

By Senators Forman, Klein and Kurth

32-325-00

See HB

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 section 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 section 316.075(1)(c), Florida
6 Statutes, and to enforce the payment of tickets for such
7 violation. This paragraph does not authorize a traffic
8 infraction officer to carry a firearm or other weapon and does
9 not authorize such an officer to make arrests. The ordinance
10 must require that a sign be posted to provide motorists with
11 notification that a traffic infraction detector is in use.
12 Such signage must conform to the standards and requirements
13 adopted by the Department of Transportation under section
14 316.0745, Florida Statutes. The ordinance must also require
15 that the county or municipality make a public announcement and
16 conduct a public awareness campaign of the proposed use of
17 traffic infraction detectors at least 30 days before
18 commencing the enforcement program. In addition, the ordinance
19 must establish a schedule of fines to be assessed against the
20 registered owner of a motor vehicle whose vehicle fails to
21 stop when facing a steady red traffic control signal, as
22 determined through the use of a traffic infraction detector.
23 However, any such fine imposed by ordinance may not exceed
24 \$100. Any other provision of law to the contrary
25 notwithstanding, an additional surcharge, fee, or cost may not
26 be added to the civil penalty authorized by this 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 section 316.008(7), Florida Statutes.
4 The fine shall be imposed in the same manner and is subject to
5 the same limitations as provided for parking violations under
6 section 316.1967, Florida Statutes. Chapter 318, Florida
7 Statutes, and section 322.27, Florida Statutes, do not apply
8 to a violation of an ordinance enacted under section
9 316.008(7), Florida Statutes. Such a violation is not a
10 conviction of the operator, and may not be made part of the
11 driving record of the operator, and may not be used for
12 purposes of setting motor vehicle insurance rates. Points may
13 not be assessed based upon such a violation.

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

1 or highway where the violation occurred or by any entity
2 authorized by the county or municipality to prepare and mail
3 the ticket.

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

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

17 2. That the vehicle was stolen, with a copy of the
18 police report attached indicating that the vehicle was stolen
19 at the time of the alleged violation.

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

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

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

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

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

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

28 (2) From the funds received from fines imposed under
29 section 316.008(7), Florida Statutes, each county or
30 municipality that operates a traffic infraction detector under
31 the pilot project shall submit an annual report to the

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

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

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

21 316.0745 Uniform signals and devices.--

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

29 (b) Any traffic infraction detector deployed on the
30 streets and highways of the state must meet requirements
31 established by the Department of Transportation and must be

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 section 316.1001(4), or section 316.1967(6), or
9 section 316.1971(5), a license plate or revalidation sticker
10 may not be issued until that person's name no longer appears
11 on the list or until the person presents a receipt from the
12 clerk showing that the outstanding fines ~~outstanding~~ have been
13 paid. The tax collector and the clerk of the court are each
14 entitled 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 LEGISLATIVE SUMMARY

8
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
the time the vehicle fails to stop when facing a steady
red traffic control signal. Creates a pilot project in
Palm Beach and Broward Counties administered by the
Department of Highway Safety and Motor Vehicles which
enables such counties and municipalities therein to
provide for the use of traffic infraction detectors. (See
bill for details.)

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