

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 Education

BILL: CS/SB 950

INTRODUCER: Education Committee and Senator Braynon

SUBJECT: Photographic Enforcement on School Buses

DATE: March 18, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	Fav/CS
2.	_____	_____	TR	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 950 creates the “School Bus Camera Safety Program,” authorizing a Florida school district to deploy school bus safety cameras on its school buses for enforcing s. 316.172, F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal. A school district deploying school bus safety cameras must coordinate the issuance of traffic citations with the local sheriff’s office.

The bill provides for the issuance of citations to registered owners of motor vehicles and a \$250 penalty for any violations of s. 316.172., F.S., regardless of the method of enforcement. If the penalty is paid within 30 days of notification, the total penalty is \$250. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$250 plus surcharges, costs, and fees.

If a violation of s. 316.172, F.S., if enforced pursuant to s. 316.0084, F.S., does occur, the violation may not be used to impose points on a driver’s license or to set motor vehicle insurance rates.

School districts would have to work out details for such aspects as: interlocal agreements with sheriff's offices; sources, financing, and procurement of the equipment; installation, inspection, and maintenance procedures; training of school bus technicians and drivers to ensure proper operation and functioning; administrative procedures for documented reporting to proper enforcement jurisdictions; accounting for funds remitted to school districts from penalties imposed on vehicle owners; management and retention of images used as evidence; and data management.

The bill provides an effective date of July 1, 2013.

This bill amends sections 316.003, 316.008, 316.650, 316.655, 318.14, 318.15, 318.19, 320.03, 322.27 and creates section 316.0084, of the Florida Statutes.

II. Present Situation:

National statistics have consistently demonstrated that school buses constitute one of the safest forms of transportation. The National Research Council concluded that children are at far more risk traveling to and from school by bike, walking, or in private passenger vehicles, especially if a teen-age driver is involved, than in school buses.¹ According to the National Highway Traffic Safety Administration, approximately 450,000 public school buses travel approximately 4.3 billion miles to transport 23.5 million children to and from school and school-related activities.²

Since 2000, 130 school-age pedestrians (younger than 19) have died in school transportation-related crashes. Over two-thirds (67 percent) were struck by school buses, 6 percent by vehicles functioning as school buses, and 27 percent by other vehicles involved in the crashes. There were 56 school-age pedestrians between the ages of 5 and 7 killed in school transportation-related crashes.³

According to the Florida Department of Education (DOE), from the 1999-2000 to the 2009-2010 school years there have been four pedestrian students struck by a vehicle illegally passing a stopped school bus.⁴ These statistics indicate that there may be an opportunity to improve even this very safe form of travel.⁵ Public health and traffic safety officials have examined the risks associated with school bus stops and noted the importance of carefully selecting bus stop locations.⁶

Current law requires district school boards to establish school bus stops at the most reasonably safe locations available.⁷ Where unusual traffic hazards exist at school bus stops on roads

¹ *The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment*. Transportation Research Board, 2002.

² See <http://www.nhtsa.gov/school-buses> (last visited March 13, 2013).

³ *Id.*

⁴ Florida Department of Education, *Florida Public School Bus Transportation-related Fatalities Multi-Year Summary* (last visited March 13, 2013).

⁵ *Id.*

⁶ Schieber RA, Vegega ME *Reducing childhood pedestrian injuries: summary of a multidisciplinary conference*. Injury Prevention, 2002; 8:13-110. See http://www.cdc.gov/ncipc/pub-res/childhood_pedestrian/child_pedestrian.htm (last visited March 14, 2013).

⁷ s. 1006.22(12)(c), F.S.

maintained by the state outside of municipalities, the Florida Department of Transportation (FDOT) must place signs at the bus stops warning drivers of the location of the stops.⁸ The FDOT must place these signs in concurrence and cooperation with and upon request of the district school board.⁹ According to the FDOT, federal guidelines, rather than requirements, are provided for states to use in placing “school bus ahead” signs.¹⁰

Documentation of stop locations and the specific procedures for ensuring stop safety are determined by the school district.¹¹ Districts have safety professionals who review new stop locations or existing locations when there is an indication of a hazard.¹² Some districts routinely review all stop locations. The DOE also notes that all school bus operators are trained and instructed to report hazards at stops.¹³

