

June 18, 2013

TO: Florida Association of Court Clerks (FACC)
Law Enforcement Agencies (LEA's)
Vendors

FROM: Maureen Johnson, Bureau Chief
Division of Motorist Services

Maureen Johnson

SUBJECT: **Red Light Cameras, House Bill 7125**

The 2013 Florida Legislature passed House Bill 7125, which modifies language in Florida Statutes regarding Red Light Camera (RLC) violation notification procedures, hearings and penalties. You may access the text of this legislation at:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50857>

The bill modifies 316.003, 316.0083, 316.650, 318.121, 318.15, 318.18 and 320.03, Florida State Statutes (F.S.S.). These changes affect definitions, notification procedures, hearing procedures, penalties and tax collector duties related to red light camera violations. The information listed below by bill section, outlines these changes and their effects on red light camera enforcement.

Section 1 – Section 3

Do not affect the operation of red light cameras or procedures.

Section 4

1. Amends language in s. 316.003 to add the definition of a Local Hearing Officer.

Section 5

1. Amends language in s. 316.083 (1)(a) to specify when a red light Notice of Violation (NOV) or a traffic citation (UTC) may not be issued to a person who makes a complete stop after the stop line or other point at which a stop is required and before turning right if permissible.
2. The bill changes language in F.S.S 316.083 (b) 1.a., increasing the time from 30 days to 60 days following the date of the notification to request a hearing in order to avoid issuance of a UTC. It also stipulates that the notification must be sent via first-class mail.

3. The bill changes language in F.S.S 316.083(c) to stipulate that payment or fees may not be required before the hearing requested by the person has been completed. The language also directs the municipality or agency issuing the NOV or UTC to include information on the person's right to request a hearing including all court costs related to the violation and hearing or direct the person to a web site that provides this information.
4. F.S.S 316.083 (d) added to include language that the person initiating a challenge to the violation waives their right to challenge or dispute the delivery of the NOV (see above).
5. F.S.S 316.083 (c) 1.a. is amended to increase payment period to 60 days and added language further clarifying when the UTC may be issued when the registered owner has not made payment, requested a hearing or filed an affidavit.
6. The bill changes the language in F.S.S 316.083 (4) (b) to include language that registered owner, co-owner or person designated as having care, custody or control of the motor vehicle at the time of the violation initiates proceedings to challenge the violation, they waive their right to challenge or dispute the delivery of the citation.
7. F.S.S 316.083 (4) (d) has been removed from the statute.
8. F.S.S 316.083 (4) added to statute that Paragraphs (b) and (c) apply to the person identified on the affidavit and that notification made under (b) 1.a. must be sent to the person identified on the affidavit within 30 days.
9. F.S.S 316.083(5)(a) directs the department to publish and make available electronically to each county and municipality a model Request for Hearing form. The department has developed a form to be published its public web site. The department is requiring all counties and municipalities to include a link to the departments web site where this form is located or post this form on the county or municipality public web site. This form will be available to the public for the purpose of requesting a hearing when they do not have access to the original NOV. In addition, the department is publishing standards for the NOV generated by the vendors, counties and municipalities or appointed designees. These standards will be posted on the departments Court web site. All the vendors, counties and municipalities or appointed designees will be required to submit sample NOV's to the department for review to ensure compliance with the standards. Once reviewed and approved by the department, the vendors, counties and municipalities or appointed designees may utilize the NOV as approved.
10. F.S.S 316.083 (5) added to establish the procedure for a hearing under this section. In addition, the amendment allows the county or municipality to add their costs up to \$250.00 in addition to the penalty previously assessed.

Section 6

1. F.S.S. 316.650 (c) has been amended requiring the traffic infraction enforcement officer to provide a replica of the traffic notice of violation data to the clerk for a local hearing officer having jurisdiction over the alleged offense within 14 days if a hearing is requested.

Section 7

1. F.S.S 318.121 has been amended to include F.S.S. 318.18 (22) in the list preemption of additional fees, fines, surcharges and costs.

Section 8

1. F.S.S 318.15 has been amended to add Subsection 3 that requires the clerk to notify the Department of the person(s) who were mailed a NOV and failed to comply with a penalty payment plan, request a hearing with a local hearing officer or failed to appear at a scheduled hearing. This notification shall be made within 10 days after such a failure and include the driver's license number or if a business entity, a vehicle registration number. The department or their authorized agent may not issue a license plate or revalidation sticker for any motor vehicle owned or coowner by the person until the amounts assessed have been fully paid.
2. After the department or their designee have withheld the issuance of a license plate or revalidation sticker pursuant to (a), the person may challenge the withholding based on the outstanding fines and civil penalties have been paid pursuant to F.S.S. 320.03 (8).

