

IN THE BROWARD COUNTY COURT
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

STATE OF FLORIDA,
Plaintiff

Case No. 25135882TI20A
Citation No. ALY6VNE

v.

Judge Steven P. DeLuca

DIV: ND

KAYLA ERIN MCFADDEN,
Defendant.

_____ /

ORDER GRANTING MOTION TO DISMISS

This matter came before the Court on Defendant's Motion to Dismiss a photo-enforced traffic infraction citation issued pursuant to section 316.0083, Florida Statutes. The citation was issued to Defendant as the registered owner of a motor vehicle alleged to have entered an intersection against a red signal, based upon images captured by an automated traffic enforcement system. Defendant moves to dismiss the citation on the grounds that section 316.0083 unconstitutionally shifts the burden of proof onto the accused registered owner of the vehicle, requiring him or her to disprove guilt for the alleged offense. Defendant contends that this burden-shifting framework is incompatible with the Due Process Clauses of the United States and Florida Constitution, as well as section 318.14(6), Florida Statutes, which expressly provides that traffic violations must be proved beyond a reasonable doubt.

The City of Sunrise appeared through counsel in opposition. The Court heard oral argument on October 28, 2025, at which both parties were afforded a full opportunity to be heard. Having carefully considered the motion, the response, arguments of counsel, and applicable law, the Court now enters this Order.

I. FACTUAL BACKGROUND

The material facts in this case are not in dispute. On May 27, 2025, a vehicle registered to Defendant was recorded by the City of Sunrise's red-light camera system traveling northbound through the intersection of North University Drive and NW 25th Court after the traffic signal for those lanes had turned red. Pursuant to Fla. Stat. § 316.0083, the City thereafter issued a Notice of Violation to Defendant on June 26, 2025, alleging a violation of sections 316.074(1) and 316.075(1)(c)1. On September 11, 2025, when no payment or other election was received by the City, the City issued a Uniform Traffic Citation, number ALY6VNE, to Defendant for the same alleged infraction.

On September 19, 2025, Defendant, through counsel, entered a written plea of not guilty and requested a hearing before this Court. The City subsequently filed its supporting documentation, including copies of the Notice of Violation, the Uniform Traffic Citation, and related materials generated by the automated enforcement system. On October 1, 2025, Defendant filed the instant Motion to

Dismiss and a Notice of Constitutional Question pursuant to Rule 1.071 of the Florida Rules of Civil Procedure. Defendant thereafter filed a Notice of Compliance confirming service upon the State Attorney and the Attorney General.

II. STATUTORY FRAMEWORK

Section 316.0083, Florida Statutes, known as the “Mark Wandall Traffic Safety Act,” authorizes local governments to implement automated red-light enforcement systems that utilize photographic evidence to identify potential violations of sections 316.074(1) and 316.075(1)(c)1., which require drivers to obey traffic control signals. When such a violation is detected, the enforcing agency does not immediately issue a Uniform Traffic Citation (“UTC”). Instead, the statute establishes a two-step enforcement process.

First, the registered owner of the vehicle is mailed a *Notice of Violation* advising of the alleged infraction and demanding payment of a \$158 civil penalty. *See Fla. Stat. § 316.0083(1)(b)1.a.* The Notice affords the recipient sixty (60) days to either remit payment, submit an affidavit contesting responsibility, or request an administrative hearing before a local hearing officer. The administrative hearing process is distinct from the judicial process in county court.

This administrative hearing is before a hearing officer who is an employee of the city; hired and paid by the city; and subject to firing by the city.

A person who wishes to contest the alleged violation in court must decline the administrative option and instead await issuance of a UTC. If the recipient does not respond to the Notice within the prescribed time, the local government may issue a formal Uniform Traffic Citation (hereinafter "UTC") pursuant to section 316.0083(1)(c), which transfers the matter to the state court system under Chapter 318.

