



HB 0337

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1 A bill to be entitled

2 An act relating to uniform traffic control; providing a
3 popular name; amending s. 316.003, F.S.; defining the term
4 "traffic infraction detector"; amending s. 316.008, F.S.;
5 authorizing the creation of pilot projects in Palm Beach
6 County; authorizing adoption of ordinances permitting the
7 use of traffic infraction detectors under certain
8 circumstances; providing for penalties for violations
9 detected by such detectors; exempting certain vehicles
10 from the ordinance under specified condition; providing
11 procedures for participation in the project; providing for
12 citation content; providing for process of citations
13 issued under the ordinance; limiting scope; providing for
14 responsibility and liability for payment of fine;
15 providing for contest of citation in court; providing for
16 evidence of facts; providing procedures for enforcement of
17 outstanding violations; providing for personnel for
18 enforcement of ordinance; providing for use of funds and
19 excess funds collected; requiring a report to the Governor
20 and the Legislature; providing for future repeal; amending
21 s. 316.0745, F.S.; providing that traffic infraction
22 detectors must meet requirements established by the
23 Department of Transportation; providing for testing
24 according to procedures established by that department;
25 amending s. 320.03, F.S.; prohibiting the issuance of
26 license plates or revalidation stickers when fines are
27 outstanding for violations detected by traffic infraction
28 detectors; providing an effective date.

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



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Section 1. Popular name.--This act shall be known by the popular name the "Red Light Safety Act of 2003."

Section 2. Subsection (84) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(84) TRAFFIC INFRACTION DETECTOR.--A device that uses a vehicle sensor installed to work in conjunction with a traffic control signal and a camera synchronized to automatically record two or more sequenced photographs, microphotographs, or electronic images, that utilize wet film, of only the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal. Any citation issued by the utilization of a traffic infraction detector must include a photograph showing both the license tag of the offending vehicle and the traffic control device being violated in the same frame.

Section 3. Subsection (7) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.--

(7) (a) There is created a pilot project in Palm Beach County to determine the potential statewide benefits to traffic safety resulting from the use of traffic infraction detectors for the enforcement of s. 316.075(1)(c), which requires the driver of a vehicle to stop the vehicle when facing a steady red traffic control signal. For purposes of this subsection, the word "county" means Palm Beach County. The county and municipalities therein may choose to participate in the pilot



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61 project by adopting an ordinance that provides for the use of
62 traffic infraction detectors to enforce s. 316.075(1)(c) on the
63 streets and highways under their respective jurisdictions. An
64 ordinance adopted pursuant to this subsection shall authorize
65 traffic infraction enforcement officers to issue a citation for
66 a violation of s. 316.075(1)(c) and shall establish a schedule
67 of fines to be assessed against the registered owner of a motor
68 vehicle whose vehicle fails to stop when facing a steady red
69 traffic control signal, as determined through the use of a
70 traffic infraction detector. Such fines may not exceed \$100.
71 Emergency vehicles responding to an emergency call shall be
72 exempt from an ordinance adopted under this subsection.

73 (b) The county and municipalities choosing to participate
74 in the pilot project shall:

75 1. Post a sign notifying motorists that a traffic
76 infraction detector is in use at each location that a traffic
77 infraction detector is being used to enforce s. 316.075(1)(c).
78 Signs must conform to the standards and requirements adopted by
79 the Department of Transportation under s. 316.0745.

80 2. Conduct a public awareness campaign of the proposed use
81 of traffic infraction detectors at least 30 days prior to
82 commencing enforcement under an ordinance adopted pursuant to
83 this subsection.

84 (c) The procedures set forth in s. 316.1967(2), (3), and
85 (4) shall apply to an ordinance adopted under this subsection.

86 (d) Citations issued pursuant to an ordinance adopted
87 under this subsection must contain the following information:

88 1. The name and address of the person alleged to be
89 liable as the registered owner or operator of the motor vehicle
90 involved in the violation.



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- 91 2. The registration number of the vehicle.
- 92 3. The location where the violation occurred.
- 93 4. The date and time of the violation.
- 94 5. Information that identifies the traffic infraction
 95 detector that recorded the violation.
- 96 6. The amount of the fine.
- 97 7. The date by which the fine must be paid.
- 98 8. The procedure for contesting the violation alleged in
 99 the citation.

