

By Representative Cosgrove

1                                   A bill to be entitled  
2           An act relating to traffic control; amending s.  
3           316.003, F.S.; defining the term "traffic  
4           infraction detector"; amending s. 316.0745,  
5           F.S.; requiring approval of traffic infraction  
6           detectors by the Department of Highway Safety  
7           and Motor Vehicles; amending s. 316.008, F.S.;  
8           providing counties and municipalities the  
9           authorization to contract with private  
10          providers for traffic infraction detectors;  
11          requiring the posting of signs; providing for  
12          fines and disposition thereof; creating s.  
13          318.1415, F.S.; authorizing law enforcement  
14          officers to issue certain tickets; creating s.  
15          316.1971, F.S.; providing for the use of  
16          traffic infraction detectors by counties and  
17          municipalities; providing for the disposition  
18          of certain fines; amending s. 320.03, F.S., to  
19          conform to the act; authorizing demonstration  
20          projects in certain counties; providing an  
21          effective date.

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

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25           Section 1. Subsection (82) is added to section  
26   316.003, Florida Statutes, to read:

27           316.003 Definitions.--The following words and phrases,  
28   when used in this chapter, shall have the meanings  
29   respectively ascribed to them in this section, except where  
30   the context otherwise requires:

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1           (82) TRAFFIC INFRACTION DETECTOR.--A traffic control  
2 device used to detect traffic infractions through photographic  
3 means, which, when used in cooperation with a speed  
4 calculating device, complies with s. 316.1905(1).

5           Section 2. Subsection (6) of section 316.0745, Florida  
6 Statutes, is amended to read:

7           316.0745 Uniform signals and devices.--

8           (6)(a) Any system of traffic control devices  
9 controlled and operated from a remote location by electronic  
10 computers or similar devices shall meet all requirements  
11 established for the uniform system, and where such systems  
12 affect the movement of traffic on state roads the design of  
13 the system shall be reviewed and approved by the Department of  
14 Transportation.

15           (b) Any traffic infraction detector as defined in s.  
16 316.003(82) or device or part thereof deployed on the streets  
17 and highways of the state shall meet requirements established  
18 by the Department of Highway Safety and Motor Vehicles.

19           Section 3. Subsection (7) is added to section 316.008,  
20 Florida Statutes, 1996 Supplement, to read:

21           316.008 Powers of local authorities.--

22           (7) A county or municipality may enact an ordinance  
23 providing for the use of traffic infraction detectors to  
24 enforce the provisions of s. 316.074 relating to the failure  
25 to stop a motor vehicle when facing a steady red traffic  
26 control signal on streets and highways under their  
27 jurisdiction. The ordinance may provide the local authority  
28 with the authorization to contract with private providers to  
29 operate and service the traffic infraction detectors. Any  
30 operator of a traffic infraction detector must qualify as a  
31 law enforcement officer. The ordinance shall include a

1 requirement that signs be posted to provide motorists with  
2 advance notification that a traffic infraction detector is in  
3 use. Such signage must conform to the standards and  
4 requirements adopted by the Department of Transportation  
5 pursuant to s. 316.0745. In addition, the ordinance shall  
6 establish a schedule of fines to be assessed against a motor  
7 vehicle owner whose vehicle fails to stop when facing a steady  
8 red traffic control signal as determined through the use of a  
9 traffic infraction detector, provided that any such fine  
10 imposed by ordinance may not exceed the amount of the fine  
11 imposed by s. 318.18(3). The county or municipality is  
12 authorized to use at least 50 percent of the net proceeds  
13 collected in the creation of additional law enforcement  
14 positions and salary enhancements for law enforcement officers  
15 charged with crime prevention and additional corrections  
16 positions and salary enhancements for corrections officers  
17 charged with custody of inmates.

18 Section 4. Section 318.1415, Florida Statutes, is  
19 created to read:

20 318.1415 Enforcement; traffic infraction  
21 detectors.--Any law enforcement officer who has reason to  
22 believe that a traffic infraction has occurred based upon  
23 inspection of photographs or other recorded images produced by  
24 a traffic infraction detector may issue a traffic ticket for  
25 such infraction, pursuant to the provisions of s. 316.1971.

26 Section 5. Section 316.1971, Florida Statutes, is  
27 created to read:

28 316.1971 Liability for payment of penalties for  
29 traffic control signal violations detected by photographic  
30 system.--

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1           (1)(a) Any county or municipality is authorized to  
2 adopt a local ordinance providing for the use of a traffic  
3 infraction detector to impose monetary liability on the owner  
4 of a vehicle for failure of the operator to comply with the  
5 provisions of this chapter with respect to the streets and  
6 highways under its jurisdiction. Liability shall be imposed  
7 in the same manner and subject to the same limitations as  
8 provided in s. 316.1967, except that the provisions of chapter  
9 318 and s. 322.27 shall not apply to violations of county or  
10 municipal traffic infraction ordinances adopted pursuant to s.  
11 316.008(7).

12           (b) The procedure of s. 316.1967(2)-(5) shall be  
13 followed except that the ticket when issued shall be delivered  
14 by first class mail. A manual or automatic record of mailing  
15 prepared in the ordinary course of business shall be prima  
16 facie evidence of the facts contained therein. Such  
17 violations may be processed by the county or municipality  
18 having jurisdiction over the street or highway where the  
19 violation occurred, or by any other entity authorized by such  
20 county or municipality to prepare and mail such ticket.

