

JUL 13 2010 cs/BS

ORDINANCE 2010-09

EFFECTIVE DATE

JUL 19 2010

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, RELATING TO THE USE OF TRAFFIC INFRACTION DETECTORS TO ENFORCE RED LIGHT VIOLATIONS; AMENDING ARTICLE V OF CHAPTER 35 IN THE ORANGE COUNTY CODE OF ORDINANCES; DELETING DEFINITIONS; AUTHORIZING COUNTY TO ISSUE A NOTICE OF VIOLATION AND A TRAFFIC CITATION TO OWNERS OF VEHICLES THAT COMMIT RED LIGHT INFRACTIONS BASED ON EVIDENCE FROM A TRAFFIC INFRACTION DETECTOR; PROVIDING A FINE AMOUNT AND DISTRIBUTION; PROVIDING FOR VEHICLE OWNER DEFENSES; PROVIDING REQUIREMENTS FOR ISSUANCE OF A NOTICE OF VIOLATION AND A TRAFFIC CITATION; PROVIDING FOR FLEXIBILITY IN PLACEMENT OF CAMERAS; PROVIDING FOR COUNTY ADMINISTRATOR TO IMPLEMENT PROGRAM INCLUDING COORDINATION, PLACEMENT, AND COST EFFICIENCY; PROVIDING FOR PUBLIC AWARENESS 30 DAYS PRIOR TO PROGRAM; PROVIDING FOR SIGNAGE; PROVIDING FOR AN ANNUAL REPORT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Orange County is located in a high density traffic area and regularly experiences traffic incidents related to the failure of motorists to obey duly erected traffic control devices, which exposes its citizens and visitors to the dangers of personal injury and property damage; and

WHEREAS, the Mayor and Board of County Commissioners (BCC) of Orange County, a charter county under the laws of the State of Florida, is charged under section 125.86, Florida Statutes, with conducting studies for the operation of County programs and services and to take action on programs for the improvement of the County and for the welfare of its residents; and

WHEREAS, in recent years the County has undertaken studies related to the dangers of vehicular use of County roadways as these dangers relate to the failure of motorists to obey traffic control devices; and

WHEREAS, the failure to obey traffic control devices creates incidences and accidents that present a nuisance to County residents and visitors by threatening the public health, safety and welfare of County residents and visitors; and

WHEREAS, various local governments in Florida and around the country have successfully integrated automated image capture technologies, including automated cameras

used to photograph red light violations, into their traditional traffic management and enforcement methods for the purpose of improving vehicular and pedestrian traffic safety at intersections and alleviating nuisance under their local codes; and

WHEREAS, pursuant to section 316.008, Florida Statutes, local governments are authorized to regulate, restrict, or monitor traffic by security devices or personnel; and

WHEREAS, the BCC finds that establishing a local traffic infraction detection program and implementing such a program will result in the enhanced health, safety and welfare of those who travel on, over or near those intersections in Orange County that are outfitted with this system; and

WHEREAS, on March 24, 2009 the BCC enacted Ordinance 2009-08 to allow for the use of traffic infractions to establish red light violations in a manner consistent with legislation pending in the 2009 Legislative session; and

WHEREAS, the legislation did not pass in the 2009 Legislative session thus resulting in the need for amendments to Ordinance 2009-08 to facilitate creation of a purely local program by Ordinance 2009-17; and

WHEREAS, in 2010, the Florida Legislature enacted a bill (Chapter 2010-80, Laws of Florida) to authorize local governments to enforce red light violations by camera while expressly preempting regulation of the use of the cameras to the State; and

WHEREAS, implementation of Chapter 2010-80, Laws of Florida, requires amendments to the County Code.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Orange County:

Section 1. The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article V, Chapter 35 of the Orange County Code of Ordinances, consisting of Sections 35-71 through 35-77 of the Orange County Code, is hereby amended to read as follows with underlines showing new text and strikethroughs showing deletions:

ARTICLE V.

RED LIGHT RUNNING

Sec. 35-71. Intent.

