

1 316.003 Definitions.--The following words and phrases,
2 when used in this chapter, shall have the meanings
3 respectively ascribed to them in this section, except where
4 the context otherwise requires:

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

17 Section 3. Program administration, report.--

18 (1) There is hereby created the Florida Red Light
19 Safety Program governing the operation of traffic infraction
20 detectors. The program shall be administered by the Department
21 of Highway Safety and Motor Vehicles and shall include the
22 following provisions:

23 (a) In order to utilize a traffic infraction detector,
24 a county or municipality must enact an ordinance that provides
25 for the use of a traffic infraction detector to enforce s.
26 316.075(1)(c), Florida Statutes, which requires the driver of
27 a vehicle to stop the vehicle when facing a steady red traffic
28 control signal on the streets and highways under the
29 jurisdiction of the county or municipality. A county or
30 municipality that operates a traffic infraction detector must,
31 by ordinance, authorize a traffic infraction officer to issue

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

24 (b) For purposes of this act, "owner" does not include
25 a motor vehicle rental company when a motor vehicle registered
26 by such company is being operated by another person under a
27 rental agreement with such company or a motor vehicle leasing
28 company if the vehicle involved in a violation is leased for
29 less than 1 year.

30
31

1 (c) When responding to an emergency call, an emergency
2 vehicle is exempt from any ordinance enacted pursuant to this
3 act.

4 (d) Commercial motor vehicles as defined in s.
5 320.01(26), Florida Statutes, and taxed pursuant to s.
6 320.0715, Florida Statutes, are exempt from any ordinance
7 enacted pursuant to this act.

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

22 (f) The procedures set forth in s. 316.1967(2), (3),
23 (4), and (5), Florida Statutes, apply to a violation of an
24 ordinance enacted under s. 316.008, Florida Statutes, except
25 that the ticket must contain the name and address of the
26 person alleged to be liable as the registered owner or
27 operator of the motor vehicle involved in the violation, the
28 registration number of the vehicle, the violation charged, a
29 copy of the recorded image, the location where the violation
30 occurred, the date and time of the violation, information that
31 identifies the device that recorded the violation, and a

1 signed statement by a specifically trained technician employed
2 by the agency or its contractor that, based on inspection of
3 recorded images, the motor vehicle was being operated in
4 violation of s. 316.075(1)(c), Florida Statutes. The ticket
5 must advise the registered owner of the motor vehicle
6 responsible for the violation of the amount of the fine, the
7 date by which the fine must be paid, and the procedure for
8 contesting the violation alleged in the ticket. The ticket
9 must contain a warning that failure to contest the violation
10 in the manner and time provided is deemed an admission of the
11 liability and that a default may be entered thereon. The
12 violation shall be processed by the county or municipality
13 that has jurisdiction over the street or highway where the
14 violation occurred or by any entity authorized by the county
15 or municipality to prepare and mail the ticket.

16 (g) The ticket shall be sent by first class mail
17 addressed to the owner of the motor vehicle postmarked not
18 later than 14 days after the date of the violation.

19 (h)1. The registered owner of the motor vehicle
20 involved in a violation is responsible and liable for payment
21 of the fine assessed under this section, unless the owner can
22 establish:

23 a. That the vehicle passed through the intersection in
24 order to yield right-of-way to an emergency vehicle or as part
25 of a funeral procession;

26 b. That the vehicle passed through the intersection at
27 the direction of a law enforcement officer; or

28 c. That the vehicle was, at the time of the violation,
29 in the care, custody, or control of another person.

30 2. In order to establish such facts, the registered
31 owner must, within 20 days after receipt of notification of

1 the alleged violation, furnish to the county or municipality,
2 as 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.

10
11 Upon receipt of an affidavit, the agency may issue a ticket to
12 the person designated as having had care, custody, or control
13 of the motor vehicle at the time of the violation. The ticket
14 must be issued no later than 14 days after the agency's
15 receipt of the affidavit. The affidavit is admissible in a
16 proceeding pursuant to this section for the purpose of proving
17 that the person identified in the affidavit was in actual
18 care, custody, or control of the motor vehicle.

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

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

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

16 (l) If the driver of the motor vehicle received a
17 citation from a police officer at the time of the violation, a
18 ticket may not be issued pursuant to this section.

