

By the Committee on Judiciary; and Senators Burgess, Taddeo, and Perry

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

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

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Section 316.616, Florida Statutes, is created to
62 read:

63 316.616 School buses; side stop signal arm enforcement
64 system.—

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

66 (a) "School bus" has the same meaning as provided in s.
67 316.6145.

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

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

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

87 (c) A school district shall ensure that the side stop

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88 signal arm enforcement system meets the requirements of
89 subsection (12).

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

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

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

102 (b) The license plate number and state of issuance of the
103 motor vehicle.

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

105 (4) (a) Each law enforcement agency authorized to enforce
106 violations pursuant to paragraph (2) (d) shall review the
107 information submitted by the private manufacturer or vendor as
108 provided under subsection (3) to determine whether there is
109 sufficient evidence that a violation of s. 316.172 occurred and,
110 if the evidence shows a violation occurred, shall electronically
111 certify a notice of violation.

112 (b) A certificate or a facsimile of a certificate based on
113 inspection of recorded images produced by a side stop signal arm
114 enforcement system and sworn to or affirmed by a law enforcement
115 officer authorized pursuant to paragraph (2) (d) to enforce
116 violations shall be prima facie evidence of the facts contained

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117 in it. Upon request by the law enforcement agency, the school
118 district shall provide written documentation that the side stop
119 signal arm enforcement system was operating correctly at the
120 time of the alleged violation.

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

124 (d) A rebuttable presumption shall exist that the
125 registered owner of the motor vehicle was the driver at the time
126 of the alleged violation.

127 (5) (a) Within 30 days after receiving the information
128 provided under subsection (3), a law enforcement agency
129 authorized pursuant to paragraph (2) (d) to enforce violations or
130 an agent authorized by such law enforcement agency shall send by
131 first-class mail a notice of violation to the registered owner
132 of the motor vehicle involved in the violation. Mailing the
133 notice of violation constitutes notification.

134 (b) In the case of joint ownership of a motor vehicle, the
135 notice of violation shall be mailed to the first name appearing
136 on the registration. However, if the first name appearing on the
137 registration is a business entity, the second name appearing on
138 the registration may be used.

139 (c) The notice of violation must include all of the
140 following:

141 1. A copy of the recorded image showing the motor vehicle
142 involved in the violation.

143 2. A citation for the violation indicating the date, time,
144 and location of the alleged violation.

145 3. The amount of the civil penalty and the date by which

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146 such penalty must be paid.

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

149 5. Instructions on how to request a hearing to contest
150 liability or notice.

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

154 (d) The owner of the motor vehicle involved in a violation
155 may admit responsibility for the violation and pay the fine as
156 indicated on the notice of violation. Payment of the fine
157 operates as a final disposition of the civil penalty.

158 (6) (a) If a violation has not been contested and the civil
159 penalty has not been paid within 30 days after a notice required
160 under subsection (5) is mailed, the law enforcement agency or an
161 agent authorized by the law enforcement agency shall send by
162 first-class mail a final notice of the unpaid civil penalty. The
163 final notice must inform the owner that the law enforcement
164 agency or the agent authorized by the law enforcement agency
165 shall send an electronic referral, in a form prescribed by the
166 department, to the department if the civil penalty is not paid
167 within 30 days after the final notice was mailed and that such
168 referral shall result in the nonrenewal of the registration of
169 such motor vehicle and prohibit the title transfer of such motor
170 vehicle within this state.

171 (b) Within 5 days after receipt of a referral under
172 paragraph (a), the department shall enter the referral into the
173 department's motor vehicle database and shall refuse to renew
174 the registration of the motor vehicle and prohibit the title

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175 transfer of the motor vehicle within this state until the civil
176 penalty is paid.

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

182 (7) (a) 1. Notwithstanding any other law, equipment deployed
183 as part of a side stop signal arm enforcement system as provided
184 under this section must be incapable of automated or user-
185 controlled remote surveillance by means of recorded video or
186 still images.

