

1 A bill to be entitled
2 An act relating to enforcement of school bus passing
3 infractions; amending s. 316.003, F.S.; defining the
4 term "school bus infraction detection system";
5 creating s. 316.173, F.S.; authorizing school
6 districts to install and operate school bus infraction
7 detection systems for a specified purpose; authorizing
8 school districts to contract with a private vendor or
9 manufacturer for specified purposes; requiring the
10 decision to install school bus infraction detection
11 systems to be based on the need to increase public
12 safety; prohibiting an individual from receiving a
13 commission from violations detected through the
14 system; prohibiting a private vendor or manufacturer
15 from receiving a fee or remuneration based on the
16 number of violations detected; requiring the school
17 district to ensure that each system meets certain
18 requirements; requiring the school district to enter
19 into interlocal agreements with law enforcement
20 agencies to enforce violations; providing signage
21 requirements; requiring a school district that
22 installs a school bus infraction detection system to
23 provide certain notice to the public; requiring a
24 school district that has never conducted a school bus
25 infraction detection system program to conduct a

26 public awareness campaign before commencing
27 enforcement under such program; limiting penalties in
28 effect during the public awareness campaign; requiring
29 the school district or the private vendor or
30 manufacturer to submit specified information to such
31 law enforcement agencies within a specified timeframe;
32 providing notification requirements and procedures for
33 law enforcement agencies; requiring a person who
34 receives a notice of violation to pay the civil
35 penalty or request a hearing within a specified
36 timeframe; providing for waiver of challenge or
37 dispute as to the delivery of a notice of violation;
38 providing for the distribution and use of funds;
39 providing requirements for issuance of a uniform
40 traffic citation; providing for waiver of challenge or
41 dispute as to the delivery of the uniform traffic
42 citation; providing notification requirements and
43 procedures; specifying that the registered owner of a
44 motor vehicle is responsible and liable for paying a
45 uniform traffic citation; providing exceptions;
46 requiring the registered owner of a motor vehicle to
47 furnish an affidavit under certain circumstances;
48 specifying requirements for such affidavit; providing
49 a criminal penalty for submitting a false affidavit;
50 providing that certain recorded video and images are

51 | admissible in certain proceedings; providing a
52 | rebuttable presumption; providing construction;
53 | specifying requirements of and prohibitions on the use
54 | of video and images recorded by the school bus
55 | infraction detection system; requiring school
56 | districts to submit a quarterly report to the
57 | Department of Highway Safety and Motor Vehicles in a
58 | form and manner determined by the department;
59 | providing report requirements; requiring school
60 | districts to retain certain information for a
61 | specified period; requiring the department to submit
62 | an annual summary report to the Governor and
63 | Legislature; requiring school bus infraction detection
64 | systems to meet State Board of Education
65 | specifications; requiring the state board to establish
66 | certain specifications by rule by a specified date;
67 | authorizing the state board to adopt rules regarding
68 | student privacy; amending s. 318.14, F.S.; conforming
69 | provisions to changes made by the act; amending s.
70 | 318.18, F.S.; providing civil penalties for school bus
71 | passing violations enforced by a school bus infraction
72 | detection system; providing for dedication of a
73 | certain portion thereof; providing conditions under
74 | which a case may be dismissed; amending s. 322.27,
75 | F.S.; prohibiting points from being imposed against a

76 driver license for school bus passing violations
 77 enforced by a school bus infraction detection system;
 78 prohibiting such violations from being used to set
 79 motor vehicle insurance rates; amending ss. 1006.21,
 80 316.306, and 655.960, F.S.; conforming cross-
 81 references and provisions to changes made by the act;
 82 providing an effective date.

