

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 Fiscal Policy

BILL: CS/CS/SB 766

INTRODUCER: Fiscal Policy Committee; Transportation Committee; Senator Burgess and others

SUBJECT: Enforcement of School Bus Passing Infractions

DATE: April 26, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.	Wells	Jerrett	ATD	Favorable
3.	Jones	Yeatman	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 766 authorizes a school district to install and maintain school bus infraction detection systems. The school district may contract with a private vendor or manufacturer to provide a school bus infraction detection system on each school bus in its fleet. The system uses electronic traffic enforcement technology to record traffic violations when drivers fail to stop for a school bus displaying a stop signal.

In order to use a school bus infraction detection system, the bill requires:

- The school district to enter into an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district.
- The systems meet specifications established by the State Board of Education.
- School districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- School buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.

The bill requires the school district, or a private vendor or manufacturer contracting with a school district, to submit specific information regarding alleged violations to the law enforcement agency authorized to enforce school bus stop signal violations in the school district. The information must be submitted within 30 days after the alleged violation is captured and include a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance; and the date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. The notice must include information detailing how to pay the civil penalty, review the evidence, request a hearing to contest the violation, or submit an affidavit providing a defense to the violation. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Under the bill, a violation enforced by a school bus infraction detection system is subject to a \$225 civil penalty. The \$200 civil penalty collected must be provided to the school district in which the violation occurred, and must be used to install or maintain school bus infraction detection systems, for the administration and costs associated with enforcement of the violations, or for any other technology that increases the safety of the transportation of students. The additional \$25 collected must be dedicated to the safe schools allocation provided to school districts by the Department of Education. This civil penalty is lower than that in current law, which requires the minimum civil penalty for failure to stop for a school bus is \$265, and illegally passing on the side of the school bus where children enter and exit is \$465.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

Each school district in consultation with the law enforcement agency with which it has interlocal agreements using the system must report quarterly information to the Department of Highway Safety and Motor Vehicles (DHSMV) beginning October 1, 2023. DHSMV must submit an annual summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning December 31, 2024, providing specified information.

The bill may have an indeterminate fiscal impact on school districts electing to install a school bus infraction detection system on its school buses. To the extent that violations are enforced by such systems instead of by in-person law enforcement, the bill may shift penalties from other state and local government funds to school districts. See section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

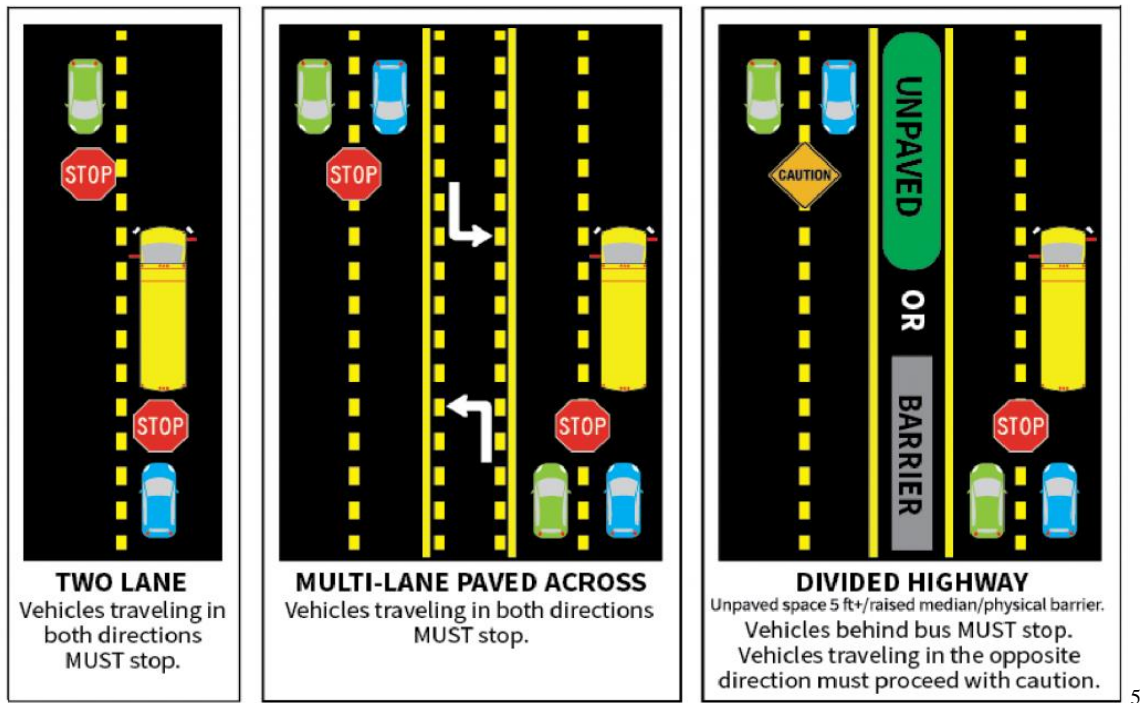
II. Present Situation:

