

1                                   A bill to be entitled  
2           An act relating to traffic control; amending s.  
3           316.0083, F.S.; revising provisions for enforcement of  
4           specified provisions using a traffic infraction  
5           detector; prohibiting a notice of violation or a  
6           traffic citation for a right on red violation under  
7           specified provisions; revising notification  
8           requirements; revising procedures for disposition upon  
9           notice of violation; providing that initiating a  
10          proceeding to challenge the delivery or attempted  
11          delivery of the notice of violation or a citation  
12          waives any challenge or dispute as to delivery;  
13          revising provisions for issuance of a citation;  
14          revising provisions for enforcement when a person  
15          other than the owner is designated as having care,  
16          custody, or control of the motor vehicle at the time  
17          of the violation; providing that specified provisions  
18          for notice of violation apply to such designated  
19          person; specifying that the burden of proving guilt  
20          rests upon the governmental entity bringing the charge  
21          and that a person may not be compelled to be a witness  
22          against himself or herself; specifying that, in any  
23          hearing involving a traffic infraction detector, each  
24          person so charged has the right to confront the  
25          witnesses against him or her; providing procedures for  
26          presentation and authentication of evidence relating  
27          to a traffic infraction detector; specifying  
28          requirements for compensation of witnesses for the

29 prosecution; amending s. 316.075, F.S.; requiring  
 30 traffic control signals to maintain certain signal  
 31 intervals and display durations based on posted  
 32 speeds; providing that a citation for specified  
 33 violations shall be dismissed if the traffic control  
 34 signal does not meet specified requirements; providing  
 35 dates for intersections to meet such requirements;  
 36 providing penalties for violation by a local  
 37 governmental entity; providing for dismissal of  
 38 citations issued at certain nonconforming  
 39 intersections and refund of penalties collected  
 40 pursuant to such citations; providing an effective  
 41 date.

42  
 43 Be It Enacted by the Legislature of the State of Florida:

44  
 45 Section 1. Subsections (1) and (2) of section 316.0083,  
 46 Florida Statutes, are amended to read:

47 316.0083 Mark Wandall Traffic Safety Program;  
 48 administration; report.—

49 (1) (a) For purposes of administering this section, the  
 50 department, a county, or a municipality may authorize a traffic  
 51 infraction enforcement officer under s. 316.640 to issue a  
 52 traffic citation for a violation of s. 316.074(1) or s.  
 53 316.075(1)(c)1. Neither a notice of violation nor ~~and~~ a traffic  
 54 citation may ~~not~~ be issued under this section for a right on red  
 55 violation ~~for failure to stop at a red light if the driver is~~  
 56 ~~making a right hand turn in a careful and prudent manner at an~~

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57 | ~~intersection where right-hand turns are permissible.~~ This  
58 | paragraph does not prohibit a review of information from a  
59 | traffic infraction detector by an authorized employee or agent  
60 | of the department, a county, or a municipality before issuance  
61 | of the traffic citation by the traffic infraction enforcement  
62 | officer. This paragraph does not prohibit the department, a  
63 | county, or a municipality from issuing notification as provided  
64 | in paragraph (b) to the registered owner of the motor vehicle or  
65 | to another person identified as having care, custody, or control  
66 | of the motor vehicle involved in the violation of s. 316.074(1)  
67 | or s. 316.075(1)(c)1. unless the notification is for a right on  
68 | red violation.

69 | (b)1.a. Within 30 days after a violation, notification  
70 | must be sent to the registered owner of the motor vehicle  
71 | involved in the violation specifying the remedies available  
72 | under s. 318.14 and that the violator must pay the penalty of  
73 | \$158 to the department, county, or municipality, or furnish an  
74 | affidavit in accordance with paragraph (d), or request a  
75 | hearing, within 30 days following the date of delivery or  
76 | attempted delivery of the notification in order to avoid court  
77 | fees, costs, and the issuance of a traffic citation. The  
78 | notification shall be sent by certified ~~first-class~~ mail.