At that stage, the penalty increases to a minimum of \$277, and any adjudication of guilt is entered on the defendant's official motor vehicle record. In this case, even if the defendant is found guilty, points against the defendant are not, and cannot, be imposed. The point system, which helps identify errant drivers who should be remediated or whose driver's license should be suspended or revoked, is abandoned, leaving only a monetary sanction, fine, available. A defendant can accrue unlimited red-light camera violations addressed in court, with the court and the powerless Department of Highway Safety and Motor Vehicles to remove this habitual errant driver from the road. So long as the fine is paid, the license cannot be suspended.

To be clear: In the traditional police officer witnessed red light violation case, the officer observes what he or she believes to be a violation, then conducts a traffic stop, determines if there is an emergency or malfunctioning red light equipment, and then issues a uniform traffic citation to the actual alleged violation. If the defendant

pleads or is found guilty the violator is identified and the violation is entered upon the defendant's driver's license record. Points may or may not be imposed depending on the facts and driving record of the defendant present before the court. Under this red-light camera scenario the actual violator is never identified and if payment is made within the first 30 days of notification, then no evidence of the violation will appear on anyone's driving record whether as an incident of ownership or as having been the violator. This scheme abandons the point system of F.S. §322.27 to help identify errant and dangerous drivers which has been in place for over 50 years.

§322.27. Authority of department to suspend or revoke states in part:

(3) There is established a point system**for the determination of the continuing qualification of any person to operate a motor vehicle....** (emphasis added.)

(a) When a licensee accumulates 12 points within a 12-month period, the period of suspension shall be for not more than 30 days.

(b) When a licensee accumulates 18 points, including points upon which suspension action is taken under paragraph (a), within an 18-month period, the suspension shall be for a period of not more than 3 months.

(c) When a licensee accumulates 24 points, including points upon which suspension action is taken under paragraphs (a) and (b), within a 36-month period, the suspension shall be for a period of not more than 1 year.

d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

.... 6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c) 1.-4 points. (Traditional Red Light Enforcement.) However, no points shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c) 1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. (Red Light Camera Enforcement.) In addition, a violation of s. 316.074(1) or s. 316.075(1)(c) 1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer (Red Light Camera Enforcement) may not be used for purposes of setting motor vehicle insurance rates.

Under this Red Light Camera scheme employers may never know that the people who they are hiring to drive our school busses, or who are driving the 9,000 gallons of gasoline as Class A fuel tanker truck operators, are errant and dangerous and are habitual red light runners because they repeatedly paid within the first 30 days and no State Driver's License Record entry was created. The errant driver, the violator, is never identified for remediation or removal from our streets. In the

case of commercial drivers, this seems to be inconsistent with federal statutes involving masking.

Once the UTC is issued, after the defendant fails to respond to the city, the defendant may either pay the UTC or elect to contest it in county court, where proceedings are governed by Chapter 318.

A distinctive feature of the statutory scheme is its assignment of guilt to the *registered owner* rather than the *driver* of the vehicle. Section 316.0083(1)(d)1. provides that “[t]he owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish” one of several enumerated defenses. If there are multiple registered owners, the citation is issued to the “first” registered “owner”.

One of the defenses is that the registered owner was not the driver. To contest responsibility on this ground, the registered owner must submit an affidavit stating that “[t]he motor vehicle was, at the time of the violation, in the care, custody, or control of another person.” The affidavit must include the name, address, date of birth, and, if known, the driver’s license number of that individual. § 316.0083(1)(d)1. Upon receipt of such an affidavit, “the governmental entity must dismiss the citation,” and the designated person “may be issued a notice of violation” for the same offense. *Id.* “The affidavit is admissible in a proceeding pursuant to

this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle” *Id* abandoning centuries time honored protections of hearsay substantive evidence.

Accordingly, under this statutory framework, liability initially attaches to the registered owner by presumption, and the burden rests with the owner to affirmatively identify another person as the driver¹ or otherwise contest the charge at a traffic infraction hearing.