Consistent with the requirements set forth in Chapter 2010-80, Laws of Florida, this ordinance is adopted to authorize the county to issue a notice of violation and traffic citation to the registered owner of a vehicle for a violation of s. 316.074(1) or s. 316.075(1)(c)I., Florida Statutes (steady red-light signal), based on information obtained from the use of traffic infraction detectors. The provisions of this ordinance and this article shall not prohibit a law enforcement officer from issuing a uniform traffic violation notice to a driver for a red-light signal violation in accordance with Chapters 316 and 318, Florida Statutes.~~(a) The County finds that red light infractions are a serious threat to the public health, safety and welfare of county residents and visitors and that these infractions are, by their very nature, irreparable, irreversible, itinerant and transient. Therefore the County intends to utilize traffic infraction detectors to identify red light infractions and to reduce accidents and injuries associated with such infractions. This ordinance is adopted to authorize traffic infraction enforcement officers to issue a citation to the registered owner of a motor vehicle for a violation of section 35-73 of this code based on information obtained from the use of unmanned traffic infraction detectors and to adopt a quasi-judicial civil enforcement system for such red light infractions.~~

~~(b) Any citation issued for red light infractions pursuant to this ordinance of the Code shall be a county code violation which shall be addressed using a quasi-judicial code enforcement system established in this section and not through the issuance of uniform traffic citations processed through county courts. The provisions of this ordinance and this article are intended to supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit a law enforcement officer from issuing a uniform traffic citation to a driver for a red light signal violation in accordance with F.S. chs. 316 and 318.~~

Sec. 35-72. Definitions.

~~The definitions in section 316.003, Florida Statutes, apply to this chapter. In addition, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:~~

~~Citation, as used in this section, shall mean a notice of violation issued for a red light infraction.~~

~~Issuance of a citation shall mean the act of making a final determination of the violation, and so indicating via an official written, signed declaration, based upon the photographic and other data supporting said determination, and for the limited purpose set forth in this article, the act of notifying an agent or vendor under contract with the County, where applicable, to mail the citation of red light infraction to an alleged violator. No citation indicating a red light infraction violation shall be sent to an alleged violator by a vendor or agent of a vendor, where applicable, without the prior determination of said violation made by the Traffic Infraction Enforcement Officer employed by the County.~~

~~Recorded Images shall mean two or more photographic or electronic or digital or video images recorded by a traffic infraction detector that show the rear of the motor vehicle. At least one of the two recorded images shall allow for clear identification of the registration license plate number of the motor vehicle.~~

~~Red Light Infraction shall mean a code enforcement violation, as further described in section 35.73 of this code, whereby a traffic infraction detector establishes that a motor vehicle entered into an intersection controlled by a duly erected traffic control device at a time when the traffic control signal for such motor vehicle's direction was emitting a steady red signal.~~

~~Registered Owner shall mean the person, firm, corporation, or association controlling any motor vehicle by right of purchase, gift, lease, or otherwise who has or entity identified by the Florida Department of Highway Safety and Motor Vehicles or other state motor vehicle registration office, as the registered owner of the motor vehicle as required by Chapter 320, Florida Statutes. For purposes of this article, such term shall also mean a lessee of a motor vehicle pursuant to a lease of six (6) months or more.~~

~~Registration License Plate shall have the meaning ascribed in section 320.06, Florida Statutes, and for purposes of this article may include a temporary tag as described in section 320.131, Florida Statutes.~~

~~Traffic Control Signal Device shall mean a traffic control signal exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green,~~

~~red and yellow and said lights to indicate and apply to drivers of motor vehicles and pedestrians as is further defined in s. 316.075, Florida Statutes.~~

~~*Traffic Hearing Officer* shall mean the person authorized by this code and retained by contract with the County for the purpose of holding hearings and make making findings consistent with the requirements set forth in section 35-73 of this code.~~

~~*Traffic Infraction Detector* shall mean a device that uses a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic result in recorded images or streaming video of only the rear of a motor vehicle at the time the motor vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any ticket citation issued by the use of a traffic infraction detector shall include a photographic or other recorded images showing both the registration license tag plate of the offending motor vehicle and the traffic control device being violated.~~

~~*Traffic Infraction Enforcement Officer* shall mean either a duly appointed code enforcement officer, a county employee specifically designated and duly appointed as a Traffic Infraction Enforcement Officer, or any deputy sheriff assigned to review images of possible red light violations infractions, or the agent of a vendor under contract with the county who is authorized pursuant to the responsibilities listed herein to issue a ticket citation for violation of s. 316.075(1)(c), Florida Statutes, a red light infraction and to who may enforce payment of said ticket citation. The traffic infraction enforcement officer is not authorized to carry a firearm or other weapon or make arrests based solely on the provisions in this article; however, neither shall the duties of a sworn law enforcement officer be impacted by the provisions of this article.~~

