

By the Committee on Transportation; and Senator Abruzzo

596-02847A-13

20131342c1

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; revising notification of violation
6 requirements; providing that initiating a proceeding
7 to challenge the delivery or attempted delivery of the
8 notice of violation or a citation waives any challenge
9 or dispute as to delivery; revising provisions for
10 issuance of a citation; revising provisions for
11 enforcement when a person other than the owner is
12 designated as having care, custody, or control of the
13 motor vehicle at the time of the violation; providing
14 that specified provisions for notice of violation
15 apply to such designated person; providing
16 circumstances under which a reviewing traffic
17 enforcement officer may issue a notice of violation or
18 traffic citation for a red light violation; providing
19 procedures for presentation and authentication of
20 evidence and affirmative defenses relating to a
21 traffic infraction detector or similar unattended
22 device; requiring counties and municipalities with
23 traffic infraction detectors to install certain signs
24 by a specified date; amending s. 316.075, F.S.;
25 requiring traffic control signals to maintain certain
26 signal intervals and display durations based on posted
27 speeds; providing that a citation for specified
28 violations shall be dismissed if the traffic control
29 signal does not meet specified requirements; providing

596-02847A-13

20131342c1

30 an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsections (1) and (2) of section 316.0083,
35 Florida Statutes, are amended to read:

36 316.0083 Mark Wandall Traffic Safety Program;
37 administration; report.-

38 (1) (a) For purposes of administering this section, the
39 department, a county, or a municipality may authorize a traffic
40 infraction enforcement officer under s. 316.640 to issue a
41 traffic citation for a violation of s. 316.074(1) or s.
42 316.075(1)(c)1. A notice of violation and a traffic citation may
43 not be issued for failure to stop at a red light if the driver
44 is making a right-hand turn in a careful and prudent manner at
45 an intersection where right-hand turns are permissible. This
46 paragraph does not prohibit a review of information from a
47 traffic infraction detector by an authorized employee or agent
48 of the department, a county, or a municipality before issuance
49 of the traffic citation by the traffic infraction enforcement
50 officer. This paragraph does not prohibit the department, a
51 county, or a municipality from issuing notification as provided
52 in paragraph (b) to the registered owner of the motor vehicle or
53 to another person identified as having care, custody, and
54 control of the motor vehicle involved in the violation of s.
55 316.074(1) or s. 316.075(1)(c)1.

56 (b)1.a. Within 30 days after a violation, notification must
57 be sent to the registered owner of the motor vehicle involved in
58 the violation specifying the remedies available under s. 318.14

596-02847A-13

20131342c1

59 and that the violator must pay the penalty of \$158 to the
60 department, county, or municipality, or furnish an affidavit in
61 accordance with paragraph (d), within 30 days following the date
62 of the notification in order to avoid court fees, costs, and the
63 issuance of a traffic citation. The notification shall be sent
64 by first-class mail.

65 b. Included with the notification to the registered owner
66 of the motor vehicle involved in the infraction must be a notice
67 that the owner has the right to review the photographic or
68 electronic images or the streaming video evidence that
69 constitutes a rebuttable presumption against the owner of the
70 vehicle. The notice must state the time and place or Internet
71 location where the evidence may be examined and observed.

72 2. Penalties assessed and collected by the department,
73 county, or municipality authorized to collect the funds provided
74 for in this paragraph, less the amount retained by the county or
75 municipality pursuant to subparagraph 3., shall be paid to the
76 Department of Revenue weekly. Payment by the department, county,
77 or municipality to the state shall be made by means of
78 electronic funds transfers. In addition to the payment, summary
79 detail of the penalties remitted shall be reported to the
80 Department of Revenue.

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

83 a. One hundred fifty-eight dollars for a violation of s.
84 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
85 stop at a traffic signal if enforcement is by the department's
86 traffic infraction enforcement officer. One hundred dollars
87 shall be remitted to the Department of Revenue for deposit into

596-02847A-13

20131342c1

88 the General Revenue Fund, \$10 shall be remitted to the
89 Department of Revenue for deposit into the Department of Health
90 Emergency Medical Services Trust Fund, \$3 shall be remitted to
91 the Department of Revenue for deposit into the Brain and Spinal
92 Cord Injury Trust Fund, and \$45 shall be distributed to the
93 municipality in which the violation occurred, or, if the
94 violation occurred in an unincorporated area, to the county in
95 which the violation occurred. Funds deposited into the
96 Department of Health Emergency Medical Services Trust Fund under
97 this sub-subparagraph shall be distributed as provided in s.
98 395.4036(1). Proceeds of the infractions in the Brain and Spinal
99 Cord Injury Trust Fund shall be distributed quarterly to the
100 Miami Project to Cure Paralysis and shall be used for brain and
101 spinal cord research.

