

By Senators Sebesta and Klein

20-335B-01

See HB 71

1 A bill to be entitled
2 An act relating to uniform traffic control;
3 creating the "Red Light Safety Act of 2001";
4 amending s. 316.003, F.S.; defining the term
5 "traffic infraction detector"; creating a pilot
6 project in Palm Beach, Pinellas, and Broward
7 Counties administered by the Department of
8 Highway Safety and Motor Vehicles; authorizing
9 counties and municipalities in the pilot
10 project to enact ordinances permitting the use
11 of traffic infraction detectors; providing an
12 exception; providing penalties for traffic
13 control signal violations detected by traffic
14 infraction detectors; providing procedures;
15 amending s. 316.0745, F.S.; providing that
16 traffic 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.

26
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 2001."

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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, Pinellas, and Broward Counties;
20 administration; report.--

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

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

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

1 of a traffic infraction detector in order to impose a fine on
2 the registered owner of a motor vehicle for a violation of an
3 ordinance enacted under section 316.008, 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
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 316.008,
9 Florida Statutes. Such a violation is not a conviction of the
10 operator, and may not be made part of the driving record of
11 the operator, and may not be used for purposes of setting
12 motor vehicle insurance rates. Points may not be assessed
13 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, Florida Statutes,
17 except that the ticket must contain the name and address of
18 the person alleged to be liable as the registered owner or
19 operator of the motor vehicle involved in the violation, the
20 registration number of the vehicle, the location where the
21 violation occurred, the date and time of the violation, and
22 information that identifies the device that recorded the
23 violation. The ticket must advise the registered owner of the
24 motor vehicle responsible for the violation of the amount of
25 the fine, the date by which the fine must be paid, and the
26 procedure for contesting the violation alleged in the ticket.
27 The ticket must contain a warning that failure to contest the
28 violation in the manner and time provided is deemed an
29 admission of liability and that a default may be entered
30 thereon. The violation shall be processed by the county or
31 municipality that has jurisdiction over the street or highway

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 section 316.008, 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 section 316.008, 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 section 316.1967(6), Florida Statutes.

23 (i) The uniform traffic citation prepared by the
24 department under section 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 section 316.008, 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 section
7 316.008, Florida Statutes. The summary report must include a
8 review of the information submitted to the department by the
9 counties and municipalities and must describe the enhancement
10 of the traffic safety and enforcement programs. The department
11 shall report its recommendations on or before December 1,
12 2001, to the President of the Senate, the Speaker of the House
13 of 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 expires December 1, 2003.

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

19 316.0745 Uniform signals and devices.--

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

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

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

3 320.03 Registration; duties of tax collectors;
4 International Registration Plan.--

5 (8) If the applicant's name appears on the list
6 referred to in s. 316.1001(4), or s. 316.1967(6), or s.
7 316.1971(5), a license plate or revalidation sticker may not
8 be issued until that person's name no longer appears on the
9 list or until the person presents a receipt from the clerk
10 showing that the outstanding fines ~~outstanding~~ have been paid.
11 The tax collector and the clerk of the court are each entitled
12 to receive monthly, as costs for implementing and
13 administering this subsection, 10 percent of the civil
14 penalties and fines recovered from such persons. If the tax
15 collector has private tag agents, such tag agents are entitled
16 to receive a pro rata share of the amount paid to the tax
17 collector, based upon the percentage of license plates and
18 revalidation stickers issued by the tag agent compared to the
19 total issued within the county. The authority of any private
20 agent to issue license plates shall be revoked, after notice
21 and a hearing as provided in chapter 120, if he or she issues
22 any license plate or revalidation sticker contrary to the
23 provisions of this subsection. This section applies only to
24 the annual renewal in the owner's birth month of a motor
25 vehicle registration and does not apply to the transfer of a
26 registration of a motor vehicle sold by a motor vehicle dealer
27 licensed under this chapter, except for the transfer of
28 registrations which is inclusive of the annual renewals. This
29 section does not affect the issuance of the title to a motor
30 vehicle, notwithstanding s. 319.23(7)(b).

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1 Section 6. This act shall take effect upon becoming a
2 law.

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5 LEGISLATIVE SUMMARY

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7 Creates the "Red Light Safety Act of 2001." Defines the
8 term "traffic infraction detector" to mean a device that
9 uses a vehicle sensor installed to work in conjunction
10 with a traffic control signal and a camera synchronized
11 to automatically record two or more sequenced
12 photographs, microphotographs, or electronic images which
13 utilize wet film, of only the rear of a motor vehicle at
14 the time the vehicle fails to stop when facing a steady
15 red traffic control signal. Creates a pilot project in
16 Palm Beach, Pinellas, and Broward Counties administered
17 by the Department of Highway Safety and Motor Vehicles
18 which enables such counties and municipalities therein to
19 provide for the use of traffic infraction detectors. (See
20 bill for details.)
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