83

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

85

86 Section 1. Subsections (78) through (109) of section
 87 316.003, Florida Statutes, are renumbered as subsections (79)
 88 through (110), respectively, subsection (64) is amended, and a
 89 new subsection (78) is added to that section, to read:

90 316.003 Definitions.—The following words and phrases, when
 91 used in this chapter, shall have the meanings respectively
 92 ascribed to them in this section, except where the context
 93 otherwise requires:

94 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 95 provided in paragraph (88)(b) ~~(87)(b)~~, any privately owned way
 96 or place used for vehicular travel by the owner and those having
 97 express or implied permission from the owner, but not by other
 98 persons.

99 (78) SCHOOL BUS INFRACTION DETECTION SYSTEM.—A camera
 100 system affixed to a school bus with two or more camera sensors

101 or computers that produce a recorded video and two or more film
102 or digital photographic still images for the purpose of
103 documenting a motor vehicle being used or operated in a manner
104 that allegedly violates s. 316.172(1) (a) or (b).

105 Section 2. Section 316.173, Florida Statutes, is created
106 to read:

107 316.173 School bus infraction detection systems.—

108 (1) (a) A school district may install and operate a school
109 bus infraction detection system on a school bus for the purpose
110 of enforcing s. 316.172(1) (a) and (b) as provided in and
111 consistent with this section.

112 (b) The school district may contract with a private vendor
113 or manufacturer to install a school bus infraction detection
114 system on any school bus within its fleet, whether owned,
115 contracted, or leased, and for services including, but not
116 limited to, the installation, operation, and maintenance of the
117 system. The school district's decision to install school bus
118 infraction detection systems must be based solely on the need to
119 increase public safety. An individual may not receive a
120 commission from any revenue collected from violations detected
121 through the use of a school bus infraction detection system. A
122 private vendor or manufacturer may not receive a fee or
123 remuneration based upon the number of violations detected
124 through the use of a school bus infraction detection system.

125 (c) The school district must ensure that each school bus

126 infraction detection system meets the requirements of subsection
127 (18).

128 (d) The school district must enter into an interlocal
129 agreement with one or more law enforcement agencies authorized
130 to enforce violations of s. 316.172(1)(a) and (b) within the
131 school district which jointly establishes the responsibilities
132 of enforcement and the reimbursement of costs associated with
133 school bus infraction detection systems consistent with this
134 section.

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

142 1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS
143 WHEN RED LIGHTS FLASH."

144 2. The words "CAMERA ENFORCED."

145 3. A graphic depiction of a camera.

146 (b) The signage must occupy at least 75 percent of the
147 available space that does not contain signs or insignia that are
148 required by other applicable law or by the State Board of
149 Education.

150 (c) The sufficiency of signage or compliance with the

151 signage requirements under this subsection may not be raised in
152 a proceeding challenging a violation of s. 316.172(1)(a) or (b).

153 (3) If a school district that has never conducted a school
154 bus infraction detection system program begins such a program,
155 the school district must make a public announcement and conduct
156 a public awareness campaign of the proposed use of school bus
157 infraction detection systems at least 30 days before commencing
158 enforcement under the school bus infraction detection system
159 program and notify the public of the specific date on which the
160 program will commence. During the 30-day public awareness
161 campaign, only a warning may be issued to the registered owner
162 of a motor vehicle for a violation of s. 316.172(1)(a) or (b)
163 enforced by a school bus infraction detection system, and a
164 civil penalty may not be imposed under chapter 318.

165 (4) Within 30 days after an alleged violation of s.
166 316.172(1)(a) or (b) is recorded by a school bus infraction
167 detection system, the school district or the private vendor or
168 manufacturer with whom the school district has entered into a
169 contract pursuant to paragraph (1)(b) must submit the following
170 information to a law enforcement agency that has entered into an
171 interlocal agreement with the school district pursuant to
172 paragraph (1)(d) and has traffic infraction enforcement
173 jurisdiction at the location where the alleged violation
174 occurred:

175 (a) A copy of the recorded video and images showing the

176 motor vehicle allegedly violating s. 316.172(1) (a) or (b).

177 (b) The motor vehicle's license plate number and the state
 178 of issuance of the motor vehicle's license plate.

