

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1045 Student Transportation Safety

SPONSOR(S): Infrastructure Strategies Committee and Civil Justice Subcommittee, Michael, Berfield and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 994

FINAL HOUSE FLOOR ACTION: 111 Y's

4 N's

GOVERNOR'S ACTION: Pending

SUMMARY ANALYSIS

CS/CS/HB 1045 passed the House on March 6, 2024, as CS/CS/SB 994.

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law. The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras), speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit, and school bus infraction detection systems.

A school bus infraction detection system is 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 the laws relating to traffic stopping for a school bus. Florida law authorizes school districts to install and operate a school bus infraction detection system on a school bus to enforce such laws.

The bill makes the following changes to laws relating to the use of school bus infraction detection systems:

- Authorizes a private vendor or manufacturer of a school bus infraction detection system to receive a fixed amount of collected proceeds for service rendered in relation to the installation, operation, and maintenance of school bus infraction detection systems;
- Revises requirements for signage posted on the rear of a school bus indicating the use of a school bus infraction detection system by no longer requiring the signage to be high-visibility reflective signage;
- Requires a court that has jurisdiction over traffic violations to determine whether to uphold a notice of violation;
- Revises the permissible uses of civil penalties assessed and collected for a violation enforced by a school bus infraction detection system;
- Clarifies the application of a certain fee for a notice of violation;
- Amends provisions relating to use of camera footage; and
- Amends reporting requirements for school districts.

The bill will have an indeterminate impact on state, local governments, and the private sector.

Subject to the Governor's veto powers, the effective date of this bill is effective upon becoming law.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current 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 Infraction Detection Systems

Under Florida law, a school bus infraction detection system is 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 the following laws relating to traffic stopping for a school bus:⁵

- Any person using, operating, or driving a vehicle on or over the roads or highways of this state must, upon approaching any school bus which displays a stop signal, bring such vehicle to a full stop while the bus is stopped, and the vehicle must not pass the school bus until the signal has been withdrawn.⁶
- Any person using, operating, or driving a vehicle must not pass a school bus on the side that children enter and exit when the school bus displays a stop signal.⁷

Florida law authorizes school districts to install and operate a school bus infraction detection system on a school bus to enforce such laws.⁸⁹

School districts 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 systems must be based solely on the need to increase public safety. Under current law, an individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. Further, 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.¹⁰

¹ S. 316.0076, F.S. Chapter 316, F.S., is the Florida Uniform Traffic Control Law.

² Section 316.003(100), F.S., defines the term "traffic infraction detector" to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. See also s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

³ Ss. 316.003(82), 316.008(9), 316.0776(3), and 316.1896, F.S.

⁴ Ss. 316.003(78) and 316.173, F.S.

⁵ S. 316.003(78), F.S.

⁶ S. 316.172(1)(a), F.S.

⁷ S. 316.172(1)(b), F.S.

⁸ S. 316.173(1)(a), F.S.

⁹ Section 1006.21(3)(h), F.S., provides that a district school board, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system.

¹⁰ S. 316.173(1)(b), F.S.

The school district must ensure that each school bus infraction detection system meets specifications established by the State Board of Education (SBE) and must be tested at regular intervals according to specifications prescribed by SBE rule. 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, 2024.¹¹

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 violations, within the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems.¹²

On any school bus upon 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. The signage must be in the form of one or more signs or stickers and 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.¹³

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 at least 30 days before commencing enforcement. The school district must notify the public of the specific date on which the program will commence 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; a civil penalty may not be imposed during the 30-day public awareness campaign.¹⁴

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.¹⁵

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 a 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.,¹⁶ and that the violator must pay the penalty under s. 318.18(5), F.S.,¹⁷ 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:

¹¹ S. 316.173(1)(c) and (18), F.S.

¹² S. 316.173(1)(d), F.S.

¹³ S. 316.173(2), F.S.

¹⁴ S. 316.173(3), F.S.

¹⁵ S. 316.173(4), F.S.

¹⁶ Section 318.14, F.S., provides procedures for noncriminal traffic infractions.

¹⁷ 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.

- 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.¹⁸

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.¹⁹

Civil penalties assessed and collected for a violation enforced by a school bus infraction detection system must be 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.²⁰

If payment for a violation 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 is issued and mailed via certified mail to the address of the registered owner of the motor vehicle involved in the violation.²¹

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.²²

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.²³

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.²⁴

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:

¹⁸ S. 316.173(5), F.S.

¹⁹ S. 316.173(6), F.S.

²⁰ S. 316.173(7), F.S.

