

By Senator Jones

40-1445-02

See HB 21

1 A bill to be entitled

2 An act relating to uniform traffic control;

3 creating the "Red-Light Safety Act of 2002";

4 amending s. 316.003, F.S.; defining the term

5 "traffic infraction detector"; creating a pilot

6 project in Broward, Leon, Palm Beach, and

7 Pinellas Counties administered by the

8 Department of Highway Safety and Motor

9 Vehicles; authorizing the counties and

10 municipalities in the pilot project to enact

11 ordinances permitting the use of traffic

12 infraction detectors; providing an exception;

13 providing penalties for traffic-control signal

14 violations detected by traffic-infraction

15 detectors; providing procedures; amending s.

16 316.0745, F.S.; providing that

17 traffic-infraction detectors must meet certain

18 requirements; amending s. 320.03, F.S.;

19 conforming a cross-reference; prohibiting the

20 issuance of license plates or revalidation

21 stickers when fines are outstanding for

22 violations detected by traffic-infraction

23 detectors; providing for an annual report on

24 the use of traffic-infraction detectors by the

25 counties and municipalities in the pilot

26 project; providing an effective date.

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

30 Section 1. Short title.--This act may be cited as the

31 "Red-Light Safety Act of 2002."

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 that use wet film of
12 only the rear of a motor vehicle at the time the vehicle fails
13 to stop when facing a steady red traffic-control signal. Any
14 citation issued by the use of a traffic-infraction detector
15 must include a photograph showing both the license tag of the
16 offending vehicle and the traffic-control device being
17 violated in the same frame.

18 Section 3. Pilot project on use of traffic-infraction
19 detectors in Broward, Leon, Palm Beach, and Pinellas 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 Broward, Leon, Palm Beach, and Pinellas Counties.
25 The pilot project shall include the following provisions:

26 (a) In order to use a traffic-infraction detector,
27 Broward, Leon, Palm Beach, and Pinellas Counties 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

1 traffic-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
4 traffic-infraction detector may, by ordinance, authorize a
5 traffic-infraction officer to issue a ticket for violations of
6 section 316.075(1)(c), Florida Statutes, and to enforce the
7 payment of tickets for such violation. This paragraph does not
8 authorize a traffic-infraction officer to carry a firearm or
9 other weapon and does not authorize such an officer to make
10 arrests. The ordinance must require that a sign be posted to
11 provide motorists with notification that a traffic-infraction
12 detector is in use. Such signage must conform to the standards
13 and requirements adopted by the Department of Transportation
14 under section 316.0745, Florida Statutes. The ordinance must
15 also 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 within the pilot project
31 may adopt an ordinance that provides for the use of a

1 traffic-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, 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 constitutes 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 2002, to the President of the Senate, the Speaker of the House
13 of Representatives, and the Governor, including any necessary
14 recommended legislation in the event that the pilot project
15 would be beneficial for application statewide.

16 (3) This section expires December 1, 2004.

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~~ if 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), s. 316.1967(6), s. 316.1971(5),
7 or s. 713.78(13), a license plate or revalidation sticker may
8 not be issued until that person's name no longer appears on
9 the 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. As used in
15 this subsection, the term "civil penalties and fines" does not
16 include a wrecker operator's lien as described in s.
17 713.78(13). If the tax collector has private tag agents, such
18 tag agents are entitled to receive a pro rata share of the
19 amount paid to the tax collector, based upon the percentage of
20 license plates and revalidation stickers issued by the tag
21 agent compared to the total issued within the county. The
22 authority of any private agent to issue license plates shall
23 be revoked, after notice and a hearing as provided in chapter
24 120, if he or she issues any license plate or revalidation
25 sticker contrary to the provisions of this subsection. This
26 section applies only to the annual renewal in the owner's
27 birth month of a motor vehicle registration and does not apply
28 to the transfer of a registration of a motor vehicle sold by a
29 motor vehicle dealer licensed under this chapter, except for
30 the transfer of registrations which is inclusive of the annual
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1 renewals. This section does not affect the issuance of the
2 title to a motor 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 2002." 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 use wet film of only the rear of a motor vehicle at the
16 time the vehicle fails to stop when facing a steady red
17 traffic-control signal. Creates a pilot project in
18 Broward, Leon, Palm Beach, and Pinellas Counties
19 administered by the Department of Highway Safety and
20 Motor Vehicles which enables such counties and
21 municipalities therein to provide for the use of
22 traffic-infraction detectors. (See bill for details.)
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