79 | b. Included with the notification to the registered owner  
80 | of the motor vehicle involved in the infraction must be a notice  
81 | that the owner has the right to review the photographic or  
82 | electronic images or the streaming video evidence that  
83 | constitutes a rebuttable presumption against the owner of the  
84 | vehicle. The notice must state the time and place or Internet

85 location where the evidence may be examined and observed.

86 c. Notwithstanding any other provision of law, a person  
87 who receives a notice of violation under this section shall have  
88 the option of requesting a hearing within 30 days following the  
89 date of delivery or attempted delivery of the notice of  
90 violation or paying the penalty pursuant to the notice of  
91 violation, but no payment or fee may be required before a  
92 hearing requested by the person. For purposes of this  
93 subparagraph, the term "person" includes a natural person,  
94 registered owner or coowner of a motor vehicle, or person  
95 identified on an affidavit as having care, custody, or control  
96 of the motor vehicle at the time of the violation.

97 d. If the registered owner or coowner of the motor  
98 vehicle, or the person designated as having care, custody, or  
99 control of the motor vehicle at the time of the violation, or a  
100 duly authorized representative of the owner, coowner, or  
101 designated person, initiates a proceeding to challenge the  
102 delivery or attempted delivery of the notice of violation  
103 pursuant to this paragraph, such person waives any challenge or  
104 dispute as to delivery.

105 2. Penalties assessed and collected by the department,  
106 county, or municipality authorized to collect the funds provided  
107 for in this paragraph, less the amount retained by the county or  
108 municipality pursuant to subparagraph 3., shall be paid to the  
109 Department of Revenue weekly. Payment by the department, county,  
110 or municipality to the state shall be made by means of  
111 electronic funds transfers. In addition to the payment, summary  
112 detail of the penalties remitted shall be reported to the

113 Department of Revenue.

114 3. Penalties to be assessed and collected by the  
115 department, county, or municipality are as follows:

116 a. One hundred fifty-eight dollars for a violation of s.  
117 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
118 stop at a traffic signal if enforcement is by the department's  
119 traffic infraction enforcement officer. One hundred dollars  
120 shall be remitted to the Department of Revenue for deposit into  
121 the General Revenue Fund, \$10 shall be remitted to the  
122 Department of Revenue for deposit into the Department of Health  
123 Emergency Medical Services Trust Fund, \$3 shall be remitted to  
124 the Department of Revenue for deposit into the Brain and Spinal  
125 Cord Injury Trust Fund, and \$45 shall be distributed to the  
126 municipality in which the violation occurred, or, if the  
127 violation occurred in an unincorporated area, to the county in  
128 which the violation occurred. Funds deposited into the  
129 Department of Health Emergency Medical Services Trust Fund under  
130 this sub-subparagraph shall be distributed as provided in s.  
131 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
132 Cord Injury Trust Fund shall be distributed quarterly to the  
133 Miami Project to Cure Paralysis and shall be used for brain and  
134 spinal cord research.

135 b. One hundred fifty-eight dollars for a violation of s.  
136 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
137 stop at a traffic signal if enforcement is by a county or  
138 municipal traffic infraction enforcement officer. Seventy  
139 dollars shall be remitted by the county or municipality to the  
140 Department of Revenue for deposit into the General Revenue Fund,

141 \$10 shall be remitted to the Department of Revenue for deposit  
 142 into the Department of Health Emergency Medical Services Trust  
 143 Fund, \$3 shall be remitted to the Department of Revenue for  
 144 deposit into the Brain and Spinal Cord Injury Trust Fund, and  
 145 \$75 shall be retained by the county or municipality enforcing  
 146 the ordinance enacted pursuant to this section. Funds deposited  
 147 into the Department of Health Emergency Medical Services Trust  
 148 Fund under this sub-subparagraph shall be distributed as  
 149 provided in s. 395.4036(1). Proceeds of the infractions in the  
 150 Brain and Spinal Cord Injury Trust Fund shall be distributed  
 151 quarterly to the Miami Project to Cure Paralysis and shall be  
 152 used for brain and spinal cord research.