School Buses and Traffic Laws

Law enforcement agencies are responsible for enforcing traffic laws, including school transportation related traffic violations. However, law enforcement officers are not always present along every school transportation route. Because law enforcement officers cannot feasibly monitor each bus on every route each day, many school transportation traffic violations may go unenforced.

In Florida, a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.¹ When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.²

When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus’s signal is withdrawn.³ However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.⁴



A person cited for failing to stop for a school bus displaying a stop signal commits a moving traffic violation⁶ and is subject to a \$200 civil penalty.⁷ A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.⁸ A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal

¹ Section 316.172(3), F.S.

² *Id.*

³ Section 316.172(1)(a), F.S.

⁴ Section 316.172(2), F.S.

⁵ DHSMV, *Child Safety: School Bus Safety*, <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited March 12, 2023).

⁶ A moving violation is a classification of a type of traffic citation. The most common moving violations include speeding, running a red light, and driving while intoxicated. However, some moving violations may not actually require the vehicle to be in motion, as the name infers.

⁷ In addition to this penalty, for a second or subsequent offense within a period of 5 years, the DHSMV shall suspend the driver license of the person for not less than 180 days and not more than one year. Section 318.18(5)(a), F.S.

⁸ Section 318.14, F.S.

also commits a moving violation; however, he or she is subject to a \$400 civil penalty⁹ and must attend a mandatory hearing at a specified time and location.¹⁰

In addition to these civil penalties, the court shall impose an additional \$65 penalty, which is remitted to the Department of Health's Emergency Medical Services Trust Fund to be used to ensure the availability and accessibility of trauma services throughout the state.¹¹

A driver who illegally passes a stopped school bus and:

- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.¹²
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:¹³
 - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;
 - Participate in a victim's impact panel session; if such panel does not exist, the driver must attend a DHSMV approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway;¹⁴ and
 - Pay a \$1,500 fine and have his or her driver license suspended by DHSMV for at least one year.¹⁵

When a driver accumulates a certain number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:

- 12 points in 12 months = 30 day suspension.
- 18 points in 18 months = 3 month suspension.
- 24 points in 36 months = 12 month suspension.¹⁶

Traffic Infraction Detectors

A traffic infraction detector is a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographs or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.¹⁷

⁹ In addition to this penalty, for a second or subsequent offense within a period of 5 years, the DHSMV shall suspend the driver license of the person for not less than 360 days and not more than two years. Section 318.18(5)(b), F.S.

¹⁰ Sections 316.172(1)(b) and 318.19(3), F.S.

¹¹ Section 318.18(5)(c), F.S.

¹² Section 322.27(3)(d)4.a., F.S.

¹³ Section 322.27(3)(d)4.b., F.S.

¹⁴ Section 316.027(4)(b), F.S.

¹⁵ Section 318.18(5)(d), F.S.

¹⁶ Section 322.27(3), F.S.

¹⁷ Section 316.003(95), F.S.

