

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 13 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “OFFENSES”, SPECIFICALLY ARTICLE IV, ENTITLED “DANGEROUS INTERSECTION SAFETY”, TO REFLECT RECENT LEGISLATIVE CHANGES TO THE MARK WANDALL TRAFFIC SAFETY PROGRAM ACT AS PROVIDED BY CHAPTER 2013-160, LAWS OF FLORIDA, AND AUTHORIZING LOCAL HEARINGS FOR NOTICES OF VIOLATIONS CONNECTED WITH THE USE OF RED LIGHT CAMERAS AS TRAFFIC INFRACTION DETECTORS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, RESERVATION OF RIGHTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, on May 13, 2010, the Governor of the State of Florida signed CS/CS/HB 325 into law resulting in the Law of Florida 2010-80, Laws of Florida (2010), (the “Mark Wandall Traffic Safety Program Act” or the “Act”) taking effect on July 1, 2010; and

**WHEREAS**, as a result of the 2010 law, the Mayor and City Council of the City of North Miami enacted Chapter 13, Article IV of the City of North Miami Code of Ordinances (“City Code”) entitled “Dangerous Intersection Safety” to conform with the state law; and

**WHEREAS**, during the 2013 Legislative Session, the Florida Legislature amended the Mark Wandall Traffic Safety Program Act and passed CS/CS/HB 7125 authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code (See relevant portion attached as Exhibit “A”); and

**WHEREAS**, CS/CS/HB 7125 is scheduled to take effect on July 1, 2013, following its approval by the Governor on June 12, 2013 as Chapter 2013-160, Laws of Florida; and

**WHEREAS**, the Mayor and City Council wish to utilize its existing code enforcement system to implement the local hearing process; and

**WHEREAS**, the Mayor and City Council desire to amend Article IV of Chapter 13 of the City Code, so as to conform with CS/CS/HB 7125, Chapter 2013-160, Laws of Florida.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

**Section 1. Recitals Adopted.** The recitals set forth above are hereby adopted and confirmed.

**Section 2. Amendment to City Code.** Chapter 13 "Offenses", Article IV "Dangerous Intersection Safety" of the Code of Ordinance of the City of North Miami is hereby amended to read as follows:

### CHAPTER 13. OFFENSES

\* \* \* \* \*

#### ARTICLE IV. DANGEROUS INTERSECTION SAFETY

**Sec. 13- 31. Intent.**

The purpose of this article is to authorize the use of traffic infraction detectors within the city's jurisdictional limits to promote compliance with red light signal directives and to adopt a civil enforcement system for red light signal violations, all in accord with general law, including Chapter ~~2010-80~~, 2013-160 Laws of Florida (~~2010~~ 2013) (the "Mark Wandall Traffic Safety Program Act" or the "Act"); as of the effective date of this ordinance or July 1, 2013, whichever occurs later. This article will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for red light signal violations in accordance with other routine statutory traffic enforcement techniques.

**Sec. 13-32. Use of Image Capture Technologies.**

The City shall utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall supersede, infringe, curtail or impinge upon state or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices. This article shall serve to enable the City to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to F.S. §§ 316.008 and 316.0083 (~~2010~~ 2013), and to use traffic infraction detectors within its jurisdiction to enforce F.S. § 316.074(1) or § 316.075 (1)(C), when a driver fails to stop at a traffic signal on streets and highways in the city's jurisdiction. The city may utilize traffic infraction detectors as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations.

**Sec. 13-33. Definitions.**

In addition to the definitions provided in the Mark Wandall Traffic Safety Program Act, The the following definitions shall apply to this article:

*Intersection* shall mean the area embraced within the prolongation or connection of the lateral curb line; or, if none, then the lateral boundary lines, of the roadways of two (2) roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

*Local Hearing Officer* shall mean a Hearing Officer or Special Magistrate appointed by the City pursuant to Chapter 2, Article III, Division 5 of the City Code of Ordinances.

*Motor vehicle* shall mean any self-propelled vehicle not operated upon rails or guide way, but not including any bicycle or electric personal assisted mobility device.

*Owner/vehicle owner* shall mean the person or entity identified by the Florida Department of Motor Vehicles or other state vehicle registration office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six (6) months or more.

*Recorded images* shall mean images recorded by a traffic infraction detector:

- (1) On:
  - a. Two (2) or more photographs;
  - b. Two (2) or more electronic images;
  - c. Two (2) or more digital images;
  - d. Digital or video movies; or
  - e. Any other medium that can display a violation; and
- (2) Showing the rear of a motor vehicle and on at least one (1) image, clearly identifying the license plate number of the vehicle.