153 4. An individual may not receive a commission from any  
 154 revenue collected from violations detected through the use of a  
 155 traffic infraction detector. A manufacturer or vendor may not  
 156 receive a fee or remuneration based upon the number of  
 157 violations detected through the use of a traffic infraction  
 158 detector.

159 (c)1.a. A traffic citation issued under this section shall  
 160 be issued by mailing the traffic citation by certified mail to  
 161 the address of the registered owner of the motor vehicle  
 162 involved in the violation when payment has not been made within  
 163 30 days after the date of delivery or attempted delivery of the  
 164 notification under paragraph (b), the registered owner has not  
 165 requested a hearing as permitted by paragraph (b), and the  
 166 registered owner has not submitted an affidavit under this  
 167 section subparagraph (b)1.

168 b. Delivery or attempted delivery of the traffic citation

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169 | constitutes notification under this paragraph. If the registered  
170 | owner or coowner of the motor vehicle, or the person designated  
171 | as having care, custody, or control of the motor vehicle at the  
172 | time of the violation, or a duly authorized representative of  
173 | the owner, coowner, or designated person, initiates a proceeding  
174 | to challenge the delivery or attempted delivery of the citation  
175 | pursuant to this section, such person waives any challenge or  
176 | dispute as to delivery.

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

182 |       ~~d. The traffic citation shall be mailed to the registered~~  
183 | ~~owner of the motor vehicle involved in the violation no later~~  
184 | ~~than 60 days after the date of the violation.~~

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

193 |       (d)1. The owner of the motor vehicle involved in the  
194 | violation is responsible and liable for paying the uniform  
195 | traffic citation issued for a violation of s. 316.074(1) or s.

196 316.075(1)(c)1. when the driver failed to stop at a traffic  
 197 signal, unless the owner can establish that:

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

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

203 c. The motor vehicle was, at the time of the violation, in  
 204 the care, custody, or control of another person;

205 d. A uniform traffic citation was issued by a law  
 206 enforcement officer to the driver of the motor vehicle for the  
 207 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

208 e. The motor vehicle's owner was deceased on or before the  
 209 date that the uniform traffic citation was issued, as  
 210 established by an affidavit submitted by the representative of  
 211 the motor vehicle owner's estate or other designated person or  
 212 family member.

213 2. In order to establish such facts, the owner of the  
 214 motor vehicle shall, within 30 days after the date of issuance  
 215 of the traffic citation, furnish to the appropriate governmental  
 216 entity an affidavit setting forth detailed information  
 217 supporting an exemption as provided in this paragraph.

218 a. An affidavit supporting an exemption under sub-  
 219 subparagraph 1.c. must include the name, address, date of birth,  
 220 and, if known, the driver license number of the person who  
 221 leased, rented, or otherwise had care, custody, or control of  
 222 the motor vehicle at the time of the alleged violation. If the  
 223 vehicle was stolen at the time of the alleged offense, the



224 affidavit must include the police report indicating that the  
225 vehicle was stolen.

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

230 c. If the motor vehicle's owner to whom a traffic citation  
231 has been issued is deceased, the affidavit must include a  
232 certified copy of the owner's death certificate showing that the  
233 date of death occurred on or before the issuance of the uniform  
234 traffic citation and one of the following:

235 (I) A bill of sale or other document showing that the  
236 deceased owner's motor vehicle was sold or transferred after his  
237 or her death, but on or before the date of the alleged  
238 violation.

239 (II) Documentary proof that the registered license plate  
240 belonging to the deceased owner's vehicle was returned to the  
241 department or any branch office or authorized agent of the  
242 department, but on or before the date of the alleged violation.

243 (III) A copy of a police report showing that the deceased  
244 owner's registered license plate or motor vehicle was stolen  
245 after the owner's death, but on or before the date of the  
246 alleged violation.

