
30 for unpaid civil penalties; requiring the Department
31 of Highway Safety and Motor Vehicles to refuse to
32 renew the registration of motor vehicles and prohibit
33 the transfer of title under specified circumstances;
34 requiring the department to remove penalties imposed
35 on a motor vehicle owner upon presentation of adequate
36 proof; requiring that side stop signal arm enforcement
37 system equipment be incapable of automated or user-
38 controlled remote surveillance; specifying
39 requirements of and prohibitions on the use of
40 recorded video and still images captured by the side
41 stop signal arm enforcement system; providing that a
42 motor vehicle owner is not responsible for a violation
43 of this act if the vehicle was reported stolen at the
44 time the violation occurred; providing civil
45 penalties; providing for distribution of such
46 penalties; providing construction; requiring school
47 districts operating a side stop signal arm enforcement
48 system to provide a summary report to the Governor,
49 the Legislature, and the department annually by a
50 specified date; requiring the State Board of Education

51 to adopt rules for a specified purpose and authorizing
 52 it to adopt other rules; amending s. 1006.21, F.S.;
 53 conforming a provision to changes made by the act;
 54 providing an effective date.

55

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

57

58 Section 1. Section 316.616, Florida Statutes, is created
 59 to read:

60 316.616 School buses; side stop signal arm enforcement
 61 system.-

62 (1) As used in this section, the term:

63 (a) "School bus" has the same meaning as provided in s.
 64 316.6145.

65 (b) "Side stop signal arm enforcement system" means a
 66 camera system affixed to a school bus with two or more camera
 67 sensors or computers that produce recorded video and two or more
 68 film or digital photographic still images for the purpose of
 69 documenting a motor vehicle being used or operated in a manner
 70 that allegedly violates s. 316.172.

71 (2) (a) A school district may install and operate a side
 72 stop signal arm enforcement system on a school bus for the
 73 purpose of enforcing s. 316.172. The school district shall post
 74 a warning sign or sticker on all school buses in which a system
 75 is installed and operational indicating the use of such system.

76 (b) The school district may contract with a private vendor
77 or manufacturer to provide a side stop signal arm enforcement
78 system on each bus within its fleet, whether owned, contracted,
79 or leased, and for services including, but not limited to, the
80 installation, operation, and maintenance of the system. The
81 school district's decision to establish a side stop signal arm
82 enforcement system must be based solely on the need to increase
83 public safety.

84 (c) A school district shall ensure that the side stop
85 signal arm enforcement system meets the requirements of
86 subsection (12).

87 (3) Each private manufacturer or vendor shall, within 30
88 days after an alleged violation is captured, submit the
89 following information to a law enforcement agency authorized to
90 enforce violations of s. 316.172:

91 (a) A copy of the recorded image showing the motor
92 vehicle.

93 (b) The license plate number and state of issuance of the
94 motor vehicle.

95 (c) The date, time, and place of the alleged violation.

96 (4) (a) Each law enforcement agency authorized to enforce
97 violations of s. 316.172 shall review the information submitted
98 by the private manufacturer or vendor as provided under
99 subsection (3) to determine whether there is sufficient evidence
100 that a violation of s. 316.172 occurred and, if the evidence

101 shows a violation occurred, shall electronically certify a
 102 notice of violation.

103 (b) A certificate or a facsimile of a certificate based on
 104 inspection of recorded images produced by a side stop signal arm
 105 enforcement system and sworn to or affirmed by a law enforcement
 106 officer authorized to enforce violations of s. 316.172 shall be
 107 prima facie evidence of the facts contained in it. Upon request
 108 by the law enforcement agency, the school district shall provide
 109 written documentation that the side stop signal arm enforcement
 110 system was operating correctly at the time of the alleged
 111 violation.

112 (c) A recorded image evidencing a violation of s. 316.172
 113 shall be admissible in any judicial or administrative proceeding
 114 to adjudicate the liability for the violation.

115 (d) A rebuttable presumption shall exist that the
 116 registered owner of the motor vehicle was the driver at the time
 117 of the alleged violation.

