

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Transportation offered the following:

Amendment (with title amendment)

Remove from the bill: everything after the enacting clause
and insert in lieu thereof:

Section 1. Short title.--This act may be cited as the
"Red Light Safety Act of 2000."

Section 2. Definition.--"Traffic infraction detector"
means a device that uses a vehicle sensor installed to work in
conjunction with a traffic control signal and a camera
synchronized to automatically record two or more sequenced
photographs, microphotographs, electronic images, or other
recorded images, which utilizes wet film, of only the rear of
a motor vehicle at the time it fails to stop when facing a
steady red traffic control signal. Any citation issued by
utilization of a traffic infraction detector must include a
photograph showing both the license tag of the offending
vehicle and the traffic control device being violated in the
same frame.

Section 3. Pilot project on use of traffic infraction

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1 detectors in Palm Beach and Broward Counties; administration;
2 report.--

3 (1) There is hereby created a pilot project on the
4 operation of traffic infraction detectors. The pilot project
5 shall be administered by the Department of Highway Safety and
6 Motor Vehicles in Palm Beach and Broward Counties. The pilot
7 project shall include the following provisions:

8 (a) In order to utilize a traffic infraction detector,
9 a county or municipality must enact an ordinance that provides
10 for the use of a traffic infraction detector to enforce s.
11 316.075(3), Florida Statutes, which requires that the driver
12 of a vehicle stop the vehicle when facing a steady red traffic
13 control signal on the streets and highways under the
14 jurisdiction of the county or municipality. If a county or
15 municipality elects to use a traffic infraction detector to
16 enforce compliance with s. 316.075(3), Florida Statutes, then
17 no portion of any fine collected through the use of such
18 system may be paid to the manufacturer or vendor of the
19 traffic infraction detector equipment. The compensation paid
20 by the county or municipality for such equipment shall be
21 based on the value of such equipment and may not be based on
22 the number of traffic citations issued or the revenue
23 generated by such equipment. A county or municipality that
24 operates a traffic infraction detector may, by ordinance,
25 authorize a traffic infraction detector officer to issue a
26 ticket for violations of s. 316.075(3), Florida Statutes, and
27 to enforce the payment of tickets for violations of s.
28 316.075(3), Florida Statutes. The Department of Highway Safety
29 and Motor Vehicles shall develop training and qualification
30 standards for traffic infraction detector officers. The
31 traffic infraction detector officer must successfully meet the

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1 training and qualification standards for traffic infraction
2 detector officers established by the Department of Highway
3 Safety and Motor Vehicles. This subsection does not authorize
4 a traffic infraction detector officer to carry a firearm or
5 other weapon and does not authorize such an officer to make
6 arrests. The ordinance must require that a sign be posted to
7 provide motorists with notification that a traffic infraction
8 detector is in use. Such signage must conform to the standards
9 and requirements adopted by the Department of Transportation
10 under s. 316.0745, Florida Statutes. Notwithstanding s.
11 316.006, Florida Statutes, the county or municipality electing
12 to use a traffic infraction detector must reimburse the
13 Department of Transportation for the posting of the signs. The
14 ordinance must also require that the county or municipality
15 make a public announcement and conduct a public awareness
16 campaign of the proposed use of traffic infraction detectors
17 at least 30 days before commencing the enforcement program. In
18 addition, the ordinance must establish a schedule of fines to
19 be assessed against the registered owner of a motor vehicle
20 whose vehicle fails to stop when facing a steady red traffic
21 control signal, as determined through the use of a traffic
22 infraction detector. However, any such fine imposed by
23 ordinance may not exceed \$100. Notwithstanding any other law,
24 an additional surcharge, fee, or cost may not be added to the
25 civil penalty authorized in this section.

26 (b) When responding to an emergency call, an emergency
27 vehicle is exempt from any ordinance enacted under this
28 subsection.

29 (c) Seventy-five percent of all net proceeds collected
30 by a county or municipality as a result of the use of a
31 traffic infraction detector must be deposited into the Highway

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1 Safety Operating Trust Fund of the Department of Highway
2 Safety and Motor Vehicles to be used for operating purposes,
3 including hiring additional personnel for the Florida Highway
4 Patrol and enhancing salaries of the Florida Highway Patrol.
5 Twenty-five percent of all net proceeds shall be retained by
6 the county or municipality and used to create additional
7 positions for law enforcement officers, provide salary
8 enhancements for law enforcement officers charged with crime
9 prevention, create additional positions for correctional
10 officers, and provide salary enhancements for correctional
11 officers charged with the custody of inmates.