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

23 (2) A complaint that a county or municipality is
24 employing traffic infraction detectors for purposes other than
25 the promotion of public health, welfare, and safety or in a
26 manner inconsistent with this act may be submitted to the
27 governing board of such county or municipality. Such
28 complaints, along with any investigation and/or corrective
29 action taken by the county or municipal governing body shall
30 be included in the annual report to the Department of Highway
31 Safety and Motor Vehicles and in the department's annual

1 summary report to the President of the Senate, the Speaker of
2 the House Representatives, and the Governor, as required by
3 this act. Based on its review of the report, the Legislature
4 may exclude a county or municipality from further
5 participation in the program.

6 (3) From the funds received from fines imposed under
7 s. 316.008, Florida Statutes, each county or municipality that
8 operates a traffic infraction detector shall submit an annual
9 report to the Department of Highway Safety and Motor Vehicles,
10 which report details the results of using the traffic
11 infraction detector and the procedures for enforcement. The
12 Department of Highway Safety and Motor Vehicles shall provide
13 a summary report to the President of the Senate, the Speaker
14 of the House of Representatives, and the Governor regarding
15 the use and operation of traffic infraction detectors under s.
16 316.008, Florida Statutes. The summary report must include a
17 review of the information submitted to the department by the
18 counties and municipalities and must describe the enhancement
19 of the traffic safety and enforcement programs. The department
20 shall report its recommendations, including any necessary
21 legislation, on or before December 1, 2002, to the President
22 of the Senate, the Speaker of the House of Representatives,
23 and the Governor.

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

26 316.0745 Uniform signals and devices.--

27 (6)(a) Any system of traffic control devices
28 controlled and operated from a remote location by electronic
29 computers or similar devices must ~~shall~~ meet all requirements
30 established for the uniform system, and, if ~~where~~ such a
31 system affects ~~systems affect~~ the movement of traffic on state

1 roads the design of the system must ~~shall~~ be reviewed and
2 approved by the Department of Transportation.

3 (b) Any traffic infraction detector deployed on the
4 streets and highways of the state must meet requirements
5 established by the Department of Transportation and must be
6 tested according to procedures and at regular intervals as
7 prescribed by the department.

8 Section 5. Subsection (8) of section 320.03, Florida
9 Statutes, is amended to read:

10 320.03 Registration; duties of tax collectors;
11 International Registration Plan.--

12 (8) If the applicant's name appears on the list
13 referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), or s.
14 316.1971(5), a license plate or revalidation sticker may not
15 be issued until that person's name no longer appears on the
16 list or until the person presents a receipt from the clerk
17 showing that the outstanding fines ~~outstanding~~ have been paid.
18 The tax collector and the clerk of the court are each entitled
19 to receive monthly, as costs for implementing and
20 administering this subsection, 10 percent of the civil
21 penalties and fines recovered from such persons. If the tax
22 collector has private tag agents, such tag agents are entitled
23 to receive a pro rata share of the amount paid to the tax
24 collector, based upon the percentage of license plates and
25 revalidation stickers issued by the tag agent compared to the
26 total issued within the county. The authority of any private
27 agent to issue license plates shall be revoked, after notice
28 and a hearing as provided in chapter 120, if he or she issues
29 any license plate or revalidation sticker contrary to the
30 provisions of this subsection. This section applies only to
31 the annual renewal in the owner's birth month of a motor

1 vehicle registration and does not apply to the transfer of a
2 registration of a motor vehicle sold by a motor vehicle dealer
3 licensed under this chapter, except for the transfer of
4 registrations which is inclusive of the annual renewals. This
5 section does not affect the issuance of the title to a motor
6 vehicle, notwithstanding s. 319.23(7)(b).

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

9

10 *****

11 HOUSE SUMMARY

12 Creates the "Red Light Safety Act of 2001." Provides for
13 administration by the Department of Highway Safety and
14 Motor Vehicles. Defines the term "traffic infraction
15 detector" to mean a device that uses a vehicle sensor
16 installed to work in conjunction with a traffic control
17 signal and a camera synchronized to automatically record
18 two or more sequenced photographs, microphotographs,
19 electronic images which utilize wet film, digital
20 photographs, or streaming video of only the rear of a
21 motor vehicle at the time the vehicle fails to stop when
22 facing a steady red traffic control signal. Enables
23 counties and municipalities to provide for the use of
24 traffic infraction detectors. See bill for details.

20

21

22

23

24

25

26

27

28

29

30

31