In 2010, the Legislature authorized the DHSMV, counties, and municipalities to issue a traffic citation for a driver's failure to stop at a traffic control signal when such violation was identified by a traffic infraction detector.¹⁸ The state is responsible for regulating the use of such cameras.¹⁹

A municipality may install or authorize installation of traffic infraction detectors on streets and highways in accordance with the Florida Department of Transportation (FDOT) standards, and on state roads within the incorporated area when permitted by FDOT.²⁰ A county may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by the FDOT.²¹ The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.²²

If the DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.²³ Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under to s. 316.0745, F.S.²⁴

Traffic Infraction Detector Litigation

In 2018, the Florida Supreme Court held that the review of red light camera images authorized by Florida law allows city's private third-party vendor, as its agent, to review and sort red light camera images to forward to a law enforcement officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- Such ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward "close calls" to law enforcement for review;
- The law enforcement officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The law enforcement officer's decision that probable cause exists and that the citation should be issued are supported by the responsible law enforcement officer's full, professional review which does not merely acquiesce to any decision by the vendor.²⁵

As such, s. 316.0083(1), F.S., authorizes a local government to contract with a third-party vendor to review and sort information and images from red light cameras before sending that

¹⁸ See generally ss. 316.0083, and 316.0776, F.S.; Ch. 2010-80, Laws of Fla.; Any notification or traffic citation issued by using a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. Section 316.003(95), F.S.

¹⁹ Section 316.0076, F.S.

²⁰ Sections 316.008(8) and 316.0776(1), F.S.

²¹ *Id.*

²² Section 321.50, F.S.

²³ Section 316.0776(2), F.S.

²⁴ *Id.*

²⁵ *Jimenez v. State*, 246 So.3d 219 (Fla. 2018).

information to a trained law enforcement officer. A law enforcement officer must then review the information and determine whether probable cause exists to issue a citation.

Illegal Passing of School Buses

According to DHSMV, in 2022, there were 2,952 traffic citations issued for failing to stop for a school bus or passing a stopped school bus, of which 21 were issued for passing a school bus on the side children enter and exit.²⁶

DOE created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The survey results from 2022 show that on a single day, 7,867 illegal passes were made based on the observations of 6,416 school bus drivers who completed the survey. Of these illegal passes, 299 were made on the right side of the bus where children generally enter and exit the vehicle, 7,104 were made on the left side, and for 464 instances, the side was unknown.²⁷

To increase student transportation safety, at least 24 states have school bus stop-arm camera laws.²⁸ These systems are typically equipped with multiple sensors and cameras affixed to a school bus. The sensor triggers a tag on the recording each time it senses a vehicle passing the stopped bus illegally.²⁹ When a vehicle illegally passes a stopped school bus, the sensor triggers two cameras to capture a high-definition digital video recording (DVR) from both directions. The cameras capture both oncoming traffic and vehicles passing the stopped bus on the driver side. The DVR recording is flagged as a violation and tags information for enforcement, including, but not limited to, the time, date, and location of the violation and images or film of the subject vehicle and license plate. The violation recordings captured are reviewed and processed by a third-party private manufacturer or vendor.³⁰

Florida does not currently authorize the use of traffic infraction technology or school bus infraction detection systems to detect violations of school bus stop signals.

School District Transportation Duties

Florida law requires district school superintendents to ascertain which students should be transported to school or to school activities; determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules as may be necessary. Superintendents are also responsible for seeing that all rules relating to the transportation of students approved by the

²⁶ E-mail from Patrice DeVore, Senior Legislative Liaison, DHSMV, *SB 766 - Failing to Stop/Passing a School Bus* (March 31, 2023) (on file with the Senate Committee on Transportation).

²⁷ DOE, *School Transportation, Illegal Passing of School Buses – Survey Results for 2022*, <https://www.fldoe.org/core/fileparse.php/7585/urlt/2022illegalpassing.pdf> (last visited March 12, 2023).

²⁸ National Conference of State Legislatures, *State School Bus Stop-Arm Camera Laws* (February 15, 2022), <https://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx> (last visited March 12, 2023).