100 9. A warning that failure to contest the violation in the
 101 manner and time provided shall be deemed an admission of
 102 liability and that a default may be entered thereon.

103 (e) Violations of s. 316.075(1)(c) being enforced in
 104 accordance with an ordinance adopted under this subsection shall
 105 be processed by the county or municipality that has traffic
 106 jurisdiction over the street or highway where the violation
 107 occurred or by any entity authorized by the county or
 108 municipality to prepare and mail the citation. Chapter 318 and
 109 s. 322.27 shall not apply to a violation of s. 316.075(1)(c)
 110 when being enforced pursuant to an ordinance adopted under this
 111 subsection. In addition, such a violation shall not:

- 112 1. Be a conviction of the registered owner of the motor
 113 vehicle or operator;
- 114 2. Be made part of the driving record of the registered
 115 owner of the motor vehicle or operator;
- 116 3. Be used for the purposes of setting motor vehicle
 117 insurance rates; or
- 118 4. Result in points being assessed against the registered
 119 owner of the motor vehicle or operator.

120 (f) The registered owner of the motor vehicle that was



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121 involved in a violation is responsible and liable for payment of
122 the fine assessed in accordance with this subsection unless the
123 owner can establish that the motor vehicle was, at the time of
124 the violation, in the care, custody, or control of another
125 person. In order to establish such facts, the registered owner
126 must, within 20 days after receipt of notification of the
127 alleged violation, furnish to the county or municipality, as
128 appropriate, an affidavit that sets forth:

129 1. The name, address, and, if known, the driver license
130 number of the person who leased, rented, or otherwise had care,
131 custody, or control of the motor vehicle at the time of the
132 alleged violation; or

133 2. That the vehicle was stolen, with a copy of the police
134 report attached indicating that the vehicle was stolen at the
135 time of the alleged violation.

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137 Upon receipt of an affidavit, the person designated as having
138 had care, custody, or control of the motor vehicle at the time
139 of the violation may be issued a citation. The affidavit is
140 admissible in a proceeding pursuant to this subsection for the
141 purpose of proving that the person identified in the affidavit
142 was in actual care, custody, or control of the motor vehicle.

143 (g) A person may elect to contest the determination that
144 such person failed to stop when faced with a steady red traffic
145 control signal as evidenced by a traffic infraction detector by
146 electing to appear before any judge authorized by law to preside
147 over a court or hearing that adjudicates traffic infractions.
148 Any person who elects to appear before the court to present
149 evidence is deemed to have waived the limitation of civil
150 penalties imposed for the violation. The court, after hearing,



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151 shall determine whether the violation was committed and may
 152 impose a civil penalty not to exceed \$100 plus court costs. The
 153 court may take appropriate measures to enforce collection of any
 154 penalty not paid within the time permitted by the court.

155 (h) A certificate sworn to or affirmed by a person who is
 156 employed by or under contract with the county or municipality
 157 where the violation occurred, or a facsimile thereof, which is
 158 based upon inspection of photographs or other recorded images
 159 produced by a traffic infraction detector, is prima facie
 160 evidence of the facts contained in the certificate. A photograph
 161 or other recorded image evidencing such a violation must be
 162 available for inspection in any proceeding to adjudicate
 163 liability for violation of an ordinance adopted under this
 164 subsection.

165 (i) In the county and municipalities in which citations
 166 are issued as provided in this subsection, the names of persons
 167 who have one or more outstanding violations may be included on
 168 the list authorized under s. 316.1967(6).

169 (j) For the purpose of enforcing violations of s.
 170 316.075(1)(c) pursuant to an ordinance adopted under this
 171 subsection, the county and municipalities choosing to
 172 participate in the pilot project may employ independent
 173 contractors or designate employees as traffic infraction
 174 enforcement officers; however, any such traffic infraction
 175 officer must successfully meet the training and qualification
 176 standards for traffic infraction enforcement officers provided
 177 for in s. 316.640(5)(a). Nothing in this subsection shall be
 178 construed as authorizing a traffic infraction enforcement
 179 officer to carry a firearm or other weapon or to make arrests.
 180 Notwithstanding any provision of law to the contrary, traffic



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181 infraction enforcement officers shall have the authority to
182 issue citations in accordance with an ordinance adopted pursuant
183 to this subsection by the county and any municipality choosing
184 to participate in the pilot project.