According to the DOE, in 2010-2011, school districts reported that there were 282,758 public school bus stops in Florida.¹⁴ There were 14,810 public school buses in daily service in 2010-2011, equating to an average of 38 stops per day per bus (19 physical locations, morning and afternoon).¹⁵

Failure to Stop for a School Bus

A person commits a moving violation if he or she is driving a vehicle and fails to stop when approaching any school bus while it is displaying a stop signal.¹⁶ A violation of this offense is punishable as provided in ch. 318, F.S. Presently, there is a minimum \$100 civil penalty and an additional \$65 civil penalty for a driver who has been found guilty by the court for failing to stop for a school bus.¹⁷ The Florida Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver’s license of any person who commits a second or subsequent violation of this section within a 5-year period for not less than 90 days and not more than six months.¹⁸

Section 316.172(1)(b), F.S., provides that a person commits a moving violation if the person passes a school bus on the side children enter and exit while the bus is displaying a stop signal. A violation of this offense is punishable as provided in ch. 318, F.S., and requires a mandatory hearing. Section 318.18(5)(b), F.S., assesses a minimum \$200 civil penalty and an additional \$65 civil penalty for a violation of s. 316.172(1)(b), F.S. In addition, the DHSMV must suspend the driver’s license of any person who commits a violation of this section for not less than 180 days and not more than one year for a second or subsequent offense within a five year period.¹⁹

⁸ *Id.*

⁹ s.1006.22(12)(c), F.S.

¹⁰ *Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, Federal Highway Administration, <http://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf> (last visited March 14, 2013).

¹¹ s. 1006.22(12)(c), F.S.

¹² Telephone conversation, Florida Department of Education, School Transportation Management Staff (March 13, 2013).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ s. 316.172(1)(a), F.S.

¹⁷ s. 318.18(5)(a)(c), F.S.

¹⁸ s. 318.18(5)(a), F.S.

¹⁹ s. 318.18(5)(b), F.S.

According to the DHSMV, in 2012, there were 3,263 citations for failure to stop for a school bus pursuant to s. 316.172(1)(a), F.S., and 63 citations for passing a stopped school bus pursuant to s. 316.172(1)(b), F.S. This data is based on law enforcement citations.²⁰ Reports of illegal “pass-by” of the school bus by bus operators or other non-law enforcement witnesses can be used for information and analysis, but not to find the offending motorist in violation of the law or impose consequences.²¹ In 2000, a Florida study by the Center for Urban Transportation Research found that there were 10,719 reported instances of motorists illegally passing school buses on the day of the survey.²² There were 14,108 public school buses in daily service at that time.²³

III. Effect of Proposed Changes:

School Bus Safety Camera Program

CS/SB 950 creates the “School Bus Safety Camera Program” and provides a definition of the term “school bus safety camera.” The bill authorizes the use of cameras to enforce the requirements of s. 316.172, F.S., for failing to stop for a school bus when so directed, but does not require school districts to participate in the school bus safety camera program. The locations and frequency of the installation of school bus safety cameras is left to the districts.

The bill provides that a violation of s. 316.172, F.S., if enforced pursuant to s. 316.0084, F.S., may not be used to impose points on a driver’s license or to set motor vehicle insurance rates.

Administration

- Allows school districts, after consultation with the county sheriff’s office, to authorize the use of school bus safety cameras to enforce s. 316.172, F.S.
- Allows school districts, upon adoption of a resolution, to contract with a vendor of automated devices for the installation, operation, notice processing, administration, and maintenance of the school bus safety camera program, or, to enter into an interlocal agreement with the county sheriff’s office in which the sheriff’s office may enter into such a contract with a vendor.
- Provides that the sheriff’s office may contract for employees, agents, or vendors to perform all administrative or ministerial requirements, including installation of the cameras, processing and initial review of the images, printing and mailing notices of violation, and electronic transmission of a replica of the traffic citation data to the appropriate court or traffic violations bureau.
- Specifies that school bus safety cameras must meet specifications of the Department of Education, which shall adopt rules prescribing such specifications by October 1, 2013.
- Specifies that the county sheriff’s office shall serve as the law enforcement agency if the school board contracts through an interlocal agreement with the county sheriff’s office.

²⁰ Florida Department of Highway Safety and Motor Vehicles Annual Uniform Traffic Citation Report, available at <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last visited March 13, 2013).

²¹ Telephone conversation, Florida Department of Education, School Transportation Management Staff (March 13, 2013).

²² Center for Urban Transportation Research, School Bus Stop-Arm Violations in Florida: A Follow-up Study (July 2000) available at http://www.cutr.usf.edu/pubs/Stop_arm_viol_follow.pdf (last visited March 13, 2013).

²³ *Id.*

Violations

- Specifies that when the operator of a motor vehicle violates s. 316.172 F.S., by failing to stop behind a school bus displaying a stop signal or by passing a school bus before the stop signal has been withdrawn, the school bus safety camera shall record images or video of the violation and record the vehicle's license plate. The images or video recorded by a school bus safety camera may not contain the face of the operator of or any passenger in the motor vehicle.

Fines

- Provides that a fine of \$250 shall be imposed for a violation of s. 316.172, F.S., when enforced under s. 316.0084, F.S. All fines collected, less costs to administer, operate, and maintain the program, shall be distributed as follows: 25 percent shall be remitted to the county in which the offense was committed; 35 percent shall be remitted to the school district in which the offense was committed; 30 percent shall be remitted to the Department of Revenue for deposit into the General Revenue Fund; and, 10 percent shall be remitted to the Department of Education for school bus safety initiatives.

Notifications

- Specifies that a review of the information from a school bus safety camera by a deputy sheriff or employee of the sheriff's office must precede issuance of a notice of violation by an enforcement officer to the registered owner or lessee of the motor vehicle depicted in the images or video.
- Specifies that if the vehicle has more than one registered owner or lessee, the notice shall be issued to the first person listed as owner.
- Specifies that the sheriff's office must notify the owner of the vehicle of the violation by first-class mail within 30 days after identification of the owner or lessee.
- Provides that the notification must include the name and address of the person alleged to be liable as the registered owner of the vehicle; the license plate number; the violation; the date, time and location of the violation; a copy of the images of the motor vehicle and license plate and the Internet location where the images or video may be viewed; the amount of the fine and the time, place, and manner of payment; the date when payment must be made or by which an exemption affidavit must be provided; the procedure under which the violation may be contested; and, a notice that failure to pay the fine timely, establish an exemption, or transfer liability to the individual identified as the operator of the vehicle constitutes an admission of responsibility for the violation and that failure to pay the fine shall result in the owner or lessee being denied a new or replacement license plate until the fine has been paid.
- Establishes that the defendant bears the burden of proof in any hearing challenging the timely or proper mailing of a notice of violation.
- Provides for specified exemptions that the owner may document in an affidavit to avoid being responsible and liable for paying the fine.

Citations

- Provides that the person in actual care, custody, or control of the motor vehicle, as identified in the affidavit, may be issued the traffic citation.

- Provides that, if the payment is not received within 30 days, a traffic citation shall be mailed to the registered owner of the vehicle involved in the violation.
- Specifies that the submission of a false affidavit is a misdemeanor of the second degree.
- Specifies that the images as evidence are admissible in any proceedings for enforcement and raise a rebuttable presumption that the motor vehicle shown was used in the violation.
- Provides that the image evidence supplements and does not prohibit the issuance of a traffic citation by a law enforcement officer for violation of s. 316.172, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Some revenue would accrue to sellers of school bus safety cameras and/or contractors administering the program.

Members of the public found guilty of violating the statute would face fines.

C. Government Sector Impact:

School districts would incur expenditures relating to the purchase, installation, and use of the safety cameras. County sheriff's offices would incur expenses relating to training and employment of staff that would administer the program directly or oversee contractors under the program.

The Department of Education would incur administrative expenses relating to adoption and implementation of specifications for the school bus safety cameras.²⁴

²⁴ The Florida Department of Education, 2013 Bill Analysis: SB 950, March 1, 2013, on file with the Senate Education Committee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Education Committee on March 18, 2013:

The committee substitute provides that a violation of s. 316.172, F.S., if enforced pursuant to s. 316.0084, F.S., may not be used to impose points on a driver's license or to set motor vehicle insurance rates.

- B. **Amendments:**

None.