

Affidavit Establishing Exemption Under Florida Statutes § 316.0083(1)(d)

This is a form of affidavit that you may use to establish an exemption from the statutory penalty described in the notice of violation that you have received. Section I contains the instructions for filling out this form. Section II is the form that you must fill out if you choose to use this form of affidavit. Please read the instructions in Section I carefully before filling out Section II or mailing this affidavit. If this affidavit is incomplete, unsworn, does not contain required documentation, or is not received before the due date, it will not be sufficient to establish an exemption under § 316.0083(1)(d) necessary to avoid court fees, costs and the issuance of a Uniform Traffic Citation.

I. Instructions

- (1) Florida Statutes § 316.0083 provides that the registered owner of a motor vehicle found by a traffic infraction detector to have violated Florida Statutes §§ 316.074(1) or 316.075(1)(c)1, relating to adherence to traffic control devices, is responsible for a statutory penalty of \$158.00 unless the owner establishes by affidavit that an exemption applies. The notice of violation you have received explains the statutory exemptions and how to establish them.
- (2) Section II of this document constitutes an affidavit that you may use to assert an exemption. Please fill in all blanks with the information requested. If you do not provide the required information, your affidavit will not be sufficient and will not avoid payment of the penalty.
- (3) If you assert that you are exempt from the statutory penalty because, at the time of the violation described in the notice, the vehicle was in the possession, custody, or control of another person, then you must provide the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the vehicle at the time of the violation. Section II contains a space for you to do so.
- (4) If you assert that you are exempt from the statutory penalty because, at the time of the violation described in the notice, the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. Please attach the police report to this affidavit.
- (5) If you assert that you are exempt from the statutory penalty because a Uniform Traffic Citation was issued by a law enforcement officer for the violation of Florida Statute § 316.074(1) or 316.075(1)(C)1 stated in the notice, then you must include the serial number of the Uniform Traffic Citation. Section II contains a space for you to do so.
- (6) This affidavit must be sworn to before a notary public or other person authorized to administer oaths. A form for the notary or other person to execute is included at the end of Section II. Please do not return this affidavit without this evidence of its being sworn, as that will not be sufficient and will not avoid payment of the penalty.
- (7) Upon completing this affidavit, please mail it to: Orange County, c/o Intersection Safety Program, 4200 S. John Young Py, Orlando, FL 32839.
- (8) The statements in this affidavit must be truthful. **The submission of a false affidavit is a misdemeanor of the second degree, punishable under Fla. Stat. § 775.082 or § 775.083 by a term of imprisonment not to exceed sixty (60) days and/or a fine not to exceed \$500.00.**

II. Affidavit

I, _____, having been sworn, hereby depose and say as follows:

1. I have received a notice (the "Notice") informing me that a motor vehicle registered in my name was observed violating Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 by failing to obey a steady red traffic signal. The Notice bears the following 13 digit number: _____.
2. Under Florida Statute § 316.0083(1)(d), I am exempt from the payment of the statutory penalty described in the Notice because (check all that apply):

_____ At the time of the violation described in the Notice, my vehicle passed through the intersection in order to yield the right-of-way to an emergency vehicle.

_____ At the time of the violation described in the Notice, my vehicle passed through the intersection as a part of a funeral procession.

_____ At the time of the violation described in the Notice, my vehicle passed through the intersection at the direction of a law enforcement officer.

_____ At the time of the violation described in the Notice, the vehicle was in the care, custody, or control of another person. That person's name, address, phone number and date of birth are:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Date of Birth: _____ Phone Number: _____

I ___ do/___ do not know the driver's license number of this person.

Driver's License Number: _____.

_____ At the time of the violation described in the Notice, my vehicle had been stolen. A true and correct copy of a police report establishing that my vehicle had been stolen at that time is attached to this affidavit.

_____ A Uniform Traffic Citation has been issued by a law enforcement officer to the driver of the vehicle for the same violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 described in the Notice. The serial number of that citation is _____.

_____ The motor vehicle's owner was deceased on or before the date that the uniformed traffic citation was issued. I understand that I must be the representative of the motor vehicle owner's estate or other designated person by a family member to fill out this Affidavit.

I understand that I must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and **one** of the following:

- A bill of sale or other document showing that the deceased owner's motor vehicle was sold after his or her death but on or before the date of the alleged violation,
- Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department on or before the date of the alleged violation, or