*Red zone infraction* shall mean a traffic offense whereby a traffic infraction detector established that a vehicle entered an intersection controlled by a duly erected traffic control device at a time when the traffic control signal for such vehicle's direction of travel was emitting a steady red signal.

*Traffic infraction enforcement officer* shall mean the City of North Miami Police Department employee designated, pursuant to this article and who meets the qualifications set forth in F.S. § 316.640(5)(a), to review recorded images and issue red zone infractions based upon those images.

*Traffic infraction detector* shall mean a vehicle sensor(s) installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two (2) or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

**Sec. 13-34. Adherence to red light traffic control signals.**

~~(a) Pursuant to general law, motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown on the traffic control signal; however, the driver of a vehicle which is approaching a clearly marked stop line, but if none is approaching, the crosswalk on the near side of the intersection or, if none, then is approaching the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience of a steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right of way to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.~~

~~(b) Pursuant to general law motor vehicle traffic facing a traffic control signal that is malfunctioning, inoperable or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest to the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunction, inoperative or emitting a flashing red light the driver of the vehicle approaching the malfunctioning, inoperative or flashing red traffic control signal shall stop in the above prescribed manner.~~

**Sec. 13-35. Violations.**

~~A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with the requirements of Section 13-34. Violation shall be enforced pursuant to F.S. § 316.0083.~~

**Sec. 13-36 34. Implementation of General Law.**

~~Within the City, the City Manager is authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida (2010), as may be amended from time to time, and may take any action which is necessary for such purpose.~~

(a) In accordance with the provisions of the Mark Wandall Traffic Safety Program Act as of the effective date of this ordinance or July 1, 2013, whichever occurs later, the city authorizes the implementation of the provisions and requirements of Chapter 2013-160, Laws of Florida. Effective July 1, 2013, the city shall utilize its Code Enforcement Special Magistrate or Hearing Officer as its Local Hearing Officer, as defined by Chapter 2013-160, Laws of Florida, in accordance with the provisions of the Mark Wandall Traffic Safety Program Act.

(b) The city manager is authorized to implement the provisions, including the designation of city staff as well as other requirements of Chapter 2013-160, Laws of Florida, and may take any action which is necessary for such purpose.

**Sec. 13-37. Review of Recorded Images.**

~~(a) The owner of the vehicle which is observed by recorded images committing a red zone an infraction shall be issued a notice of violation (herein also known as a “notice”) no later than thirty (30) days after the red zone infraction occurs. The recorded image shall be sufficient grounds to issue a notice.~~

~~(b) The city's chief of police shall designate one (1) or more traffic infraction enforcement officers, who shall be police officers of the city or who shall meet all the qualifications set forth in F.S. § 316.640(5)(A), or any other relevant statute. The traffic infraction enforcement officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the traffic infraction enforcement officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.~~

~~(c) If a vehicle owner receiving a notice fails to pay the penalty imposed by F.S. § 316.0083 or to provide an affidavit that complies with the provisions of F.S. § 316.0083 within thirty (30) days of the date of the notice is issued, then a uniform traffic citation shall be issued to the vehicle owner as provided by general law. The uniform traffic citation shall be issued no later than sixty (60) days after the red zone infraction occurs.~~

**Sec. 13-38. Notice of Violation.**

The notice shall be served via first class mail be and shall include:

- ~~(1) The name and address of the vehicle owner;~~
- ~~(2) The license plate number and registration of the vehicle;~~
- ~~(3) The make, model, and year of the vehicle;~~
- ~~(4) Notice that the infraction charged is pursuant to this article;~~
- ~~(5) The location of the intersection where the infraction occurred;~~
- ~~(6) The date and time of the infraction;~~
- ~~(7) A statement that the owner has the right to review the recorded images that constitute a rebuttable presumption against the owner, together with a statement of the time and place or Internet location where the evidence may be observed;~~
- ~~(8) Images depicting the infractions;~~
- ~~(9) Instructions on all methods of payment of the penalty;~~
- ~~(10) A statement specifying the remedies available under F.S. § 318.14;~~

~~(11) A statement that the owner must pay a penalty of \$158 to the City or provide an affidavit that complies with F.S. 316.0083 within thirty (30) days of the date the notice is issued in order to avoid court fees, costs, and the issuance of a Uniform Traffic Citation;~~

~~(12) A signed statement by the traffic infraction enforcement officer that, based on inspection of recorded images, the vehicle was involved in and was utilized to commit a red zone infraction;~~

~~**Sec. 13-39. Signage.**~~

~~When the City installs a traffic infraction detector at an intersection, it shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and shall include specific notification of the intersection safety camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Department Transportation pursuant to F.S. § 316.0745.~~

\* \* \* \* \*

**Section 3. Repeal.** Sections 13-35 through and including 13-39 of Article IV of Chapter 13 of the City Code of Ordinances are repealed.

