

1 A bill to be entitled

2 An act relating to traffic control devices; amending
3 s. 316.008, F.S.; providing that a county or
4 municipality may not use an automated traffic law
5 enforcement system to issue a notice of or citation
6 for a violation when the motor vehicle stops at a
7 point past a stop line or crosswalk; providing
8 exceptions; creating 316.0084, F.S.; preempting to the
9 state regulation of the use of automated traffic law
10 enforcement systems to record vehicle speeds;
11 providing for the basis for compensation paid for an
12 automated traffic law enforcement system; providing
13 requirements for use of an automated traffic law
14 enforcement system at an intersection; providing for
15 consideration of certain defenses to a notice or
16 citation; providing for liability when a motor vehicle
17 involved in a violation is a leased vehicle; providing
18 procedures; requiring a municipality or county
19 operating an automated traffic law enforcement system
20 to conduct a statistical analysis to assess the safety
21 impact of each automated traffic law enforcement
22 system installed at an intersection; amending s.
23 316.075, F.S.; providing requirements for installation
24 of traffic infraction detectors; requiring specified
25 standards be used for yellow light-change intervals;
26 requiring notice concerning such interval be given

27 with notice of violation; requiring tests; providing
 28 for a presumption of compliance; requiring installed
 29 detectors to comply within a certain timeframe;
 30 providing an effective date.

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

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 34 Section 1. Paragraph (d) is added to subsection (8) of
 35 section 316.008, Florida Statutes, to read:

36 316.008 Powers of local authorities.—

37 (8)

38 (d) A county or municipality, including a home rule county
 39 or municipality, may not use an automated traffic law
 40 enforcement system to issue a notice of or citation for a
 41 violation when the motor vehicle stops at a point past a stop
 42 line or crosswalk where a driver is required to stop if the
 43 motor vehicle comes to a complete stop and does not enter the
 44 intersection during the cycle of the red signal indication,
 45 unless a pedestrian or bicyclist is present at the intersection.

46 Section 2. Section 316.0084, Florida Statutes, is created
 47 to read:

48 316.0084 Automated traffic law enforcement system.—

49 (1) Regulation of the use of automated traffic law
 50 enforcement systems to record vehicle speeds is an exclusive
 51 power and function of the state.

52 (2) The compensation paid for an automated traffic law

53 enforcement system must be based on the value of the equipment
54 or the services provided and may not be based on the number of
55 traffic citations issued or the revenue generated by the system.

56 (3) An intersection equipped with an automated traffic law
57 enforcement system must be posted with a sign visible to
58 approaching traffic indicating that the intersection is being
59 monitored by an automated traffic law enforcement system.

60 (4) In a hearing on a notice of or citation for a
61 violation resulting from an automated traffic law enforcement
62 system, the court or hearing officer may consider in defense of
63 a violation:

64 (a)1. That the motor vehicle or registration license plate
65 of the motor vehicle was stolen before the violation occurred
66 and not under the control or in the possession of the owner at
67 the time of the violation.

68 2. To demonstrate that the motor vehicle or the
69 registration license plate was stolen before the violation
70 occurred and not under the control or in the possession of the
71 owner at the time of the violation, the owner must submit proof
72 that a report concerning the stolen motor vehicle or
73 registration license plate was filed with a law enforcement
74 agency in a timely manner.

75 (b) That the driver of the vehicle passed through the
76 intersection when the light was red:

77 1. In order to yield the right-of-way to an emergency
78 vehicle; or

79 2. As part of a funeral procession.

80 (c) Evidence that the minimal yellow light-change interval
 81 does not conform with the requirements of s. 316.075.

82 (d) Other evidence or issues provided for by municipal or
 83 county ordinance.