Section 9

1. F.S.S 318.18 (c) has been amended to reflect a person who is mailed a NOV or cited for RLC violations presents documentation from the appropriate governmental entity that the NOV or UTC was in error, the clerk of the court, or the clerk to the local hearing officer may dismiss the case, Neither entity may charge for this service.
2. F.S.S 318.18 (c) has been amended to add (22) which allows the local hearing officer to order the payment of up to and not to exceed \$250.00.

Section 10

1. F.S.S 320.03 (8) has been amended directing tax collectors to include 318.15 (3) in the list for non-issuance of a tag or validation sticker.

Conclusion

The statutory changes listed in this document will go into effect on July 1, 2013. All LEA's, vendors and departmental personnel should be cognizant of these changes. In order to educate the vendors, a conference call with the red light camera vendors is scheduled for June 19, 2013 at 10:30 AM. This will be an open forum for the vendors to ask questions and discuss the implementation and procedures involved with the statutory changes.

DRAFT REQUEST FOR LOCAL HEARING

RED LIGHT VIOLATION

Driver/Vehicle Owner and Notice of Violation Information (NOV) (To be provided by requestor)

Date: _____

Name (Typed or Printed): _____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

Telephone Number: _____ **Fax:** _____

E-mail: _____

NOV Number: _____

NOV Date: _____

Tag Number: _____ **Driver License Number** _____

Agency/Issuing Authority: _____

Issuing Officer/Agent Name: _____

Badge #: _____

Local Court or Hearing Officer Information (To be provided by local authority)

Local Court or Hearing Officer: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

POC Telephone Number: _____ **Fax:** _____

THIS PAGE OF THE DOCUMENT MUST BE INCLUDED WITH THE AFFIDAVIT ON THE NEXT PAGE!

Affidavit Requesting Hearing and Forfeiting Ability to Contest Delivery

I _____ hereby request a formal hearing
(NAME)

before a local court or hearing officer in the county of _____ . I understand that I
(COUNTY)

must submit this request to the clerk of the court or clerk for the assigned local hearing officer within **60 days** from the date posted on the Notice of Violation (NOV). I understand that by filing a request for this hearing, I waive my ability to contest the delivery of the NOV as set forth in *F.S.S. 316.083 (c) and (d)*. I understand that I have the option to reschedule a hearing once by notifying the appropriate clerk of the court and/or the clerk for the local hearing officer in writing at least 5 calendar days prior to the scheduled hearing. I understand that if I do not reschedule my hearing and I fail to appear for this hearing that I will be adjudicated guilty and I am responsible for all fines and/or fees and that a stop will be placed against the registration of all vehicles that have me listed as a registrant. I also understand that if the NOV is affirmed by the court and/or local hearing officer, that I am responsible for the payment of the original penalty plus up to **\$250.00** in local fees as set forth in *F.S.S. 316.083 (5)*. I attest that I fully understand the stipulations of these laws and the associated penalties.

Sworn by me on _____ and affirmed by my signature below.
(DATE)

Printed Name: _____

Signature of Requestor: _____

Date Signed: _____



Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

June 17, 2013

TO: Florida Court Clerks & Comptrollers (FCCC)
Law Enforcement Agencies
Red Light Camera Vendors

FROM: Maureen Johnson, Chief 
Division of Motorist Services, Bureau of Records

SUBJECT: **Red Light Camera Notice of Violation Standards**

Red Light Camera Notice of Violation (NOV)

Required Information and Fields

In an effort to allow vendors, counties, municipalities and/or the designees the ability to adapt to the changes in the red light camera statutes to their existing systems the department has established standards that must be met or included in any NOV. The department does not want to publish a predefined form or template that must be followed. The standard fields and information listed on the attached must be present on any NOV.

All NOV's must be reviewed and approved by the department prior to distribution. Please send your proofs of the NOV's to Victor Cullars for review and approval. You may reach him at 850-617-2627 or via e-mail at VictorCullars@flhsmv.gov.

/vtc

Attachment-Required Fields

Attachment-Required Fields

The fields listed in this section must conform to the TCATS 6.0.1 standards as published. You can access the TCATS 6.0.1 ICD at:

http://www.flhsmv.gov/courts/latestinfo/TCATS_ICD_6_0_1.pdf

1. Date
2. Time
3. Location
4. Vehicle Registered Owner/Co-owner Name
5. Vehicle Registered Owner/Co-owner Street Address
6. Vehicle Registered Owner/Co-owner City
7. Vehicle Registered Owner/Co-owner State
8. Vehicle Registered Owner/Co-owner Zip
9. Vehicle Year
10. Vehicle Make
11. Vehicle Model
12. Vehicle Style
13. Vehicle Color
14. License Plate/Tag Number
15. License Plate State
16. License Plate Validation Sticker Year
17. Offense Language
18. Statutes Violated
19. Issuing Agency/Entity Name
20. NOV Issue Date
21. Amount of Fine (\$158)
22. Amount of Local Fees (Up to \$250)
23. NOV Number
24. PIN Number
25. Due Date
26. Evidence View Web Site URL
27. Issuing Agency Name
28. Issuing Agency Return Address
29. Issuing Agency Address Line 2
30. Issuing Agency/Entity City
31. Issuing Agency/Entity State
32. Issuing Agency/Entity Zip
33. Issuing Agency/Entity Telephone Number

Required Information to Include

In addition to the required fields above, the NOV must contain the following information and/or data.