179 (c) The date, time, and location of the alleged violation.

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

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

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

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

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

201 (e) A notice that the owner has the right to review, in
202 person or remotely, the video and images recorded by the school
203 bus infraction detection system which constitute a rebuttable
204 presumption that the motor vehicle was used in violation of s.
205 316.172(1)(a) or (b).

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

208 (g) A warning that failure to pay the civil penalty or to
209 contest liability within 30 days after the notice is sent will
210 result in the issuance of a uniform traffic citation.

211 (6) If the registered owner or co-owner of the motor
212 vehicle; the person identified as having care, custody, or
213 control of the motor vehicle at the time of the violation; or an
214 authorized representative of the owner, co-owner, or identified
215 person initiates a proceeding to challenge the violation, such
216 person waives any challenge or dispute as to the delivery of the
217 notice of violation.

218 (7) The civil penalties assessed and collected for a
219 violation of s. 316.172(1)(a) or (b) enforced by a school bus
220 infraction detection system must be remitted to the school
221 district in which the violation occurred. Such civil penalties
222 must be used for the installation or maintenance of school bus
223 infraction detection systems on school buses, for any other
224 technology that increases the safety of the transportation of
225 students, or for the administration and costs associated with

226 the enforcement of violations as described in this section.

227 (8) A uniform traffic citation must be issued by mailing
228 the uniform traffic citation by certified mail to the address of
229 the registered owner of the motor vehicle involved in the
230 violation if payment has not been made within 30 days after
231 notification under subsection (5) and if the registered owner
232 has not submitted an affidavit in accordance with subsection
233 (10).

234 (a) Delivery of the uniform traffic citation constitutes
235 notification of a violation under this subsection. If the
236 registered owner or co-owner of the motor vehicle; the person
237 identified as having care, custody, or control of the motor
238 vehicle at the time of the violation; or a duly authorized
239 representative of the owner, co-owner, or identified person
240 initiates a proceeding to challenge the citation, such person
241 waives any challenge or dispute as to the delivery of the
242 uniform traffic citation.

243 (b) In the case of joint ownership of a motor vehicle, the
244 uniform traffic citation must be mailed to the first name
245 appearing on the motor vehicle registration, unless the first
246 name appearing on the registration is a business organization,
247 in which case the second name appearing on the registration may
248 be used.

249 (c) The uniform traffic citation mailed to the registered
250 owner of the motor vehicle involved in the violation must be

251 accompanied by information described in paragraphs (5)(a)-(f).

252 (9) The registered owner of the motor vehicle involved in
 253 the violation is responsible and liable for paying the uniform
 254 traffic citation issued for a violation of s. 316.172(1)(a) or
 255 (b) unless the owner can establish that:

256 (a) The motor vehicle was, at the time of the violation,
 257 in the care, custody, or control of another person;

258 (b) A uniform traffic citation was issued by a law
 259 enforcement officer to the driver of the motor vehicle for the
 260 alleged violation of s. 316.172(1)(a) or (b); or

261 (c) The motor vehicle's owner was deceased on or before
 262 the date of the alleged violation, as established by an
 263 affidavit submitted by the representative of the motor vehicle
 264 owner's estate or other identified person or family member.

265 (10) To establish such facts under subsection (9), the
 266 registered owner of the motor vehicle must, within 30 days after
 267 the date of issuance of the notice of violation or the uniform
 268 traffic citation, furnish to the law enforcement agency that
 269 issued the notice of violation or uniform traffic citation an
 270 affidavit setting forth information supporting an exception
 271 under subsection (9).

272 (a) An affidavit supporting the exception under paragraph
 273 (9)(a) must include the name, address, date of birth, and, if
 274 known, the driver license number of the person who leased,
 275 rented, or otherwise had care, custody, or control of the motor

276 vehicle at the time of the alleged violation. If the motor
277 vehicle was stolen at the time of the alleged violation, the
278 affidavit must include the police report indicating that the
279 motor vehicle was stolen.