**Section 4. Conflict.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are repealed.

**Section 5. Severability.** If any word, clause, phrase, sentence, paragraph or Section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or Section of this Ordinance.

**Section 6. Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

**Section 7. Savings, Ratification and Reservation of Rights.**

A. That, in accordance with paragraph (C) below of this Section, all fines, penalties, fees and costs imposed pursuant to the provisions of Article IV of Chapter 13 of the City Code, which provisions existed immediately prior to July 1, 2013, are hereby authorized, approved, ratified and confirmed, and shall continue to be due and owing until paid to the City.

B. That notwithstanding any other provision of this Ordinance above, the provisions of Article IV of Chapter 13 of the City Code, which existed immediately prior to July 1, 2013, shall remain in full force and effect.

C. That City hereby preserves and reserves each and every right, power, authority, benefit and exemption bestowed upon City and City's Dangerous Intersection Safety Program (the "Program") pursuant to CS/CS/HB 325 as enacted by Chapter 2010-80, Laws of Florida (2010) and CS/CS/HB 7125 as enacted by Chapter 2013-160, Laws of Florida (2013) including but not limited to any right, power, authority, benefit and/or exemption vested in City or City's program as having been established prior to July 1, 2013 or before other deadlines established by the Act.

**Section 8.** **Effective Date.** This Ordinance shall become effective from and after July 1, 2013.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
LUCIE M. TONDREAU  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Lucie M. Tondreau

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Vice Mayor Marie Erlande Steril

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilperson Scott Galvin

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilperson Carol F. Keys, Esq.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilperson Philippe Bien-Aime

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.



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505 hearings related to a notice of violation issued pursuant to  
506 316.0083. The charter county, noncharter county, or municipality  
507 may use its currently appointed code enforcement board or  
508 special magistrate to serve as the local hearing officer. The  
509 department may enter into an interlocal agreement to use the  
510 local hearing officer of a county or municipality.

511 Section 5. Subsection (1) of section 316.0083, Florida  
512 Statutes, is amended, and subsection (5) is added to that  
513 section, to read:

514 316.0083 Mark Wandall Traffic Safety Program;  
515 administration; report.-

516 (1)(a) For purposes of administering this section, the  
517 department, a county, or a municipality may authorize a traffic  
518 infraction enforcement officer under s. 316.640 to issue a  
519 traffic citation for a violation of s. 316.074(1) or s.  
520 316.075(1)(c)1. A notice of violation and a traffic citation may  
521 not be issued for failure to stop at a red light if the driver  
522 is making a right-hand turn in a careful and prudent manner at  
523 an intersection where right-hand turns are permissible. A notice  
524 of violation and a traffic citation may not be issued under this  
525 section if the driver of the vehicle came to a complete stop  
526 after crossing the stop line and before turning right if  
527 permissible at a red light, but failed to stop before crossing  
528 over the stop line or other point at which a stop is required.

529 This paragraph does not prohibit a review of information from a  
530 traffic infraction detector by an authorized employee or agent  
531 of the department, a county, or a municipality before issuance  
532 of the traffic citation by the traffic infraction enforcement



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533 | officer. This paragraph does not prohibit the department, a  
 534 | county, or a municipality from issuing notification as provided  
 535 | in paragraph (b) to the registered owner of the motor vehicle  
 536 | involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

537 |       (b)1.a. Within 30 days after a violation, notification  
 538 | must be sent to the registered owner of the motor vehicle  
 539 | involved in the violation specifying the remedies available  
 540 | under s. 318.14 and that the violator must pay the penalty of  
 541 | \$158 to the department, county, or municipality, or furnish an  
 542 | affidavit in accordance with paragraph (d), or request a hearing  
 543 | within 60 ~~30~~ days following the date of the notification in  
 544 | order to avoid ~~court fees, costs, and~~ the issuance of a traffic  
 545 | citation. The notification must ~~shall~~ be sent by first-class  
 546 | mail. The mailing of the notice of violation constitutes  
 547 | notification.