102 b. One hundred fifty-eight dollars for a violation of s.
103 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
104 stop at a traffic signal if enforcement is by a county or
105 municipal traffic infraction enforcement officer. Seventy
106 dollars shall be remitted by the county or municipality to the
107 Department of Revenue for deposit into the General Revenue Fund,
108 \$10 shall be remitted to the Department of Revenue for deposit
109 into the Department of Health Emergency Medical Services Trust
110 Fund, \$3 shall be remitted to the Department of Revenue for
111 deposit into the Brain and Spinal Cord Injury Trust Fund, and
112 \$75 shall be retained by the county or municipality enforcing
113 the ordinance enacted pursuant to this section. Funds deposited
114 into the Department of Health Emergency Medical Services Trust
115 Fund under this sub-subparagraph shall be distributed as
116 provided in s. 395.4036(1). Proceeds of the infractions in the

596-02847A-13

20131342c1

117 Brain and Spinal Cord Injury Trust Fund shall be distributed
118 quarterly to the Miami Project to Cure Paralysis and shall be
119 used for brain and spinal cord research.

120 4. An individual may not receive a commission from any
121 revenue collected from violations detected through the use of a
122 traffic infraction detector. A manufacturer or vendor may not
123 receive a fee or remuneration based upon the number of
124 violations detected through the use of a traffic infraction
125 detector.

126 (c)1.a. A traffic citation issued under this section shall
127 be issued by mailing the traffic citation by certified mail to
128 the address of the registered owner of the motor vehicle
129 involved in the violation when payment has not been made within
130 30 days after notification under subparagraph (b)1.

131 b. Mailing Delivery of the traffic citation constitutes
132 notification under this paragraph. If the registered owner or
133 the person designated as having care, custody, and control of
134 the motor vehicle at the time of the violation, or a duly
135 authorized representative thereof, is present at any proceeding
136 pursuant to this section, such person waives any challenge or
137 dispute as to notification of the citation.

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

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

596-02847A-13

20131342c1

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

154 (d)1. The owner of the motor vehicle involved in the
155 violation is responsible and liable for paying the uniform
156 traffic citation issued for a violation of s. 316.074(1) or s.
157 316.075(1)(c)1. when the driver failed to stop at a traffic
158 signal, unless the owner can establish that:

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

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

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

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

169 e. The motor vehicle's owner was deceased on or before the
170 date that the uniform traffic citation was issued, as
171 established by an affidavit submitted by the representative of
172 the motor vehicle owner's estate or other designated person or
173 family member.

174 2. In order to establish such facts, the owner of the motor

596-02847A-13

20131342c1

175 vehicle shall, within 30 days after the date of issuance of the
176 traffic citation, furnish to the appropriate governmental entity
177 an affidavit setting forth detailed information supporting an
178 exemption as provided in this paragraph.

179 a. An affidavit supporting an exemption under sub-
180 subparagraph 1.c. must include the name, address, date of birth,
181 and, if known, the driver license number of the person who
182 leased, rented, or otherwise had care, custody, or control of
183 the motor vehicle at the time of the alleged violation. If the
184 vehicle was stolen at the time of the alleged offense, the
185 affidavit must include the police report indicating that the
186 vehicle was stolen.

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

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

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

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

596-02847A-13

20131342c1

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

208
209 Upon receipt of the affidavit and documentation required under
210 this sub-subparagraph, the governmental entity must dismiss the
211 citation and provide proof of such dismissal to the person that
212 submitted the affidavit.

213 3. Upon receipt of an affidavit, the person designated as
214 having care, custody, and control of the motor vehicle at the
215 time of the violation may be issued a notice of violation
216 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
217 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
218 at a traffic signal. The notice of violation may be issued to
219 the person designated by a traffic infraction officer or an
220 agent of the department, county, or municipality in the
221 affidavit as having care, custody, and control of the motor
222 vehicle at the time of the violation. The affidavit is
223 admissible in a proceeding pursuant to this section for the
224 purpose of providing proof that the person identified in the
225 affidavit was in actual care, custody, or control of the motor
226 vehicle. The owner of a leased vehicle for which a traffic
227 citation is issued for a violation of s. 316.074(1) or s.
228 316.075(1)(c)1. when the driver failed to stop at a traffic
229 signal is not responsible for paying the traffic citation and is
230 not required to submit an affidavit as specified in this
231 subsection if the motor vehicle involved in the violation is
232 registered in the name of the lessee of such motor vehicle.