280 (b) If a uniform traffic citation for a violation of s.
281 316.172(1)(a) or (b) was issued at the location of the violation
282 by a law enforcement officer, the affidavit must include the
283 serial number of the uniform traffic citation.

284 (c) If the motor vehicle's owner to whom a notice of
285 violation or a uniform traffic citation has been issued is
286 deceased, the affidavit must include a certified copy of the
287 owner's death certificate showing that the date of death
288 occurred on or before the date of the alleged violation and one
289 of the following:

290 1. A bill of sale or other document showing that the
291 deceased owner's motor vehicle was sold or transferred after his
292 or her death but on or before the date of the alleged violation.

293 2. Documented proof that the registered license plate
294 belonging to the deceased owner's motor vehicle was returned to
295 the department or any branch office or authorized agent of the
296 department after his or her death but on or before the date of
297 the alleged violation.

298 3. A copy of the police report showing that the deceased
299 owner's registered license plate or motor vehicle was stolen
300 after his or her death but on or before the date of the alleged

301 violation.

302

303 Upon receipt of the affidavit and documentation required under
304 paragraphs (b) and (c), or 30 days after the date of issuance of
305 a notice of violation sent to a person identified as having
306 care, custody, or control of the motor vehicle at the time of
307 the violation under paragraph (a), the law enforcement agency
308 must dismiss the notice or citation and provide proof of such
309 dismissal to the person who submitted the affidavit. If, within
310 30 days after the date of a notice of violation sent to a person
311 under subsection (11), the law enforcement agency receives an
312 affidavit under subsection (12) from the person who was sent a
313 notice of violation affirming that the person did not have care,
314 custody, or control of the motor vehicle at the time of the
315 violation, the law enforcement agency must notify the registered
316 owner that the notice or citation will not be dismissed due to
317 failure to establish that another person had care, custody, or
318 control of the motor vehicle at the time of the violation.

319 (11) Upon receipt of an affidavit under paragraph (9)(a),
320 the law enforcement agency may issue the person identified as
321 having care, custody, or control of the motor vehicle at the
322 time of the violation a notice of violation pursuant to
323 subsection (5) for a violation of s. 316.172(1)(a) or (b). The
324 affidavit is admissible in a proceeding pursuant to this section
325 for the purpose of providing evidence that the person identified

326 in the affidavit was in actual care, custody, or control of the
327 motor vehicle. The owner of a leased motor vehicle for which a
328 uniform traffic citation is issued for a violation of s.
329 316.172(1)(a) or (b) is not responsible for paying the uniform
330 traffic citation and is not required to submit an affidavit as
331 specified in subsection (10) if the motor vehicle involved in
332 the violation is registered in the name of the lessee of such
333 motor vehicle.

334 (12) If a law enforcement agency receives an affidavit
335 under paragraph (9)(a), the notice of violation required under
336 subsection (5) must be sent to the person identified in the
337 affidavit within 30 days after receipt of the affidavit. The
338 person identified in an affidavit and sent a notice of violation
339 may also affirm he or she did not have care, custody, or control
340 of the motor vehicle at the time of the violation by furnishing
341 to the appropriate law enforcement agency within 30 days after
342 the date of the notice of violation an affidavit stating such.

343 (13) The submission of a false affidavit is a misdemeanor
344 of the second degree, punishable as provided in s. 775.082 or s.
345 775.083.

346 (14) The video and images recorded by a school bus
347 infraction detection system which are attached to or referenced
348 in the uniform traffic citation are evidence of a violation of
349 s. 316.172(1)(a) or (b) and are admissible in any proceeding to
350 enforce this section. The recorded video and images raise a

351 rebuttable presumption that the motor vehicle shown in the
352 recorded video and images was used in violation of s.
353 316.172(1)(a) or (b).

