

CHAPTER 2024-190

Committee Substitute for Committee Substitute for Senate Bill No. 994

An act relating to student transportation safety; amending s. 316.173, F.S.; providing construction; revising requirements for signage posted on the rear of a school bus indicating the use of a school bus infraction detection system; requiring a law enforcement agency to send a notice of violation to the registered owner involved in a violation within a specified timeframe after receiving certain information; requiring a court having jurisdiction over traffic violations to make a determination regarding whether a violation has occurred; requiring the court to uphold the violation if the court finds that a violation has occurred; requiring the court, if the violation is upheld, to require the petitioner to pay certain penalties and costs; revising the required uses for civil penalties assessed and collected for certain violations; prohibiting the use of school bus infraction detection systems for remote surveillance; providing construction; revising purposes for which video and images recorded as part of a school bus infraction detection system may be used; conforming provisions to changes made by the act; making technical changes; amending s. 318.18, F.S.; requiring that certain civil penalties be remitted to a participating school district operating a school bus with a school bus infraction detection system to be used for certain purposes; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1), paragraph (a) of subsection (2), subsections (5) and (7), paragraph (a) of subsection (16), and paragraph (a) of subsection (17) of section 316.173, Florida Statutes, are amended to read:

316.173 School bus infraction detection systems.—

(1)

(b) The school district may contract with a private vendor or manufacturer to install a school bus infraction detection system on any school 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 install school bus infraction detection systems must be based solely on the need to increase public safety. An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system. This paragraph may not be construed to prohibit a private vendor or manufacturer from receiving a fixed amount of collected proceeds for service rendered in relation to the

installation, operation, or maintenance of school bus infraction detection systems.

(2)(a) The school district must post ~~high-visibility reflective~~ signage on the rear of each school bus in which a school bus infraction detection system is installed and operational which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

1. The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”

2. The words “CAMERA ENFORCED.”

3. A graphic depiction of a camera.

(5) Within 30 days after receiving the information required in subsection (4), the law enforcement agency must, if it is determined ~~determines~~ that the motor vehicle violated s. 316.172(1)(a) or (b), ~~must send a~~ notice of violation to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty under s. 318.18(5) or furnish an affidavit in accordance with subsection (10) within 30 days after the notice of violation is sent in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must be sent by first-class mail and include all of the following:

(a) A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.

(b) The date, time, and location of the violation.

(c) The amount of the civil penalty, the date by which the civil penalty must be paid, and instructions on how to pay the civil penalty.

(d) Instructions on how to request a hearing to contest liability or the notice of violation.

(e) A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of s. 316.172(1)(a) or (b).

(f) The time when, and the place or website at which, the recorded video and images may be examined and observed.

(g) A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is sent will result in the issuance of a uniform traffic citation. A court that has jurisdiction over traffic violations shall determine whether a violation of this section has occurred. If a court finds by

a preponderance of the evidence that a violation occurred, the court must uphold the violation. If the notice of violation is upheld, the court must require the petitioner to pay the penalty previously assessed under s. 318.18(5), and may also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(e).

(7) The civil penalties assessed and collected for a violation of s. 316.172(1)(a) or (b) enforced by a school bus infraction detection system must be remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation, operation, or maintenance of school bus infraction detection systems on school buses, including student transportation safety initiatives, driver recruitment and retention stipends, or other student transportation safety enhancements ~~for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations as described in this section.~~

(16)(a)1. Notwithstanding any other law, equipment deployed as part of A school bus infraction detection system as provided under this section may not be used for capable of automated or user-controlled remote surveillance. The collection of evidence by a school bus infraction detection system to enforce violations of s. 316.172 does not constitute remote surveillance.

2. Video and images recorded as part of a the school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the school bus infraction detection system to document violations of s. 316.172(1)(a) and (b) and may not be used for any other surveillance purposes.

3. To the extent practicable, a school bus infraction detection system must use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation, including, but not limited to, the identity of the driver and any passenger of a motor vehicle, the interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

4. A notice of a violation or uniform traffic citation issued under this section may not be dismissed solely because a recorded video or still images reveal personal identifying information as provided in subparagraph 3. as long as a reasonable effort has been made to comply with this subsection.

(17)(a) By October 1, 2023, and quarterly thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this section, operating a school bus infraction detection system must submit, in consultation with the law

enforcement agencies with which it has interlocal agreements pursuant to this section, a report to the department which details the results of the school bus infraction detection systems in the school district in the preceding quarter. The information from the school districts must be submitted in a form and manner determined by the department, which the department must make available to the school districts by August 1, 2023, and must include at least the following:

1. The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.

2. The number of notices of violations issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.

3. Data for each infraction to determine locations in need of safety improvements. Such data may ~~must~~ include, but is not limited to, 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.

4. Any other statistical data and information required by the department to complete the report required by paragraph (c).

Section 2. Paragraph (c) of subsection (5) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(5)

(c) In addition to the penalty under paragraph (a) or paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b). If the alleged offender is found to have committed the offense, the court shall impose the civil penalty under paragraph (a) or paragraph (b) plus an additional \$65. The additional \$65 collected under this paragraph shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036. If a violation of s. 316.172(1)(a) or (b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the additional amount imposed on a notice of violation, on a the uniform traffic citation, or by the court under this paragraph must be \$25, in lieu of the additional \$65, and must be remitted to the participating school district and used pursuant to s. 316.173(7).

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 16, 2024.

Filed in Office Secretary of State May 16, 2024.