596-02847A-13

20131342c1

233 4. Paragraphs (b) and (c) apply to the person identified on
234 the affidavit, except that the notification under sub-
235 subparagraph (b)1.a. must be sent within 30 days after receipt
236 of an affidavit and the traffic citation mailed pursuant to sub-
237 subparagraph (c)1.d. must be mailed no later than 30 days after
238 the date the notification of violation is mailed.

239 ~~5.4.~~ The submission of a false affidavit is a misdemeanor
240 of the second degree, punishable as provided in s. 775.082 or s.
241 775.083.

242 (e) The photographic or electronic images or streaming
243 video attached to or referenced in the traffic citation is
244 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.
245 when the driver failed to stop at a traffic signal has occurred
246 and is admissible in any proceeding to enforce this section and
247 raises a rebuttable presumption that the motor vehicle named in
248 the report or shown in the photographic or electronic images or
249 streaming video evidence was used in violation of s. 316.074(1)
250 or s. 316.075(1)(c)1. when the driver failed to stop at a
251 traffic signal.

252 (f) Documentation provided by the Department of
253 Transportation which demonstrates that the traffic infraction
254 detection equipment meets the appropriate testing specifications
255 is prima facie evidence of the reliability of the traffic
256 infraction detector. A person raising the reliability of the
257 traffic infraction detector as an affirmative defense to the
258 notice of violation must establish by clear and convincing
259 evidence that the detector did not meet specifications
260 prescribed by the Department of Transportation.

261 (2) A notice of violation and a traffic citation may not be

596-02847A-13

20131342c1

262 issued for failure to stop at a red light if the driver is
263 making a right-hand turn in a careful and prudent manner at an
264 intersection where right-hand turns are permissible.

265 (a) A notice of violation or traffic citation for failure
266 to stop at a red light before making a right-hand turn may be
267 issued at the discretion of the reviewing traffic infraction
268 enforcement officer, as if the citation had been issued by an
269 officer at an intersection. When examining evidence for
270 violations under this subsection, a traffic infraction
271 enforcement officer shall consider one or more of the following
272 factors that would indicate the turn was not made in a careful
273 or prudent manner:

274 1. The operator of the motor vehicle failed to yield to a
275 pedestrian or bicyclist.

276 2. The operator of the motor vehicle put a pedestrian or
277 bicyclist in danger of injury.

278 3. The operator of the motor vehicle failed to yield to
279 another vehicle or oncoming traffic.

280 4. The operator of the motor vehicle did not substantially
281 reduce the speed of the motor vehicle before making the right-
282 hand turn movement. For violations of this factor, the reviewing
283 officer must approximate that the speed of the turn was made in
284 excess of 10 miles per hour.

285 (b) A citation may not be issued under this subsection if
286 the driver of the vehicle came to a complete stop before turning
287 right, when permissible at a red light, but failed to stop
288 before the point at which a stop is required.

289 (c) A county or municipality that installs a traffic
290 infraction detector at an intersection shall install a sign

596-02847A-13

20131342c1

291 notifying the public that a traffic infraction detector is in
292 use at that intersection. Such signage must specifically include
293 notification of camera enforcement of violations for right turns
294 at that intersection. Such signage must meet the specifications
295 for uniform signals and devices adopted by the Department of
296 Transportation. Counties and municipalities must be in
297 compliance with this subsection by January 1, 2014.

298 Section 2. Section 316.075, Florida Statutes, is amended to
299 read:

300 316.075 Traffic control signal devices.—

301 (1) Except for automatic warning signal lights installed or
302 to be installed at railroad crossings, whenever traffic,
303 including municipal traffic, is controlled by traffic control
304 signals exhibiting different colored lights, or colored lighted
305 arrows, successively one at a time or in combination, only the
306 colors green, red, and yellow shall be used, except for special
307 pedestrian signals carrying a word legend, and the lights shall
308 indicate and apply to drivers of vehicles and pedestrians as
309 follows:

310 (a) *Green indication.*—

311 1. Vehicular traffic facing a circular green signal may
312 proceed cautiously straight through or turn right or left unless
313 a sign at such place prohibits either such turn. But vehicular
314 traffic, including vehicles turning right or left, shall yield
315 the right-of-way to other vehicles and to pedestrians lawfully
316 within the intersection or an adjacent crosswalk at the time
317 such signal is exhibited.