354 (15) This section supplements the enforcement of s.
355 316.172(1)(a) and (b) by a law enforcement officer and does not
356 prohibit a law enforcement officer from issuing a uniform
357 traffic citation for a violation of s. 316.172(1)(a) or (b).

358 (16)(a)1. Notwithstanding any other law, equipment
359 deployed as part of a school bus infraction detection system as
360 provided under this section may not be capable of automated or
361 user-controlled remote surveillance.

362 2. Video and images recorded as part of the school bus
363 infraction detection system may only be used to document
364 violations of s. 316.172(1)(a) and (b) and may not be used for
365 any other surveillance purposes.

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

376 identifying information.

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

382 (b) Any recorded video or still image obtained through the
383 use of a school bus infraction detection system must be
384 destroyed within 90 days after the final disposition of the
385 recorded event. The vendor of the school bus infraction
386 detection system must provide the school district with written
387 notice by December 31 of each year that such records have been
388 destroyed in accordance with this section.

389 (c) Notwithstanding any other law, registered motor
390 vehicle owner information obtained as a result of the operation
391 of a school bus infraction detection system is not the property
392 of the manufacturer or vendor of the system and may be used only
393 for the purposes of this section.

394 (17) (a) By October 1, 2023, and quarterly thereafter, each
395 school district, in consultation with the law enforcement
396 agencies with which it has interlocal agreements pursuant to
397 this section, operating a school bus infraction detection system
398 must submit a report to the department which details the results
399 of the school bus infraction detection systems in the school
400 district in the preceding quarter. The information submitted by

401 the school districts must be in a form and manner determined by
402 the department and must include, at a minimum:

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

407 2. Per state fiscal year:

408 a. The number of notices of violation issued and the
409 number that were contested and upheld, the number that were
410 contested and dismissed, the number that were contested and are
411 pending decision, and the number that were paid.

412 b. The number of notices of violation that were
413 subsequently issued as uniform traffic citations and the number
414 that were contested and upheld, the number that were contested
415 and dismissed, and the number that were contested and are
416 pending decision.

417 3. To determine high-volume locations needing safety
418 improvements, data for each individual violation which includes
419 GPS coordinates of the violation, the date and time of the
420 violation, and the name of the school to or from which the
421 school bus was transporting students at the time of the
422 violation.

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

425 (b) Each school district that submits the information

426 required under paragraph (a) must retain such information for
427 reporting purposes in accordance with this section for at least
428 5 years after the conclusion of its school bus infraction
429 detection system program. If, after the conclusion of the
430 program, a school district reactivates the program, the required
431 information retention period resumes.

432 (c) On or before December 31, 2024, and annually
433 thereafter, the department must submit a summary report to the
434 Governor, the President of the Senate, and the Speaker of the
435 House of Representatives regarding the use and operation of
436 school bus infraction detection systems under this section,
437 along with the department's recommendations and any recommended
438 legislation. The summary report must include a review of the
439 information submitted to the department by the school districts
440 and must describe the enhancement of traffic safety and
441 enforcement programs.

442 (18) A school bus infraction detection system must meet
443 specifications established by the State Board of Education and
444 must be tested at regular intervals according to specifications
445 prescribed by state board rule. The state board must establish
446 such specifications by rule on or before December 31, 2023.
447 However, any such equipment acquired by purchase, lease, or
448 other arrangement under an agreement entered into by a school
449 district on or before December 31, 2023, is not required to meet
450 the specifications established by the state board until July 1,

451 2024.

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

455 Section 3. Subsection (2) of section 318.14, Florida
456 Statutes, is amended to read:

457 318.14 Noncriminal traffic infractions; exception;
458 procedures.—

459 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
460 and 316.173, any person cited for a violation requiring a
461 mandatory hearing listed in s. 318.19 or any other criminal
462 traffic violation listed in chapter 316 must sign and accept a
463 citation indicating a promise to appear. The officer may
464 indicate on the traffic citation the time and location of the
465 scheduled hearing and must indicate the applicable civil penalty
466 established in s. 318.18. For all other infractions under this
467 section, except for infractions under s. 316.1001, the officer
468 must certify by electronic, electronic facsimile, or written
469 signature that the citation was delivered to the person cited.
470 This certification is prima facie evidence that the person cited
471 was served with the citation.

