

By Representative Slosberg

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 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 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 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, Florida Statutes. The fine  
4 shall be imposed in the same manner and is subject to the same  
5 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, Florida Statutes. Such a  
9 violation is not a conviction of the operator, and may not be  
10 made part of the driving record of the operator, and may not  
11 be used for purposes of setting motor vehicle insurance rates.  
12 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, Florida Statutes, except  
16 that the ticket must contain the name and address of the  
17 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, Florida Statutes, who is employed  
10 by or under contract with the county or municipality where the  
11 violation occurred, or a facsimile thereof which is based upon  
12 inspection of photographs or other recorded images produced by  
13 a traffic infraction detector, is prima facie evidence of the  
14 facts contained in the certificate. A photograph or other  
15 recorded image evidencing such a violation must be available  
16 for inspection in any proceeding to adjudicate liability for  
17 violation of an ordinance enacted under s. 316.008, Florida  
18 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, Florida Statutes, each county or municipality that  
29 operates a traffic infraction detector under the pilot project  
30 shall submit an annual report to the Department of Highway  
31 Safety and Motor Vehicles, which report details the results of

1 using the traffic infraction detector and the procedures for  
2 enforcement. The Department of Highway Safety and Motor  
3 Vehicles shall provide a summary report to the President of  
4 the Senate, the Speaker of the House of Representatives, and  
5 the Governor regarding the use and operation of traffic  
6 infraction detectors under s. 316.008, Florida Statutes. The  
7 summary report must include a review of the information  
8 submitted to the department by the counties and municipalities  
9 and must describe the enhancement of the traffic safety and  
10 enforcement programs. The department shall report its  
11 recommendations on or before December 1, 2001, to the  
12 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, 2003.

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 2001." 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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