118 (5) (a) Within 30 days after receiving the information
 119 provided under subsection (3), a law enforcement agency
 120 authorized to enforce violations of s. 316.172 or an agent
 121 authorized by such law enforcement agency shall send by first-
 122 class mail a notice of violation to the registered owner of the
 123 motor vehicle involved in the violation. Mailing the notice of
 124 violation constitutes notification.

125 (b) In the case of joint ownership of a motor vehicle, the

126 notice of violation shall be mailed to the first name appearing
127 on the registration. However, if the first name appearing on the
128 registration is a business entity, the second name appearing on
129 the registration may be used.

130 (c) The notice of violation must include all of the
131 following:

132 1. A copy of the recorded image showing the motor vehicle
133 involved in the violation.

134 2. A citation for the violation indicating the date, time,
135 and location of the alleged violation.

136 3. The amount of the civil penalty and the date by which
137 such penalty must be paid.

138 4. A copy of the certificate described in subsection (4)
139 and a statement of the inference therein.

140 5. Instructions on how to request a hearing to contest
141 liability or notice.

142 6. A warning that failure to pay the civil penalty or to
143 contest liability within 30 days after the notice is mailed
144 shall waive the right to contest liability.

145 (d) The owner of the motor vehicle involved in a violation
146 may admit responsibility for the violation and pay the fine as
147 indicated on the notice of violation. Payment of the fine
148 operates as a final disposition of the civil penalty.

149 (6) (a) If a violation has not been contested and the civil
150 penalty has not been paid within 30 days after a notice required

151 under subsection (5) is mailed, the law enforcement agency or an
152 agent authorized by the law enforcement agency shall send by
153 first-class mail a final notice of the unpaid civil penalty. The
154 final notice must inform the owner that the law enforcement
155 agency or the agent authorized by the law enforcement agency
156 shall send a referral to the department if the civil penalty is
157 not paid within 30 days after the final notice was mailed and
158 that such referral shall result in the nonrenewal of the
159 registration of such motor vehicle and prohibit the title
160 transfer of such motor vehicle within this state.

161 (b) A referral sent to the department under paragraph (a)
162 must include all of the following:

163 1. Any information known or available to the law
164 enforcement agency or an authorized agent concerning the motor
165 vehicle's license plate number and year of registration and the
166 name of the registered owner of the motor vehicle.

167 2. The date on which the violation occurred.

168 3. The dates on which the required notice and final notice
169 were mailed.

170 4. The seal, logo, emblem, or electronic seal of the law
171 enforcement agency.

172 (c) Within 5 days after receipt of a referral under
173 paragraph (a), the department shall enter the referral into the
174 department's motor vehicle database and shall refuse to renew
175 the registration of the motor vehicle and prohibit the title

176 transfer of the motor vehicle within this state until the civil
177 penalty is paid. The department shall send the registered owner
178 of the motor vehicle by first-class mail a notice stating:

179 1. That the registration of the motor vehicle involved in
180 the violation cannot be renewed within this state.

181 2. That the title of the motor vehicle involved in the
182 violation cannot be transferred within this state.

183 3. That the penalties provided in this paragraph are being
184 imposed due to failure to pay the civil penalty for a violation
185 of s. 316.172 as provided in this section.

186 4. The procedure provided in paragraph (d) for removing
187 the penalties provided in this paragraph.

188 (d) The department shall remove the penalties imposed
189 under paragraph (c) when the registered owner of the motor
190 vehicle or any other person presents the department with
191 adequate proof that the civil penalty has been paid.

192 (7)(a)1. Notwithstanding any other law, equipment deployed
193 as part of a side stop signal arm enforcement system as provided
194 under this section must be incapable of automated or user-
195 controlled remote surveillance by means of recorded video or
196 still images.

197 2. Recorded images collected as part of the side stop
198 signal arm enforcement system may only be used to document
199 violations of s. 316.172 and may not be used for any other
200 surveillance purposes.

201 3. To the extent practicable, a side stop signal arm
 202 enforcement system must use necessary technology to ensure that
 203 recorded video or still images produced by the system do not
 204 identify the driver, any passenger, or the contents of a motor
 205 vehicle.