472 Section 4. Paragraphs (b) and (c) of subsection (5) of
473 section 318.18, Florida Statutes, are amended, and paragraph (e)
474 is added to that subsection, to read:

475 318.18 Amount of penalties.—The penalties required for a

476 noncriminal disposition pursuant to s. 318.14 or a criminal
477 offense listed in s. 318.17 are as follows:

478 (5)

479 (b)1. Four hundred dollars for a violation of s.
480 316.172(1)(b), passing a school bus on the side that children
481 enter and exit when the school bus displays a stop signal. If,
482 at a hearing, the alleged offender is found to have committed
483 this offense, the court shall impose a minimum civil penalty of
484 \$400.

485 2. If a violation of s. 316.172(1)(b) is enforced by a
486 school bus infraction detection system pursuant to s. 316.173,
487 the penalty under this paragraph is \$200. If, at a hearing, the
488 alleged offender is found to have committed the violation, the
489 court shall impose a minimum civil penalty of \$200.

490 3. In addition to this penalty, for a second or subsequent
491 offense within a period of 5 years, the department shall suspend
492 the driver license of the person for not less than 360 days and
493 not more than 2 years.

494 (c) In addition to the penalty under paragraph (a) or
495 paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b).
496 If the alleged offender is found to have committed the offense,
497 the court shall impose the civil penalty under paragraph (a) or
498 paragraph (b) plus an additional \$65. The additional \$65
499 collected under this paragraph shall be remitted to the
500 Department of Revenue for deposit into the Emergency Medical

501 Services Trust Fund of the Department of Health to be used as
502 provided in s. 395.4036. If a violation of s. 316.172(1)(a) or
503 (b) is enforced by a school bus infraction detection system
504 pursuant to s. 316.173, the additional amount imposed on the
505 uniform traffic citation or by the court under this paragraph is
506 \$25, in lieu of the additional \$65, and must be dedicated to the
507 safe schools allocation provided to school districts by the
508 Department of Education pursuant to s. 1011.62(12).

509 (e) If a person who is mailed a uniform traffic citation
510 for a violation of s. 316.172(1)(a) or (b), as enforced by a
511 school bus infraction detection system pursuant to s. 316.173,
512 presents documentation from the appropriate law enforcement
513 agency that the uniform traffic citation was in error, the clerk
514 of court may dismiss the case. The clerk of court may not charge
515 for this service.

516 Section 5. Paragraph (d) of subsection (3) of section
517 322.27, Florida Statutes, is amended to read:

518 322.27 Authority of department to suspend or revoke driver
519 license or identification card.—

520 (3) There is established a point system for evaluation of
521 convictions of violations of motor vehicle laws or ordinances,
522 and violations of applicable provisions of s. 403.413(6)(b) when
523 such violations involve the use of motor vehicles, for the
524 determination of the continuing qualification of any person to
525 operate a motor vehicle. The department is authorized to suspend

526 the license of any person upon showing of its records or other
527 good and sufficient evidence that the licensee has been
528 convicted of violation of motor vehicle laws or ordinances, or
529 applicable provisions of s. 403.413(6)(b), amounting to 12 or
530 more points as determined by the point system. The suspension
531 shall be for a period of not more than 1 year.

