

By the Committee on Transportation and Senators Forman and Kurth

306-2210-99

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 a
11 penalty; providing that an image produced by a
12 traffic-infraction detector is prima facie
13 evidence that the violation occurred; amending
14 s. 320.03, F.S.; requiring the tax collector to
15 withhold issuing a license plate or
16 revalidation sticker if a person's name appears
17 on a list of outstanding fines; requiring that
18 a county or municipality that operates a
19 traffic-infraction detector report to the
20 Department of Highway Safety and Motor
21 Vehicles; providing for a summary of such
22 reports to be submitted to the Governor and the
23 Legislature; providing an effective date.

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

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27 Section 1. Subsection (82) is added to section
28 316.003, Florida Statutes, 1998 Supplement, to read:
29 316.003 Definitions.--The following words and phrases,
30 when used in this chapter, shall have the meanings
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1 respectively ascribed to them in this section, except where
2 the context otherwise requires:

3 (82) TRAFFIC-INFRACTION DETECTOR.--A device that uses
4 a vehicle sensor installed to work in conjunction with a
5 traffic control signal and a camera synchronized to
6 automatically record two or more sequenced photographs,
7 microphotographs, electronic images, or other recorded images
8 of only the rear of a motor vehicle at the time it fails to
9 stop when facing a steady red traffic-control signal. Any
10 citation issued by utilization of a traffic-infraction
11 detector must include a photograph showing both the license
12 tag of the offending vehicle and the traffic control device
13 being violated in the same frame.

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

16 316.008 Powers of local authorities.--

17 (7)(a) In order to utilize a traffic-infraction
18 detector a county or municipality must enact an ordinance that
19 provides for the use of a traffic-infraction detector to
20 enforce s. 316.075(3), which requires that the driver of a
21 vehicle stop the vehicle when facing a steady red
22 traffic-control signal on the streets and highways under the
23 jurisdiction of the county or municipality. If a county or
24 municipality elects to use a traffic-infraction detector to
25 enforce compliance with s. 316.075(3), then no portion of any
26 fine collected through the use of such system may be paid to
27 the manufacturer or vendor of the traffic-infraction detector
28 equipment. The compensation paid by the county or municipality
29 for such equipment shall be based on the value of such
30 equipment and may not be based on the number of traffic
31 citations issued or the revenue generated by such equipment. A

1 county or municipality that operates a traffic-infraction
2 detector may, by ordinance, authorize a traffic-infraction
3 detector officer to issue a ticket for violations of s.
4 316.075(3) and to enforce the payment of tickets for
5 violations of s. 316.075(3). The Department of Highway Safety
6 and Motor Vehicles shall develop training and qualification
7 standards for traffic-infraction detector officers. The
8 traffic-infraction detector officer must successfully meet the
9 training and qualifications standards for traffic-infraction
10 detector officers established by the Department of Highway
11 Safety and Motor Vehicles. This subsection does not authorize
12 a traffic-infraction detector officer to carry a firearm or
13 other weapon and does not authorize such an officer to make
14 arrests. The ordinance must require that a sign be posted to
15 provide motorists with notification that a traffic-infraction
16 detector is in use. Such signage must conform to the standards
17 and requirements adopted by the Department of Transportation
18 under s. 316.0745. The ordinance must also require that the
19 county or municipality make a public announcement and conduct
20 a public awareness campaign of the proposed use of
21 traffic-infraction detectors at least 30 days before
22 commencing the enforcement program. In addition, the ordinance
23 must establish a schedule of fines to be assessed against the
24 registered owner of a motor vehicle whose vehicle fails to
25 stop when facing a steady red traffic-control signal, as
26 determined through the use of a traffic-infraction detector.
27 However, any such fine imposed by ordinance may not exceed
28 \$52. Notwithstanding any other law, an additional surcharge,
29 fee, or cost may not be added to the civil penalty authorized
30 in this section.
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1 (b) The ordinance must require that on the second
2 violation that results in a ticket being issued to the same
3 person within 12 months, that person shall, in addition to
4 being fined, be required to attend a driver improvement course
5 that is approved and certified by the Department of Highway
6 Safety and Motor Vehicles as being effective in reducing crash
7 and violation rates under s. 318.1451(5). A person may not be
8 required to attend driver improvement school more than once
9 during any 12-month period.

10 (c) When responding to an emergency call, an emergency
11 vehicle is exempt from any ordinance enacted under this
12 subsection.

