



588176

596-02885A-12

Proposed Committee Substitute by the Committee on Transportation

1                                   A bill to be entitled  
2           An act relating to noncriminal traffic infractions;  
3           amending s. 316.0083, F.S., relating to use of a  
4           traffic infraction detector when a driver has failed  
5           to stop at a traffic control signal pursuant to  
6           specified provisions; revising procedures applied to a  
7           person identified by a motor vehicle owner as having  
8           care, custody, and control of the vehicle when a  
9           violation occurred; providing for notification and  
10          citation within certain time periods after receipt of  
11          an affidavit from the owner identifying such person;  
12          providing that the owner of a motor vehicle involved  
13          in a violation is responsible for paying the uniform  
14          traffic citation unless the motor vehicle's owner was  
15          deceased on or before the date the uniformed traffic  
16          citation was issued; requiring the representative of  
17          the deceased owner to submit certain documentation to  
18          prove the death of the owner of the vehicle; providing  
19          for a traffic citation to be issued at the discretion  
20          of the reviewing traffic infraction enforcement  
21          officer for failure to stop before making a left-hand  
22          turn or right-hand turn where such turn is  
23          permissible; specifying factors for the reviewing  
24          traffic infraction enforcement officer to consider;  
25          requiring that the Department of Highway Safety and  
26          Motor Vehicles and counties and municipalities that  
27          install a traffic infraction detector to submit a



588176

596-02885A-12

28 report to the Department of Transportation which  
29 provides specified data; amending s. 316.075, F.S.;  
30 requiring the establishment of minimum yellow light  
31 change interval times for intersections where traffic  
32 infraction detectors are used; requiring notices of  
33 violation for violations at such intersections to  
34 contain specific information regarding the yellow  
35 light times; providing that such notices establish a  
36 presumption; requiring testing to such traffic control  
37 signals; requiring such signals to comply with certain  
38 standards; requiring that certain detectors be in  
39 compliance with the act by a specified date; amending  
40 s. 316.0776, F.S.; revising provisions to conform to  
41 changes made by the act; providing an effective 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, and subsection (5) is added to  
47 that section, to read:

48 316.0083 Mark Wandall Traffic Safety Program;  
49 administration; report.-

50 (1) (a) For purposes of administering this section, the  
51 department, a county, or a municipality may authorize a traffic  
52 infraction enforcement officer under s. 316.640 to issue a  
53 traffic citation for a violation of s. 316.074(1) or s.  
54 316.075(1) (c)1. A notice of violation and a traffic citation may  
55 not be issued for failure to stop at a red light if the driver  
56 is making a right-hand turn in a careful and prudent manner at



588176

596-02885A-12

57 an 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, and  
66 control of the motor vehicle involved in the violation of s.  
67 316.074(1) or s. 316.075(1)(c)1.

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

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

84 2. Penalties assessed and collected by the department,  
85 county, or municipality authorized to collect the funds provided



588176

596-02885A-12

86 for in this paragraph, less the amount retained by the county or  
87 municipality pursuant to subparagraph 3., shall be paid to the  
88 Department of Revenue weekly. Payment by the department, county,  
89 or municipality to the state shall be made by means of  
90 electronic funds transfers. In addition to the payment, summary  
91 detail of the penalties remitted shall be reported to the  
92 Department of Revenue.

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

95 a. One hundred fifty-eight dollars for a violation of s.  
96 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
97 stop at a traffic signal if enforcement is by the department's  
98 traffic infraction enforcement officer. One hundred dollars  
99 shall be remitted to the Department of Revenue for deposit into  
100 the General Revenue Fund, \$10 shall be remitted to the  
101 Department of Revenue for deposit into the Department of Health  
102 Administrative Trust Fund, \$3 shall be remitted to the  
103 Department of Revenue for deposit into the Brain and Spinal Cord  
104 Injury Trust Fund, and \$45 shall be distributed to the  
105 municipality in which the violation occurred, or, if the  
106 violation occurred in an unincorporated area, to the county in  
107 which the violation occurred. Funds deposited into the  
108 Department of Health Administrative Trust Fund under this sub-  
109 subparagraph shall be distributed as provided in s. 395.4036(1).  
110 Proceeds of the infractions in the Brain and Spinal Cord Injury  
111 Trust Fund shall be distributed quarterly to the Miami Project  
112 to Cure Paralysis and shall be used for brain and spinal cord  
113 research.

114 b. One hundred fifty-eight dollars for a violation of s.



588176

596-02885A-12

115 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
116 stop at a traffic signal if enforcement is by a county or  
117 municipal traffic infraction enforcement officer. Seventy  
118 dollars shall be remitted by the county or municipality to the  
119 Department of Revenue for deposit into the General Revenue Fund,  
120 \$10 shall be remitted to the Department of Revenue for deposit  
121 into the Department of Health Administrative Trust Fund, \$3  
122 shall be remitted to the Department of Revenue for deposit into  
123 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be  
124 retained by the county or municipality enforcing the ordinance  
125 enacted pursuant to this section. Funds deposited into the  
126 Department of Health Administrative Trust Fund under this sub-  
127 subparagraph shall be distributed as provided in s. 395.4036(1).  
128 Proceeds of the infractions in the Brain and Spinal Cord Injury  
129 Trust Fund shall be distributed quarterly to the Miami Project  
130 to Cure Paralysis and shall be used for brain and spinal cord  
131 research.

