

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

|                       |             |       |
|-----------------------|-------------|-------|
| ADOPTED               | <u>    </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>    </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>    </u> | (Y/N) |
| FAILED TO ADOPT       | <u>    </u> | (Y/N) |
| WITHDRAWN             | <u>    </u> | (Y/N) |
| OTHER                 | <u>    </u> |       |

1 Committee/Subcommittee hearing bill: Economic Affairs Committee  
 2 Representative Artiles offered the following:

**Amendment (with title amendment)**

5 Remove lines 171-470 and insert:

6 owner or coowner of the motor vehicle, or the person designated  
 7 as having care, custody, or control of the motor vehicle at the  
 8 time of the violation, or a duly authorized representative of  
 9 the owner, coowner, or designated person, initiates a proceeding  
 10 to challenge the delivery or attempted delivery of the citation  
 11 pursuant to this section, such person waives any challenge or  
 12 dispute as to delivery.

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

18 ~~d. The traffic citation shall be mailed to the registered~~  
 19 ~~owner of the motor vehicle involved in the violation no later~~  
 20 ~~than 60 days after the date of the violation.~~

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

29           (d)1. The owner of the motor vehicle involved in the  
30 violation is responsible and liable for paying the uniform  
31 traffic citation issued for a violation of s. 316.074(1) or s.  
32 316.075(1)(c)1. when the driver failed to stop at a traffic  
33 signal, unless the owner can establish that:

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

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

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

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

44           e. The motor vehicle's owner was deceased on or before the  
45 date that the uniform traffic citation was issued, as  
46 established by an affidavit submitted by the representative of  
47 the motor vehicle owner's estate or other designated person or  
48 family member.

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

54           a. An affidavit supporting an exemption under sub-  
55 subparagraph 1.c. must include the name, address, date of birth,  
56 and, if known, the driver license number of the person who  
57 leased, rented, or otherwise had care, custody, or control of  
58 the motor vehicle at the time of the alleged violation. If the  
59 vehicle was stolen at the time of the alleged offense, the  
60 affidavit must include the police report indicating that the  
61 vehicle was stolen.

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

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

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

75           (II) Documentary proof that the registered license plate  
76 belonging to the deceased owner's vehicle was returned to the

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77 department or any branch office or authorized agent of the  
78 department, but on or before the date of the alleged violation.

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

83  
84 Upon receipt of the affidavit and documentation required under  
85 this sub-subparagraph, the governmental entity must dismiss the  
86 citation and provide proof of such dismissal to the person that  
87 submitted the affidavit.

88 3. Upon receipt of an affidavit, the person designated as  
89 having care, custody, or ~~and~~ control of the motor vehicle at the  
90 time of the violation may be issued a notice of violation  
91 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.  
92 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop  
93 at a traffic signal. The affidavit is admissible in a proceeding  
94 pursuant to this section for the purpose of providing proof that  
95 the person identified in the affidavit was in actual care,  
96 custody, or control of the motor vehicle. The owner of a leased  
97 vehicle for which a traffic citation is issued for a violation  
98 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to  
99 stop at a traffic signal is not responsible for paying the  
100 traffic citation and is not required to submit an affidavit as  
101 specified in this subsection if the motor vehicle involved in  
102 the violation is registered in the name of the lessee of such  
103 motor vehicle.

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

108 ~~5.4.~~ The submission of a false affidavit is a misdemeanor  
109 of the second degree, punishable as provided in s. 775.082 or s.  
110 775.083.

111 (e) The photographic or electronic images or streaming  
112 video attached to or referenced in the traffic citation is  
113 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
114 when the driver failed to stop at a traffic signal has occurred  
115 and is admissible in any proceeding to enforce this section and  
116 raises a rebuttable presumption that the motor vehicle named in  
117 the report or shown in the photographic or electronic images or  
118 streaming video evidence was used in violation of s. 316.074(1)  
119 or s. 316.075(1)(c)1. when the driver failed to stop at a  
120 traffic signal.

