

2013 Red Light Camera Operations Vendor Legislative Brief Meeting Minutes June 19, 2013

1. Conference Call Participants

Rafael Granados – Miami Beach PD	Ashley Bettencourt – GATSO USA
Ofc. William Pecheko – Miami Beach PD	Maureen Johnson - FLHSMV
Michael Gruen – Miami Beach	Bonnie Scott-Walls - FLHSMV
Sgt. Jack Rodriguez – Miami Beach PD	Cyndi Collins - FLHSMV
Doug Carlozzi – American Traffic Solutions	Brian Hall - FLHSMV
George Hittner - American Traffic Solutions	Barbara Ann Myers - FLHSMV
Jennifer Robinson - American Traffic Solutions	Victor Cullars - FLHSMV
Sandy Mickey - American Traffic Solutions	Michael Shapiro – CMA Consulting Services
Virginia O'Malley - Redflex	Ken Tinkler – Legal for ATS
Robert Salcido - Redflex	Amanda Sansone – Legal for ATS
Andrea Czajkowski - Redflex	Rocio Lopez-Rocha - Xerox
Lee Buckels - Redflex	Travis Tatum - Xerox
Abby Jenkins - Xerox	Carlos Lofstedt – Sensys America
Jim Lazarski - Xerox	Sandra Sanz - Xerox
Andrew Dunkiel – City of Coral Springs	Maureen Sikora – Manatee County
Joe Fenton – Manatee County	

2. **Welcome** – Bonnie Scott Walls welcomed everyone to the call and introduced the department staff participating on the call. Vendors introduced themselves and their company. Bonnie asked all vendors to e-mail Victor Cullars a list of their respective members participating on the call.

3. **Overview of Legislative Changes** – Bonnie Scott-Walls reviewed the legislative brief that was prepared by the department and sent to the red light camera vendors. Questions were asked during this overview relating to the Request for Hearing document, procedures and affidavit procedures. It was agreed that there will be two Request for Hearing documents. The long form version supplied by DHSMV and a shorter version to be included on or with the NOV. Vendors and municipalities are required to make both

Request for Hearing forms available on their web sites. The department will post the long form version of the document on its public web site. The draft form was supplied to the vendors and everyone agreed the form was ready to be published. Discussion was held regarding how many times an affidavit naming another driver could be filed. DHSMV asked the vendors how the issue was handled at this time. It was the understanding that only one affidavit could be executed in the process. DHSMV legal review concurs there will only be one affidavit executed in the process.

4. **NOV Standards** – Questions were submitted regarding the draft NOV standards. It was agreed that the vehicle style and color would become optional fields due to the fact that DHSMV Motor Vehicles section often does not capture or provide the data.
5. **Questions and Answers** – The following questions were previously submitted by vendors. Each question was read and then discussed amongst all participants on the call.

Michael Shapiro (CMA Consulting):

A. NOV Standards Document, Required fields #11, #12 and #13

Q. What do you want us to do if one or the other fields is missing: reject the violation?

A. No, do not reject the violation. These fields will be moved to an “Optional” field in the document.

B. NOV Standards Document, Required fields #16

Q. Please clarify what part of the DMV data signifies the “License Plate Validation Sticker Year”.

A. The DECAL EXP field is the date for which the validation sticker is valid.

C. NOV Standards Document, Required fields #19, #27

Q. Are these two fields identical? Who should “Issuing Agency” refer to: an approved vendor (CMA) or a police department that the vendor is processing citations on behalf of?

A. These two fields are the same. The issuing agency is the law enforcement agency or governmental agency with the authority to issue the NOV. This does not preclude vendors from providing contact information for their help desks for customer support.

D. NOV Standards Document, Required fields #33

Q. #8 – is it the same as #33 in the “Required Fields” section?

A. No, it is not the same number. Field #33 should be the telephone number of the governmental entity issuing the NOV. Number 8 in the Required Information to Include section of this document is the telephone number to a vendor help desk (if applicable).

