

By Representatives Effman, Levine, Sanderson, Merchant and Trovillion

1 A bill to be entitled
2 An act relating to uniform traffic control;
3 creating the "Red Light Safety Act of 2000";
4 amending s. 316.003, F.S.; defining the term
5 "traffic infraction detector"; creating a pilot
6 project in Palm Beach and Broward Counties
7 administered by the Department of Highway
8 Safety and Motor Vehicles; authorizing counties
9 and municipalities in the pilot project to
10 enact ordinances permitting the use of traffic
11 infraction detectors; providing an exception;
12 providing penalties for traffic control signal
13 violations detected by traffic infraction
14 detectors; providing procedures; amending s.
15 316.0745, F.S.; providing that traffic
16 infraction detectors must meet certain
17 requirements; amending s. 320.03, F.S.;
18 providing a cross reference in conformance to
19 the act; prohibiting the issuance of license
20 plates or revalidation stickers when fines are
21 outstanding for violations detected by traffic
22 infraction detectors; providing for an annual
23 report on the use of traffic infraction
24 detectors by counties and municipalities in the
25 pilot project; providing an effective date.

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

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

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1 Section 2. Subsection (82) is added to section
2 316.003, Florida Statutes, to read:

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

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

18 Section 3. Pilot project on use of traffic infraction
19 detectors in Palm Beach and Broward Counties; administration;
20 report.--

21 (1) There is hereby created a pilot project on the
22 operation of traffic infraction detectors. The pilot project
23 shall be administered by the Department of Highway Safety and
24 Motor Vehicles in Palm Beach and Broward Counties. The pilot
25 project shall include the following provisions:

26 (a) In order to utilize a traffic infraction detector,
27 Palm Beach County or Broward County or a municipality therein
28 may enact an ordinance that provides for the use of a traffic
29 infraction detector to enforce s. 316.075(1)(c), Florida
30 Statutes, which requires the driver of a vehicle to stop the
31 vehicle when facing a steady red traffic control signal on the

1 streets and highways under the jurisdiction of the county or
2 municipality. A county or municipality within the pilot
3 project that operates a traffic infraction detector may, by
4 ordinance, authorize a traffic infraction officer to issue a
5 ticket for violations of s. 316.075(1)(c), Florida Statutes,
6 and to enforce the payment of tickets for such violation. This
7 paragraph does not authorize a traffic infraction officer to
8 carry a firearm or other weapon and does not authorize such an
9 officer to make arrests. The ordinance must require that a
10 sign be posted to provide motorists with notification that a
11 traffic infraction detector is in use. Such signage must
12 conform to the standards and requirements adopted by the
13 Department of Transportation under s. 316.0745, Florida
14 Statutes. The ordinance must also require that the county or
15 municipality make a public announcement and conduct a public
16 awareness campaign of the proposed use of traffic infraction
17 detectors at least 30 days before commencing the enforcement
18 program. In addition, the ordinance must establish a schedule
19 of fines to be assessed against the registered owner of a
20 motor vehicle whose vehicle fails to stop when facing a steady
21 red traffic control signal, as determined through the use of a
22 traffic infraction detector. However, any such fine imposed by
23 ordinance may not exceed \$100. Any other provision of law to
24 the contrary notwithstanding, an additional surcharge, fee, or
25 cost may not be added to the civil penalty authorized by this
26 subsection.

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

30 (c) A county or municipality within the pilot project
31 may adopt an ordinance that provides for the use of a traffic

1 infraction detector in order to impose a fine on the
2 registered owner of a motor vehicle for a violation of an
3 ordinance enacted under s. 316.008(7), Florida Statutes. The
4 fine shall be imposed in the same manner and is subject to the
5 same limitations as provided for parking violations under s.
6 316.1967, Florida Statutes. Chapter 318, Florida Statutes, and
7 s. 322.27, Florida Statutes, do not apply to a violation of an
8 ordinance enacted under s. 316.008(7), Florida Statutes. Such
9 a violation is not a conviction of the operator, and may not
10 be made part of the driving record of the operator, and may
11 not be used for purposes of setting motor vehicle insurance
12 rates. Points may not be assessed based upon such a violation.