13 (d) Twenty percent of all net proceeds collected by a
14 county or municipality as a result of the use of a
15 traffic-infraction detector must be deposited into the Highway
16 Safety Operating Trust Fund of the Department of Highway
17 Safety and Motor Vehicles to be used for the purposes for
18 which moneys in the trust fund may be expended, including
19 hiring additional personnel for the Florida Highway Patrol and
20 enhancing salaries of the Florida Highway Patrol. The county
21 or municipality may use up to 50 percent of the remaining
22 proceeds collected to create additional positions for law
23 enforcement officers, provide salary enhancements for law
24 enforcement officers charged with crime prevention, create
25 additional positions for correctional officers, and provide
26 salary enhancements for correctional officers charged with the
27 custody of inmates.

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

30 316.0745 Uniform signals and devices.--

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1 (6)(a) Any system of traffic control devices
2 controlled and operated from a remote location by electronic
3 computers or similar devices must ~~shall~~ meet all requirements
4 established for the uniform system, and, if where ~~where~~ such a
5 system affects ~~systems affect~~ the movement of traffic on state
6 roads, the design of the system must ~~shall~~ be reviewed and
7 approved by the Department of Transportation.

8 (b) Any traffic-infraction detector deployed on the
9 streets and highways of the state must meet requirements
10 established by the Department of Transportation and must be
11 tested according to procedures and at regular intervals
12 prescribed by the department.

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

15 316.1971 Penalties for traffic control signal
16 violations detected by traffic-infraction detector;
17 procedures.--

18 (1)(a) A county or municipality must adopt an
19 ordinance that provides for the use of a traffic-infraction
20 detector in order to impose a fine on the registered owner of
21 a motor vehicle for a violation of an ordinance enacted under
22 s. 316.008(7). The fine shall be imposed in the same manner
23 and is subject to the same limitations as provided for parking
24 violations under s. 316.1967. Chapter 318 and s. 322.27 do not
25 apply to a violation of an ordinance enacted under s.
26 316.008(7). Such violation is not a conviction of the
27 operator, may not be made part of the driving record of the
28 operator, and may not be used for purposes of setting motor
29 vehicle insurance rates. Points may not be assessed based on
30 such a violation.

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1 (b) The procedures set forth in s. 316.1967(2)-(5)
2 apply to a violation of an ordinance enacted under s.
3 316.008(7), except that the ticket must contain the name and
4 address of the person alleged to be liable as the registered
5 owner or operator of the motor vehicle involved in the
6 violation, the registration number of the vehicle, the
7 location where the violation occurred, the date and time of
8 the violation, and information that identifies the device that
9 recorded the violation. The ticket must be sent by certified
10 mail within 15 business days after the alleged violation,
11 addressed to the registered owner of the motor vehicle on file
12 with the Department of Highway Safety and Motor Vehicles. The
13 ticket must advise the registered owner of the motor vehicle
14 responsible for the violation of the amount of the fine, the
15 date by which the fine must be paid, and the procedure for
16 contesting the violation alleged in the ticket. The ticket
17 must contain a warning that failure to contest the violation
18 in the manner and time provided is deemed an admission of
19 liability and that a default may be entered thereon. The
20 violation shall be processed by the county or municipality
21 that has jurisdiction over the street or highway where the
22 violation occurred or by any entity authorized by the county
23 or municipality to prepare and mail the ticket.

24 (2) The registered owner of the motor vehicle involved
25 in a violation is responsible and liable for payment of the
26 fine assessed under this section, unless the owner can
27 establish that the motor vehicle was, at the time of the
28 violation, in the care, custody, or control of another person.
29 In order to establish such facts, the registered owner must,
30 within 20 days after receipt of notification of the alleged
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1 violation, furnish to the county or municipality, as
2 appropriate, an affidavit that sets forth:

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

7 (b) That the vehicle was stolen, with a copy of the
8 police report attached indicating that the vehicle was stolen
9 at the time of the alleged violation.

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11 Upon receipt of an affidavit, the person designated as having
12 had care, custody, or control of the motor vehicle at the time
13 of the violation may be issued a ticket. The affidavit is
14 admissible in a proceeding pursuant to this section for the
15 purpose of proving that the person identified in the affidavit
16 was in actual care, custody, or control of the motor vehicle.