III. ISSUE PRESENTED

The question before the Court is whether Fla. Stat. § 316.0083 violates the Due Process Clauses of the United States and Florida Constitutions by creating a mandatory rebuttable presumption that the registered owner of a vehicle is guilty of committing a red-light violation unless the owner affirmatively identifies another driver, thereby shifting the burden of proof from the prosecution onto the accused, in a proceeding where commission of the offense must be proved beyond a reasonable doubt. *See* § 318.14(6).

IV. ANALYSIS

A. Governing Principles

¹ Or submit an affidavit asserting one of the other four enumerated defenses set forth in § 316.0083(1)(d)1, none of which are material to Defendant’s motion.

It is a foundational rule of constitutional due process that the government must prove every fact necessary to constitute an offense beyond a reasonable doubt before a person may be adjudicated guilty of a crime. *In re Winship*, 397 U.S. 358, 364 (1970). The reasonable-doubt standard is not merely a rule of evidence; it is a constitutional guarantee that “protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.” *Id.* at 364. Any procedure that allows conviction while relieving the government of this burden violates the Due Process Clause. *Id.* at 363–64.

The Supreme Court has repeatedly applied this principle to strike down statutory or jury-instruction presumptions that shift the burden of proof to the accused as to any element of the offense. In *Sandstrom v. Montana*, 442 U.S. 510 (1979), the Court held unconstitutional an instruction that “the law presumes that a person intends the ordinary consequences of his voluntary acts,” reasoning that such a presumption “had the effect of relieving the State of the burden of proof enunciated in *Winship*.” *Id.* at 521. Likewise, in *Francis v. Franklin*, 471 U.S. 307 (1985), the Court reaffirmed that “[m]andatory presumptions must be measured against the standards of *Winship* as elucidated in *Sandstrom*.” *Id.* at 315. “Such presumptions violate the Due Process Clause if they relieve the State of the burden of persuasion on an element of an offense.” *Id.*

Florida courts adhere to the same constitutional rule. See, e.g., *State v. Cohen*, 568 So. 2d 49, 52–53 (Fla. 1990) (holding that a statutory provision purporting to create an “affirmative defense” impermissibly shifted the burden of proof to the defendant, thereby “relieve[ing] the State of its obligation to prove the Defendant’s guilt, beyond a reasonable doubt, of every element of the crime”). Thus, where a statutory scheme imposes upon a defendant the burden to disprove an element of the offense, the presumption of innocence is unconstitutional as applied in the proceedings conducted pursuant to § 318.14 requiring proof beyond a reasonable doubt.

B. Nature of Traffic Infraction Proceedings

In 1974, the Florida Legislature enacted Chapter 318 of the Florida Statutes, whereby it decriminalized most traffic infractions and redesignated them as civil “actions at law.” See *Nettleton v. Doughtie*, 373 So. 2d 667 (Fla. 1979). The City argues that because of this reclassification, a red-light camera violation is not criminal in any respect but purely civil. Defendant contends, however, that notwithstanding the statutory label, traffic infraction proceedings remain quasi-criminal in nature and are therefore subject to the procedural due-process protections that apply in criminal cases. The Court agrees.

Although nominally civil, traffic infraction proceedings retain every substantive hallmark of a criminal prosecution. They are conducted in county court,

styled as *State of Florida v. Defendant*, result in findings of “guilty” or “not guilty,” and impose monetary penalties and other sanctions upon conviction. Convictions are reported to the Department of Highway Safety and Motor Vehicles and entered on the defendant’s permanent driving record, and failure to pay or comply with the court’s orders results in suspension of driving privileges. §§ 318.15, 322.27. Moreover, when a person elects to contest a traffic citation in court, “the commission of a charged infraction at a hearing under this chapter must be proved beyond a reasonable doubt.” § 318.14(6), Fla. Stat.