²⁹ Seon Automated Stop-Arm Camera Solution, <https://www.seon.com/school-bus-safety/school-bus-camera-systems/stop-arm-system> (last visited March 12, 2023).

³⁰ *Id.*

district school board, as well as rules of the State Board of Education, are properly carried into effect.³¹

After considering recommendations of the district school superintendent, the district school board must make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities; and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof. The district school board is also responsible for adopting the necessary rules to ensure safety, economy, and efficiency in the operation of all buses.³²

III. Effect of Proposed Changes:

The bill creates s. 316.173, F.S., which authorizes, but does not require, a school district to install and operate a school bus infraction detection system to capture violations of drivers failing to stop for a school bus displaying a stop signal.

The bill defines “school bus infraction detection system” as a camera system affixed to a school bus with:

- Two or more camera sensors or computers that produce recorded video; and
- Two or more film or digital photographic still images that document a motor vehicle failing to stop for a school bus that displays a stop signal.

The bill authorizes a school district to contract with a private vendor or manufacturer to provide a school bus infraction detection system on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district’s decision to establish a school bus infraction detection system must be based solely on the need to increase public safety.

A school district must ensure that the school bus infraction detection system meets specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2023. However, any equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2024, or equipment used to enforce violations of s. 316.172, F.S., on or before July 1, 2024, is not required to meet the specifications established by the state board until July 1, 2024.

The school district must enter into an interlocal agreement with at least one law enforcement agency authorized to enforce s. 316.172, F.S., within the school district. Such agreement must jointly establish the enforcement responsibilities and reimbursement of costs associated with the school bus infraction detection system violations.

The bill requires a school district using a school bus infraction detection system on a school bus to post high-visibility reflective warning signs or stickers on the rear of all school buses in which

³¹ Section 1006.21(1), F.S.

³² Section 1006.21(2), F.S.

a system is installed and operational. The signage must occupy at least 75 percent of the available space on the rear of the bus that does not contain signs or insignia otherwise required by law or by the State Board of Education. Such signage must include:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic symbol of a camera.

Additionally, prior to the initial use of a school bus infraction detection system in the school district, the school district must make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems. If a violation is captured by the system during the public awareness campaign, only a warning may be issued to the vehicle’s registered owner.

Enforcement Process

Each school district or private manufacturer or vendor contracting with a school district must, within 30 days after an alleged violation is captured, submit the following information to the law enforcement agency authorized to enforce violations of s. 316.172, F.S., under the terms of the interlocal agreement:

- A copy of the recorded video and images showing the motor vehicle and alleged violation;
- The license plate number and state of issuance of the motor vehicle; and
- The date, time, and location of the alleged violation.

Based on this information, if the law enforcement agency determines a violation occurred, within 30 days after receiving the information, the law enforcement agency must send by first-class mail a notice of violation to the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the notice of violation will be mailed to the first name appearing on the registration. However, if the first name appearing on the registration is a business entity, the second name appearing on the registration may be used.

The notice of violation must include all of the following:

- A copy of the recorded image showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.
- The date, time, and location of the alleged violation.
- The amount of the civil penalty and the date by which such penalty must be paid.
- Instructions on how to request a hearing to contest liability or the notice of violation.
- Notice that the owner has a right to review, in person or remotely, the images and video captured by the bus infraction detection system, including the time when, and place or website at which, the images or video captured may be examined and observed.
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.

If, within 30 days after a notice of violation is mailed, the civil penalty has not been paid or an affidavit has not been submitted, the law enforcement agency must send by certified mail a uniform traffic citation to the registered owner of the motor vehicle involved in the violation.

The bill requires the uniform traffic citation to conform to the notice requirements included within the notification of violation. The bill specifies that delivery of the traffic citation constitutes notification, and if a person initiates a proceeding to challenge the citation, the person waives any challenge or dispute as to the delivery of the traffic citation. The bill provides in s. 318.14, F.S., that persons cited for failing to stop for or illegally passing a school bus as detected by a school bus infraction detection system are not required to sign and accept a citation indicating a promise to appear at a mandatory hearing.

