

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 2002";
4 amending s. 316.003, F.S.; defining the term
5 "traffic infraction detector"; creating a pilot
6 project in Palm Beach and Pinellas Counties
7 administered by the Department of Highway
8 Safety and Motor Vehicles; authorizing the
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 the counties and municipalities in
25 the 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 2002."

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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 Pinellas 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 Pinellas Counties. The pilot
25 project shall include the following provisions:

26 (a) In order to utilize a traffic infraction detector,
27 Palm Beach and Pinellas Counties or a municipality therein may
28 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, 2002, 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, 2004.

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), s. 316.1967(6), s. 316.1971(5),
9 or s. 713.78(13), a license plate or revalidation sticker may
10 not be issued until that person's name no longer appears on
11 the 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. As used in
17 this subsection, the term "civil penalties and fines" does not
18 include a wrecker operator's lien as described in s.
19 713.78(13). If the tax collector has private tag agents, such
20 tag agents are entitled to receive a pro rata share of the
21 amount paid to the tax collector, based upon the percentage of
22 license plates and revalidation stickers issued by the tag
23 agent compared to the total issued within the county. The
24 authority of any private agent to issue license plates shall
25 be revoked, after notice and a hearing as provided in chapter
26 120, if he or she issues any license plate or revalidation
27 sticker contrary to the provisions of this subsection. This
28 section applies only to the annual renewal in the owner's
29 birth month of a motor vehicle registration and does not apply
30 to the transfer of a registration of a motor vehicle sold by a
31 motor vehicle dealer licensed under this chapter, except for

1 the transfer of registrations which is inclusive of the annual
2 renewals. This section does not affect the issuance of the
3 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

4 Section 6. This act shall take effect upon becoming a
5 law.

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8 HOUSE SUMMARY

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10 Creates the "Red Light Safety Act of 2002." Defines the
11 term "traffic infraction detector" to mean a device that
12 uses a vehicle sensor installed to work in conjunction
13 with a traffic control signal and a camera synchronized
14 to automatically record two or more sequenced
15 photographs, microphotographs, or electronic images which
16 utilize wet film, of only the rear of a motor vehicle at
17 the time the vehicle fails to stop when facing a steady
18 red traffic control signal. Creates a pilot project in
19 Palm Beach and Pinellas Counties administered by the
20 Department of Highway Safety and Motor Vehicles which
21 enables such counties and municipalities therein to
22 provide for the use of traffic infraction detectors. See
23 bill for details.
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