²¹ S. 316.173(8), F.S.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

- 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, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other identified person or family member.²⁵

To establish the above facts, the registered owner of the motor vehicle must, within 30 days after the date of issuance of the notice of violation or the traffic citation, furnish to the law enforcement agency an affidavit setting forth information supporting an exception:

- An affidavit stating that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.
- If a uniform traffic citation for a violation was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.
- If the motor vehicle's owner to whom a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:
 - A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
 - Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the Department of Highway Safety and Motor Vehicles (DHSMV) or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
 - A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.²⁶

Upon receipt of the required affidavit and documentation specified above related to the issuance of a uniform traffic citation or a deceased owner, or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date a notice of violation was sent to a person, the county or municipality receives an affidavit from the person who was sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.²⁷

Upon receipt of an affidavit stating that another person had care, custody, and control of the motor vehicle, the law enforcement agency may issue the person identified as having care, custody, or control of the motor vehicle when the violation was detected, a notice of violation. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a uniform traffic citation is issued for a violation of s. 316.172(1)(a) or (b), F.S., is not

²⁵ S. 316.173(9), F.S.

²⁶ S. 316.173(10), F.S.

²⁷ *Id.*

responsible for paying the uniform traffic citation and is not required to submit an affidavit if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.²⁸

If a law enforcement agency receives an affidavit identifying another person having, care, custody, or control of the vehicle, the required notice of violation of must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a notice of violation may also affirm he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate law enforcement agency within 30 days after the date of the notice of violation an affidavit stating such.²⁹

The submission of a false affidavit is a misdemeanor of the second degree,³⁰ punishable with up to 60 days in jail or a \$500 fine.³¹

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 video and images raise a rebuttable presumption that the motor vehicle shown in the recorded video and images was used in violation of the laws relating to stopping for a school bus.³²

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.³³

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 of 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.³⁴

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.³⁵

On a quarterly basis, 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 DHSMV which details 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 a form and manner determined by DHSMV, and must include, at least the:

- 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 infraction to determine the locations in need of safety improvements. Such data must include, but is not limited to, global positioning system coordinates of the infraction, the

²⁸ S. 316.173(11), F.S.

²⁹ S. 316.173 (12), F.S.

³⁰ S. 316.173 (13), F.S.

³¹ This is as provided in s.775.082, F.S., or s. 775.083, F.S.

³² S. 316.173(14), F.S.

³³ S. 316.173(16), F.S.

³⁴ *Id.*

³⁵ *Id.*

date and time of the infraction, and the name of the school to or from which the school bus was transporting students.

- Any other statistical data and information required by DHSMV to complete the report required below.³⁶

Each school district that operates a school bus infraction detection system is responsible for and must maintain its respective data for reporting purposes for at least 2 years after such data is reported to DHSMV.³⁷

By December 31, 2024, and annually thereafter, 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 DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.³⁸

Effect of the Bill

The bill makes changes to laws relating to the use of school bus infraction detection systems by amending a provision relating to prohibitions on commissions and fee-sharing, amending school bus signage requirements, adding language relating to a court's authority to hear challenges to notices of violation, amending provisions relating to civil penalties, amending provisions relating to use of camera footage, and amending reporting requirements for school districts.

Prohibitions 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 school bus infraction detection systems.

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 signage.

Challenges to Notices of Violation

The bill provides that a court that has jurisdiction over traffic violations shall determine whether a violation has occurred. If a court finds by a preponderance of the evidence that a violation occurred, the court must uphold the violation. If the notice of violation is upheld, the court must require the petitioner to pay the penalty previously assessed under s. 318.18(5), F.S., and may also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(e), F.S.

Civil Penalties

The bill revises the use of 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

³⁶ S. 316.173(17)(a), F.S.

³⁷ S. 316.173(17)(b), F.S.

³⁸ S. 316.173(17)(c), F.S.

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 the administration and costs associated with the enforcement of the violations.

The bill clarifies that the \$25 civil penalty provided in s. 318.18(5)(c), F.S., applies to a notice of violation and provides that this fee must be remitted to the participating school district.

Use of Camera Footage

The bill provides that a school bus infraction detection system may not be used for remote surveillance. However, the collection of evidence by a school bus infraction detection system to enforce violations does not constitute remote surveillance.

The bill provides that video and images recorded as part of the 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 requires that the report submitted by a school district to DHSMV be submitted in consultation with the law enforcement agencies with which the school district has interlocal agreements to enforce school bus passing infractions. The bill also amends the provision requiring that a school district provide to DHSMV data for each infraction to determine locations in need of safety improvements. The bill allows discretion, rather than requiring, such data to include global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate.

2. Expenditures:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

D. FISCAL COMMENTS:

None.