1. Agency/Entity Logo
2. Photograph of intersection with a date time stamp of the violation
3. Photograph of vehicle tag/intersection (must be legible)
4. List of payment options
5. Payment instructions
6. Resolution options (A,B,C)
7. Detailed instructions for each resolution
8. Toll Free Telephone number
9. Internet location where the evidence may be examined/observed
10. Explanation of the penalty and remedies to be completed within 60 days of the first class mail notification.

Element Number	Data Element Name And/ Or Description	From	Thru	Size	Elem. Char.	DATA VALUES
<u>DATA SENT TO HSMV BY CUSTOMER</u>						
1	COUNTY LOCATION CODE					
1.1	COUNTY	1	2	2	A/N	NUMERIC (RIGHT JUST)
	*** GET COUNTY FROM CONTACT ***					
1.2	AGENCY	3	4	2	A/N	NUMERIC (RIGHT JUST)
	*** GET AGENCY FROM CONTACT ***					
2	TRANSACTION TYPE	5	5	1	A/N	A, D, I
3	LICENSE PLATE NUMBER	6	15	10	A/N	CANNOT BE SPACES (LEFT JUST)
4	VEHICLE MAKE (Optional / Obsolete)	16	20	5	A/N	ALPHNUMERIC (LEFT JUST) OR SPACES
5	ADMIN STOP DATE	21	28	8	A/N	CCYYMMDD
6	STOP TYPE	29	29	1	A/N	1, 2, 3, P, T, R, SPACES
7	STOP NUMBER	30	39	10	A/N	NUMERIC (LEFT JUST) OR SPACES
8	FILLER	40	80	41	A/N	MUST BE SPACES
<u>DATA RETURNED TO CUSTOMER BY HSMV</u>						
1	DATA SENT TO HSMV BY CUSTOMER	1	29	29	A/N	N/A
2	STOP NUMBER	30	39	10	A/N	NUMERIC (LEFT JUST) OR SPACES
3	FILLER	40	69	30	A/N	SPACES
4	EDIT MASK (ERROR FLAGS)					
4.1	LOCATION CODE ERROR	70	70	1	A/N	0 OR 1
4.2	TRANSACTION TYPE ERROR	71	71	1	A/N	0 OR 1
4.3	TAG NUMBER ERROR	72	72	1	A/N	0 OR 1
4.4	VEHICLE MAKE ERROR (Optional / Obsolete)	73	73	1	A/N	0 OR 1
4.5	REPORT DATE ERROR	74	74	1	A/N	0 OR 1
4.6	STOP TYPE ERROR	75	75	1	A/N	0 OR 1
4.7	MISSING REQUIRED STOP NUMBER	76	76	1	A/N	0 OR 1
4.8	STOP NOT FOUND	77	77	1	A/N	0 OR 1
5	FILLER	78	79	2	A/N	0 OR 1
6	ERROR DISPOSITION	80	80	1	A/N	E OR SPACES
<u>FIELD DESCRIPTIONS</u>						
1.1	COUNTY					DATA SENT
	01 THRU 99					
1.2	AGENCY					DATA SENT
	01 THRU 99					
2	TRANSACTION TYPE					DATA SENT
	A = ADD					
	D = DELETE					
	I = TESTING					
5	ADMIN STOP DATE					DATA SENT
	CC = CENTURY					
	YY = YEAR					
	MM = MONTH					
	DD = DATE					
6	STOP TYPE					DATA SENT
	1 = PARKING VIOLATION OBSOLETE					
	2 = TOLL VIOLATION OBSOLETE					

A = ALPHABETIC
 N = NUMERIC
 A/N = APHANUMERIC

Element Number	Data Element Name And/ Or Description	From	Thru	Size	Elem. Char.	DATA VALUES
	3 = PARKING VIOLATION OBSOLETE					
	P = PARKING VIOLATION					
	T = TOLL VIOLATION					
	R= RED LIGHT CAMERA VIOLATION					
	SPACES = PARKING VIOLATION OBSOLETE					
7	STOP NUMBER Stop number may only be sent with a transaction type of D or I; it is required when stop type equals R but optional for other stop types;					DATA SENT
4	ERROR FLAGS 0 = NO ERROR 1 = ERROR					DATA RETURNED
6	ERROR DISPOSITION E = ERRORS IN EDIT MASK SPACES = NO ERRORS IN EDIT MASK					DATA RETURNED

A = ALPHABETIC
 N = NUMERIC
 A/N = APHANUMERIC