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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete lines 88 - 239

and insert:

(d) A school district shall enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations of s. 316.172 within the geographic area of the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with side stop signal arm enforcement system violations consistent with this section.



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12 (3) Each private manufacturer or vendor shall, within 30
13 days after an alleged violation is captured, submit the
14 following information to a law enforcement agency authorized
15 pursuant to paragraph (2) (d):

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

17 (b) The license plate number and state of issuance of the
18 motor vehicle.

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

20 (4) (a) Each law enforcement agency authorized to enforce
21 violations pursuant to paragraph (2) (d) shall review the
22 information submitted by the private manufacturer or vendor as
23 provided under subsection (3) to determine whether there is
24 sufficient evidence that a violation of s. 316.172 occurred and,
25 if the evidence shows a violation occurred, shall electronically
26 certify a notice of violation.

27 (b) A certificate or a facsimile of a certificate based on
28 inspection of recorded images produced by a side stop signal arm
29 enforcement system and sworn to or affirmed by a law enforcement
30 officer authorized pursuant to paragraph (2) (d) to enforce
31 violations shall be prima facie evidence of the facts contained
32 in it. Upon request by the law enforcement agency, the school
33 district shall provide written documentation that the side stop
34 signal arm enforcement system was operating correctly at the
35 time of the alleged violation.

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

39 (d) A rebuttable presumption shall exist that the
40 registered owner of the motor vehicle was the driver at the time



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41 of the alleged violation.

42 (5) (a) Within 30 days after receiving the information
43 provided under subsection (3), a law enforcement agency
44 authorized pursuant to paragraph (2) (d) to enforce violations or
45 an agent authorized by such law enforcement agency shall send by
46 first-class mail a notice of violation to the registered owner
47 of the motor vehicle involved in the violation. Mailing the
48 notice of violation constitutes notification.

49 (b) In the case of joint ownership of a motor vehicle, the
50 notice of violation shall be mailed to the first name appearing
51 on the registration. However, if the first name appearing on the
52 registration is a business entity, the second name appearing on
53 the registration may be used.

54 (c) The notice of violation must include all of the
55 following:

56 1. A copy of the recorded image showing the motor vehicle
57 involved in the violation.

58 2. A citation for the violation indicating the date, time,
59 and location of the alleged violation.

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

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

64 5. Instructions on how to request a hearing to contest
65 liability or notice.

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

69 (d) The owner of the motor vehicle involved in a violation



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70 may admit responsibility for the violation and pay the fine as
71 indicated on the notice of violation. Payment of the fine
72 operates as a final disposition of the civil penalty.

73 (6) (a) If a violation has not been contested and the civil
74 penalty has not been paid within 30 days after a notice required
75 under subsection (5) is mailed, the law enforcement agency or an
76 agent authorized by the law enforcement agency shall send by
77 first-class mail a final notice of the unpaid civil penalty. The
78 final notice must inform the owner that the law enforcement
79 agency or the agent authorized by the law enforcement agency
80 shall send an electronic referral, in a form prescribed by the
81 department, to the department if the civil penalty is not paid
82 within 30 days after the final notice was mailed and that such
83 referral shall result in the nonrenewal of the registration of
84 such motor vehicle and prohibit the title transfer of such motor
85 vehicle within this state.

86 (b) Within 5 days after receipt of a referral under
87 paragraph (a), the department shall enter the referral into the
88 department's motor vehicle database and shall refuse to renew
89 the registration of the motor vehicle and prohibit the title
90 transfer of the motor vehicle within this state until the civil
91 penalty is paid.

92 (c) The department shall remove the penalties imposed under
93 paragraph (b) upon receipt of notification, in an electronic
94 format and method prescribed by the department, by a law
95 enforcement agency or an agent authorized by the law enforcement
96 agency that the civil penalty has been paid.

97 (7) (a) 1. Notwithstanding any other law, equipment deployed
98 as part of a side stop signal arm enforcement system as provided



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99 under this section must be incapable of automated or user-
100 controlled remote surveillance by means of recorded video or
101 still images.

102 2. Recorded images collected as part of the side stop
103 signal arm enforcement system may only be used to document
104 violations of s. 316.172 and may not be used for any other
105 surveillance purposes.

106 3. To the extent practicable, a side stop signal arm
107 enforcement system must use necessary technology to ensure that
108 recorded video or still images produced by the system do not
109 identify the driver, any passenger, or the contents of a motor
110 vehicle.

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

116 (b) Any recorded video or still image obtained through the
117 use of a side stop signal arm enforcement system must be
118 destroyed within 90 days after the final disposition of the
119 recorded event. The vendor of a side stop signal arm enforcement
120 system shall provide the school district with written notice by
121 December 31 of each year that such records have been destroyed
122 in accordance with this section.

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



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128 (8) The owner of a motor vehicle is not responsible for a
129 violation of this section if the vehicle involved was reported
130 to a state or local law enforcement agency as stolen at the time
131 the violation occurred.

132 (9) This section supplements the enforcement of s. 316.172
133 by law enforcement officers when a driver fails to stop while a
134 school bus is stopped and does not prohibit a law enforcement
135 officer from issuing a traffic citation for a violation of s.
136 316.172.

137 (10) (a) The registered owner of a motor vehicle who is
138 found in violation of s. 316.172 by a side stop signal arm
139 enforcement system is subject to a civil penalty of \$200 for a
140 violation of s. 316.172(1) (a) and \$400 for a violation of s.
141 316.172(1) (b). Notwithstanding s. 318.18(5), the fine shall be
142 paid to the school district in which the violation occurred and
143 must be used for the installation or maintenance of side stop
144 signal arm enforcement systems on school buses, for the
145 administration and costs associated with enforcement of such
146 violations, or for any other

147
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete lines 12 - 36

151 and insert:

152 requiring school districts to enter into interlocal
153 agreements with certain law enforcement agencies for
154 certain purposes; requiring manufacturers and vendors
155 to submit specified information to law enforcement
156 agencies within a specified timeframe; requiring law



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157 enforcement agencies to review such information to
158 determine whether a violation occurred and
159 electronically certify the notice of violation under
160 certain circumstances; providing that certain
161 certificates sworn to or affirmed by a law enforcement
162 officer are prima facie evidence; providing that
163 recorded images evidencing a violation of this act are
164 admissible in any judicial or administrative
165 proceeding for a certain purpose; providing a
166 rebuttable presumption; providing notice requirements
167 and procedures; authorizing motor vehicle owners
168 served a notice of violation to take certain actions
169 as a final disposition of such notice; providing that
170 payment of the fine operates as a final disposition of
171 the civil penalty; providing notice requirements and
172 procedures for unpaid civil penalties; requiring the
173 Department of Highway Safety and Motor Vehicles to
174 refuse to renew the registration of motor vehicles and
175 prohibit the transfer of title under specified
176 circumstances; requiring the department to remove
177 penalties imposed on a motor vehicle owner upon
178 receipt of a certain notification; requiring that side