206 4. A notice of a violation issued under this section may
 207 not be dismissed solely because a recorded video or still images
 208 allow for the identification of the driver, any passenger, or
 209 the contents of a motor vehicle as long as a reasonable effort
 210 has been made to comply with this subsection.

211 (b) Any recorded video or still image obtained through the
 212 use of a side stop signal arm enforcement system must be
 213 destroyed within 90 days after the final disposition of the
 214 recorded event. The vendor of a side stop signal arm enforcement
 215 system shall provide the school district with written notice by
 216 December 31 of each year that such records have been destroyed
 217 in accordance with this section.

218 (c) Notwithstanding any other law, registered motor
 219 vehicle owner information obtained as a result of the operation
 220 of a side stop signal arm enforcement system is not the property
 221 of the manufacturer or vendor of the system and may be used only
 222 for the purposes of this section.

223 (8) The owner of a motor vehicle is not responsible for a
 224 violation of this section if the vehicle involved was reported
 225 to a state or local law enforcement agency as stolen at the time

226 the violation occurred.

227 (9) This section supplements the enforcement of s. 316.172
228 by law enforcement officers when a driver fails to stop while a
229 school bus is stopped and does not prohibit a law enforcement
230 officer from issuing a traffic citation for a violation of s.
231 316.172.

232 (10) (a) The registered owner of a motor vehicle who is
233 found in violation of s. 316.172 by a side stop signal arm
234 enforcement system is subject to a civil penalty of \$200 for a
235 violation of s. 316.172(1)(a) and \$400 for a violation of s.
236 316.172(1)(b). Notwithstanding s. 318.18(5), the fine shall be
237 paid to the school district in which the violation occurred and
238 must be used for the installation or maintenance of side stop
239 signal arm enforcement systems on school buses or for any other
240 technology that increases the safety of the transportation of
241 students.

242 (b) For each violation under this section, the registered
243 owner of the motor vehicle shall be liable for the imposed
244 penalty unless the owner is convicted of the same violation
245 under s. 316.172 or unless the motor vehicle was stolen at the
246 time of the violation as provided under subsection (8).

247 (c) A violation for which a civil penalty is imposed
248 pursuant to this section is not considered a moving violation
249 for the purpose of assessing points under s. 322.27(3). Such
250 violation is noncriminal, and imposition of a civil penalty

251 pursuant to this section does not constitute a conviction, may
252 not be made a part of the driving record of the person upon whom
253 such liability is imposed, and may not be used for any purposes
254 in the provision of motor vehicle insurance.

255 (11) By December 31, 2022, and annually thereafter, a
256 school district operating a side stop signal arm enforcement
257 system shall provide a summary report to the Governor, the
258 President of the Senate, the Speaker of the House of
259 Representatives, and the department regarding the use and
260 operation of the system under this section, including the number
261 of citations issued and the amount of funds collected for the
262 preceding state fiscal year.

263 (12) A side stop signal arm enforcement system must meet
264 specifications established by the State Board of Education and
265 must be tested at regular intervals according to specifications
266 prescribed by state board rule. The state board must establish
267 such specifications by rule on or before December 31, 2022.
268 However, any such equipment acquired by purchase, lease, or
269 other arrangement under an agreement entered into by a school
270 district on or before July 1, 2023, or equipment used to enforce
271 violations of s. 316.172 on or before July 1, 2023, is not
272 required to meet the specifications established by the state
273 board until July 1, 2023.

274 (13) The State Board of Education may adopt rules to
275 address student privacy concerns that may arise from the use of

276 | a side stop signal arm enforcement system.

277 | Section 2. Paragraph (h) is added to subsection (3) of
 278 | section 1006.21, Florida Statutes, to read:

279 | 1006.21 Duties of district school superintendent and
 280 | district school board regarding transportation.—

281 | (3) District school boards, after considering
 282 | recommendations of the district school superintendent:

283 | (h) May install and operate, or enter into an agreement
 284 | with a private vendor or manufacturer to provide, a side stop
 285 | signal arm enforcement system for each school bus pursuant to s.
 286 | 316.616.

287 | Section 3. This act shall take effect July 1, 2022.