548 |       b. Included with the notification to the registered owner  
 549 | of the motor vehicle involved in the infraction must be a notice  
 550 | that the owner has the right to review the photographic or  
 551 | electronic images or the streaming video evidence that  
 552 | constitutes a rebuttable presumption against the owner of the  
 553 | vehicle. The notice must state the time and place or Internet  
 554 | location where the evidence may be examined and observed.

555 |       c. Notwithstanding any other provision of law, a person  
 556 | who receives a notice of violation under this section may  
 557 | request a hearing within 60 days following the notification of  
 558 | violation or pay the penalty pursuant to the notice of  
 559 | violation, but a payment or fee may not be required before the  
 560 | hearing requested by the person. The notice of violation must be



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561 accompanied by, or direct the person to a website that provides,  
 562 information on the person's right to request a hearing and on  
 563 all court costs related thereto and a form to request a hearing.

564 As used in this sub-subparagraph, the term "person" includes a  
 565 natural person, registered owner or coowner of a motor vehicle,  
 566 or person identified on an affidavit as having care, custody, or  
 567 control of the motor vehicle at the time of the violation.

568 d. If the registered owner or coowner of the motor  
 569 vehicle, or the person designated as having care, custody, or  
 570 control of the motor vehicle at the time of the violation, or an  
 571 authorized representative of the owner, coowner, or designated  
 572 person, initiates a proceeding to challenge the violation  
 573 pursuant to this paragraph, such person waives any challenge or  
 574 dispute as to the delivery of the notice of violation.

575 2. Penalties assessed and collected by the department,  
 576 county, or municipality authorized to collect the funds provided  
 577 for in this paragraph, less the amount retained by the county or  
 578 municipality pursuant to subparagraph 3., shall be paid to the  
 579 Department of Revenue weekly. Payment by the department, county,  
 580 or municipality to the state shall be made by means of  
 581 electronic funds transfers. In addition to the payment, summary  
 582 detail of the penalties remitted shall be reported to the  
 583 Department of Revenue.

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

586 a. One hundred fifty-eight dollars for a violation of s.  
 587 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to  
 588 stop at a traffic signal if enforcement is by the department's



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589 traffic infraction enforcement officer. One hundred dollars  
 590 shall be remitted to the Department of Revenue for deposit into  
 591 the General Revenue Fund, \$10 shall be remitted to the  
 592 Department of Revenue for deposit into the Department of Health  
 593 Emergency Medical Services Trust Fund, \$3 shall be remitted to  
 594 the Department of Revenue for deposit into the Brain and Spinal  
 595 Cord Injury Trust Fund, and \$45 shall be distributed to the  
 596 municipality in which the violation occurred, or, if the  
 597 violation occurred in an unincorporated area, to the county in  
 598 which the violation occurred. Funds deposited into the  
 599 Department of Health Emergency Medical Services Trust Fund under  
 600 this sub-subparagraph shall be distributed as provided in s.  
 601 395.4036(1). Proceeds of the infractions in the Brain and Spinal  
 602 Cord Injury Trust Fund shall be distributed quarterly to the  
 603 Miami Project to Cure Paralysis and ~~shall be~~ used for brain and  
 604 spinal cord research.

605       b. One hundred fifty-eight dollars for a violation of s.  
 606 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to  
 607 stop at a traffic signal if enforcement is by a county or  
 608 municipal traffic infraction enforcement officer. Seventy  
 609 dollars shall be remitted by the county or municipality to the  
 610 Department of Revenue for deposit into the General Revenue Fund,  
 611 \$10 shall be remitted to the Department of Revenue for deposit  
 612 into the Department of Health Emergency Medical Services Trust  
 613 Fund, \$3 shall be remitted to the Department of Revenue for  
 614 deposit into the Brain and Spinal Cord Injury Trust Fund, and  
 615 \$75 shall be retained by the county or municipality enforcing  
 616 the ordinance enacted pursuant to this section. Funds deposited



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617 into the Department of Health Emergency Medical Services Trust  
 618 Fund under this sub-subparagraph shall be distributed as  
 619 provided in s. 395.4036(1). Proceeds of the infractions in the  
 620 Brain and Spinal Cord Injury Trust Fund shall be distributed  
 621 quarterly to the Miami Project to Cure Paralysis and ~~shall be~~  
 622 used for brain and spinal cord research.