12 (2)(a) Any system of traffic control devices
13 controlled and operated from a remote location by electronic
14 computers or similar devices must meet all requirements
15 established for the uniform system, and, if such a system
16 affects the movement of traffic on state roads, the design of
17 the system must be reviewed and approved by the Department of
18 Transportation.

19 (b) Any traffic infraction detector deployed on the
20 streets and highways of the state must meet requirements
21 established by the Department of Transportation and must be
22 tested according to procedures and at regular intervals
23 prescribed by the department.

24 Section 4. Penalties for traffic control signal
25 violations detected by traffic infraction detector;
26 procedures.--

27 (1)(a) A county or municipality must adopt an
28 ordinance that provides for the use of a traffic infraction
29 detector in order to impose a fine on the registered owner of
30 a motor vehicle for a violation of an ordinance enacted under
31 this act. The fine shall be imposed in the same manner and is

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1 subject to the same limitations as provided for parking
2 violations under s. 316.1967, Florida Statutes. Chapter 318
3 and s. 322.27, Florida Statutes, do not apply to a violation
4 of an ordinance enacted under this act. Such violation is not
5 a conviction of the operator, may not be made part of the
6 driving record of the operator, and may not be used for
7 purposes of setting motor vehicle insurance rates. Points may
8 not be assessed based on such a violation.

9 (b) The procedures set forth in s. 316.1967(2)-(5),
10 Florida Statutes, apply to a violation of an ordinance enacted
11 under this act, except that the ticket must contain the name
12 and address of the person alleged to be liable as the
13 registered owner or operator of the motor vehicle involved in
14 the violation, the registration number of the vehicle, the
15 location where the violation occurred, the date and time of
16 the violation, and information that identifies the device that
17 recorded the violation. The ticket must be delivered by
18 first-class mail, with a certificate of mailing obtained as
19 evidence of service, within 15 days after the alleged
20 violation to the current address of the registered owner of
21 the motor vehicle on file with the Department of Highway
22 Safety and Motor Vehicles. The ticket must advise the
23 registered owner of the motor vehicle responsible for the
24 violation of the amount of the fine, the date by which the
25 fine must be paid, and the procedure for contesting the
26 violation alleged in the ticket. The ticket must contain a
27 warning that failure to contest the violation in the manner
28 and time provided is deemed an admission of liability and that
29 a default may be entered thereon. The violation shall be
30 processed by the county or municipality that has jurisdiction
31 over the street or highway where the violation occurred or by

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1 any entity authorized by the county or municipality to prepare
2 and mail the ticket.

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

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

16 (b) That the vehicle was stolen, with a copy of the
17 police report attached indicating that the vehicle was stolen
18 at the time of the alleged violation.

19
20 Upon receipt of an affidavit, the person designated as having
21 had care, custody, or control of the motor vehicle at the time
22 of the violation may be issued a ticket. The affidavit is
23 admissible in a proceeding pursuant to this section for the
24 purpose of proving that the person identified in the affidavit
25 was in actual care, custody, or control of the motor vehicle.

26 (3) A person may elect to contest the determination
27 that such person failed to stop when faced with a steady red
28 traffic control signal as evidenced by a traffic infraction
29 detector by electing to appear before any judge authorized by
30 law to preside over a court or hearing that adjudicates
31 traffic infractions. Any person who elects to appear before

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1 the court to present evidence is deemed to have waived the
2 limitation of civil penalties imposed for the violation. The
3 court, after hearing, shall determine whether the violation
4 was committed and may impose a civil penalty not to exceed
5 \$100, plus court costs. The court may take appropriate
6 measures to enforce collection of any penalty not paid within
7 the time permitted by the court.

8 (4) A certificate sworn to or affirmed by a person
9 authorized under this act who is employed by or under contract
10 with the county or municipality where the violation occurred,
11 or a facsimile thereof which is based upon inspection of
12 photographs or other recorded images produced by a traffic
13 infraction detector, is prima facie evidence of the facts
14 contained in the certificate. A photograph or other recorded
15 image evidencing such a violation must be available for
16 inspection in any proceeding to adjudicate liability for a
17 violation of an ordinance enacted under this act.

18 (5) In any county or municipality in which tickets are
19 issued as provided in this section, the names of persons who
20 have one or more outstanding violations may be included on the
21 list authorized under s. 316.1967(6), Florida Statutes.

22 (6) The uniform traffic citation prepared by the
23 department under s. 316.650, Florida Statutes, may not be
24 issued for any violation for which a ticket is issued as
25 provided in this section.

