

**ADMINISTRATIVE ORDER GOVERNING UNIFORM TRAFFIC CITATIONS
ISSUED FOR FAILURE TO PAY TOLLS**

WHEREAS, to increase judicial economy and the efficiency of processing and enforcing uniform traffic citations issued in the Orange County Traffic Division; and

WHEREAS, section 316.1001, Florida Statutes, provides that when an owner of a motor vehicle is issued a citation for failure to pay a toll, but the owner is not the alleged violator, the owner may file an affidavit pertaining to the actual person who was in the care, custody, or control of the motor vehicle at the time the alleged violation occurred; and

WHEREAS, to ensure that citations are issued properly, procedures are necessary for situations in which motor vehicles are leased or rented to other persons or are not otherwise in the care, custody or control of the registered owner or the motor vehicle is co-owned or is stolen;

NOW, THEREFORE, I, Ted Coleman, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under rule 2.050, Florida Rules of Judicial Administration hereby order the following:

1. Pursuant to section 316.1001, Florida Statutes, in situations in which
 - a) an entity/person has leased, rented or otherwise authorized the use of a motor vehicle to another person; or
 - b) a motor vehicle is co-owned; or
 - c) a motor vehicle is stolen;

the owner of the motor vehicle who was not in the care, custody or control of the motor vehicle

at the time the alleged violation occurred and who denies responsibility for the violation or the person who was the actual violator and who acknowledges responsibility for the violation may submit to the Orlando Orange County Expressway Authority (hereinafter referred to as “Expressway Authority”) c/o the Clerk of Court within fourteen (14) days after the notification of the alleged violation, an affidavit and supporting documentation which provides:

a. The name, address, and, if known, the driver license number and date of birth of the person who leased, rented, or otherwise had the care, custody, or control of the motor vehicle at the time of the alleged violation; and

b. if the motor vehicle was leased or rented, a copy of the lease or rental agreement;

or

c. if the motor vehicle is co-owned, a copy of the vehicle registration; or

d. if the motor vehicle was stolen, the police report indicating that the vehicle was stolen at the time of the alleged violation.

2. In situations in which a person who is the **actual violator acknowledges responsibility** for traffic citations and timely files an affidavit and supporting documentation with the Clerk of Court, the Clerk of Court shall, on a weekly basis, submit all affidavits to the Civil Traffic Infraction Hearing Officers (hereinafter referred to as “Hearing Officers”) to amend the traffic citations and to enter disposition orders. The Hearing Officers shall amend the traffic citations to state the actual violator’s name, driver’s license number, address and date of birth. The disposition orders shall include a provision that payment of the traffic citation must be paid in full to the Clerk of Court within thirty (30) days from the date the disposition order was entered. The Clerk of Court shall mail a copy of the disposition order to the actual violator and

shall make a copy of the disposition order available for the Expressway Authority to pick up at the Clerk's Office. Amending the traffic citation accordingly shall have the legal effect of voiding the traffic citation against the original registered owner to whom it was issued. The affidavit acknowledging responsibility shall substantially comply with the sample affidavit form attached hereto as Attachment A.

3. In situations in which a **person or an entity named on the traffic citation denies responsibility** for the violation, this person or entity's representative may timely file with the Clerk of Court an affidavit denying responsibility with supporting documentation. The affidavit denying responsibility shall substantially comply with the sample affidavit form attached hereto as Attachment B.

The Clerk of Court shall set the case/cases for a hearing before a Hearing Officer and shall issue a subpoena for the person named in the affidavit to appear at said hearing as well as the Officer who issued the citation. The Clerk of Court shall forward a copy of the notice setting the case for hearing to the Expressway Authority.

At the hearing, the affidavit and supporting documentation may be presented for the purpose of determining that the person identified in the affidavit was in the actual care, custody, and control of the motor vehicle at the time of the alleged violation. The Hearing Officer shall amend the traffic citation and enter a disposition order accordingly.

4. This Administrative Order shall become effective on October 1, 1999.

DONE AND ORDERED at Orlando, Florida, this 20th day of August, 1999.

