

By Senator Peaden

2-01571-09

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1 A bill to be entitled
2 An act relating to traffic control; amending s.
3 316.003, F.S.; providing a definition; creating s.
4 316.0753, F.S.; establishing a traffic control
5 photographic program using unmanned cameras to record
6 vehicles that violate laws relating to traffic control
7 signal devices; providing program requirements;
8 providing for enforcement; providing penalties;
9 providing requirements for citations; providing an
10 appeals process; providing an effective date.

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

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14 Section 1. Subsection (86) is added to section 316.003,
15 Florida Statutes, to read:

16 316.003 Definitions.—The following words and phrases, when
17 used in this chapter, shall have the meanings respectively
18 ascribed to them in this section, except where the context
19 otherwise requires:

20 (86) TRAFFIC CONTROL PHOTOGRAPHIC PROGRAM.—A program that
21 provides for the selection, placement, use, and maintenance of
22 unmanned, digital monitoring devices that use image-capture
23 technologies to automatically record images of motor vehicles
24 that enter an intersection after the traffic signal has turned
25 red to monitor compliance with laws related to traffic control
26 signals.

27 Section 2. Section 316.0753, Florida Statutes, is created
28 to read:

29 316.0753 Traffic control photographic programs.—

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30 (1) The department, any county, or any municipality may
31 establish a traffic control photographic program on a road
32 within its jurisdiction. If the department establishes a program
33 that includes an intersection over which it has jurisdiction,
34 the department's program shall preclude any county or
35 municipality from establishing a program at such intersection.

36 (2) (a) A program must use digital image-capture devices
37 that record at least two-color digital still images of the rear
38 of a motor vehicle. One image must show the vehicle behind the
39 stop bar on a traffic signal during the time the light is red
40 and one image must show the vehicle entering the intersection
41 while the light is red. At least one image must clearly identify
42 the vehicle license plate and all captured images must show only
43 the rear of the vehicle and not the front of the vehicle or
44 general traffic conditions or persons or activities in or around
45 the intersection.

46 (b) The program may be used only to monitor intersections
47 where the red traffic control signal is preceded by a yellow
48 signal of an interval that is established by rule of the
49 department. The program must also provide for signage that warns
50 drivers that a traffic control photographic system is in use,
51 which signage conforms to standards established by the
52 department.

53 (3) (a) It is a violation of this section to enter an
54 intersection where the traffic control signal device displays a
55 red signal in violation of s. 316.075.

56 (b) A violation of this section is a noncriminal traffic
57 infraction, punishable pursuant to chapter 318 as a nonmoving
58 violation.

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59 (c) A person who is issued a citation by a law enforcement
60 officer for a violation of s.316.075, may not be issued a
61 citation under this section for the same offense.

62 (4) (a) The department shall enforce violations of this
63 section. However, a county or municipality may establish an
64 enforcement process for a violation of a county or municipality
65 ordinance. If the department enforces a citation, it shall
66 receive 20 percent and the county or municipality having
67 jurisdiction over the intersection shall receive 80 percent.
68 Points may not be added to the owner's motor vehicle record and
69 the violation may not be reported to the owner's insurance
70 company.

71 (b) Upon a violation, the enforcement authority shall send
72 a uniform notice of violation citation on a form adopted by the
73 department pursuant to s. 316.650. The form shall include:

- 74 1. The name and address of the owner of the vehicle;
- 75 2. The registration number of the motor vehicle;
- 76 3. The citation of the statute or ordinance violated;
- 77 4. The intersection where the violation occurred;
- 78 5. The date and time of the violation;
- 79 6. A copy of the recorded image showing the vehicle's
80 license plate and a statement that the recorded images were
81 reviewed by a traffic infraction officer pursuant to s. 316.640
82 and that the images were found to be reasonable and probable
83 grounds to believe that the offense was committed;
- 84 7. The amount of the penalty and the date that it is due;
- 85 8. A statement that the violator has a right to appeal and
86 a description of the steps in the appeal process; and
- 87 9. The penalty for not paying the penalty or appealing the

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88 citation.

89 (c)1. The citation shall be sent to the address of the
90 vehicle owner on record with the department. If the citation is
91 sent by first class mail, payment is voluntary. If it is sent by
92 a means that requires a signature on receipt, such as registered
93 or certified mail with a return receipt requested, the citation
94 may be enforced.

95 2. If the citation is sent by first-class mail and the
96 owner does not voluntarily pay the penalty, the enforcement
97 authority may send it with the signature requirement and charge
98 an additional \$50 fee.

99 3. If a vehicle is registered in the name of more than one
100 person, the citation shall be sent to the person first named in
101 the registration documents.

102 (d)1. A person who does not pay the penalty or file an
103 appeal with 30 days after signing for the citation shall, in
104 addition to the penalty, pay any costs and attorney's fees
105 required to collect the penalty in the same manner a toll fee is
106 collected pursuant to s. 316.1001.

107 2. If a person owes unpaid penalties or costs, the
108 department may not issue a motor vehicle renewal registration
109 until such penalties and costs are paid.

110 (5) (a) A person may file a notice of appeal with the
111 enforcement authority within 21 days after signing for the
112 citation. The failure to file an appeal within such time
113 constitutes a waiver of the right to contest the citation.

114 (b) A citation may be contested on the following grounds:
115 1. The vehicle was leased or rented to another person at
116 the time of the violation;

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117 2. The vehicle was titled in another state at the time of
118 the violation;

119 3. The vehicle was being operated without the owner's
120 permission at the time of the violation. To allege this defense,
121 the owner must submit an affidavit to the enforcing authority
122 within 21 days after signing for the citation, stating that the
123 operator was operating the vehicle without the owner's
124 permission, providing the operator's full legal name and
125 address, and describing how the operator came into possession of
126 the vehicle;

127 4. The operator was issued a citation for a violation of s.
128 316.075 for the same violation;

129 5. The operator violated the signal to reasonably protect
130 the property or person of another;

131 6. The traffic control signal device was inoperable or
132 malfunctioning; or

133 7. Any other reason the trier of fact deems appropriate.

134 (c) Appeals shall be conducted in the same manner as
135 appeals for a toll violation, pursuant to s. 316.1001.

136 (d) In an appeal, the recorded images of the violation are
137 admissible as prima facie evidence of the violation.

138 Section 3. This act shall take effect July 1, 2009.