26 (7) If the applicant's name appears on the list
27 referred to in s. 316.1001(5) or s. 316.1967(6), Florida
28 Statutes, a license plate or revalidation sticker may not be
29 issued until that person's name no longer appears on the list
30 or until the person presents a receipt from the clerk showing
31 that the outstanding fines have been paid. The tax collector

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

21 Section 5. Any county or municipality which conducts a
22 traffic infraction detector demonstration project shall
23 annually submit to the Department of Highway Safety and Motor
24 Vehicles, not more than 60 days after each anniversary date of
25 the project, a report detailing the results of using traffic
26 infraction detectors. The report shall include:

27 (1) A description of the locations where the traffic
28 infraction detectors were used;

29 (2) The number of violations recorded at such
30 locations on a daily, weekly, or monthly basis during the
31 course of the project, compared to the number of violations

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1 recorded at such locations in the 12-month period preceding
2 the project;

3 (3) The number of crashes, injuries, and fatalities at
4 such locations on a daily, weekly, or monthly basis during the
5 course of the project, compared to the number of crashes,
6 injuries and fatalities for the 12-month period preceding the
7 project;

8 (4) The number of tickets issued and the number of
9 instances in which a ticket was not issued despite evidence of
10 a violation;

11 (5) The amount of civil penalties collected and the
12 uses for which the revenue from such penalties was expended,
13 and the number of tickets issued for which the fines were not
14 paid;

15 (6) An assessment of the number of tickets adjudicated
16 by the county court and the results of such adjudications;

17 (7) An assessment of the effect of the project on
18 traffic safety;

19 (8) An assessment of the degree of public awareness
20 and public acceptance of the project; and

21 (9) An assessment of the process of administration of
22 the project and suggested improvements, and a cost-benefit
23 analysis regarding the use of traffic infraction detectors as
24 a means of traffic law enforcement.

25 Section 6. From funds received from fines imposed
26 under this act, the Department of Highway Safety and Motor
27 Vehicles shall annually provide, beginning July 1, 2001, a
28 summary report to the President of the Senate, the Speaker of
29 the House of Representatives, and the Governor regarding the
30 use and operation of traffic infraction detectors under s.
31 316.008, Florida Statutes. The summary report must include a

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1 review of the information submitted to the department by the
2 counties and municipalities and must describe the enhancement
3 of the department's traffic safety and enforcement programs as
4 a result of the funds generated under this act.

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

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Remove from the title of the bill: the entire title

12

13 and insert in lieu thereof:

14 A bill to be entitled

15 An act relating to uniform traffic control;
16 creating the "Red Light Safety Act of 2000";
17 defining the term "traffic infraction
18 detector"; authorizing a county or municipality
19 to enact an ordinance that provides for the use
20 of a traffic infraction detector to enforce
21 traffic laws that require the driver of a
22 vehicle to stop when facing a steady red
23 traffic signal; providing for authorization of
24 a traffic infraction detector officer;
25 requiring the Department of Transportation to
26 develop standards for traffic infraction
27 detector officers; requiring the county or
28 municipality to reimburse the Department of
29 Transportation for the posting of signs;
30 requiring public notice prior to the use of a
31 traffic infraction detector; providing for

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1 fines; providing that an emergency vehicle is
2 exempt from the ordinance; providing for a
3 portion of the proceeds of the fines imposed
4 under the ordinance to be deposited into the
5 Highway Safety Operating Trust Fund of the
6 Department of Highway Safety and Motor
7 Vehicles; providing for the remainder of the
8 proceeds to be used to fund positions for law
9 enforcement officers and correctional officers;
10 requiring that a traffic infraction detector
11 meet requirements established by the Department
12 of Highway Safety and Motor Vehicles; providing
13 for testing such detectors; providing
14 procedures for imposing a fine for violations
15 of an ordinance that provides for the use of a
16 traffic infraction detector; providing for
17 notification of the alleged violation to be
18 sent to the registered owner of the vehicle by
19 first-class mail within 15 days; providing a
20 procedure under which the operator of a vehicle
21 may establish that the vehicle was in the care,
22 custody, or control of another person at the
23 time of the violation; providing for the
24 violation to be contested; providing a penalty;
25 providing that an image produced by a traffic
26 infraction detector is prima facie evidence
27 that the violation occurred; requiring the tax
28 collector to withhold issuing a license plate
29 or revalidation sticker if a person's name
30 appears on a list of outstanding fines;
31 requiring that a county or municipality that

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operates a traffic infraction detector report
to the Department of Highway Safety and Motor
Vehicles; providing for a summary of such
reports to be submitted to the Governor and the
Legislature; providing an effective date.