132 4. An individual may not receive a commission from any  
133 revenue collected from violations detected through the use of a  
134 traffic infraction detector. A manufacturer or vendor may not  
135 receive a fee or remuneration based upon the number of  
136 violations detected through the use of a traffic infraction  
137 detector.

138 (c)1.a. A traffic citation issued under this section shall  
139 be issued by mailing the traffic citation by certified mail to  
140 the address of the registered owner of the motor vehicle  
141 involved in the violation when payment has not been made within  
142 30 days after notification under subparagraph (b)1.

143 b. Delivery of the traffic citation constitutes



588176

596-02885A-12

144 notification under this paragraph.

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

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

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

161 (d)1. The owner of the motor vehicle involved in the  
162 violation is responsible and liable for paying the uniform  
163 traffic citation issued for a violation of s. 316.074(1) or s.  
164 316.075(1)(c)1. when the driver failed to stop at a traffic  
165 signal, unless the owner can establish that:

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

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

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



588176

596-02885A-12

173 d. A uniform traffic citation was issued by a law  
174 enforcement officer to the driver of the motor vehicle for the  
175 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; ~~or-~~

176 e. The motor vehicle's owner was deceased on or before the  
177 date the uniformed traffic citation was issued, as established  
178 by an affidavit submitted by the representative of the motor  
179 vehicle owner's estate, or other designated person or family  
180 member.

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

186 a. An affidavit supporting an exemption under sub-  
187 subparagraph 1.c. must include the name, address, date of birth,  
188 and, if known, the driver ~~driver's~~ license number of the person  
189 who leased, rented, or otherwise had care, custody, or control  
190 of the motor vehicle at the time of the alleged violation. If  
191 the vehicle was stolen at the time of the alleged offense, the  
192 affidavit must include the police report indicating that the  
193 vehicle was stolen.

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

198 c. If the motor vehicle's owner to whom a traffic citation  
199 has been issued is deceased, the affidavit must include a  
200 certified copy of the owner's death certificate showing the date  
201 of death occurred on or before the issuance of the uniform



588176

596-02885A-12

202 traffic citation. Upon receipt of the death certificate, the  
203 governmental entity must dismiss the citation and provide proof  
204 of such dismissal to the affiant.

205       3. Upon receipt of an affidavit, the person designated as  
206 having care, custody, and control of the motor vehicle at the  
207 time of the violation may be issued a notice of violation  
208 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.  
209 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop  
210 at a traffic signal. The affidavit is admissible in a proceeding  
211 pursuant to this section for the purpose of providing proof that  
212 the person identified in the affidavit was in actual care,  
213 custody, or control of the motor vehicle. The owner of a leased  
214 vehicle for which a traffic citation is issued for a violation  
215 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to  
216 stop at a traffic signal is not responsible for paying the  
217 traffic citation and is not required to submit an affidavit as  
218 specified in this subsection if the motor vehicle involved in  
219 the violation is registered in the name of the lessee of such  
220 motor vehicle.

221       4. Paragraphs (b) and (c) apply to the person identified on  
222 the affidavit, except that the notification under sub-  
223 paragraph (b)1.a. must be sent within 30 days after receipt  
224 of an affidavit and the traffic citation mailed pursuant to sub-  
225 paragraph (c)1.d. must be mailed no later than 60 days after  
226 the date of receipt of an affidavit.

227       5.4. The submission of a false affidavit is a misdemeanor  
228 of the second degree, punishable as provided in s. 775.082 or s.  
229 775.083.

230       (e) The photographic or electronic images or streaming





588176

596-02885A-12

231 video attached to or referenced in the traffic citation is  
232 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
233 when the driver failed to stop at a traffic signal has occurred  
234 and is admissible in any proceeding to enforce this section and  
235 raises a rebuttable presumption that the motor vehicle named in  
236 the report or shown in the photographic or electronic images or  
237 streaming video evidence was used in violation of s. 316.074(1)  
238 or s. 316.075(1)(c)1. when the driver failed to stop at a  
239 traffic signal.

240 (2) A notice of violation and a traffic citation may not be  
241 issued for failure to stop at a red light if the driver is  
242 making a right-hand turn in a careful and prudent manner at an  
243 intersection where right-hand turns are permissible or when  
244 making a left-hand turn in a careful and prudent manner from a  
245 one-way street onto a one-way street where left-hand turns are  
246 permissible. A notice of violation or traffic citation for  
247 failure to stop at a red light before making a right or left  
248 turn shall be issued at the discretion of the reviewing traffic  
249 infraction enforcement officer, as if the citation had been  
250 issued by an officer at an intersection. When examining evidence  
251 for violations under this subsection, a traffic infraction  
252 enforcement officer shall consider one or more of the following  
253 factors that would indicate the turn was not made in careful or  
254 prudent manner:

255 (a) The operator of the motor vehicle failed to yield to a  
256 pedestrian or bicyclist;

257 (b) The operator of the motor vehicle put a pedestrian or  
258 bicyclist in danger of injury;

259 (c) The operator of the motor vehicle failed to yield to



588176

596-02885A-12

260 another vehicle or oncoming traffic; or

261 (d) The operator of the motor vehicle commenced the turn in  
262 willful or wanton disregard for the safety of person or  
263 property.