E. NOV Standards Document, Required Information to Include #2:

Q. Should the date time stamp of the violation be clearly visible on the photograph?

What if the date time stamp exists but the size of the text on the photo is too small and does not allow for easy viewing of this information on the printed citation?

A. Yes, the time and date stamp must be legible.

Abby Jenkins (Xerox)

A. Legislative Brief Document, Section 5, Item 8

Q. If a citizen nominates a Driver and sends in the appropriate documentation to nominate a Driver, a “Nominated Notice of Violation” will be sent to the nominated driver. Can the nominated Driver send in the same request to nominate another driver or is there just one nomination allowed?

A. No, only the registered owner of the vehicle may submit an affidavit transferring the custody, control and operation of the vehicle. In other words, there can be only one affidavit filed for each NOV.

B. Legislative Brief Document, Section 5, Item 3

Q. All violations issued prior to July 1, 2013 will fall under the current legislation? Notice of violations issued June 30 and earlier the general public will not be allowed to appeal the Notice of Violation under the new legislation?

A. Yes, any NOV generated prior to July 1, 2013 will follow the current legislation. Any NOV issued on July 1, 2013 or after will follow the new legislation. This means that all NOV recipients of NOV's dated prior to the July 1, 2013 date will not be eligible to appeal the NOV. They will have to wait for a UTC to be issued before they can request a hearing.

C. Legislative Brief Document, Section 8, Item 1

Q. When a citizen fails to meet their obligation to comply with a penalty payment plan or request a hearing and fails to appear a notification will be sent to the Department 10 days after the no compliance date through an ftp protocol. Will the department provide an update back to the local clerk or vendor with release information on Notice of violations the citizens have paid in full to release the registration hold?

A. No. A violator would submit payment to the local clerk or vendor as authorized by the issuing entity. It would then be up to the clerk to notify the department that all fines and fees have been paid and request the registration hold be removed from the persons vehicle registration(s).

D. Legislative Brief Document, Section 4, Item 1

Q. Can the Vendor act as the Clerk to the Local hearing officer?

A. This question is up to the entity or municipality having jurisdiction. **F.S 316.003** does state that (91) LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to 316.0083. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer.

E. Legislative Brief Document, Section 5, Item 9

Q. The standards for NOV approval process; can one form be submitted for each program a specific vendor is contracted with or do the vendors need to submit a NOV for each individual municipality under contract with said vendor?

A. Vendors are able to submit one NOV form for review by the department. However, only the approved template can be used for all of a vendor's customers. The only authorized change would be to allow for tailoring the template to a specific entity or municipality. All required NOV fields or data must be present on the NOV as approved.

F. Legislative Brief Document, Section 6, Item 1

Q. Per the hearing requirements for testimony does this prevent a Code Enforcement officer from issuing the notice of violations?

A. Yes, Code Enforcement officers would have to complete training and be designated by the F.S 316.640(5). The operations of these officers would have to be under the supervision of a law enforcement agency and must be physically located in the county of the sheriff's office or police department having jurisdiction.

6. Additional Questions and Discussions – The following questions or discussions occurred during the Q&A session of the call:

A. A question was raised regarding the process that would take place should a person fail to appear for a requested hearing, failed to comply with the court findings/orders or failed to file an affidavit.

Scenario

Within the 60 day period from the date of the NOV a person requests a hearing before a local hearing officer and fails to appear, pay fines, fees or file an affidavit:

The clerk/hearing officer will notify the department of the failure to comply within 10 days following the incident. The department will then place a hold on all registrations for any vehicle owned/co-owned by the person until such time that the person pays all fines, fees and/or complies with the order of the local hearing officer. No further action would be taken against the person.

There was a very good discussion regarding the validity of the interpretation of statutes regarding the two processes. DHSMV legal counsel has advised that the two processes are separate processes for the resolution of red light camera violations.

Process – Local Hearing and UTC process are separate tracks and do not work together.

Upon completion of all discussion, Bonnie Scott-Walls thanked everyone for their participation, directed Victor Cullars to compile the meeting notes and distribute to all participants and the conference call was adjourned.