13 (d) The procedures set forth in s. 316.1967(2), (3),
14 (4), and (5), Florida Statutes, apply to a violation of an
15 ordinance enacted under s. 316.008(7), Florida Statutes,
16 except that the ticket must contain the name and address of
17 the person alleged to be liable as the registered owner or
18 operator of the motor vehicle involved in the violation, the
19 registration number of the vehicle, the location where the
20 violation occurred, the date and time of the violation, and
21 information that identifies the device that recorded the
22 violation. The ticket must advise the registered owner of the
23 motor vehicle responsible for the violation of the amount of
24 the fine, the date by which the fine must be paid, and the
25 procedure for contesting the violation alleged in the ticket.
26 The ticket must contain a warning that failure to contest the
27 violation in the manner and time provided is deemed an
28 admission of liability and that a default may be entered
29 thereon. The violation shall be processed by the county or
30 municipality that has jurisdiction over the street or highway
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1 where the violation occurred or by any entity authorized by
2 the county or municipality to prepare and mail the ticket.

3 (e) 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 1. 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 2. 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.

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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 (f) 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

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 measures
6 to enforce collection of any penalty not paid within the time
7 permitted by the court.

8 (g) A certificate sworn to or affirmed by a person
9 authorized under s. 316.008(7), Florida Statutes, who is
10 employed by or under contract with the county or municipality
11 where the violation occurred, or a facsimile thereof which is
12 based upon inspection of photographs or other recorded images
13 produced by a traffic infraction detector, is prima facie
14 evidence of the facts contained in the certificate. A
15 photograph or other recorded image evidencing such a violation
16 must be available for inspection in any proceeding to
17 adjudicate liability for violation of an ordinance enacted
18 under s. 316.008(7), Florida Statutes.

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

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

27 (2) From the funds received from fines imposed under
28 s. 316.008(7), Florida Statutes, each county or municipality
29 that operates a traffic infraction detector under the pilot
30 project shall submit an annual report to the Department of
31 Highway Safety and Motor Vehicles, which report details the

1 results of using the traffic infraction detector and the
2 procedures for enforcement. The Department of Highway Safety
3 and Motor Vehicles shall provide a summary report to the
4 President of the Senate, the Speaker of the House of
5 Representatives, and the Governor regarding the use and
6 operation of traffic infraction detectors under s. 316.008,
7 Florida Statutes. The summary report must include a review of
8 the information submitted to the department by the counties
9 and municipalities and must describe the enhancement of the
10 traffic safety and enforcement programs. The department shall
11 report its recommendations on or before December 1, 2001, to
12 the President of the Senate, the Speaker of the House of
13 Representatives, and the Governor, including any necessary
14 legislation in the event that the pilot project would be
15 beneficial for application on a statewide basis.

16 (3) This section shall stand repealed effective
17 December 1, 2002.

18 Section 4. Subsection (6) of section 316.0745, Florida
19 Statutes, is amended to read:

20 316.0745 Uniform signals and devices.--

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

28 (b) Any traffic infraction detector deployed on the
29 streets and highways of the state must meet requirements
30 established by the Department of Transportation and must be
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1 tested according to procedures and at regular intervals as
2 prescribed by the department.

3 Section 5. Subsection (8) of section 320.03, Florida
4 Statutes, 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(4), 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. This act shall take effect upon becoming a
4 law.

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7 HOUSE SUMMARY

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9 Creates the "Red Light Safety Act of 2000." Defines the
10 term "traffic infraction detector" to mean a device that
11 uses a vehicle sensor installed to work in conjunction
12 with a traffic control signal and a camera synchronized
13 to automatically record two or more sequenced
14 photographs, microphotographs, or electronic images which
15 utilize wet film, of only the rear of a motor vehicle at
16 the time the vehicle fails to stop when facing a steady
17 red traffic control signal. Creates a pilot project in
18 Palm Beach and Broward Counties administered by the
19 Department of Highway Safety and Motor Vehicles which
20 enables such counties and municipalities therein to
21 provide for the use of traffic infraction detectors. See
22 bill for details.
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