623 4. An individual may not receive a commission from any  
 624 revenue collected from violations detected through the use of a  
 625 traffic infraction detector. A manufacturer or vendor may not  
 626 receive a fee or remuneration based upon the number of  
 627 violations detected through the use of a traffic infraction  
 628 detector.

629 (c)1.a. A traffic citation issued under this section shall  
 630 be issued by mailing the traffic citation by certified mail to  
 631 the address of the registered owner of the motor vehicle  
 632 involved in the violation if ~~when~~ payment has not been made  
 633 within 60 ~~30~~ days after notification under paragraph (b), if the  
 634 registered owner has not requested a hearing as authorized under  
 635 paragraph (b), or if the registered owner has not submitted an  
 636 affidavit under this section ~~subparagraph (b)1~~.

637 b. Delivery of the traffic citation constitutes  
 638 notification under this paragraph. If the registered owner or  
 639 coowner of the motor vehicle, or the person designated as having  
 640 care, custody, or control of the motor vehicle at the time of  
 641 the violation, or a duly authorized representative of the owner,  
 642 coowner, or designated person, initiates a proceeding to  
 643 challenge the citation pursuant to this section, such person  
 644 waives any challenge or dispute as to the delivery of the



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645 | traffic citation.

646 |       c. In the case of joint ownership of a motor vehicle, the  
647 | traffic citation shall be mailed to the first name appearing on  
648 | the registration, unless the first name appearing on the  
649 | registration is a business organization, in which case the  
650 | second name appearing on the registration may be used.

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

654 |       2. Included with the notification to the registered owner  
655 | of the motor vehicle involved in the infraction shall be a  
656 | notice that the owner has the right to review, ~~either~~ in person  
657 | or remotely, the photographic or electronic images or the  
658 | streaming video evidence that constitutes a rebuttable  
659 | presumption against the owner of the vehicle. The notice must  
660 | state the time and place or Internet location where the evidence  
661 | may be examined and observed.

662 |       (d)1. The owner of the motor vehicle involved in the  
663 | violation is responsible and liable for paying the uniform  
664 | traffic citation issued for a violation of s. 316.074(1) or s.  
665 | 316.075(1)(c)1. when the driver failed to stop at a traffic  
666 | signal, unless the owner can establish that:

667 |       a. The motor vehicle passed through the intersection in  
668 | order to yield right-of-way to an emergency vehicle or as part  
669 | of a funeral procession;

670 |       b. The motor vehicle passed through the intersection at  
671 | the direction of a law enforcement officer;

672 |       c. The motor vehicle was, at the time of the violation, in



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673 | the care, custody, or control of another person;

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

677 |       e. The motor vehicle's owner was deceased on or before the  
678 | date that the uniform traffic citation was issued, as  
679 | established by an affidavit submitted by the representative of  
680 | the motor vehicle owner's estate or other designated person or  
681 | family member.

682 |       2. In order to establish such facts, the owner of the  
683 | motor vehicle shall, within 30 days after the date of issuance  
684 | of the traffic citation, furnish to the appropriate governmental  
685 | entity an affidavit setting forth detailed information  
686 | supporting an exemption as provided in this paragraph.

687 |       a. An affidavit supporting an exemption under sub-  
688 | subparagraph 1.c. must include the name, address, date of birth,  
689 | and, if known, the driver license number of the person who  
690 | leased, rented, or otherwise had care, custody, or control of  
691 | the motor vehicle at the time of the alleged violation. If the  
692 | vehicle was stolen at the time of the alleged offense, the  
693 | affidavit must include the police report indicating that the  
694 | vehicle was stolen.

695 |       b. If a traffic citation for a violation of s. 316.074(1)  
696 | or s. 316.075(1)(c)1. was issued at the location of the  
697 | violation by a law enforcement officer, the affidavit must  
698 | include the serial number of the uniform traffic citation.

699 |       c. If the motor vehicle's owner to whom a traffic citation  
700 | has been issued is deceased, the affidavit must include a



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701 certified copy of the owner's death certificate showing that the  
 702 date of death occurred on or before the issuance of the uniform  
 703 traffic citation and one of the following:

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

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

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

716

717 Upon receipt of the affidavit and documentation required under  
 718 this sub-subparagraph, the governmental entity must dismiss the  
 719 citation and provide proof of such dismissal to the person that  
 720 submitted the affidavit.