21           (2) The owner of a vehicle who is issued a ticket is  
22 responsible and liable for payment of the fine assessed  
23 pursuant to this section, unless the owner can furnish  
24 evidence that the vehicle was, at the time of the violation,  
25 in the care, custody, or control of another person. In such  
26 instances, the owner of the vehicle is required, within a  
27 reasonable time after notification of the violation, to  
28 furnish to the appropriate law enforcement authorities an  
29 affidavit setting forth the name, address, and driver's  
30 license number of the person who leased, rented, or otherwise  
31 had the care, custody, or control of the vehicle. If the

1 vehicle was stolen, the owner of the vehicle is not required  
2 to identify the driver, but instead must submit the police  
3 report indicating that the vehicle was stolen at the time of  
4 the alleged violation. The affidavit submitted pursuant to  
5 this subsection shall be admissible in a proceeding authorized  
6 by this section and shall raise a rebuttable presumption that  
7 the person identified in the affidavit was in actual control  
8 of the vehicle, in which case such person may be issued a  
9 ticket for said violation.

10 (3) A certificate sworn to or affirmed by a law  
11 enforcement officer employed by or under contract to the  
12 county or municipality where the violation occurred, or a  
13 facsimile thereof, based upon inspection of photographs or  
14 other recorded images produced by a traffic infraction  
15 detector shall be prima facie evidence of the facts contained  
16 therein. Any photograph or other recorded image evidencing  
17 such a violation shall be available for inspection in any  
18 proceedings to adjudicate liability for violations pursuant to  
19 a local ordinance as authorized by this section.

20 (4) In any county that tickets are issued pursuant to  
21 this section, the names of persons with one or more  
22 outstanding violations may be included on the list authorized  
23 pursuant to s. 316.1967(6).

24 (5) The uniform traffic citation prepared by the  
25 department pursuant to s. 316.650 may not be issued for a  
26 violation of this chapter as evidenced by a traffic infraction  
27 detector.

28 Section 6. Of the net proceeds collected as a result  
29 of the use of traffic infraction detectors authorized in s.  
30 316.008(7), Florida Statutes, each county and each  
31 municipality shall deposit 20 percent into the Highway Safety

1 Operating Trust Fund of the Department of Highway Safety and  
2 Motor Vehicles to be expended for the purposes for which  
3 moneys in such trust fund may be expended, including hiring  
4 additional personnel for the Florida Highway Patrol and  
5 enhancing salaries of the Florida Highway Patrol. The county  
6 or municipality may use at least 35 percent of the remaining  
7 proceeds collected by a county or municipality to create  
8 additional law enforcement positions and provide salary  
9 enhancements for law enforcement officers charged with crime  
10 prevention and to create additional corrections positions and  
11 provide salary enhancements for correction officers charged  
12 with the custody of inmates.

13 Section 7. Subsection (8) of section 320.03, Florida  
14 Statutes, is amended to read:

15 320.03 Registration; duties of tax collectors;  
16 International Registration Plan.--

17 (8) If the applicant's name appears on the list  
18 referred to in s. 316.1971(4), s. 316.1001(5), or s.  
19 316.1967(6), a license plate or revalidation sticker may not  
20 be issued until that person's name no longer appears on the  
21 list or until the person presents a receipt from the clerk  
22 showing that the fines outstanding have been paid. The tax  
23 collector and the clerk of the court are each entitled to  
24 receive monthly, as costs for implementing and administering  
25 this subsection, 10 percent of the civil penalties and fines  
26 recovered from such persons. If the tax collector has private  
27 tag agents, such tag agents are entitled to receive a pro rata  
28 share of the amount paid to the tax collector, based upon the  
29 percentage of license plates and revalidation stickers issued  
30 by the tag agent compared to the total issued within the  
31 county. The authority of any private agent to issue license

1 plates shall be revoked, after notice and a hearing as  
2 provided in chapter 120, if he or she issues any license plate  
3 or revalidation sticker contrary to the provisions of this  
4 subsection. This section applies only to the annual renewal in  
5 the owner's birth month of a motor vehicle registration and  
6 does not apply to the transfer of a registration of a motor  
7 vehicle sold by a motor vehicle dealer licensed under this  
8 chapter, except for the transfer of registrations which is  
9 inclusive of the annual renewals. This section does not affect  
10 the issuance of the title to a motor vehicle, notwithstanding  
11 s. 319.23(7)(b).

12           Section 8. Demonstration projects authorized.--Each  
13 county with a population in excess of 1 million may conduct a  
14 demonstration project in as many as 25 intersections in the  
15 county on the effectiveness of using traffic infraction  
16 detectors for fiscal year 1997-1998.

17           Section 9. This act shall take effect October 1, 1997.  
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20           HOUSE SUMMARY

21           Revises provisions of law relating to traffic control to:  
22           1. Define the term "traffic infraction detector" to  
23           mean a traffic control device used to detect traffic  
24           infractions through photographic means, which is used in  
25           cooperation with a speed calculating device.  
26           2. Require the approval of traffic infraction  
27           detectors by the Department of Highway Safety and Motor  
28           Vehicles.  
29           3. Provide counties and municipalities with the  
30           authority to enact ordinances for the use of traffic  
31           infraction detectors.  
32           4. Authorize law enforcement officers to issue  
33           tickets.  
34           5. Provide for the authority for the use of traffic  
35           infraction detectors by counties and municipalities.  
36           6. Provide for demonstration projects in certain  
37           counties in the state.