185 (k) The uniform traffic citation prepared by the
186 department under s. 316.650 shall not be used for any violation
187 for which a citation is issued pursuant to an ordinance adopted
188 under this subsection.

189 (l) The county and municipalities choosing to participate
190 in the pilot project shall deposit fines into a separate county
191 or municipal account to be used for the purposes of funding the
192 cost of administration of and equipment for the pilot project.
193 Any excess funds may only be used by the county and
194 municipalities for driver education programs.

195 (m) The county and any municipality choosing to
196 participate in the pilot project shall submit an annual report
197 to the department, which report details the results of using
198 traffic infraction detectors to enforce s. 316.075(1)(c) and the
199 procedures for enforcement. The department shall provide a
200 summary report to the President of the Senate, the Speaker of
201 the House of Representatives, and the Governor regarding the use
202 and operation of traffic infraction detectors under the pilot
203 project. The summary report must include a review of the
204 information submitted to the department by the county and
205 municipalities choosing to participate in the pilot project and
206 must describe the potential for enhancement of the traffic
207 safety and enforcement programs. The department shall report its
208 recommendations on or before December 1, 2004, to the President
209 of the Senate, the Speaker of the House of Representatives, and
210 the Governor, including recommendations for any necessary



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211 legislation in the event that the pilot project would be
 212 beneficial for application on a statewide basis.

213 (n) This subsection is repealed December 1, 2006.

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

216 316.0745 Uniform signals and devices.--

217 (6)(a) Any system of traffic control devices controlled
 218 and operated from a remote location by electronic computers or
 219 similar devices must ~~shall~~ meet all requirements established for
 220 the uniform system, and, if any where such system affects
 221 ~~systems affect~~ the movement of traffic on state roads, the
 222 design of that the system must ~~shall~~ be reviewed and approved by
 223 the Department of Transportation.

224 (b) Any traffic infraction detector deployed on the
 225 streets and highways of the state must meet requirements
 226 established by the Department of Transportation and must be
 227 tested according to procedures and at regular intervals as
 228 prescribed by the department.

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

231 320.03 Registration; duties of tax collectors;
 232 International Registration Plan.--

233 (8) If the applicant's name appears on the list referred
 234 to in s. 316.008(7)(i), s. 316.1001(4), s. 316.1967(6), or s.
 235 713.78(13), a license plate or revalidation sticker may not be
 236 issued until that person's name no longer appears on the list or
 237 until the person presents a receipt from the clerk showing that
 238 the outstanding fines ~~outstanding~~ have been paid. The tax
 239 collector and the clerk of the court are each entitled to
 240 receive monthly, as costs for implementing and administering



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241 this subsection, 10 percent of the civil penalties and fines
242 recovered from such persons. As used in this subsection, the
243 term "civil penalties and fines" does not include a wrecker
244 operator's lien as described in s. 713.78(13). If the tax
245 collector has private tag agents, such tag agents are entitled
246 to receive a pro rata share of the amount paid to the tax
247 collector, based upon the percentage of license plates and
248 revalidation stickers issued by the tag agent compared to the
249 total issued within the county. The authority of any private
250 agent to issue license plates shall be revoked, after notice and
251 a hearing as provided in chapter 120, if he or she issues any
252 license plate or revalidation sticker contrary to the provisions
253 of this subsection. This section applies only to the annual
254 renewal in the owner's birth month of a motor vehicle
255 registration and does not apply to the transfer of a
256 registration of a motor vehicle sold by a motor vehicle dealer
257 licensed under this chapter, except for the transfer of
258 registrations which is inclusive of the annual renewals. This
259 section does not affect the issuance of the title to a motor
260 vehicle, notwithstanding s. 319.23(7)(b).

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