

By the Committee on Transportation and 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
4 "traffic-infraction detector"; amending s.
5 316.008, F.S.; authorizing a county or
6 municipality to enact an ordinance that
7 provides for the use of a traffic-infraction
8 detector to enforce traffic laws that require
9 the driver of a vehicle to stop when facing a
10 steady red traffic signal; providing for
11 authorization of a traffic-infraction detector
12 officer; requiring the Department of
13 Transportation to develop standards for
14 traffic-infraction detector officers; requiring
15 public notice prior to the use of a
16 traffic-infraction detector; providing for
17 fines; requiring that a person be required to
18 attend a driver improvement course following a
19 second violation of the ordinance; providing
20 that an emergency medical transportation
21 vehicle is exempt from the ordinance; providing
22 for a portion of the proceeds of the fines
23 imposed under the ordinance to be deposited
24 into the Highway Safety Operating Trust Fund of
25 the Department of Highway Safety and Motor
26 Vehicles; providing for the remainder of the
27 proceeds to be used to fund positions for law
28 enforcement officers and correctional officers;
29 amending s. 316.0745, F.S.; requiring that a
30 traffic-infraction detector meet requirements
31 established by the Department of Highway Safety

1 and Motor Vehicles; providing for testing such
2 detectors; creating s. 316.1971, F.S.;
3 providing procedures for imposing a fine for
4 violations of an ordinance that provides for
5 the use of a traffic-infraction detector;
6 providing a procedure under which the operator
7 of a vehicle may establish that the vehicle was
8 in the care, custody, or control of another
9 person at the time of the violation; providing
10 for the violation to be contested; providing
11 that an image produced by a traffic-infraction
12 detector is prima facie evidence that the
13 violation occurred; amending s. 320.03, F.S.;
14 requiring the tax collector to withhold issuing
15 a license plate or revalidation sticker if a
16 person's name appears on a list of outstanding
17 fines; requiring that a county or municipality
18 that operates a traffic-infraction detector
19 report to the Department of Highway Safety and
20 Motor Vehicles; providing for a summary of such
21 reports to be submitted to the Governor and the
22 Legislature; amending s. 316.1001, F.S.;
23 correcting a cross reference; authorizing local
24 governments to use code enforcement procedures
25 to enforce citations for failure to pay
26 required tolls; providing an effective date.

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

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30 Section 1. Subsection (82) is added to section
31 316.003, Florida Statutes, to read:

1 316.003 Definitions.--The following words and phrases,
2 when used in this chapter, shall have the meanings
3 respectively ascribed to them in this section, except where
4 the context otherwise requires:

5 (82) TRAFFIC-INFRACTION DETECTOR.--A device that uses
6 a vehicle sensor installed to work in conjunction with a
7 traffic control signal and a camera synchronized to
8 automatically record two or more sequenced photographs,
9 microphotographs, electronic images, or other recorded images
10 of only the rear of the motor vehicle at the time it fails to
11 stop when facing a steady red traffic-control signal.

12 Section 2. Subsection (7) is added to section 316.008,
13 Florida Statutes, 1996 Supplement, to read:

14 316.008 Powers of local authorities.--

15 (7)(a) A county or municipality may enact an ordinance
16 that provides for the use of a traffic-infraction detector to
17 enforce s. 316.075(3), which requires that the driver of a
18 vehicle stop the vehicle when facing a steady red
19 traffic-control signal on the streets and highways under the
20 jurisdiction of the county or municipality. The ordinance may
21 authorize the county or municipality to contract with a
22 private provider to implement this subsection. A county or
23 municipality that operates a traffic-infraction detector may,
24 by ordinance, authorize a traffic-infraction detector officer
25 to issue a uniform traffic citation for violations of s.
26 316.075(3) and to enforce the payment of citations for
27 violations of s. 316.075(3). The Department of Transportation
28 shall develop training and qualification standards for
29 traffic-infraction detector officers. The traffic-infraction
30 detector officer must successfully meet the training and
31 qualifications standards for traffic-infraction detector

1 officers established by the Department of Transportation. This
2 subsection does not authorize a traffic-infraction detector
3 officer to carry a firearm or other weapon and does not
4 authorize such an officer to make arrests. The ordinance must
5 require that a sign be posted to provide motorists with
6 notification that a traffic-infraction detector is in use.
7 Such signage must conform to the standards and requirements
8 adopted by the Department of Transportation under s. 316.0745.
9 The ordinance must also require that the county or
10 municipality make a public announcement and conduct a public
11 awareness campaign of the proposed use of traffic-infraction
12 detectors at least 30 days before commencing the enforcement
13 program. In addition, the ordinance must establish a schedule
14 of fines to be assessed against the registered owner of a
15 motor vehicle whose vehicle fails to stop when facing a steady
16 red traffic-control signal, as determined through the use of a
17 traffic-infraction detector. However, any such fine imposed by
18 ordinance may not exceed \$52. Notwithstanding any other law,
19 an additional surcharge, fee, or cost may not be added to the
20 civil penalty authorized in this section.

21 (b) The ordinance must require that on the second
22 violation that results in a ticket being issued to the same
23 person within 12 months, that person shall, in addition to
24 being fined, be required to attend a driver improvement course
25 that is approved by the Department of Highway Safety and Motor
26 Vehicles as being effective in reducing crash and violation
27 rates under s. 318.1451(5). A person may not be required to
28 attend driver improvement school more than once during any
29 12-month period.

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1 (c) When responding to an emergency call, an emergency
2 medical transportation vehicle is exempt from any ordinance
3 enacted under this subsection.

4 (d) Twenty percent of all gross proceeds collected by
5 a county or municipality as a result of the use of a
6 traffic-infraction detector must be deposited into the Highway
7 Safety Operating Trust Fund of the Department of Highway
8 Safety and Motor Vehicles to be used for the purposes for
9 which moneys in the trust fund may be expended, including, as
10 priority, the hiring of additional personnel for the Florida
11 Highway Patrol and to the extent additional funds are
12 available, the funds must be used for enhancing salaries of
13 the Florida Highway Patrol. The county or municipality may use
14 up to 50 percent of the remaining proceeds collected to create
15 additional positions for law enforcement officers, provide
16 salary enhancements for law enforcement officers charged with
17 crime prevention, create additional positions for correctional
18 officers, and provide salary enhancements for correctional
19 officers charged with the custody of inmates.

20 Section 3. Subsection (6) of section 316.0745, Florida
21 Statutes, is amended to read:

22 316.0745 Uniform signals and devices.--

23 (6)(a) Any system of traffic control devices
24 controlled and operated from a remote location by electronic
25 computers or similar devices must ~~shall~~ meet all requirements
26 established for the uniform system, and, if ~~where~~ such a
27 system affects ~~systems affect~~ the movement of traffic on state
28 roads, the design of the system must ~~shall~~ be reviewed and
29 approved by the Department of Transportation.

30 (b) Any traffic-infraction detector deployed on the
31 streets and highways of the state must meet requirements

1 established by the Department of Highway Safety and Motor
2 Vehicles and must be tested according to procedures and at
3 regular intervals prescribed by the department.

4 Section 4. Section 316.1971, Florida Statutes, is
5 created to read:

6 316.1971 Penalties for traffic control signal
7 violations detected by traffic-infraction detector;
8 procedures.--

9 (1)(a) A county or municipality may adopt an ordinance
10 that provides for the use of a traffic-infraction detector in
11 order to impose a fine on the registered owner of a motor
12 vehicle for a violation of an ordinance enacted under s.
13 316.008(7). The fine shall be imposed in the same manner and
14 is subject to the same limitations as provided for parking
15 violations under s. 316.1967. Chapter 318 and s. 322.27 do not
16 apply to a violation of an ordinance enacted under s.
17 316.008(7). Such violation is not a conviction of the
18 operator, may not be made part of the driving record of the
19 operator, and may not be used for purposes of setting motor
20 vehicle insurance rates. Points may not be assessed based on
21 such a violation.

22 (b) The procedures set forth in s. 316.1967(2)-(5)
23 apply to a violation of an ordinance enacted under s.
24 316.008(7), except that the ticket must contain the name and
25 address of the person alleged to be liable as the registered
26 owner or operator of the motor vehicle involved in the
27 violation, the registration number of the vehicle, the
28 location of where the violation occurred, the date and time of
29 the violation, and information that identifies the device that
30 recorded the violation. The ticket must be delivered by
31 depositing it in first-class mail within 15 days after the

1 alleged violation, addressed to the registered owner of the
2 motor vehicle on file with the Department of Highway Safety
3 and Motor Vehicles. The ticket must advise the registered
4 owner of the motor vehicle responsible for the violation of
5 the amount of the fine, the date by which the fine must be
6 paid, and the procedure for contesting the violation alleged
7 in the ticket. The ticket must contain a warning that failure
8 to contest the violation in the manner and time provided is
9 deemed an admission of liability and that a default may be
10 entered thereon. The violation shall be processed by the
11 county or municipality that has jurisdiction over the street
12 or highway where the violation occurred or by any entity
13 authorized by the county or municipality to prepare and mail
14 the ticket.

15 (2) The registered owner of the motor vehicle involved
16 in a violation is responsible and liable for payment of the
17 fine assessed under this section, unless the owner can
18 establish that the motor vehicle was, at the time of the
19 violation, in the care, custody, or control of another person.
20 In order to establish such facts, the registered owner must,
21 within 20 days after receipt of notification of the alleged
22 violation, furnish to the county or municipality, as
23 appropriate, an affidavit that sets forth:

24 (a) The name, address, and, if known, the driver's
25 license number of the person who leased, rented, or otherwise
26 had care, custody, or control of the motor vehicle at the time
27 of the alleged violation; or

28 (b) That the vehicle was stolen, with a copy of the
29 police report attached which indicates that the vehicle was
30 stolen at the time of the alleged violation.

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1 Upon receipt of an affidavit, the person designated as having
2 had care, custody, or control of the motor vehicle at the time
3 of the violation may be issued a citation. The affidavit is
4 admissible in a proceeding pursuant to this section for the
5 purpose of proving that the person identified in the affidavit
6 was in actual care, custody, or control of the motor vehicle.

7 (3) A person may elect to contest the determination
8 that such person failed to stop when faced with a steady red
9 traffic-control signal as evidenced by a traffic-infraction
10 detector by electing to appear before any judge authorized by
11 law to preside over a court or hearing that adjudicates
12 traffic infractions. Any person who elects to appear before
13 the court to present evidence is deemed to have waived the
14 limitation of civil penalties imposed for the violation. The
15 court, after hearing, shall determine if the violation was
16 committed and may impose a civil penalty not to exceed \$100,
17 plus court costs. The court may take appropriate measures to
18 enforce collection of any penalty not paid within the time
19 permitted by the court.

20 (4) A certificate sworn to or affirmed by a person
21 authorized under s. 316.008(7) who is employed by or under
22 contract with the county or municipality where the violation
23 occurred, or a facsimile thereof which is based upon
24 inspection of photographs or other recorded images produced by
25 a traffic-infraction detector, is prima facie evidence of the
26 facts contained in the certificate. A photograph or other
27 recorded image evidencing such a violation must be available
28 for inspection in any proceeding to adjudicate liability for a
29 violation of an ordinance enacted under s. 316.008(7).

30 (5) In any county or municipality in which tickets are
31 issued as provided in this section, the names of persons who

1 have one or more outstanding violations may be included on the
2 list authorized under s. 316.1967(6).

3 (6) The uniform traffic citation prepared by the
4 department under s. 316.650 may not be issued for any
5 violation for which a ticket is issued as provided in this
6 section.

7 Section 5. Subsection (8) of section 320.03, Florida
8 Statutes, is amended to read:

9 320.03 Registration; duties of tax collectors;
10 International Registration Plan.--

11 (8) If the applicant's name appears on the list
12 referred to in s. 316.1001(5) or s. 316.1967(6), or s.
13 316.1971(5), a license plate or revalidation sticker may not be
14 issued until that person's name no longer appears on the list
15 or until the person presents a receipt from the clerk showing
16 that the outstanding fines ~~outstanding~~ have been paid. The tax
17 collector and the clerk of the court are each entitled to
18 receive monthly, as costs for implementing and administering
19 this subsection, 10 percent of the civil penalties and fines
20 recovered from such persons. If the tax collector has private
21 tag agents, such tag agents are entitled to receive a pro rata
22 share of the amount paid to the tax collector, based upon the
23 percentage of license plates and revalidation stickers issued
24 by the tag agent compared to the total issued within the
25 county. The authority of any private agent to issue license
26 plates shall be revoked, after notice and a hearing as
27 provided in chapter 120, if he or she issues any license plate
28 or revalidation sticker contrary to the provisions of this
29 subsection. This section applies only to the annual renewal in
30 the owner's birth month of a motor vehicle registration and
31 does not apply to the transfer of a registration of a motor

1 vehicle sold by a motor vehicle dealer licensed under this
2 chapter, except for the transfer of registrations which is
3 inclusive of the annual renewals. This section does not affect
4 the issuance of the title to a motor vehicle, notwithstanding
5 s. 319.23(7)(b).

6 Section 6. From the funds received from fines imposed
7 under s. 316.008(7), Florida Statutes, each county or
8 municipality that operates a traffic-infraction detector shall
9 submit a report to the Department of Highway Safety and Motor
10 Vehicles by January 1, 2003, which details the results of
11 using the traffic-infraction detector and the procedures for
12 enforcement. From funds received from fines imposed under s.
13 316.008(7), Florida Statutes, the Department of Highway Safety
14 and Motor Vehicles shall contract with the Florida
15 Transportation Commission or the Center for Urban
16 Transportation Research to provide a summary report to the
17 President of the Senate, the Speaker of the House of
18 Representatives, and the Governor regarding the use and
19 operation of traffic-infraction detectors under s. 316.008,
20 Florida Statutes. The summary report must include a review of
21 the information submitted to the department by the counties
22 and municipalities and must describe the enhancement of the
23 department's traffic safety and enforcement programs as a
24 result of the funds generated under s. 316.008(7), Florida
25 Statutes.

26 Section 7. Paragraph (b) of subsection (2) of section
27 316.1001, Florida Statutes, 1996 Supplement, is amended,
28 subsection (5) is amended and renumbered as subsection (6),
29 and a new subsection (5) is added to said section, to read:
30 316.1001 Payment of toll on toll facilities required;
31 penalties.--

1 (2)
2 (b) A citation issued under this subsection may be
3 issued by mailing the citation by certified mail, return
4 receipt requested, to the address of the registered owner of
5 the motor vehicle involved in the violation. In the case of
6 joint ownership of a motor vehicle, the traffic citation must
7 be mailed to the first name appearing on the registration. A
8 citation issued under this paragraph must be mailed to the
9 registered owner of the motor vehicle involved in the
10 violation within 14 days after the date of the violation. In
11 addition to the citation, notification must be sent to the
12 registered owner of the motor vehicle involved in the
13 violation specifying the remedy available under s. 318.18(7)
14 ~~subsection (3)~~.

15 (5) Any local government with a toll facility, may
16 enact ordinances to enforce this section using local code
17 enforcement procedures contained in chapter 162.

18 ~~(6)(5)~~ Subsections (2)-~~(5)~~~~(4)~~ supplement the
19 enforcement of this section by law enforcement officers, and
20 this section does not prohibit a law enforcement officer from
21 issuing a citation for a violation of this section in
22 accordance with normal traffic enforcement techniques.

23 Section 8. This act shall take effect upon becoming a
24 law.

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