318 2. Vehicular traffic facing a green arrow signal, shown
319 alone or in combination with another indication, as directed by

596-02847A-13

20131342c1

320 the manual, may cautiously enter the intersection only to make
321 the movement indicated by such arrow, or such other movement as
322 is permitted by other indications shown at the same time, except
323 the driver of any vehicle may U-turn, so as to proceed in the
324 opposite direction unless such movement is prohibited by posted
325 traffic control signs. Such vehicular traffic shall yield the
326 right-of-way to pedestrians lawfully within an adjacent
327 crosswalk and to other traffic lawfully using the intersection.

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

332 (b) *Steady yellow indication.*—

333 1. Vehicular traffic facing a steady yellow signal is
334 thereby warned that the related green movement is being
335 terminated or that a red indication will be exhibited
336 immediately thereafter when vehicular traffic shall not enter
337 the intersection.

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

343 (c) *Steady red indication.*—

344 1. Vehicular traffic facing a steady red signal shall stop
345 before entering the crosswalk on the near side of the
346 intersection or, if none, then before entering the intersection
347 and shall remain standing until a green indication is shown;
348 however:

596-02847A-13

20131342c1

349 a. The driver of a vehicle which is stopped at a clearly
350 marked stop line, but if none, before entering the crosswalk on
351 the near side of the intersection, or, if none then at the point
352 nearest the intersecting roadway where the driver has a view of
353 approaching traffic on the intersecting roadway before entering
354 the intersection in obedience to a steady red signal may make a
355 right turn, but shall yield the right-of-way to pedestrians and
356 other traffic proceeding as directed by the signal at the
357 intersection, except that municipal and county authorities may
358 prohibit any such right turn against a steady red signal at any
359 intersection, which prohibition shall be effective when a sign
360 giving notice thereof is erected in a location visible to
361 traffic approaching the intersection.

362 b. The driver of a vehicle on a one-way street that
363 intersects another one-way street on which traffic moves to the
364 left shall stop in obedience to a steady red signal, but may
365 then make a left turn into the one-way street, but shall yield
366 the right-of-way to pedestrians and other traffic proceeding as
367 directed by the signal at the intersection, except that
368 municipal and county authorities may prohibit any such left turn
369 as described, which prohibition shall be effective when a sign
370 giving notice thereof is attached to the traffic control signal
371 device at the intersection.

372 2.a. The driver of a vehicle facing a steady red signal
373 shall stop before entering the crosswalk and remain stopped to
374 allow a pedestrian, with a permitted signal, to cross a roadway
375 when the pedestrian is in the crosswalk or steps into the
376 crosswalk and is upon the half of the roadway upon which the
377 vehicle is traveling or when the pedestrian is approaching so

596-02847A-13

20131342c1

378 closely from the opposite half of the roadway as to be in
379 danger.

380 b. Unless otherwise directed by a pedestrian control signal
381 as provided in s. 316.0755, pedestrians facing a steady red
382 signal shall not enter the roadway.

383 (2) In the event an official traffic control signal is
384 erected and maintained at a place other than an intersection,
385 the provisions of this section shall be applicable except as to
386 those provisions which by their nature can have no application.
387 Any stop required shall be made at a sign or marking on the
388 pavement indicating where the stop shall be made, but in the
389 absence of any such sign or marking the stop shall be made at
390 the signal.

391 (3) (a) A ~~No~~ traffic control signal device may not ~~shall~~ be
392 used unless it exhibits ~~which does not exhibit~~ a yellow or
393 "caution" light between the green or "go" signal and the red or
394 "stop" signal. The yellow signal display duration on traffic
395 control signals shall be based on the standards set forth in the
396 Florida Department of Transportation's Traffic Engineering
397 Manual.

398 (b) A ~~No~~ traffic control signal device may not ~~shall~~
399 display other than the color red at the top of the vertical
400 signal, nor may ~~shall~~ it display other than the color red at the
401 extreme left of the horizontal signal.

402 (4) (a) A violation of subsection (1) or subsection (2) ~~this~~
403 ~~section~~ is a noncriminal traffic infraction, punishable pursuant
404 to chapter 318 as either a pedestrian violation or, if the
405 infraction resulted from the operation of a vehicle, as a moving
406 violation. However, no person issued a citation by a traffic

596-02847A-13

20131342c1

407 enforcement officer shall be found to have committed a violation
408 of subparagraph (1)(c)1. if the traffic control device at the
409 intersection did not meet all requirements under subsection (3).

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