~~*Vendor* shall mean the entity who is engaged by the county for the purpose of installing the traffic infraction detectors described herein, monitoring the testing and operation of said devices so that said devices continue to provide accurate data and information, and providing testimony in support of the accuracy or veracity of said traffic infraction detectors in or before an administrative forum or court of law, if the accuracy of the traffic infraction detector is at issue. No vendor shall issue a citation, as that phrase is defined herein; however, the duties of the vendor may include the ministerial duties of mailing the citation to the~~

~~alleged violator using the process as required under this code.~~

**Sec. 35-~~7273~~. Red Light Infraction prohibited;—defenses;
hearing; exemption.**

(a) The County may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, when a driver fails to stop at a traffic signal on streets and highways within the County. Motor vehicle traffic facing a traffic control device steady red light indication, as described in s. 316.074(1) or 316.075(1)(c)1., Florida Statutes, shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green light indication is shown on the traffic control signal. Failure of a motor vehicle to so stop is a red light infraction which will result in a notice of violation and traffic citation for violation of this article, the fine for which the registered owner of the motor vehicle shall be responsible and liable.

(b) A notice of violation and a traffic citation may not be issued for failure to stop at a read light if the driver is making a right-hand turn in a careful and prudent manner where permissible. Within twenty one (21) days of the date of the citation the registered owner of the motor vehicle shall either:

~~(1) — Pay the assessed civil penalty pursuant to instructions on the citation; or~~

~~(2) — Provide an affidavit of defense or request an appeal pursuant to the procedures as outlined in this article.~~

~~(3) — The failure of the registered owner to comply with the provisions of this section within twenty one (21) days from the date of the citation shall constitute a waiver of the right to contest the citation and the registered owner shall have no further right to appeal the citation.~~

~~(c) — (1) — *Defenses.* Notwithstanding the provisions of subsection (a) of this section, no violation shall be found hereunder and the registered owner of the motor vehicle shall not be responsible and liable for payment of the fine assessed pursuant to this article where it is found that, at the time of the violation:~~

~~a. — The motor vehicle passed through the intersection in order to yield right of way to an emergency vehicle or as part of a funeral procession;~~

~~b. — The motor vehicle passed through the intersection at the direction of a law enforcement officer;~~

~~c. — The motor vehicle was stolen at the time of the alleged violation;~~

~~d. — A uniform traffic citation was issued to the driver of the motor vehicle for the alleged violation of s. 316.075(1)(c), Florida Statutes; or~~

~~e. — Any other defense the Traffic Hearing Officer deems appropriate upon submission of testimony and evidence by the registered owner of the motor vehicle, including any legal left or right hand turn which is allowable under Florida law.~~

~~(2) — *Establishing defenses.* To establish an owner defense as provided in subsection (c)(1) above or to contest the determination that his/her motor vehicle failed to stop at a traffic control signal steady red light, as evidenced by a traffic infraction detector, the registered owner shall, within twenty one (21) days from the date of the citation, furnish to the County Administrator or designee an affidavit that sets forth detailed information supporting the defense asserted or that provides relevant information to contest the determination that the motor vehicle failed to stop at a traffic control signal steady red light.~~

~~a. — In asserting the defense described in paragraph (c)(1)c., above, the affidavit must set forth that the motor vehicle was stolen and be accompanied by a copy of the police report indicating that the motor vehicle was stolen at the time of the alleged violation.~~

~~b. — In asserting the defense described in paragraph (c)(1)d., above, the affidavit must set forth that a citation was issued and shall be accompanied by a copy of the citation indicating the time of the alleged violation and the location of the intersection at which it occurred.~~

~~(3) — *Hearing before a Traffic Hearing Officer.* Within sixty (60) days after the County's receipt of the affidavit or request for hearing as described in subsection (c)(2) above, the County shall schedule a hearing before a Traffic Hearing Officer retained by the County for this purpose. A notice of hearing shall be postmarked as sent to the registered owner no less than ten (10)~~

~~days before the hearing by regular and certified U.S. mail to the same address to which the citation was sent unless the registered owner has provided the County a different address. The findings of the Traffic Hearing Officer shall be the final administrative action by the County appealable as provided in section 35-76 of this Code.~~

~~(d) — Exemption. An emergency vehicle is exempt from the provisions of this article when responding to an emergency call at the time of the alleged violation of this section. In order to establish this exemption, the registered owner of the emergency vehicle or designee shall, within twenty one (21) days after from the date of the citation, furnish to the County Administrator or designee the information necessary to support this exemption as described in subsection (c) (2) above.~~

Sec. 35-7374. Violation; Issuance of Notice of Violation and Traffic and Processing of a Citation.

