

By Senator Burgess

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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 and certain services;  
12      requiring manufacturers and vendors to submit  
13      specified information to law enforcement agencies  
14      within a specified timeframe; requiring law  
15      enforcement agencies to review such information to  
16      determine whether a violation occurred and  
17      electronically certify the notice of violation under  
18      certain circumstances; providing that certain  
19      certificates sworn to or affirmed by a law enforcement  
20      officer are prima facie evidence; providing that  
21      recorded images evidencing a violation of this act are  
22      admissible in any judicial or administrative  
23      proceeding for a certain purpose; providing a  
24      rebuttable presumption; providing notice requirements  
25      and procedures; authorizing motor vehicle owners  
26      served a notice of violation to take certain actions  
27      as a final disposition of such notice; providing that  
28      payment of the fine operates as a final disposition of  
29      the civil penalty; providing notice requirements and

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30 procedures for unpaid civil penalties; requiring the  
31 Department of Highway Safety and Motor Vehicles to  
32 refuse to renew the registration of motor vehicles and  
33 prohibit the transfer of title under specified  
34 circumstances; requiring the department to remove  
35 penalties imposed on a motor vehicle owner upon  
36 presentation of adequate proof; requiring that side  
37 stop signal arm enforcement system equipment be  
38 incapable of automated or user-controlled remote  
39 surveillance; specifying requirements of and  
40 prohibitions on the use of recorded video and still  
41 images captured by the side stop signal arm  
42 enforcement system; providing that a motor vehicle  
43 owner is not responsible for a violation of this act  
44 if the vehicle was reported stolen at the time the  
45 violation occurred; providing civil penalties;  
46 providing for distribution of such penalties;  
47 providing construction; requiring school districts  
48 operating a side stop signal arm enforcement system to  
49 provide a summary report to the Governor, the  
50 Legislature, and the department annually by a  
51 specified date; requiring the State Board of Education  
52 to adopt rules for a specified purpose and authorizing  
53 it to adopt other rules; amending s. 1006.21, F.S.;

54 conforming a provision to changes made by the act;  
55 providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Section 316.616, Florida Statutes, is created to  
60 read:

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

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

64 (a) "School bus" has the same meaning as provided in s.  
65 316.6145.

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

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

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

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

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

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

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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

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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

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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 the  
187 penalties provided in this paragraph.

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

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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 vehicle  
219 owner information obtained as a result of the operation of a  
220 side stop signal arm enforcement system is not the property of  
221 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



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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

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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.