Penalties

The registered owner of a motor vehicle who is found in violation of s. 316.172, F.S., by a school bus infraction detection system is subject to a civil penalty of \$200 for either passing a school bus while the school bus displays a stop signal or for passing a school bus on the side that children enter and exit while the school bus displays a stop signal. The fine must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of school bus infraction detection systems on school buses, for the administration and costs associated with enforcement of those violations, or for any other technology that increases the safety of the transportation of students. The bill requires an additional \$25 be collected from violators to be dedicated to the safe schools allocation provided to school districts by the DOE.

The civil penalty for enforcement by a school bus infraction detection system is lower than that in current law for enforcement by in-person law enforcement officers, which requires the minimum civil penalty for failure to stop for a school bus is \$265, and illegally passing on the side of the school bus where children enter and exit is \$465.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

The bill provides that a violation issued is not a moving violation, does not add points to a person's license, and is not part of a person's driving record. The violation may not be used for any purpose relating to motor vehicle insurance.

Defenses

The bill creates defenses to the uniform traffic citation evidenced by a school bus infraction detection system. The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:

- The vehicle was, at the time of the violation, in the care, custody, or control of another person; or
- The driver at the time received a uniform traffic citation issued by a law enforcement officer for the alleged violation.

An additional defense is available if the motor vehicle's owner was deceased on or before the date of the alleged violation. The affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:

- A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
- Documented proof that the registered license plate belonging to the deceased owner's vehicle was returned to the DHSMV or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
- A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

The bill requires that in order to establish any of these defenses, the owner of the vehicle must furnish an affidavit to the law enforcement agency that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or the serial number of the uniform traffic citation, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and, if known, the driver license number of the driver. A notice of violation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation. If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.

The bill creates a second degree misdemeanor for submission of a false affidavit.³³

Upon receipt of the affidavit and documentation of one of the above defenses, the governmental entity must dismiss the citation and provide proof of such dismissal to the person. If a person provides documentation from the appropriate law enforcement agency that the traffic citation was in error, the clerk of court may dismiss the case, and cannot charge a fee for such service.

School Bus Infraction Detection System Operation

The bill provides that notwithstanding any other law, equipment deployed as part of a school bus infraction detection system must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images. The bill requires the use of technology ensuring that the recordings or images captured by the system do not identify the driver, any passenger, or the contents of the vehicle. However, a violation may not be dismissed because the video or still images allow for the identification of the driver, any passenger, or the contents of a motor vehicle as long as a reasonable effort has been made to comply with the prohibition.

The bill provides that:

- Video and images recorded as part of the school bus infraction detection system may not be used for any other surveillance purposes other than documenting such violations.
- All recordings and images captured must be destroyed within 90 days after the final disposition of the recorded event.
- The vendor of a school bus infraction detection system must provide the school district with written notice by December 31 of each year that such records have been destroyed.

³³ Punishable by a term of imprisonment not to exceed 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

- Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a school bus infraction detection system is not the property of the manufacturer or vendor of the system and may be used only for the purposes of this section.
- The owner of a motor vehicle is not responsible for a violation if the vehicle involved was reported to a state or local law enforcement agency as stolen at the time the violation occurred.

State Board of Education and School District Responsibilities

The bill amends s. 1006.21, F.S., to provide that district school boards, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system for each school bus.

The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a school bus infraction detection system.

Reporting Requirements

By October 1, 2023, and quarterly thereafter, a school district, in consultation with the law enforcement agencies with which it has interlocal agreements, operating a school bus infraction detection system must provide a summary report to DHSMV, which details the use of school bus infraction detection systems, and must include:

- The number of school buses that have a system installed and the date the system was installed or removed, if applicable;
- The number of notices of violations issued, contested, upheld, dismissed, issued as uniform traffic citations, and paid;
- Locational infraction data, including global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from; and
- Any other statistical data and information required by DHSMV to complete its reporting.

This information must be submitted in a form and manner determined by the DHSMV, which DHSMV must make available to the school districts by August 1, 2023.