(a) A violation of code, known as a red light infraction, shall occur when a motor vehicle does not comply with the requirements of ~~subsection 35-73(a)~~72 of this code. ~~The citation for violation shall be as provided herein.~~Notification of a violation shall be as follows:

(b) 1. Within thirty (30) days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14, Florida Statutes, and that the violator must pay the penalty of one hundred fifty-eight dollars (\$158.00) to the county or furnish an affidavit in accordance with paragraph (d), within thirty (30) days following the date of the notification in order to avoid court fees, costs, and the issuance of a traffic citation. The notification shall be sent by first-class mail.~~The duly appointed Traffic Infraction Enforcement Officer shall review recorded images prior to the issuance of a citation to ensure the accuracy and integrity of the recorded images. The Traffic Infraction Enforcement Officer shall also verify that the Traffic Infraction Detector which captured the recorded images was functioning properly at the time the recorded images were captured. Once the Traffic Infraction Enforcement Officer has verified the accuracy of the recorded images and functionality of the Traffic Infraction Detector, the Traffic Infraction Enforcement Officer shall complete a report, consisting of the determination of violation, and prepare or have the vendor prepare and send a citation via regular and certified U.S. mail with a return receipt, to the registered owner of~~

~~the motor vehicle at the address on record with the Florida Department of Highway Safety and Motor Vehicles or other state motor vehicle registration office.~~

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or internet location where the evidence may be examined and observed.

(c)

1. a. When payment has not been made within thirty (30) days after notification under subparagraph (b), above, a traffic citation issued under this section shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation.

b. Delivery of the traffic citation constitutes notification under this subsection.

c. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

d. The traffic citation shall be mailed to the registered owner of the motor vehicle involved in the violation no later than sixty (60) days after the date of the violation.

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, either in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or internet location where the evidence may be examined and observed.

~~The County shall issue such citation to the registered owner of a motor vehicle observed to have committed a red light infraction within thirty (30) days of the alleged violation of subsection 35-73(a) of this code. The recorded images by the traffic infraction detector shall be sufficient grounds for the County~~

~~to issue a citation to the registered owner of the motor vehicle in the amount of \$150.00.~~

(d) ~~The citation must advise the registered owner of the violation charged and must contain the following information:~~

~~(1) — The date of issuance of the citation;~~

~~(2) — the name and address of the person alleged to be liable as the registered owner of the motor vehicle involved in the violation;~~

~~(3) — the registration license plate number of the motor vehicle and the make, model, and year of the motor vehicle;~~

~~(4) — the violation charged, a copy of the recorded images, the location where the violation occurred, the date and time of the violation;~~

~~(5) — information that identifies the device that recorded the violation;~~

~~(6) — a signed statement (which may be electronic or original) by the traffic infraction enforcement officer, who is employed by the County stating that, based on inspection of recorded images, the motor vehicle was being operated in violation of this article;~~

~~(7) — the amount of the fine;~~

~~—— (8) — the date by which the fine must be paid, including the procedure for payment of the fine; and~~

~~—— (9) — the procedure for contesting the violation alleged in the citation. The citation must contain information advising the owner of the motor vehicle the manner and time in which liability as alleged in the citation may be appealed including a warning that failure to contest the citation in the manner and time provided is deemed a waiver of the right to contest the citation, a waiver of further right to appeal the citation, an admission of the liability and shall inform the motor vehicle owner that a default may be entered thereon.~~

If a traffic citation is issued under s. 316.0083, Florida Statutes, and subsection (c), above, the traffic infraction

enforcement officer shall provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five (5) days after the date of issuance of the traffic citation to the violator.

Sec. 35-7475. FinesPenalty; distribution; no commission.

(a) Penalties to be assessed and collected by the County for aA violation of subsection 35-73(a) of this article shall be deemed a non-criminal, non-moving violation for which a civil penalty in the amount of one hundred fifty-eight dollars (\$150.00158.00) when a driver has failed to stop at a traffic signal if enforcement is by a county traffic infraction enforcement officer. Seventy dollars (\$70.00) shall be remitted by the county to the Department of Revenue for deposit into the General Revenue Fund, ten dollars (\$10.00) shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, three dollars (\$3.00) shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and seventy-five dollars (\$75.00) shall be retained by the county pursuant to law. shall be assessed for each violation. As the violation relates to this code and not the State Statutes, no points as provided in section 322.27, Florida Statutes, shall be recorded on the driving record of the registered owner of the motor vehicle or other responsible party.