532 (d) The point system shall have as its basic element a
533 graduated scale of points assigning relative values to
534 convictions of the following violations:

- 535 1. Reckless driving, willful and wanton—4 points.
- 536 2. Leaving the scene of a crash resulting in property
537 damage of more than \$50—6 points.
- 538 3. Unlawful speed, or unlawful use of a wireless
539 communications device, resulting in a crash—6 points.
- 540 4. Passing a stopped school bus:
- 541 a. Not causing or resulting in serious bodily injury to or
542 death of another—4 points.
- 543 b. Causing or resulting in serious bodily injury to or
544 death of another—6 points.
- 545 c. Points may not be imposed for a violation of passing a
546 stopped school bus as provided in s. 316.172(1)(a) or (b) when
547 enforced by a school bus infraction detection system pursuant to
548 s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
549 when enforced by a school bus infraction detection system
550 pursuant to s. 316.173 may not be used for purposes of setting

551 motor vehicle insurance rates.

552 5. Unlawful speed:

553 a. Not in excess of 15 miles per hour of lawful or posted
554 speed—3 points.

555 b. In excess of 15 miles per hour of lawful or posted
556 speed—4 points.

557 6. A violation of a traffic control signal device as
558 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

559 However, no points shall be imposed for a violation of s.
560 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
561 stop at a traffic signal and when enforced by a traffic
562 infraction enforcement officer. In addition, a violation of s.
563 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
564 stop at a traffic signal and when enforced by a traffic
565 infraction enforcement officer may not be used for purposes of
566 setting motor vehicle insurance rates.

567 7. All other moving violations (including parking on a
568 highway outside the limits of a municipality)—3 points. However,
569 no points shall be imposed for a violation of s. 316.0741 or s.
570 316.2065(11); and points shall be imposed for a violation of s.
571 316.1001 only when imposed by the court after a hearing pursuant
572 to s. 318.14(5).

573 8. Any moving violation covered in this paragraph,
574 excluding unlawful speed and unlawful use of a wireless
575 communications device, resulting in a crash—4 points.

- 576 9. Any conviction under s. 403.413(6)(b)—3 points.
 577 10. Any conviction under s. 316.0775(2)—4 points.
 578 11. A moving violation covered in this paragraph which is
 579 committed in conjunction with the unlawful use of a wireless
 580 communications device within a school safety zone—2 points, in
 581 addition to the points assigned for the moving violation.

582 Section 6. Paragraph (h) is added to subsection (3) of
 583 section 1006.21, Florida Statutes, to read:

584 1006.21 Duties of district school superintendent and
 585 district school board regarding transportation.—

586 (3) District school boards, after considering
 587 recommendations of the district school superintendent:

588 (h) May install and operate, or enter into an agreement
 589 with a private vendor or manufacturer to provide, a school bus
 590 infraction detection system pursuant to s. 316.173.

591 Section 7. Paragraph (a) of subsection (3) of section
 592 316.306, Florida Statutes, is amended to read:

593 316.306 School and work zones; prohibition on the use of a
 594 wireless communications device in a handheld manner.—

595 (3)(a)1. A person may not operate a motor vehicle while
 596 using a wireless communications device in a handheld manner in a
 597 designated school crossing, school zone, or work zone area as
 598 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
 599 shall only be applicable to work zone areas if construction
 600 personnel are present or are operating equipment on the road or

601 immediately adjacent to the work zone area. For the purposes of
602 this paragraph, a motor vehicle that is stationary is not being
603 operated and is not subject to the prohibition in this
604 paragraph.

605 2. Effective January 1, 2020, a law enforcement officer
606 may stop motor vehicles and issue citations to persons who are
607 driving while using a wireless communications device in a
608 handheld manner in violation of subparagraph 1.

609 Section 8. Subsection (1) of section 655.960, Florida
610 Statutes, is amended to read:

611 655.960 Definitions; ss. 655.960-655.965.—As used in this
612 section and ss. 655.961-655.965, unless the context otherwise
613 requires:

614 (1) "Access area" means any paved walkway or sidewalk
615 which is within 50 feet of any automated teller machine. The
616 term does not include any street or highway open to the use of
617 the public, as defined in s. 316.003(88) (a) ~~s. 316.003(87) (a)~~ or
618 (b), including any adjacent sidewalk, as defined in s. 316.003.

619 Section 9. This act shall take effect July 1, 2023.