/s/ Ted Coleman
Ted Coleman
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit
State Attorney's Office, Ninth Judicial Circuit
Public Defender's Office, Ninth Judicial Circuit
General Counsel, Orange County Sheriff's Office
Orange County Corrections
Orange County Bar Association
Bar Briefs, Orange County Bar Association
Paul C. Perkins Bar Association
Hispanic Bar Association
Clerk of Courts, Orange County
Orange County Law Library
Clerk of Courts, Osceola County
The Osceola County Bar Association
The Osceola County Law Library
The Osceola County Sheriff's Office
Director, The Osceola County Dept. of Corrections
Office of the Statewide Prosecutor
Central Florida Criminal Defense Attorneys Association
Roslyn Rivers, Orlando Orange County Expressway Authority
General Counsel, Orlando Orange County Expressway Authority
Executive Director of The Florida Bar
Official Records, Orange County Comptroller

Administrative Order No. 07-99-18

ATTACHMENT A
AFFIDAVIT ACKNOWLEDGING RESPONSIBILITY

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____
(state your name) (“Affiant”), who after first being duly sworn, deposed and stated that:

Affiant freely admits and states that he/she was operating the motor vehicle for which Uniform Traffic Citation No. _____ was issued for failure to pay a toll or tolls on _____ **(state date of violation)**. Affiant admits that the motor vehicle was in his/her care, custody and control and that the registered owner or first named registered owner (if motor vehicle is co-owned) of the motor vehicle was not driving the motor vehicle at the time of the violation.

Affiant understands that this Affidavit is given under penalty of perjury and further Affiant sayeth naught.

Date: _____

Affiant’s address: _____

Signature
Print
Name: _____

Driver’s License #: _____
Date of Birth: _____

(The below portion is to be completed by Notary Public or Deputy Clerk)

STATE OF _____
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, by
_____.

Signature of Notary Public or Deputy
Clerk

Print, type or stamp commissioned name of
Notary Public; Personally Known
to me ____ OR produced identification: ____
Type of Identification Produced:

ATTACHMENT B
AFFIDAVIT DENYING RESPONSIBILITY

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____
(state your name) (“Affiant”) who, after first being duly sworn, deposed and stated that: **(check and complete all sections that apply)**

() SECTION I: (to be completed by corporate/company owner of motor vehicle)

1. Affiant is the _____ (title/office) of _____
(state name of corporation or company) and is the registered owner of a motor vehicle that has been issued Uniform Traffic Citation No. _____
for failure to pay a toll or tolls on _____
(state date of violation).

2. Neither Affiant nor its employees were driving the motor vehicle at the time of the above-referenced violation. Affiant states that at the time of the violation the motor vehicle was being leased or rented by the following person:

Name: _____
Address: _____

Driver’s License #: _____
Date of Birth: _____

A copy of the lease/rental agreement signed by the above-referenced individual is attached to this Affidavit.

() SECTION II: (to be completed by individual owner of motor vehicle)

1. Affiant is the registered owner or is the first named registered owner (if motor vehicle is co-owned) of a motor vehicle issued Uniform Traffic Citation No. _____ for failure to pay a toll or tolls on _____

(state date of violation).

2. Affiant states that he/she was not driving the motor vehicle for which the citation was issued on the above-referenced date. Affiant further states that the motor vehicle was in the care, custody or control of the following person:

Name: _____

Address: _____

Driver's License #: _____

Date of Birth: _____

(State below the facts and circumstances explaining how the vehicle came to be in the care, custody or control of the above-named individual. If the above-named individual is the co-owner of the motor vehicle, please attach a copy of the vehicle registration.)

() SECTION III: (to be completed if the motor vehicle was stolen)

Affiant was not driving the motor vehicle at the time of the above-referenced violation. Affiant states that the motor vehicle stated in the Uniform Traffic Citation was stolen at the time of the violation and a copy of the police report indicating that the motor vehicle was stolen at the time of the alleged violation is attached to the Affidavit.

(If known, state below the name, address, driver's license number and date of birth of the alleged violator.)

Name: _____

Address: _____

Driver's License #: _____

Date of Birth: _____

SECTION IV: (to be completed by all persons/entities)

Affiant understands that this Affidavit is given under penalty of perjury and further Affiant sayeth naught.

Signature
Print name: _____
Date: _____

SECTION V: (to be completed by Notary Public or Deputy Clerk)

STATE OF _____
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, by
_____.

Signature of Notary Public or Deputy
Clerk

Print, type or stamp commissioned name of
Notary Public; Personally Known to me____
OR produced identification: ____Type of
Identification Produced:
