

By Senator Forman

32-391-99

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; providing an effective date.

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

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26 Section 1. Subsection (82) is added to section
27 316.003, Florida Statutes, 1998 Supplement, to read:

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

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

8 Section 2. Subsection (7) is added to section 316.008,
9 Florida Statutes, to read:

10 316.008 Powers of local authorities.--

11 (7)(a) A county or municipality must enact an
12 ordinance that provides for the use of a traffic-infraction
13 detector to enforce s. 316.075(3), which requires that the
14 driver of a vehicle stop the vehicle when facing a steady red
15 traffic-control signal on the streets and highways under the
16 jurisdiction of the county or municipality. The ordinance may
17 authorize the county or municipality to contract with a
18 private provider to implement this subsection. A county or
19 municipality that operates a traffic-infraction detector may,
20 by ordinance, authorize a traffic-infraction detector officer
21 to issue a uniform traffic citation for violations of s.
22 316.075(3) and to enforce the payment of citations for
23 violations of s. 316.075(3). The Department of Highway Safety
24 and Motor Vehicles shall develop training and qualification
25 standards for traffic-infraction detector officers. The
26 traffic-infraction detector officer must successfully meet the
27 training and qualifications standards for traffic-infraction
28 detector officers established by the Department of
29 Transportation. This subsection does not authorize a
30 traffic-infraction detector officer to carry a firearm or
31 other weapon and does not authorize such an officer to make

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

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

27 (c) When responding to an emergency call, an emergency
28 medical transportation vehicle is exempt from any ordinance
29 enacted under this subsection.

30 (d) Twenty percent of all net proceeds collected by a
31 county or municipality as a result of the use of a

1 traffic-infraction detector must be deposited into the Highway
2 Safety Operating Trust Fund of the Department of Highway
3 Safety and Motor Vehicles to be used for the purposes for
4 which moneys in the trust fund may be expended, including
5 hiring additional personnel for the Florida Highway Patrol and
6 enhancing salaries of the Florida Highway Patrol. The county
7 or municipality may use up to 50 percent of the remaining
8 proceeds collected to create additional positions for law
9 enforcement officers, provide salary enhancements for law
10 enforcement officers charged with crime prevention, create
11 additional positions for correctional officers, and provide
12 salary enhancements for correctional officers charged with the
13 custody of inmates.

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

16 316.0745 Uniform signals and devices.--

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

24 (b) Any traffic-infraction detector deployed on the
25 streets and highways of the state must meet requirements
26 established by the Department of Highway Safety and Motor
27 Vehicles and must be tested according to procedures and at
28 regular intervals prescribed by the department.

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

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1 316.1971 Penalties for traffic control signal
2 violations detected by traffic-infraction detector;
3 procedures.--

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

17 (b) The procedures set forth in s. 316.1967(2)-(5)
18 apply to a violation of an ordinance enacted under s.
19 316.008(7), except that the ticket must contain the name and
20 address of the person alleged to be liable as the registered
21 owner or operator of the motor vehicle involved in the
22 violation, the registration number of the vehicle, the
23 location where the violation occurred, the date and time of
24 the violation, and information that identifies the device that
25 recorded the violation. The ticket must be delivered by
26 depositing it in first-class mail within 30 days after the
27 alleged violation, addressed to the registered owner of the
28 motor vehicle on file with the Department of Highway Safety
29 and Motor Vehicles. The ticket must advise the registered
30 owner of the motor vehicle responsible for the violation of
31 the amount of the fine, the date by which the fine must be

1 paid, and the procedure for contesting the violation alleged
2 in the ticket. The ticket must contain a warning that failure
3 to contest the violation in the manner and time provided is
4 deemed an admission of liability and that a default may be
5 entered thereon. The violation shall be processed by the
6 county or municipality that has jurisdiction over the street
7 or highway where the violation occurred or by any entity
8 authorized by the county or municipality to prepare and mail
9 the ticket.

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

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

23 (b) That the vehicle was stolen, with a copy of the
24 police report attached indicating that the vehicle was stolen
25 at the time of the alleged violation.

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

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

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

26 (5) In any county or municipality in which tickets are
27 issued as provided in this section, the names of persons who
28 have one or more outstanding violations may be included on the
29 list authorized under s. 316.1967(6).

30 (6) The uniform traffic citation prepared by the
31 department under s. 316.650 may not be issued for any

1 violation for which a ticket is issued as provided in this
2 section.

3 Section 5. Subsection (8) of section 320.03, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 320.03 Registration; duties of tax collectors;
6 International Registration Plan.--

7 (8) If the applicant's name appears on the list
8 referred to in s. 316.1001(5), or s. 316.1967(6), or s.
9 316.1971(5), a license plate or revalidation sticker may not
10 be issued until that person's name no longer appears on the
11 list or until the person presents a receipt from the clerk
12 showing that the outstanding fines ~~outstanding~~ have been paid.
13 The tax collector and the clerk of the court are each entitled
14 to receive monthly, as costs for implementing and
15 administering this subsection, 10 percent of the civil
16 penalties and fines recovered from such persons. If the tax
17 collector has private tag agents, such tag agents are entitled
18 to receive a pro rata share of the amount paid to the tax
19 collector, based upon the percentage of license plates and
20 revalidation stickers issued by the tag agent compared to the
21 total issued within the county. The authority of any private
22 agent to issue license plates shall be revoked, after notice
23 and a hearing as provided in chapter 120, if he or she issues
24 any license plate or revalidation sticker contrary to the
25 provisions of this subsection. This section applies only to
26 the annual renewal in the owner's birth month of a motor
27 vehicle registration and does not apply to the transfer of a
28 registration of a motor vehicle sold by a motor vehicle dealer
29 licensed under this chapter, except for the transfer of
30 registrations which is inclusive of the annual renewals. This
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1 section does not affect the issuance of the title to a motor
2 vehicle, notwithstanding s. 319.23(7)(b).

3 Section 6. From the funds received from fines imposed
4 under section 316.008(7), Florida Statutes, each county or
5 municipality that operates a traffic-infraction detector shall
6 submit an annual report to the Department of Highway Safety
7 and Motor Vehicles by 30 days after the anniversary of the
8 effective date of this act, which details the results of using
9 the traffic-infraction detector and the procedures for
10 enforcement. From funds received from fines imposed under
11 section 316.008(7), Florida Statutes, the Department of
12 Highway Safety and Motor Vehicles shall contract with the
13 Florida Transportation Commission or the Center for Urban
14 Transportation Research to provide a summary report to the
15 President of the Senate, the Speaker of the House of
16 Representatives, and the Governor regarding the use and
17 operation of traffic-infraction detectors under section
18 316.008, Florida Statutes. The summary report must include a
19 review of the information submitted to the department by the
20 counties and municipalities and must describe the enhancement
21 of the department's traffic safety and enforcement programs as
22 a result of the funds generated under section 316.008(7),
23 Florida Statutes.

24 Section 7. This act shall take effect upon becoming a
25 law.

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SENATE SUMMARY

Authorizes a county or municipality to adopt an ordinance to allow the use of traffic-infraction detectors that make recorded images of motor vehicles that fail to stop at a red light. Requires that the Department of Transportation develop training and qualification standards for traffic-infraction detector officers. Requires that signs be posted to provide notice that such a detector is in use. Provides that the maximum fine that may be imposed under an ordinance is \$52. Provides procedures for a county or municipality in issuing tickets and collecting fines. Requires the counties and municipalities that operate a traffic-infraction detector to annually report to the Department of Highway Safety and Motor Vehicles. Requires that a summary report be provided to the Governor and the Legislature. (See bill for details.)