17 (3) A person may elect to contest the determination
18 that such person failed to stop when faced with a steady red
19 traffic-control signal as evidenced by a traffic-infraction
20 detector by electing to appear before any judge authorized by
21 law to preside over a court or hearing that adjudicates
22 traffic infractions. Any person who elects to appear before
23 the court to present evidence is deemed to have waived the
24 limitation of civil penalties imposed for the violation. The
25 court, after hearing, shall determine whether the violation
26 was committed and may impose a civil penalty not to exceed
27 \$100, plus court costs. The court may take appropriate
28 measures to enforce collection of any penalty not paid within
29 the time permitted by the court.

30 (4) A certificate sworn to or affirmed by a person
31 authorized under s. 316.008(7) who is employed by or under

1 contract with the county or municipality where the violation
2 occurred, or a facsimile thereof which is based upon
3 inspection of photographs or other recorded images produced by
4 a traffic-infraction detector, is prima facie evidence of the
5 facts contained in the certificate. A photograph or other
6 recorded image evidencing such a violation must be available
7 for inspection in any proceeding to adjudicate liability for a
8 violation of an ordinance enacted under s. 316.008(7).

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

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

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

19 320.03 Registration; duties of tax collectors;
20 International Registration Plan.--

21 (8) If the applicant's name appears on the list
22 referred to in s. 316.1001(5), ~~or~~ s. 316.1967(6), or s.
23 316.1971(5), a license plate or revalidation sticker may not
24 be issued until that person's name no longer appears on the
25 list or until the person presents a receipt from the clerk
26 showing that the outstanding fines ~~outstanding~~ have been paid.
27 The tax collector and the clerk of the court are each entitled
28 to receive monthly, as costs for implementing and
29 administering this subsection, 10 percent of the civil
30 penalties and fines recovered from such persons. If the tax
31 collector has private tag agents, such tag agents are entitled

1 to receive a pro rata share of the amount paid to the tax
2 collector, based upon the percentage of license plates and
3 revalidation stickers issued by the tag agent compared to the
4 total issued within the county. The authority of any private
5 agent to issue license plates shall be revoked, after notice
6 and a hearing as provided in chapter 120, if he or she issues
7 any license plate or revalidation sticker contrary to the
8 provisions of this subsection. This section applies only to
9 the annual renewal in the owner's birth month of a motor
10 vehicle registration and does not apply to the transfer of a
11 registration of a motor vehicle sold by a motor vehicle dealer
12 licensed under this chapter, except for the transfer of
13 registrations which is inclusive of the annual renewals. This
14 section does not affect the issuance of the title to a motor
15 vehicle, notwithstanding s. 319.23(7)(b).

16 Section 6. From the funds received from fines imposed
17 under s. 316.008(7), Florida Statutes, each county or
18 municipality that operates a traffic-infraction detector shall
19 submit an annual report to the Department of Highway Safety
20 and Motor Vehicles by 30 days after the anniversary of the
21 effective date of this act, which details the results of using
22 the traffic-infraction detector and the procedures for
23 enforcement. From funds received from fines imposed under s.
24 316.008(7), Florida Statutes, the Department of Highway Safety
25 and Motor Vehicles shall provide a summary report to the
26 President of the Senate, the Speaker of the House of
27 Representatives, and the Governor regarding the use and
28 operation of traffic-infraction detectors under s. 316.008,
29 Florida Statutes. The summary report must include a review of
30 the information submitted to the department by the counties
31 and municipalities and must describe the enhancement of the

1 department's traffic safety and enforcement programs as a
2 result of the funds generated under s. 316.008(7), Florida
3 Statutes.

4 Section 7. This act shall take effect upon becoming a
5 law.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 266

10 The CS clarifies that in order to utilize a traffic infraction
11 detector a county and municipality must enact a local
12 ordinance.

13 The CS provides that the traffic-infraction detector must
14 capture a photograph showing both the license tag of the
15 offending vehicle and the traffic control device being
16 violated in the same frame.

17 The CS provides that if a county or municipality elects to
18 use a traffic-infraction detector to enforce compliance, then
19 no portion of any fine collected through the use of such
20 system may be paid to the manufacturer or vendor of the
21 traffic-infraction detector equipment.

22 The CS provides that compensation paid by the county or
23 municipality for such equipment shall be based on the value of
24 the photographic traffic enforcement equipment and may not be
25 based on the number of traffic citations issued or the revenue
26 generated by such equipment. The CS provides that a ticket
27 generated by a traffic-infraction detector must be sent by
28 certified mail within 15 business days after the alleged
29 violation.
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