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

126 (g) Notwithstanding any other provision of law, in any  
127 hearing involving a traffic infraction detector used to enforce  
128 the traffic laws of this state, each person so charged has the  
129 right to confront the witnesses against him or her. Any evidence  
130 obtained from a traffic infraction detector must be  
131 authenticated in court by the person receiving or processing the

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132 evidence, any person having reviewed such evidence in order to  
133 make a decision to issue a notice of violation, and any person  
134 who issued the notice of violation or traffic citation. An  
135 affidavit is not sufficient to authenticate such evidence, and  
136 such evidence must be accounted for in writing from the time of  
137 the alleged violation until the issuance of any notice of  
138 violation or traffic citation. Compensation of any witness for  
139 the prosecution shall be as required in s. 92.143.

140 (2) Neither a notice of violation nor and a traffic  
141 citation may not be issued under this section for a right on red  
142 violation for failure to stop at a red light if the driver is  
143 making a right hand turn in a careful and prudent manner at an  
144 intersection where right hand turns are permissible.

145 Section 2. Section 316.075, Florida Statutes, is amended  
146 to read:

147 316.075 Traffic control signal devices.-

148 (1) Except for automatic warning signal lights installed  
149 or to be installed at railroad crossings, whenever traffic,  
150 including municipal traffic, is controlled by traffic control  
151 signals exhibiting different colored lights, or colored lighted  
152 arrows, successively one at a time or in combination, only the  
153 colors green, red, and yellow shall be used, except for special  
154 pedestrian signals carrying a word legend, and the lights shall  
155 indicate and apply to drivers of vehicles and pedestrians as  
156 follows:

157 (a) Green indication.-

158 1. Vehicular traffic facing a circular green signal may  
159 proceed cautiously straight through or turn right or left unless

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160 a sign at such place prohibits either such turn. But vehicular  
161 traffic, including vehicles turning right or left, shall yield  
162 the right-of-way to other vehicles and to pedestrians lawfully  
163 within the intersection or an adjacent crosswalk at the time  
164 such signal is exhibited.

165 2. Vehicular traffic facing a green arrow signal, shown  
166 alone or in combination with another indication, as directed by  
167 the manual, may cautiously enter the intersection only to make  
168 the movement indicated by such arrow, or such other movement as  
169 is permitted by other indications shown at the same time, except  
170 the driver of any vehicle may U-turn, so as to proceed in the  
171 opposite direction unless such movement is prohibited by posted  
172 traffic control signs. Such vehicular traffic shall yield the  
173 right-of-way to pedestrians lawfully within an adjacent  
174 crosswalk and to other traffic lawfully using the intersection.

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

180 (b) Steady yellow indication.—

181 1. Vehicular traffic facing a steady yellow signal is  
182 thereby warned that the related green movement is being  
183 terminated or that a red indication will be exhibited  
184 immediately thereafter when vehicular traffic shall not enter  
185 the intersection.

186 2. Pedestrians facing a steady yellow signal, unless  
187 otherwise directed by a pedestrian control signal as provided in

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188 s. 316.0755, are thereby advised that there is insufficient time  
189 to cross the roadway before a red indication is shown and no  
190 pedestrian shall start to cross the roadway.

191 (c) Steady red indication.—

192 1. Vehicular traffic facing a steady red signal shall stop  
193 before entering the crosswalk on the near side of the  
194 intersection or, if none, then before entering the intersection  
195 and shall remain standing until a green indication is shown;  
196 however:

197 a. The driver of a vehicle which is stopped at a clearly  
198 marked stop line, but if none, before entering the crosswalk on  
199 the near side of the intersection, or, if none then at the point  
200 nearest the intersecting roadway where the driver has a view of  
201 approaching traffic on the intersecting roadway before entering  
202 the intersection in obedience to a steady red signal may make a  
203 right turn, but shall yield the right-of-way to pedestrians and  
204 other traffic proceeding as directed by the signal at the  
205 intersection, except that municipal and county authorities may  
206 prohibit any such right turn against a steady red signal at any  
207 intersection, which prohibition shall be effective when a sign  
208 giving notice thereof is erected in a location visible to  
209 traffic approaching the intersection.

210 b. The driver of a vehicle on a one-way street that  
211 intersects another one-way street on which traffic moves to the  
212 left shall stop in obedience to a steady red signal, but may  
213 then make a left turn into the one-way street, but shall yield  
214 the right-of-way to pedestrians and other traffic proceeding as  
215 directed by the signal at the intersection, except that



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216 municipal and county authorities may prohibit any such left turn  
217 as described, which prohibition shall be effective when a sign  
218 giving notice thereof is attached to the traffic control signal  
219 device at the intersection.