Accordingly, while these offenses are labeled “civil,” they remain fundamentally “quasi-criminal” in nature: punitive, adjudicative, and designed to vindicate the authority of the State rather than to compensate any private party. In *Hicks on Behalf of Feiock v. Feiock*, 485 U.S. 624, 631 (1988), the United States Supreme Court squarely addressed this distinction, holding that the applicability of constitutional due process protections turns not on legislative labels but on the *substance of the proceeding* and the *character of the relief imposed*. The Supreme Court explained that when a sanction is punitive, such as a fixed fine or jail term imposed to vindicate public authority, it is criminal in nature regardless of the State’s characterization. *Id.* at 632. Only when a penalty is remedial or contingent, and designed to compel future compliance or compensate another party, may it properly be considered civil. *Id.* at 632–34. The Court further held that in any proceeding that

is criminal or quasi-criminal in substance, the State may not employ presumptions or burden-shifting devices that relieve it of proving guilt beyond a reasonable doubt. *Id.* at 638.

Section 316.0083 operates precisely as a quasi-criminal enforcement mechanism: it accuses an individual of violating a state traffic law, imposes a fixed monetary penalty to vindicate public authority, and reports the conviction to the State's licensing agency. Under *Feiock*, such proceedings are sufficiently criminal in form and function to invoke the full protections of due process, including the requirement that every essential element of the alleged offense be proven beyond a reasonable doubt.

C. Elements of the Offense Under §§ 316.074, 316.075

The alleged violation in this case arises under sections 316.074(1) and 316.075(1)(c)1., which govern obedience to traffic-control devices and signals. Section 316.074(1) provides in relevant part that “the driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto,” subject to limited exceptions. Section 316.075(1) similarly provides that the colors displayed by traffic control signals “shall indicate and apply to drivers of vehicles and pedestrians as follows,” and that a driver facing a steady red indication must stop before entering the intersection.

By their plain language, these statutes impose duties upon the *driver* of the vehicle, not upon the registered owner. The conduct that constitutes the infraction is the act of *driving* a motor vehicle through a red signal. Accordingly, in any proceeding governed by section 318.14(6), the government bears the burden of proving beyond a reasonable doubt each element of the alleged violation, including that the accused was in fact the driver of the vehicle at the time of the offense. *See In re Winship*, 397 U.S. 358 (1970).

The presumption of innocence therefore entitles the accused to be presumed *not* to have been the driver unless and until the State meets its burden of proving otherwise. Proof that a vehicle registered to the defendant was involved in the alleged infraction does not, standing alone, establish the essential element of operation. To adjudicate guilt based solely on ownership would relieve the government of its constitutional obligation to prove every fact necessary to constitute the offense beyond a reasonable doubt.

D. Section 316.0083’s Burden-Shifting Mechanism.

Section 316.0083(1)(d) provides that “the owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1 when the driver failed to stop at a traffic signal, unless the owner can establish” one of several specified defenses. The statute further authorizes the owner to submit an affidavit

identifying another individual who “leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation,” and requires that the affidavit include the individual’s name, address, date of birth, and, if known, driver-license number. Upon receipt of such an affidavit, the enforcing agency may issue a new notice of violation to the person so identified. § 316.0083(1)(d)1., 3., Fla. Stat.

This procedure operates as a mandatory rebuttable presumption. Once photographic evidence establishes that a particular vehicle was driven through a red light, the statute deems the registered owner “responsible and liable” unless that owner affirmatively proves another person’s culpability by furnishing the required affidavit. The government is thus relieved of proving the essential fact that the accused actually drove the vehicle at the time of the offense. In effect, the burden of persuasion on that element shifts from the State to the defendant.