84 (5) A person who is the lessor of a motor vehicle pursuant
 85 to a written lease agreement is not liable for a violation
 86 resulting from an automated speed or traffic law enforcement
 87 system involving such motor vehicle during the period of the
 88 lease. However, the appropriate enforcement authority may,
 89 within 120 days after the violation occurs, request the lessor
 90 to provide the name and address of the lessee, and the lessor
 91 must provide the information to the authority within 60 days
 92 after receipt of the request. The driver license number of a
 93 lessee may be subsequently individually requested by the
 94 authority if needed for enforcement of a notice of or citation
 95 for a violation resulting from an automated speed or traffic law
 96 enforcement system. Upon receiving the information from the
 97 lessor, the county or municipality may issue a notice of or
 98 citation for the violation to the lessee of the vehicle in the
 99 same manner as it would issue a notice or citation to a
 100 registered owner, and the lessee is liable for the violation.

101 (6) A municipality or county operating an automated
 102 traffic law enforcement system shall conduct a statistical
 103 analysis to assess the safety impact of each automated traffic
 104 law enforcement system at an intersection after installation of

105 the system. The statistical analysis shall be based on the best
106 available crash, traffic, and other data and shall cover a
107 period before and after installation of the system sufficient to
108 provide a statistically valid comparison of safety impact. The
109 statistical analysis shall be consistent with professional
110 judgment and acceptable industry practice. The statistical
111 analysis also shall be consistent with the data required for
112 valid comparisons of before and after conditions and shall be
113 conducted within a reasonable period after the installation of
114 the automated traffic law enforcement system. The statistical
115 analysis required by this subsection shall be made available to
116 the public and shall be published on the website of the
117 municipality or county. If the statistical analysis for the 36-
118 month period after installation of the system indicates that
119 there has been an increase in the rate of accidents at the
120 approach to the intersection monitored by the system, the
121 municipality or county shall undertake additional studies to
122 determine the cause and severity of the accidents and may take
123 any action that it determines is necessary or appropriate to
124 reduce the number or severity of the accidents at that
125 intersection.

126 Section 3. Subsection (4) of section 316.075, Florida
127 Statutes, is renumbered as subsection (5) and a new subsection
128 (4) is added to that section to read:

129 316.075 Traffic control signal devices.—

130 (4) (a) Before installing a traffic infraction detector at

131 an intersection, each jurisdiction shall establish a minimum
132 measured yellow light-change interval for the designated
133 intersection. The interval shall be developed in accordance with
134 engineering standards established in the Institute of
135 Transportation Engineers Traffic Engineering Handbook, as
136 adopted by the Department of Transportation. The interval
137 established by the jurisdiction may not be less than the
138 recognized national minimum standard. The Department of
139 Transportation shall adopt the latest edition of the Institute
140 of Transportation Engineers Engineering Handbook for use in
141 compliance with this subsection.

142 (b) To ensure compliance with this section, a jurisdiction
143 issuing a notice of violation under s. 316.0083 shall include in
144 the notice the length of the yellow light-change interval during
145 the signal phase of the traffic control signal immediately
146 before the violation or shall maintain for inspection the
147 records of the most recent programmed intervals.

148 (c) Unless each notice of a violation for a particular
149 intersection states the length of the yellow light duration, the
150 yellow light-change interval shall be tested at least once each
151 year beginning in 2014. A traffic infraction detector that
152 monitors a traffic signal that is not in compliance with
153 Institute of Transportation Engineers Traffic Engineering
154 Handbook standards, as adopted by the Department of
155 Transportation, shall be disabled until that signal is brought
156 into compliance with the standards.

HB 553

2014

157 (d) Issuance of a notice stating the length of the yellow
158 light duration, or annual testing of the yellow light-change
159 interval time pursuant to this subsection, establishes a
160 presumption that the yellow light cycle was operating in
161 compliance with this subsection at the time the violation is
162 alleged to have occurred. A certificate or signed affidavit that
163 shows that the testing of the yellow light-change cycle was
164 completed in compliance with this subsection is admissible as
165 proof of such compliance.

166 (e) A traffic infraction detector that is operational on
167 July 1, 2014, must be in compliance with this section by January
168 1, 2015.

169 Section 4. This act shall take effect July 1, 2014.