By December 31, 2024, and annually thereafter, DHSMV must submit a summary report to the Governor, the President of the Senate, the Speaker of the House of Representatives regarding the use and operation of the systems. In the report, DHSMV must include a review of the information provided by the school districts, a description of the enhancement of traffic safety and enforcement programs, and any recommended necessary legislation.

Effective Date

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes school districts to contract with a private vendor or manufacturer to provide a school bus infraction detection system on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. As such, the bill will have a positive fiscal impact on private vendors providing enforcement system installation, operation, and maintenance.

Registered motor vehicle owners may be negatively impacted by financial penalties imposed by the bill if their vehicle is identified by a school bus infraction detection system to have not stopped for a school bus when required. However, the financial penalties for a violation enforced by a school bus infraction detection system are less than those enforced by in-person law enforcement.

Individuals that submit false affidavits defending the imposition of a traffic infraction may be subject to jail time and fines if found guilty of a second degree misdemeanor.

C. Government Sector Impact:

Participating school districts may incur costs associated with installing a school bus infraction detection system on its school buses. The fiscal impact on school districts may be reduced as they receive funds from penalties imposed for school bus stop arm violations captured by an enforcement system. The \$200 civil penalty must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of school bus infraction detection systems on school buses, for the administration and costs associated with enforcement of those violations, or for any other technology that increases the safety of the transportation of students.

The additional \$25 penalty must be dedicated to the safe schools allocation provided to school districts by DOE.

To the extent that violations are enforced by school bus infraction detection systems instead of by in-person law enforcement, the bill may shift penalties from other state and local government funds to school districts. Currently, penalties for violations of s. 316.172, F.S., are distributed as provided in ss. 318.18 and 318.21, F.S., which includes distributions to the General Revenue Fund, the local government where the violation occurred, and the Department of Health's Emergency Medical Services Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.306, 318.14, 318.18, 322.27, 655.960, and 1006.21.

This bill creates section 316.173 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Fiscal Policy on April 25, 2023:**

The CS changes the summary reporting requirements regarding system use, so that DHSMV, instead of DOE, will be responsible for submitting the annual summary report. Furthermore, the CS expands reporting requirements school districts using such systems must compile and submit to DHSMV quarterly.

The CS also makes several, technical, conforming, and clarifying edits, including:

- Clarifying that a school district, in addition to a private vendor or manufacturer contracting with the school district, can submit alleged violations to a law enforcement agency for violation enforcement through interlocal agreement.
- Resolving a timing discrepancy regarding an affidavit establishing the owner or operator of the motor vehicle was deceased prior to the alleged violation.
- Providing that if a person provides documentation from the appropriate law enforcement agency that the traffic citation was in error, the clerk of court may dismiss the case, and cannot charge a fee for such service.

CS by Transportation on April 4, 2023:

The CS makes the following changes to the bill:

- Changes references to “side stop signal arm enforcement system” to “school bus infraction detection system” and defines the term.
- Prohibits an individual from receiving any commission or a vendor or manufacturer from receiving a fee based on revenue collected from violations detected by the system.
- Specifies signage required to be on buses with operational school bus infraction detection systems.
- Requires school districts beginning such program to make a public announcement and conduct a public awareness campaign at least 30 days before commencing enforcement.
- Establishes exceptions to the registered owner of the motor vehicle for the violation and provides how to substantiate such exceptions.
- Requires a uniform traffic citation be issued if an individual fails to pay, contest, or provide an affidavit to support an exception within 30 days after being issued a notice of violation.
- Requires annually, beginning by October 1, 2024, school districts in consultation with the appropriate law enforcement agency with which there is an interlocal agreement, must provide a report to DOE regarding use of the enforcement systems. DOE will be required to submit the summary report to the Governor, the Senate President, and the Speaker of the House.
- Changes the penalty for passing on the side of the school bus children enter and exit, when enforced by the school bus infraction detection system, from \$400 to \$200.
- Reduces the additional \$65 fee to \$25 when enforced by such system.
- Makes other technical and clarifying changes.

B. Amendments:

None.