(b) An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detectorOf the fine imposed in subsection (a) above, the amount of the fine shall be separately accounted for in the general fund and \$25.00 of each fine collected in full will be separately accounted for in the general fund and may be annually appropriated and distributed by the Board of County Commissioners, following termination of any eserow period, to support the County's local Trauma Center(s), as this term is defined in section 395.4001, Florida Statutes.

(c) Penalties assessed and collected by the county less the amount retained by the county pursuant to this section shall be paid to the state Department of Revenue weekly by electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

(d) If a person who is cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, as enforced by a traffic infraction enforcement officer under s. 316.0083, Florida Statutes, presents documentation from the appropriate governmental entity that the traffic citation was in error, the clerk of court may dismiss the case. Pursuant to s. 318.18(15), Florida Statutes, the clerk of court may not charge for this service.

(e) An individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

Sec. 35-75. Owner Defenses.

(a) The owner of the motor vehicle involved in the violation is responsible and liable for paying the violation notice and traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, when the driver failed to stop at a traffic signal, unless the owner can establish that:

(1) The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

(2) The motor vehicle passed through the intersection at the direction of a law enforcement officer;

(3) The motor vehicle was, at the time of the violation, in the care, custody, or control of another person; or

(4) A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes.

(b) In order to establish facts to support his/her defense, as provided above, the owner of the motor vehicle shall, within thirty (30) days after the date of issuance of the notice of violation or traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

(1) An affidavit supporting an exemption under paragraph (a)(3) must include the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

(2) If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

(c) Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(d) The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 3. Pursuant to chapter 2010-80, Laws of Florida, the Sheriff is authorized to designate employees as traffic infraction enforcement officers. The traffic enforcement officers must be physically located in Orange County. The County Administrator or designee is authorized to work with the Orange County Sheriff to develop an agreement or mechanism by which the County and Sheriff can cooperatively reach this goal.

Section 4. The County Administrator or designee shall, within the resources available to the County, ensure that traffic infraction detectors are placed in accordance with the

provisions of s. 316.0776, Florida Statutes, and are placed at those intersections where historical data and/or current experience indicates an enhanced danger of red light running exists but shall maintain flexibility in placement choice.

Section 5. The County Administrator or designee shall develop and implement signage to be posted at those locations designated by the county for traffic infraction detectors. Such signage shall provide notification that a traffic infraction detector may be in use and shall conform to the standards and requirements adopted by the Florida Department of Transportation under s. 316.0745, Florida Statutes. The County Administrator or designee shall also develop and conduct a public announcement and public awareness campaign regarding the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.

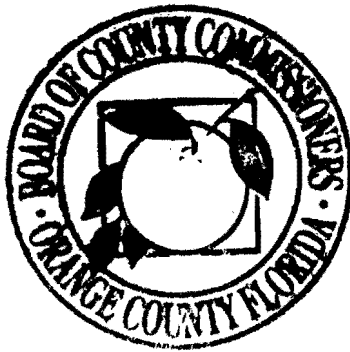
Section 6. The County Administrator or designee is authorized to implement the provisions of this ordinance in the most cost effective and efficient manner as he/she deems necessary; provided, however, that traffic infraction detectors must meet the specifications described in s. 316.07456, Florida Statutes. Implementation of the program may include full implementation of the program by the County or performance of some or all of the work through one or more vendors; provided, however, that if some or all of the work is performed by one or more vendors and a court rules such a red light program illegal in Florida, the Board may vote by simple majority to suspend the program, including the work of any vendor in Orange County.

Section 7. The provisions of this article supplement the enforcement of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, by law enforcement officers when a driver fails to stop at a traffic signal and does not prohibit a law enforcement officer from issuing a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1., Florida Statutes, when a driver fails to stop at a traffic signal in accordance with normal traffic enforcement techniques.

Section 8. The County shall submit a report by October 1, 2012, and annually thereafter, to the Department of Highway Safety and Motor Vehicles which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year. The information submitted by the County must include statistical data and information required by the department to complete the report required under chapter 2010-80, Laws of Florida.

Section 9. This ordinance shall become effective pursuant to general law.

ADOPTED THIS ____ DAY OF JUL 13 2010, 2010.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: Richard T. Crotty
Richard T. Crotty
County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: Martha O. Haynie
Assistant Deputy Clerk