247  
248 Upon receipt of the affidavit and documentation required under  
249 this sub-subparagraph, the governmental entity must dismiss the  
250 citation and provide proof of such dismissal to the person that  
251 submitted the affidavit.

252 3. Upon receipt of an affidavit, the person designated as  
 253 having care, custody, or ~~and~~ control of the motor vehicle at the  
 254 time of the violation may be issued a notice of violation  
 255 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.  
 256 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop  
 257 at a traffic signal. The affidavit is admissible in a proceeding  
 258 pursuant to this section for the purpose of providing proof that  
 259 the person identified in the affidavit was in actual care,  
 260 custody, or control of the motor vehicle. The owner of a leased  
 261 vehicle for which a traffic citation is issued for a violation  
 262 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to  
 263 stop at a traffic signal is not responsible for paying the  
 264 traffic citation and is not required to submit an affidavit as  
 265 specified in this subsection if the motor vehicle involved in  
 266 the violation is registered in the name of the lessee of such  
 267 motor vehicle.

268 4. Paragraphs (b) and (c) apply to the person identified  
 269 on the affidavit, except that the notification under sub-  
 270 subparagraph (b)1.a. must be sent to the person identified on  
 271 the affidavit within 30 days after receipt of an affidavit.

272 ~~5.4.~~ The submission of a false affidavit is a misdemeanor  
 273 of the second degree, punishable as provided in s. 775.082 or s.  
 274 775.083.

275 (e) The photographic or electronic images or streaming  
 276 video attached to or referenced in the traffic citation is  
 277 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
 278 when the driver failed to stop at a traffic signal has occurred  
 279 and is admissible in any proceeding to enforce this section and

280 raises a rebuttable presumption that the motor vehicle named in  
281 the report or shown in the photographic or electronic images or  
282 streaming video evidence was used in violation of s. 316.074(1)  
283 or s. 316.075(1)(c)1. when the driver failed to stop at a  
284 traffic signal.

285 (f) Notwithstanding any other provision of law, the burden  
286 of proving guilt shall rest upon the governmental entity  
287 bringing the charge under this section. A person appearing in  
288 any hearing under this section may not be compelled to be a  
289 witness against himself or herself.

290 (g) Notwithstanding any other provision of law, in any  
291 hearing involving a traffic infraction detector used to enforce  
292 the traffic laws of this state, each person so charged has the  
293 right to confront the witnesses against him or her. Any evidence  
294 obtained from a traffic infraction detector must be  
295 authenticated in court by the person receiving or processing the  
296 evidence, any person having reviewed such evidence in order to  
297 make a decision to issue a notice of violation, and any person  
298 who issued the notice of violation or traffic citation. An  
299 affidavit is not sufficient to authenticate such evidence, and  
300 such evidence must be accounted for in writing from the time of  
301 the alleged violation until the issuance of any notice of  
302 violation or traffic citation. Compensation of any witness for  
303 the prosecution shall be as required in s. 92.143.

304 (2) Neither a notice of violation nor ~~and~~ a traffic  
305 citation may ~~not~~ be issued under this section for a right on red  
306 violation ~~for failure to stop at a red light if the driver is~~

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307 | ~~making a right-hand turn in a careful and prudent manner at an~~  
308 | ~~intersection where right-hand turns are permissible.~~

309 | Section 2. Section 316.075, Florida Statutes, is amended  
310 | to read:

311 | 316.075 Traffic control signal devices.—

312 | (1) Except for automatic warning signal lights installed  
313 | or to be installed at railroad crossings, whenever traffic,  
314 | including municipal traffic, is controlled by traffic control  
315 | signals exhibiting different colored lights, or colored lighted  
316 | arrows, successively one at a time or in combination, only the  
317 | colors green, red, and yellow shall be used, except for special  
318 | pedestrian signals carrying a word legend, and the lights shall  
319 | indicate and apply to drivers of vehicles and pedestrians as  
320 | follows:

321 | (a) Green indication.—

322 | 1. Vehicular traffic facing a circular green signal may  
323 | proceed cautiously straight through or turn right or left unless  
324 | a sign at such place prohibits either such turn. But vehicular  
325 | traffic, including vehicles turning right or left, shall yield  
326 | the right-of-way to other vehicles and to pedestrians lawfully  
327 | within the intersection or an adjacent crosswalk at the time  
328 | such signal is exhibited.