220 2.a. The driver of a vehicle facing a steady red signal  
221 shall stop before entering the crosswalk and remain stopped to  
222 allow a pedestrian, with a permitted signal, to cross a roadway  
223 when the pedestrian is in the crosswalk or steps into the  
224 crosswalk and is upon the half of the roadway upon which the  
225 vehicle is traveling or when the pedestrian is approaching so  
226 closely from the opposite half of the roadway as to be in  
227 danger.

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

231 (2) In the event an official traffic control signal is  
232 erected and maintained at a place other than an intersection,  
233 the provisions of this section shall be applicable except as to  
234 those provisions which by their nature can have no application.  
235 Any stop required shall be made at a sign or marking on the  
236 pavement indicating where the stop shall be made, but in the  
237 absence of any such sign or marking the stop shall be made at  
238 the signal.

239 (3) (a) A ~~No~~ traffic control signal device may not ~~shall~~ be  
240 used unless it exhibits ~~which does not exhibit~~ a yellow or  
241 "caution" light between the green or "go" signal and the red or  
242 "stop" signal. Whenever an engineering analysis is undertaken  
243 for the purpose of evaluating or reevaluating yellow and red

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244 signal display durations of a new or existing traffic control  
245 signal, the department and local authorities shall adhere to the  
246 following:

247 1. The minimum yellow signal display duration on traffic  
248 control signals shall be based on the posted speed limit plus 10  
249 percent along with the standards set forth in the Florida  
250 Department of Transportation's Traffic Engineering Manual. The  
251 minimum yellow signal display duration shall be 3 seconds for  
252 traffic control signals on streets with a posted speed limit of  
253 25 miles per hour or less. The minimum yellow signal display  
254 duration found after the evaluation or reevaluation under this  
255 paragraph shall be raised to the nearest half second, not to  
256 exceed 6 seconds.

257 2. Intersections with a posted speed limit greater than 55  
258 miles per hour shall have, on approach, a sign posted in  
259 accordance with the Florida Department of Transportation's  
260 Traffic Engineering Manual to alert drivers to the traffic  
261 control signal.

262 (b) A ~~No~~ traffic control signal device may not ~~shall~~  
263 display other than the color red at the top of the vertical  
264 signal, nor may ~~shall~~ it display other than the color red at the  
265 extreme left of the horizontal signal.

266 (c) To provide additional time before conflicting traffic  
267 movements proceed, the yellow signal display shall be followed  
268 by an all red clearance interval delaying the change of opposing  
269 red light signals. The duration of the clearance interval shall  
270 be determined by engineering practices as provided for in the  
271 Florida Department of Transportation's Traffic Engineering

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272 Manual required under s. 316.0745. The duration of a red  
273 clearance interval may be extended from its predetermined value  
274 for a given cycle based upon the detection of a vehicle that is  
275 predicted to violate the red signal indication.

276 (4) (a) A violation of subsection (1) or subsection (2)  
277 ~~this section~~ is a noncriminal traffic infraction, punishable  
278 pursuant to chapter 318 as either a pedestrian violation or, if  
279 the infraction resulted from the operation of a vehicle, as a  
280 moving violation. However, a citation for a violation of  
281 subparagraph (1)(c)1. committed at an intersection where the  
282 traffic signal device does not meet all requirements under  
283 subsection (3) is unenforceable, and the court, clerk of the  
284 court, designated official, or authorized operator of a traffic  
285 violations bureau shall dismiss the citation without penalty or  
286 assessment of points against the license of the person cited.

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

289 (c) All intersections with traffic infraction detectors  
290 installed after December 31, 2013, must meet the requirements of  
291 this section upon installation of the traffic infraction  
292 detector.

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

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

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

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**T I T L E   A M E N D M E N T**

Remove lines 23-28 and insert:  
hearing involving a traffic infraction detector, each person so  
charged has the right to confront the witnesses against him or  
her; providing procedures for presentation and authentication of  
evidence relating to a traffic infraction detector;