Such a burden-shifting presumption is constitutionally impermissible in a proceeding where guilt must be proved beyond a reasonable doubt. The United States Supreme Court has long held that due process forbids any statutory presumption that relieves the government of its burden to prove each element of an offense beyond a reasonable doubt. *See Sandstrom v. Montana*, 442 U.S. 510 (1979); *In re Winship*, 397 U.S. 358 (1970). The Florida Supreme Court has likewise made clear that a statute which requires the defendant to prove his innocence violates due

process because it “would relieve the State of its obligation to prove the Defendant’s guilt, beyond a reasonable doubt.” *State v. Cohen*, 568 So. 2d 49, 52–53 (Fla. 1990).

By designating the vehicle’s registered owner as presumptively responsible and placing upon that person the duty to produce affirmative proof of another’s guilt, section 316.0083 inverts the constitutional order of proof. In proceedings where the legislature itself has prescribed the criminal standard of “beyond a reasonable doubt,” this statutory presumption cannot be reconciled with the presumption of innocence guaranteed by due process.

E. Procedural versus Substantive Due Process

The City contends that section 316.0083 should be upheld under the principles of *substantive* due process because the statute concerns a regulatory matter, implicates no fundamental right, and need only satisfy rational-basis review. This argument misapprehends the nature of the Defendant’s constitutional challenge.

The question presented here does not concern the policy wisdom of using automated enforcement systems or the State’s general power to regulate roadway safety. Rather, it concerns the procedural fairness of adjudicating guilt under a statutory framework that shifts the burden of proof to the accused in a proceeding governed by the reasonable-doubt standard. The Due Process Clauses of both the United States and Florida Constitutions protect not only against arbitrary legislation but also against procedures that deprive an individual of life, liberty, or property

without the safeguards of a fair adjudicative process. U.S. Const. amend. XIV; Art. I, § 9, Fla. Const.

Here, the alleged violation carries significant consequences: the imposition of monetary penalties, the potential suspension of driving privileges, and the permanent notation of an adjudication of guilt on the defendant's official driving record. These are concrete deprivations of property and liberty interests that may not be imposed except through procedures consistent with due process of law. Because section 318.14(6) expressly requires that guilt be proven beyond a reasonable doubt, the constitutional protections that accompany that standard necessarily apply.

Accordingly, the issue before the Court implicates procedural due process, not substantive due process. The statute's burden-shifting presumption cannot be justified by reference to rational-basis review, for the defect lies not in the Legislature's purpose, but in the unconstitutional method by which guilt is established.

F. Supporting Authorities

The reasoning of other courts confronted with similar automated enforcement schemes reinforces the conclusion that § 316.0083 violates procedural due process. In *Tupper v. City of St. Louis*, 468 S.W.3d 360 (Mo. 2015) (*en banc*), the Supreme Court of Missouri considered the constitutionality of a municipal red-light camera ordinance that, like Florida's, created a rebuttable presumption that the registered

owner of a vehicle was the operator at the time of the violation. The ordinance authorized the city to issue citations based on photographic evidence showing a vehicle proceeding through an intersection after the signal turned red, and to establish the owner's liability unless the owner proved, by affidavit or testimony, that someone else had been driving.

The Missouri Supreme Court characterized the proceedings under that ordinance as “quasi-criminal” in nature, explaining that although the ordinance denominated the infraction as civil, it nevertheless mirrored the rules governing criminal proceedings, used criminal procedural terms, imposed punitive sanctions, and imposed the same reasonable-doubt standard as here. *Id.* at 372. Because of those attributes, the court held that the constitutional protections governing criminal prosecutions apply in full. *Id.*

Applying these principles, the Missouri Supreme Court held that the ordinance impermissibly “shifts the burden of persuasion onto the defendant to prove that the defendant was not operating the motor vehicle at the time of the violation” in violation of due process. *Id.* at 365. Applying the same constitutional principles articulated in *Sandstrom v. Montana*, the court emphasized that due process forbids any statutory device that relieves the prosecution of its duty to prove every fact necessary to constitute the offense beyond a reasonable doubt. *Id.* at 370-71. Because the ordinance required the owner to “furnish satisfactory evidence” to

rebut the presumption, rather than requiring the city to prove who was driving, it “relieve[d] the prosecution from proving an element of the violation charged beyond a reasonable doubt and [was] impermissible.” *Id.* at 373.