329 | 2. Vehicular traffic facing a green arrow signal, shown  
330 | alone or in combination with another indication, as directed by  
331 | the manual, may cautiously enter the intersection only to make  
332 | the movement indicated by such arrow, or such other movement as  
333 | is permitted by other indications shown at the same time, except  
334 | the driver of any vehicle may U-turn, so as to proceed in the

335 opposite direction unless such movement is prohibited by posted  
336 traffic control signs. Such vehicular traffic shall yield the  
337 right-of-way to pedestrians lawfully within an adjacent  
338 crosswalk and to other traffic lawfully using the intersection.

339 3. Unless otherwise directed by a pedestrian control  
340 signal as provided in s. 316.0755, pedestrians facing any green  
341 signal, except when the sole green signal is a turn arrow, may  
342 proceed across the roadway within any marked or unmarked  
343 crosswalk.

344 (b) Steady yellow indication.—

345 1. Vehicular traffic facing a steady yellow signal is  
346 thereby warned that the related green movement is being  
347 terminated or that a red indication will be exhibited  
348 immediately thereafter when vehicular traffic shall not enter  
349 the intersection.

350 2. Pedestrians facing a steady yellow signal, unless  
351 otherwise directed by a pedestrian control signal as provided in  
352 s. 316.0755, are thereby advised that there is insufficient time  
353 to cross the roadway before a red indication is shown and no  
354 pedestrian shall start to cross the roadway.

355 (c) Steady red indication.—

356 1. Vehicular traffic facing a steady red signal shall stop  
357 before entering the crosswalk on the near side of the  
358 intersection or, if none, then before entering the intersection  
359 and shall remain standing until a green indication is shown;  
360 however:

361 a. The driver of a vehicle which is stopped at a clearly  
362 marked stop line, but if none, before entering the crosswalk on

363 the near side of the intersection, or, if none then at the point  
364 nearest the intersecting roadway where the driver has a view of  
365 approaching traffic on the intersecting roadway before entering  
366 the intersection in obedience to a steady red signal may make a  
367 right turn, but shall yield the right-of-way to pedestrians and  
368 other traffic proceeding as directed by the signal at the  
369 intersection, except that municipal and county authorities may  
370 prohibit any such right turn against a steady red signal at any  
371 intersection, which prohibition shall be effective when a sign  
372 giving notice thereof is erected in a location visible to  
373 traffic approaching the intersection.

374       b. The driver of a vehicle on a one-way street that  
375 intersects another one-way street on which traffic moves to the  
376 left shall stop in obedience to a steady red signal, but may  
377 then make a left turn into the one-way street, but shall yield  
378 the right-of-way to pedestrians and other traffic proceeding as  
379 directed by the signal at the intersection, except that  
380 municipal and county authorities may prohibit any such left turn  
381 as described, which prohibition shall be effective when a sign  
382 giving notice thereof is attached to the traffic control signal  
383 device at the intersection.

384       2.a. The driver of a vehicle facing a steady red signal  
385 shall stop before entering the crosswalk and remain stopped to  
386 allow a pedestrian, with a permitted signal, to cross a roadway  
387 when the pedestrian is in the crosswalk or steps into the  
388 crosswalk and is upon the half of the roadway upon which the  
389 vehicle is traveling or when the pedestrian is approaching so

390 | closely from the opposite half of the roadway as to be in  
 391 | danger.

392 |         b. Unless otherwise directed by a pedestrian control  
 393 | signal as provided in s. 316.0755, pedestrians facing a steady  
 394 | red signal shall not enter the roadway.

