

By Senator Peaden

1-1353-01

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

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

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

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

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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, or electronic images that use 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 through the use of a traffic-infraction detector must
14 include a photograph showing the license tag of the offending
15 vehicle and the traffic control device being violated in the
16 same frame.

17 Section 3. Program administration; report.--

18 (1) There is created the Florida Red Light Safety
19 Program governing the operation of traffic-infraction
20 detectors, which is to be administered by the Department of
21 Highway Safety and Motor Vehicles and which must include the
22 following provisions:

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

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

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

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

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 section
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 section 316.1967, Florida
15 Statutes. Chapter 318, Florida Statutes, and section 322.27,
16 Florida Statutes, do not apply to a violation of an ordinance
17 enacted under section 316.008, Florida Statutes. A violation
18 of the ordinance is not a conviction of the operator, may not
19 be made part of the driving record of the operator, and may
20 not be used for purposes of setting motor vehicle insurance
21 rates. Points may not be assessed based upon such a violation.

22 (f) The procedures set forth in section 316.1967(2),
23 (3), (4), and (5), Florida Statutes, apply to a violation of
24 an ordinance enacted under section 316.008, Florida Statutes,
25 except that the ticket must contain the name and address of
26 the 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 section 316.075(1)(c), Florida Statutes. The
5 ticket 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
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 and 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 liable for payment of the fine
21 assessed under this section, unless the owner establishes:

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

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

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

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

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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.

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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 receives
15 the affidavit. The affidavit is admissible in a proceeding
16 pursuant to this section to prove that the person identified
17 in the affidavit was in actual care, custody, or control of
18 the motor vehicle.

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

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

19 (m) The uniform traffic citation prepared by the
20 department under section 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 the public health, safety, and welfare or in
26 a manner inconsistent with this section may be submitted to
27 the governing board of the county or municipality. Such
28 complaints, together with any investigations or corrective
29 actions taken by the county or municipal governing body must
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 Governor, the President of the Senate,
2 and the Speaker of the House of Representatives, as required
3 by this section. Based on its review of the report, the
4 Legislature may exclude a county or municipality from further
5 participation in the program.

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

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

27 316.0745 Uniform signals and devices.--

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

1 system affects ~~systems affect~~ the movement of traffic on state
2 roads, the design of the system must ~~shall~~ be reviewed and
3 approved by the Department of Transportation.

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

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

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

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

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

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

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11 SENATE SUMMARY

12
13 Creates the "Red Light Safety Act." Defines the term
14 "traffic-infraction detector" to mean a device that uses
15 a vehicle sensor installed to work in conjunction with a
16 traffic control signal and a camera synchronized to
17 automatically record two or more sequenced photographs,
18 microphotographs, or electronic images that use wet film
19 of only the rear of a motor vehicle at the time the
20 vehicle fails to stop when facing a steady red traffic
21 control signal. (See bill for details.)
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