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TO: Florida Cities
Florida Counties

FROM: Dana Reiding, Chief *Dana Reiding*
Bureau of Records
Division of Driver Licenses

SUBJECT: **Red Light Cameras, House Bill 325**

The Governor has signed House Bill 325, which authorizes the use of red light cameras. Effective July 1, 2010, counties or municipalities are authorized to use red light cameras to enforce Sections 316.074(1) and 316.075(1)(c)1., Florida Statutes.

The bill creates Section 316.0083, Florida Statutes, which establishes procedures related to red light camera violations. The steps below apply once the county or municipality determines that a red light violation has occurred.

Step 1: Notice to the Owner

Specifically, the county or municipality (or its vendor) must issue a notice of violation to the registered owner of the vehicle within 30 days after the violation. The notice must contain the photo of the tag/intersection, the time/date stamp of the violation, a time and place or Internet location where the evidence may be examined/observed, and an explanation of the penalty and remedies. The penalty is \$158 and must be paid directly to the entity sending the notice.

Within 30 days after the date of the first class mail notification, the owner must either:

1. Pay the penalty to the county or municipality OR
2. Submit an affidavit claiming one of the following exemptions:
 - The driver was trying to yield the right of way to an emergency vehicle or as part of a funeral procession;

- The driver passed through the intersection at the direction of law enforcement;
- The motor vehicle was in the care, custody or control of another person, in which case the owner must provide additional information identifying the driver or proving theft of the vehicle. If the vehicle owner identifies another person as the driver, that driver may receive a citation.
- A uniform traffic citation (UTC) was issued for this offense by a law enforcement officer to the driver already. The affidavit must include the number of the uniform traffic citation.

Step 2: Issuance of Uniform Traffic Citation

If a payment has not been made or an affidavit has not been submitted within 30 days of the notification, the county or municipality must send a UTC, written by a traffic infraction enforcement officer, by certified mail to the registered owner of the vehicle. The UTC must be delivered certified mail no later than 60 days after the date of the violation.

The county or municipality must also electronically transmit the traffic citation data to the Clerk of Court within five days after the issuance of the UTC to the violator. All counties or municipalities issuing UTCs for red light camera violations are required to produce electronic citations (e-citations), and not handwritten pre-printed paper UTCs. The e-citations used for red light cameras must be approved by the Department and meet uniform standards for format and content. For instructions, please see below under the heading E-Citations and Data Transmission.

Once the UTC has been issued, the owner/driver must pay the penalty plus court fees to the Clerk of Court. The estimated total civil penalty if paid to the clerk is \$256. Alternatively, the owner/driver may request a hearing under Section 318.14(5), F.S., and be subject to civil penalties by the court.

Additionally, if the issuing entity determines that the UTC was issued in error, the entity may provide documentation to the driver to present to the Clerk of Court requesting dismissal. The Clerk of Court is authorized to dismiss the citation in these instances, but may not charge a fee for the dismissal.

Step 3: Driver License Penalties

If a UTC is issued, the Clerk of Court is required to transmit the UTC data and disposition to the Department through the Traffic Citation Accounting Transmission System (TCATS). The Department will assign a new violation code specifically for violations of Sections 316.074(1) and 316.075(1)(c)1., F.S., when written under the guidelines in Section 316.0083, F.S., by a traffic infraction enforcement officer.

Regardless of disposition, no points will be assessed to the driver record. However, if the owner/driver pays the civil penalty or is otherwise found guilty, the violation will be recorded as a conviction on the driver record.

Red light camera violators will not be required by the Department to complete a basic driver improvement course under Section 322.0261(4), unlike violators cited for running a red light by a law enforcement officer.

E-Citations and Data Transmission

The Department is tasked by law under Section 316.630, F.S. with ensuring that all UTCs produced are consistent with the state traffic court rules and the procedures established by the Department. Counties and municipalities issuing UTCs for red light camera violations must issue (e-citations).

The county or municipality must submit to the Department their E-Citation for approval prior to use. Some red light cameras are administered by local law enforcement agencies. In these cases, the local law enforcement may use their existing e-citation systems to produce UTCs for these violations.

A list of approved e-citation vendors is attached. If you wish, you may purchase e-citation software from one of the approved vendors. Please email a PDF of the proposed e-citation to Amy Crowson (850-617-2589) at amycrowson@flhsmv.gov. If corrections are needed, Amy will identify and email any required changes to the requestor. If no corrections are required, Amy will email a memo of approval to the requester. Please note that a county or municipality may not begin issuing UTC e-citations until approval is received.

This bill is effective July 1, so the earliest we would expect UTCs (e-citations) to be issued for red light camera violations is August 1. Please plan your requests for approval of your e-citations accordingly. Our review process takes approximately 5 business days.

HB 325 requires a two-tier notification system, with the first being a notice. The bill does not specify the format of the notice, but does require that it contain certain information. The toll authorities use a modified form of the e-citation as their notice. The toll notices include the UTC format and content on the right side of an 8 ½ X 11 page, and on the left side list the options for remedy and the applicable penalties. A sample is attached for your reference.

Once you are ready to issue e-citations, we will assign specific UTC e-citation numbers to you. All e-citations must be numbered and appropriately inventoried. For more information, please see the UTC Manual posted at www.flhsmv.gov/courts.

Section 316.650 (3)(c), F.S. requires counties and municipalities to electronically transmit citation data to the clerks. To ensure that the clerks can receive the data and use it appropriately,

the data should be transmitted in a standard format with specific data edits. For more information on this process, please contact the Florida Association of Court Clerks at (850) 921-0808.

If you have any questions, please contact Bonnie Scott-Walls at (850) 617-2702 or at bonniescott-walls@flhsmv.gov. Please visit our web site at www.flhsmv.gov/courts for other reference documents.