

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

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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.