721 3. Upon receipt of an affidavit, the person designated as  
 722 having care, custody, or ~~and~~ control of the motor vehicle at the  
 723 time of the violation may be issued a notice of violation  
 724 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.  
 725 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop  
 726 at a traffic signal. The affidavit is admissible in a proceeding  
 727 pursuant to this section for the purpose of providing proof that  
 728 the person identified in the affidavit was in actual care,



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729 custody, or control of the motor vehicle. The owner of a leased  
 730 vehicle for which a traffic citation is issued for a violation  
 731 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to  
 732 stop at a traffic signal is not responsible for paying the  
 733 traffic citation and is not required to submit an affidavit as  
 734 specified in this subsection if the motor vehicle involved in  
 735 the violation is registered in the name of the lessee of such  
 736 motor vehicle.

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

741 5.4. The submission of a false affidavit is a misdemeanor  
 742 of the second degree, punishable as provided in s. 775.082 or s.  
 743 775.083.

744 (e) The photographic or electronic images or streaming  
 745 video attached to or referenced in the traffic citation is  
 746 evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1.  
 747 when the driver failed to stop at a traffic signal has occurred  
 748 and is admissible in any proceeding to enforce this section and  
 749 raises a rebuttable presumption that the motor vehicle named in  
 750 the report or shown in the photographic or electronic images or  
 751 streaming video evidence was used in violation of s. 316.074(1)  
 752 or s. 316.075(1)(c)1. when the driver failed to stop at a  
 753 traffic signal.

754 (5) Procedures for a hearing under this section are as  
 755 follows:

756 (a) The department shall publish and make available



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757 electronically to each county and municipality a model Request  
 758 for Hearing form to assist each local government administering  
 759 this section.

760 (b) The charter county, noncharter county, or municipality  
 761 electing to authorize traffic infraction enforcement officers to  
 762 issue traffic citations under s. 316.0083(1)(a) shall designate  
 763 by resolution existing staff to serve as the clerk to the local  
 764 hearing officer.

765 (c) Any person, herein referred to as the "petitioner,"  
 766 who elects to request a hearing under paragraph (1)(b) shall be  
 767 scheduled for a hearing by the clerk to the local hearing  
 768 officer to appear before a local hearing officer with notice to  
 769 be sent by first-class mail. Upon receipt of the notice, the  
 770 petitioner may reschedule the hearing once by submitting a  
 771 written request to reschedule to the clerk to the local hearing  
 772 officer, at least 5 calendar days before the day of the  
 773 originally scheduled hearing. The petitioner may cancel his or  
 774 her appearance before the local hearing officer by paying the  
 775 penalty assessed under paragraph (1)(b), plus \$50 in  
 776 administrative costs, before the start of the hearing.

777 (d) All testimony at the hearing shall be under oath and  
 778 shall be recorded. The local hearing officer shall take  
 779 testimony from a traffic infraction enforcement officer and the  
 780 petitioner, and may take testimony from others. The local  
 781 hearing officer shall review the photographic or electronic  
 782 images or the streaming video made available under sub-  
 783 subparagraph(1)(b)1.b. Formal rules of evidence do not apply,  
 784 but due process shall be observed and govern the proceedings.



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785           (e) At the conclusion of the hearing, the local hearing  
 786 officer shall determine whether a violation under this section  
 787 has occurred, in which case the hearing officer shall uphold or  
 788 dismiss the violation. The local hearing officer shall issue a  
 789 final administrative order including the determination and, if  
 790 the notice of violation is upheld, require the petitioner to pay  
 791 the penalty previously assessed under paragraph (1)(b), and may  
 792 also require the petitioner to pay county or municipal costs,  
 793 not to exceed \$250. The final administrative order shall be  
 794 mailed to the petitioner by first-class mail.

795           (f) An aggrieved party may appeal a final administrative  
 796 order consistent with the process provided under s. 162.11.

797           Section 6. Paragraph (c) of subsection (3) of section  
 798 316.650, Florida Statutes, is amended to read:

799           316.650 Traffic citations.—

800           (3)

801           (c) If a traffic citation is issued under s. 316.0083, the  
 802 traffic infraction enforcement officer shall provide by  
 803 electronic transmission a replica of the traffic citation data  
 804 to the court having jurisdiction over the alleged offense or its  
 805 traffic violations bureau within 5 days after the date of  
 806 issuance of the traffic citation to the violator. If a hearing  
 807 is requested, the traffic infraction enforcement officer shall  
 808 provide a replica of the traffic notice of violation data to the  
 809 clerk for the local hearing officer having jurisdiction over the  
 810 alleged offense within 14 days.

811           Section 7. Section 318.121, Florida Statutes, is amended  
 812 to read: