



Apopka Police Department
112 East 6th Street
Apopka, Florida 32703
407-703-1789

City of Apopka Traffic Light Safety Program
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.

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, and deliver in person to (a) Apopka Police Department, 112 East 6th Street, Apopka, Florida 32703 or please mail it to (b) City of Apopka Police Department, c/o Red Light Safety Program, P.O. Box 59995, Phoenix, AZ 85076-9995. If the affidavit is dated 30 days from the initial issuance date of the violation, you should contact the Apopka Police Department at 407-703-1771 to ensure that a Uniform Traffic Citation has not been issued in the case. If it has been issued you will need to mail the affidavit to Orange County Clerk of Courts (Traffic Division), 1111 N. Rocksprings Road, Apopka, FL, 32703
- (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.**

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, the vehicle was in the care, custody, or control of another person. That person's name, address, and date of birth are:

Name (First, Middle, Last): _____

Address (Street Address): _____

Address (City, State, Zip): _____

Individuals Date of Birth (Month/Day/Year): ____/____/____

Drivers License Information: I ☐ do / ☐ do not know the driver's license number of this person. If known, that number is Issuing State: _____ DL 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 _____.

3. I understand that Florida Statutes § 316.0083 requires that I provide detailed information supporting the exemption(s) I have identified in Paragraph 2, which may include the facts and circumstances supporting the exemption I have asserted. That detailed information is as follows (attach additional sheets as necessary):

4. The foregoing statements are true and correct. **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.**

Signature of Registered Owner

VERIFICATION OF NOTARY OR PERSON AUTHORIZED TO ADMINISTER OATHS

STATE OF _____)

_____)

COUNTY OF _____)

Sworn to and subscribed before me on _____, 20__, by _____, who is ☐ personally known to me or ☐ provided identification, (ID Type and Number) _____ and who did take an oath.

Notary Public, State of Florida

Printed Name: _____

My Commission Expires: _____