395 |         (2) In the event an official traffic control signal is  
 396 | erected and maintained at a place other than an intersection,  
 397 | the provisions of this section shall be applicable except as to  
 398 | those provisions which by their nature can have no application.  
 399 | Any stop required shall be made at a sign or marking on the  
 400 | pavement indicating where the stop shall be made, but in the  
 401 | absence of any such sign or marking the stop shall be made at  
 402 | the signal.

403 |         (3) (a) A ~~No~~ traffic control signal device may not ~~shall~~ be  
 404 | used unless it exhibits ~~which does not exhibit~~ a yellow or  
 405 | "caution" light between the green or "go" signal and the red or  
 406 | "stop" signal. Whenever an engineering analysis is undertaken  
 407 | for the purpose of evaluating or reevaluating yellow and red  
 408 | signal display durations of a new or existing traffic control  
 409 | signal, the department and local authorities shall adhere to the  
 410 | following:

411 |             1. The minimum yellow signal display duration on traffic  
 412 | control signals shall be based on the posted speed limit plus 10  
 413 | percent along with the standards set forth in the Florida  
 414 | Department of Transportation's Traffic Engineering Manual. The  
 415 | minimum yellow signal display duration shall be 3 seconds for  
 416 | traffic control signals on streets with a posted speed limit of  
 417 | 25 miles per hour or less. The minimum yellow signal display

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418 duration found after the evaluation or reevaluation under this  
419 paragraph shall be raised to the nearest half second, not to  
420 exceed 6 seconds.

421 2. Intersections with a posted speed limit greater than 55  
422 miles per hour shall have, on approach, a sign posted in  
423 accordance with the Florida Department of Transportation's  
424 Traffic Engineering Manual to alert drivers to the traffic  
425 control signal.

426 (b) A ~~No~~ traffic control signal device may not ~~shall~~  
427 display other than the color red at the top of the vertical  
428 signal, nor may ~~shall~~ it display other than the color red at the  
429 extreme left of the horizontal signal.

430 (c) To provide additional time before conflicting traffic  
431 movements proceed, the yellow signal display shall be followed  
432 by an all red clearance interval delaying the change of opposing  
433 red light signals. The duration of the clearance interval shall  
434 be determined by engineering practices as provided for in the  
435 Florida Department of Transportation's Traffic Engineering  
436 Manual required under s. 316.0745. The duration of a red  
437 clearance interval may be extended from its predetermined value  
438 for a given cycle based upon the detection of a vehicle that is  
439 predicted to violate the red signal indication.

440 (4) (a) A violation of subsection (1) or subsection (2)  
441 ~~this section~~ is a noncriminal traffic infraction, punishable  
442 pursuant to chapter 318 as either a pedestrian violation or, if  
443 the infraction resulted from the operation of a vehicle, as a  
444 moving violation. However, a citation for a violation of  
445 subparagraph (1)(c)1. committed at an intersection where the



446 traffic signal device does not meet all requirements under  
447 subsection (3) is unenforceable, and the court, clerk of the  
448 court, designated official, or authorized operator of a traffic  
449 violations bureau shall dismiss the citation without penalty or  
450 assessment of points against the license of the person cited.

451 (b) Intersections with traffic infraction detectors must  
452 meet the requirements of this section by December 31, 2013.

453 (c) All intersections with traffic infraction detectors  
454 installed after December 31, 2013, must meet the requirements of  
455 this section upon installation of the traffic infraction  
456 detector.

457 (d) All other intersections must meet the requirements of  
458 this section by December 31, 2014.

459 (e) A local governmental entity that violates this  
460 subsection shall be fined \$500 per violation, which shall be  
461 remitted to the Department of Revenue for deposit into the Brain  
462 and Spinal Cord Injury Trust Fund.

463 (f) In addition to the fine listed in paragraph (e), all  
464 citations issued at a nonconforming intersection over the  
465 preceding 60 days shall be dismissed and all fine amounts paid  
466 shall be refunded by the local governmental entity found to be  
467 in violation of this section.

468 Section 3. This act shall take effect July 1, 2013.

469