187 2. Recorded images collected as part of the side stop
188 signal arm enforcement system may only be used to document
189 violations of s. 316.172 and may not be used for any other
190 surveillance purposes.

191 3. To the extent practicable, a side stop signal arm
192 enforcement system must use necessary technology to ensure that
193 recorded video or still images produced by the system do not
194 identify the driver, any passenger, or the contents of a motor
195 vehicle.

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

201 (b) Any recorded video or still image obtained through the
202 use of a side stop signal arm enforcement system must be
203 destroyed within 90 days after the final disposition of the

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204 recorded event. The vendor of a side stop signal arm enforcement
205 system shall provide the school district with written notice by
206 December 31 of each year that such records have been destroyed
207 in accordance with this section.

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

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

217 (9) This section supplements the enforcement of s. 316.172
218 by law enforcement officers when a driver fails to stop while a
219 school bus is stopped and does not prohibit a law enforcement
220 officer from issuing a traffic citation for a violation of s.
221 316.172.

222 (10) (a) The registered owner of a motor vehicle who is
223 found in violation of s. 316.172 by a side stop signal arm
224 enforcement system is subject to a civil penalty of \$200 for a
225 violation of s. 316.172(1)(a) and \$400 for a violation of s.
226 316.172(1)(b). Notwithstanding s. 318.18(5), the fine shall be
227 paid to the school district in which the violation occurred and
228 must be used for the installation or maintenance of side stop
229 signal arm enforcement systems on school buses, for the
230 administration and costs associated with enforcement of such
231 violations, or for any other technology that increases the
232 safety of the transportation of students.

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233 (b) For each violation under this section, the registered
234 owner of the motor vehicle shall be liable for the imposed
235 penalty unless the owner is convicted of the same violation
236 under s. 316.172 or unless the motor vehicle was stolen at the
237 time of the violation as provided under subsection (8).

238 (c) A violation for which a civil penalty is imposed
239 pursuant to this section is not considered a moving violation
240 for the purpose of assessing points under s. 322.27(3). Such
241 violation is noncriminal, and imposition of a civil penalty
242 pursuant to this section does not constitute a conviction, may
243 not be made a part of the driving record of the person upon whom
244 such liability is imposed, and may not be used for any purposes
245 in the provision of motor vehicle insurance.

246 (11) By December 31, 2022, and annually thereafter, a
247 school district operating a side stop signal arm enforcement
248 system shall provide a summary report to the Governor, the
249 President of the Senate, the Speaker of the House of
250 Representatives, and the department regarding the use and
251 operation of the system under this section, including the number
252 of citations issued and the amount of funds collected for the
253 preceding state fiscal year.

254 (12) A side stop signal arm enforcement system must meet
255 specifications established by the State Board of Education and
256 must be tested at regular intervals according to specifications
257 prescribed by state board rule. The state board must establish
258 such specifications by rule on or before December 31, 2022.
259 However, any such equipment acquired by purchase, lease, or
260 other arrangement under an agreement entered into by a school
261 district on or before July 1, 2023, or equipment used to enforce

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262 violations of s. 316.172 on or before July 1, 2023, is not
263 required to meet the specifications established by the state
264 board until July 1, 2023.

265 (13) The State Board of Education may adopt rules to
266 address student privacy concerns that may arise from the use of
267 a side stop signal arm enforcement system.

268 Section 2. Paragraph (h) is added to subsection (3) of
269 section 1006.21, Florida Statutes, to read:

270 1006.21 Duties of district school superintendent and
271 district school board regarding transportation.-

272 (3) District school boards, after considering
273 recommendations of the district school superintendent:

274 (h) May install and operate, or enter into an agreement
275 with a private vendor or manufacturer to provide, a side stop
276 signal arm enforcement system for each school bus pursuant to s.
277 316.616.

278 Section 3. This act shall take effect July 1, 2022.