264

265 A citation may not be issued under this subsection if the driver  
266 of the vehicle came to a complete stop before turning right or  
267 left when permissible at a red light, but failed to achieve a  
268 stop before the point at which a stop is required.

269 (5) Within 15 months or when 1 year of data is available  
270 following the date of installation of a traffic infraction  
271 detector, the department, each county, or each municipality  
272 shall submit a report to the Department of Transportation which  
273 includes a comparison and analysis of:

274 (a) Month-to-month violations of ss. 316.074(1) and  
275 316.075(1)(c)1. which occur at the intersections where traffic  
276 infraction detectors are enforcing the law to stop at a red  
277 light; and

278 (b) The number and type of related traffic collisions that  
279 occur at each intersection prior to and after the use of traffic  
280 infraction detectors.

281

282 The report shall also describe instances when camera results are  
283 not used and other data, such as traffic crash reports, are used  
284 in the comparison and analysis by the department, county, or  
285 municipality.

286 Section 2. Subsection (4) of section 316.075, Florida  
287 Statutes, is amended, and subsection (5) is added to that  
288 section, to read:



588176

596-02885A-12

289 316.075 Traffic control signal devices.-

290 (4) A violation of subsection (1) or subsection (2) ~~this~~  
291 ~~section~~ is a noncriminal traffic infraction, punishable pursuant  
292 to chapter 318 as either a pedestrian violation or, if the  
293 infraction resulted from the operation of a vehicle, as a moving  
294 violation.

295 (5) (a) Before initiating the use of a traffic infraction  
296 detector for any intersection approach pursuant to s. 316.0083,  
297 each jurisdiction shall establish minimum yellow light change  
298 interval time for the designated intersection approach in  
299 accordance with engineering standards set forth in the Institute  
300 of Transportation Engineers Traffic Engineering Handbook, as  
301 adopted by the Department of Transportation, and any such  
302 established time may not be less than the recognized national  
303 minimum standard. The Department of Transportation shall adopt  
304 the latest edition of Institute of Transportation Engineers  
305 Traffic Engineering Handbook for use in compliance with this  
306 subsection.

307 (b) A jurisdiction issuing a notice of violation sent  
308 pursuant to s. 316.0083, must include the length of the yellow  
309 light time during the signal phase of the traffic control signal  
310 immediately before the violation on the notice or must maintain  
311 records of the most recent programmed yellow intervals for  
312 inspection in order to ensure compliance with this subsection.

313 (c) Unless each notice of violation for a particular  
314 approach states the length of the yellow light duration, the  
315 yellow light interval shall be tested at least once during every  
316 calendar year beginning in 2013. A traffic infraction detector  
317 monitoring a traffic signal that is not in compliance with the



588176

596-02885A-12

318 Institute of Transportation Engineers Traffic Engineering  
319 Handbook standards, as adopted by the Department of  
320 Transportation, shall be disabled until that signal is brought  
321 into compliance with the standards.

322 (d) Issuance of a notice stating the length of the yellow  
323 light duration, or annual testing of the yellow light change  
324 interval time according to this subsection, establishes a  
325 presumption that the yellow light cycle was operating in  
326 compliance with this subsection at the time the violation is  
327 alleged to have occurred. Production of a certificate, or a  
328 signed affidavit, showing that the yellow light cycle was tested  
329 in compliance with this subsection, establishes a presumption  
330 that the testing of the yellow light cycle was completed in  
331 compliance with this subsection and the certificate or affidavit  
332 is admissible as proof of such compliance.

333 (e) A person raising the length of the yellow light cycle  
334 as an affirmative defense to the notice of violation must  
335 establish by clear and convincing evidence that the signal was  
336 not operating in compliance with the Institute of Transportation  
337 Engineers Traffic Engineering Handbook standards, as adopted by  
338 the Department of Transportation.

339 (f) A traffic infraction detector that is operational on  
340 July 1, 2012, must be in compliance with this section by January  
341 1, 2013.

342 Section 3. Paragraph (a) of subsection (2) of section  
343 316.0776, Florida Statutes, is amended to read:

344 316.0776 Traffic infraction detectors; placement and  
345 installation.—

346 (2) (a) If the department, county, or municipality installs



588176

596-02885A-12

347 a traffic infraction detector at an intersection, the  
348 department, county, or municipality shall notify the public that  
349 a traffic infraction device may be in use at that intersection  
350 and must specifically include notification of camera enforcement  
351 of violations concerning ~~right~~ turns. Such signage used to  
352 notify the public must meet the specifications for uniform  
353 signals and devices adopted by the Department of Transportation  
354 pursuant to s. 316.0745.

355 Section 4. This act shall take effect July 1, 2012.