The *Tupper* court’s reasoning is directly applicable here. § 316.0083 creates a nearly identical presumption, making the registered owner “responsible and liable” for the violation unless she establishes that another person had “care, custody, or control” of the vehicle at the time. As in *Tupper*, this framework inverts the fundamental presumption of innocence and transfers to the defendant the burden of disproving an essential element of the offense—namely, operation of the vehicle in violation of sections 316.074(1) and 316.075(1)(c)1. The Missouri Supreme Court’s holding accords with the principle that “criminal law regarding presumptions applies” in such quasi-criminal proceedings where guilt must be proven beyond a reasonable doubt. *Id.* at 372.

Accordingly, *Tupper* stands as persuasive authority for the proposition that a statutory scheme which presumes guilt based on vehicle ownership, and requires the accused to disprove it, violates the procedural protections guaranteed by the Due Process Clauses of both the United States and Florida Constitutions.

The Supreme Court of Minnesota reached a similar conclusion in *State v. Kuhlman*, 729 N.W.2d 577 (Minn. 2007), in striking down Minneapolis’s red-light camera ordinance. Like Florida’s statute, the Minneapolis ordinance-imposed

liability on a vehicle's registered owner and created a rebuttable presumption that the owner was the driver unless the owner submitted an affidavit identifying another person. The court held that the ordinance conflicted with state law because it "eliminates the presumption of innocence and shifts the burden of proof from that required by the rules of criminal procedure." *Id.* at 584. The court further observed that, under Minnesota's traffic statutes, the State must prove beyond a reasonable doubt that the defendant was driving at the time of the violation, and that the owner "has no obligation to prove anything." *Id.*

Although *Kuhlman* resolved the issue under principles of state law preemption, its reasoning on the due process implications of a mandatory rebuttable presumption is directly persuasive. As in *Kuhlman*, Florida's statutory scheme penalizes the vehicle's owner while presuming that the owner was the driver, thereby providing "less procedural protection" than is afforded under ordinary criminal proceedings. *Id.* The same constitutional infirmity arises here: by relieving the government of its burden to prove the essential element of operation beyond a reasonable doubt, section 316.0083 violates the procedural due-process protections guaranteed by both the United States and Florida Constitutions.

The city argues that these proceedings are not quasi-criminal. This court takes note that in these proceedings the action is the State of Florida vs the Defendant; the Defendant must enter a plea of guilty, not guilty, or no contest, is found guilty or not

guilty, if guilty is sentenced, and the standard of proof is beyond a reasonable doubt. All indicia consistent with criminal prosecutions. Additionally, under the accident report privilege, the defendant's statements to police, even in non-criminal investigations, are privileged.

V. CONCLUSION

For the reasons set forth above, the Court concludes that these proceedings are quasi-criminal, and that Section 316.0083, Florida Statutes, as applied in these proceedings conducted pursuant to section 318.14, violates the procedural due process guarantees of the Fourteenth Amendment to the United States Constitution and Article I, section 9 of the Florida Constitution. In such proceedings, the statute's presumption that the registered owner of a motor vehicle is responsible for a red-light violation impermissibly shifts the burden of proof to the accused and relieves the government of its obligation to prove, beyond a reasonable doubt, every fact necessary to constitute the offense charged.

Accordingly, it is **ORDERED** and **ADJUDGED** that the Defendant's motion to dismiss is hereby **GRANTED**.

The Uniform Traffic Citation issued to Defendant, citation number ALY6VNE, is hereby **DISMISSED**.

DONE and **ORDERED** in Chambers in Deerfield Beach, Broward County, Florida this 3 day of March, 2026.


Judge Steven P. DeLuca
Broward County Judge