

**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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 290

INTRODUCER: Judiciary Committee and Senator Hooper

SUBJECT: School Bus Safety

DATE: February 4, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<b>Favorable</b>
2.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 290 increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within 5 years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than 180 days and not more than 1 year, instead of the current suspension of 90 days to 6 months.

The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit, from \$200 to \$400. For a subsequent offense within 5 years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than 2 years, instead of the current suspension of 180 days to 1 year.

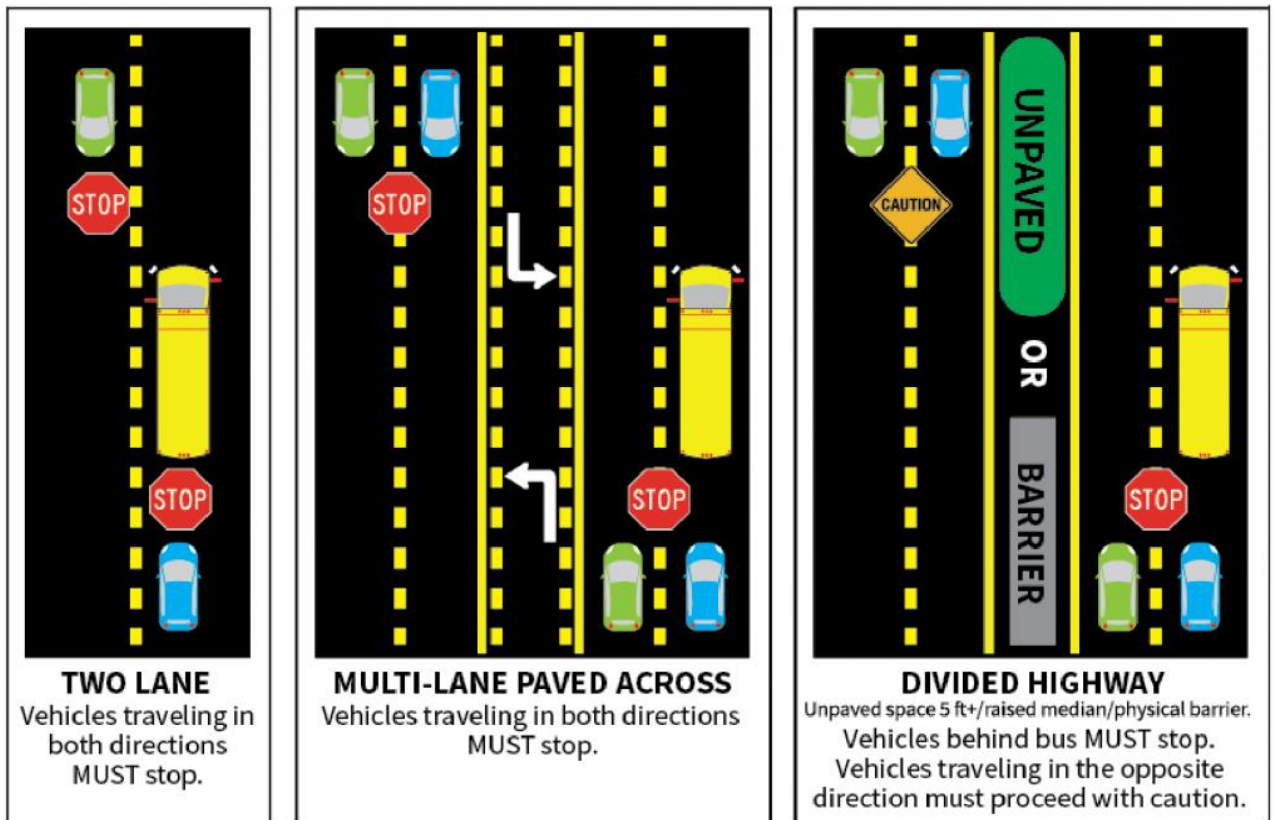
The bill may have an indeterminate, positive fiscal impact on state and local government revenues as a result of increasing the civil penalties for failing to stop for a school bus and passing a stopped school bus. The DHSMV estimates an insignificant negative fiscal impact due to required programming and implementation costs. See Fiscal Comments.

The bill has an effective date of January 1, 2021.

**II. Present Situation:**

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.<sup>1</sup> When possible, school buses should not stop where visibility is obscured for a distance of 200 feet either way from the bus.<sup>2</sup>

Other drivers are required to bring their vehicles to a full stop when approaching a stopped school bus displaying a stop signal, until the signal has been withdrawn.<sup>3</sup> However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.<sup>4</sup>



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A person cited for failing to stop for a school bus displaying the stop signal commits a moving violation and can pay the civil penalty, or can request a hearing to contest the citation.<sup>6</sup> A driver who passes a school bus on the side that children enter and exit while the school bus displays a

<sup>1</sup> Section 316.172(3), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 316.172(1)(a), F.S.

<sup>4</sup> Section 316.172(2), F.S.

<sup>5</sup> Florida Department of Highway Safety and Motor Vehicles, *Child Safety: School Bus Safety*, available at <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited January 15, 2020).

<sup>6</sup> Section 318.14, F.S.

stop signal also commits a moving violation.<sup>7</sup> However, the driver must attend a mandatory hearing at a specified time and location.<sup>8</sup>

The minimum civil penalty for failing to stop for a school bus displaying the stop signal is \$100. For a second or subsequent offense within a period of 5 years, the DHSMV must suspend the driver license of the driver for not less than 90 days and not more than 6 months.<sup>9</sup> Including various fees and service charges, the total fine for this violation is up to \$263, which is distributed to various funds.<sup>10</sup>

The minimum civil penalty for passing a school bus on the side that children enter and exit when the school bus displays a stop signal is \$200. For a second or subsequent offense within a period of 5 years, the DHSMV must suspend the driver license of the driver for not less than 180 days and not more than 1 year.<sup>11</sup> Including various fees and service charges, the total fine for this violation is up to \$363, which is distributed to various funds.<sup>12</sup>

In addition to the above penalties, a driver who illegally passes a stopped school bus, but does not cause serious bodily injury to or death of another, will receive four points on his or her driver license record.<sup>13</sup> A driver who illegally passes a stopped school bus and causes serious bodily injury to or death of another will receive six points on his or her driver license record.<sup>14</sup> A driver who illegally passes a school bus on either side and causes serious bodily injury to or death of another person must serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, and must participate in a victim's impact panel session.<sup>15</sup> If such panel does not exist, the driver must attend a DHSMV-approved driver improvement course.<sup>16</sup> In addition, the driver must pay a fine of \$1,500 and will have his or her driver license suspended by the DHSMV for not less than 1 year.<sup>17</sup>

If the driver receives a traffic citation for illegally passing a stopped school bus and the court withholds adjudication, the DHSMV will require him or her to complete a driver improvement course. If the course is not completed within 90 days after receiving a notice of the requirement to attend, the driver's license will be canceled until the improvement course is successfully completed.<sup>18</sup>

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<sup>7</sup> Section 316.172(1)(b), F.S.

<sup>8</sup> Sections 316.172(1)(b) and 318.19(3), F.S.

<sup>9</sup> Section 318.18(5)(a), F.S.

<sup>10</sup> Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines, Including a Fee Schedule for Recording*, effective July 1, 2019, available at:

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/PublicationsAndDocuments/2016\\_Distribution\\_Schedule\\_w.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/PublicationsAndDocuments/2016_Distribution_Schedule_w.pdf) (last visited January 15, 2020).

<sup>11</sup> Section 318.18(5)(b), F.S.

<sup>12</sup> Florida Court Clerks, *supra*, at FN 10, p. 35.

<sup>13</sup> Section 322.27(3)(d)4.a., F.S.

<sup>14</sup> Section 322.27(3)(d)4.b., F.S.

<sup>15</sup> Section 316.027(4)(b), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 318.18(5)(d), F.S.

<sup>18</sup> Section 322.0261(4)(c), F.S.

According to the DHSMV data, in Fiscal Year 2018-2019, 3,760 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus and 38 citations were issued for passing a school bus on the side children enter and exit.<sup>19</sup>

The Department of Education created a statewide survey for bus drivers to complete 1 day each year regarding the illegal passing of their school buses. The survey results from 2018 show that on a single day 10,937 illegal passes were made based on 9,009 school bus drivers completing the survey. Of these illegal passes, 447 were made on the right side of the bus where children generally enter and exit the vehicle, 10,018 were made on the left side, and for 472 of the passes the side was unknown.<sup>20</sup>

The National Highway Traffic Safety Administration indicates that from 2007 to 2016, 98 school-age pedestrians (18 and younger) died in school-transportation-related crashes. Sixty percent were struck by school buses, 2 percent by vehicles functioning as school buses, and 38 percent by other vehicles involved in the crashes.<sup>21</sup>

### III. Effect of Proposed Changes:

The bill amends s. 318.18(5)(a), F.S., increasing the minimum civil penalty for failure to stop for a school bus from \$100 to \$200; and for a subsequent offense within 5 years, the DHSMV must suspend the driver license of the driver for not less than 180 days and not more than one year.

The bill amends s. 318.18(5)(b), F.S., increasing the minimum civil penalty for passing a school bus on the side that children enter and exit, from \$200 to \$400; and for a subsequent offense within 5 years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than 2 years.

The bill takes effect January 1, 2020.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>19</sup> Highway Safety and Motor Vehicles, *Senate Bill 290 Bill Analysis* (October 22, 2019) (on file with the Senate Committee on Infrastructure and Security).

<sup>20</sup> Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2018*, available at: <http://www.fldoe.org/core/fileparse.php/7585/urlt/fsr18.pdf> (last visited January 15, 2020).

<sup>21</sup> National Highway Traffic Safety Administration, *Traffic Safety Facts, 2007-2016 Data, School-Transportation-Related Crashes*, DOT HS 812 476, revised January 2018, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812476> (last visited January 15, 2020).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases penalties for persons failing to stop for a school bus.

C. Government Sector Impact:

Funds collected as civil penalties for traffic violations are distributed to various state and local funds:

- The bill may likely have an insignificant positive fiscal impact on the General Revenue Fund<sup>22</sup> due to the increase in penalties for failing to stop for a school bus or passing a stopped school bus. The number of drivers who may be subjected to the additional \$100 or \$200 penalty is unknown; therefore the impact is indeterminate.
- The bill may have an insignificant positive fiscal impact to local government revenues. The number of drivers who may be subjected to the additional \$100 or \$200 fine is unknown; therefore the impact is indeterminate.<sup>23</sup>

The DHSMV estimates that approximately 72 hours of technology programming will be required as a result of this bill. These hours are estimated to have a fiscal impact to the Highway Safety Operating Trust Fund of \$3,120 in FTE and contracted resources.<sup>24</sup> All costs related to programming and implementation can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

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<sup>22</sup> *Supra*, note 19.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 318.18

**IX. Additional Information:**

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

**CS by Judiciary on February 4, 2020:**

The effective date has been amended to January 1, 2021. The previous effective date was July 1, 2020.

- B. **Amendments:**

None.