


# **GAINESVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

	<b>TITLE</b> Traffic Enforcement		<b>ACCREDITATION</b> CALEA 61.1.2(a-c); 61.1.3(a-e); 61.1.4(a-d); 61.1.5 (a-i); 61.1.6(a-d); 61.1.7(a-b); 61.1.11
	<b>PROPOSER UNIT</b> Traffic Division		<b>PRIOR REVISIONS</b> 01/13/2009, 2/29/2012, 2/26/2015, 10/24/19, 07/25/22  <b>ATTACHMENT: NONE</b>
<b>NUMBER</b> 61.1	<b>ISSUE DATE</b> 07/22/2019	<b>REVISION DATE</b> 05/15/2025	<b>TOTAL PAGES</b> 14

**I. PURPOSE:** This Order establishes procedures for the enforcement of traffic and parking laws.

**II. POLICY:** To protect the public, ensure safer roadways, and reduce the number of traffic crashes, as well as related injuries and fatalities, the Gainesville Police Department shall develop general procedures and specific programs for the enforcement of traffic laws

### **III. DEFINITIONS:**

**A. Nondescript Police Vehicles:** Nondescript police vehicles are those intended to blend in with routine vehicle traffic, and which have no visible police markings. The vehicles will have emergency lights and sirens equipment to allow them to initiate a traffic stop. (Example: covert cars issued to sworn personnel).

**B. Unmarked Fleet Vehicle:** Unmarked fleet vehicles have the same or similar body style as marked patrol cars, are a solid color, and are not conspicuously marked. They are considered emergency vehicles if equipped with emergency lights and an audible siren. (Example: DUI enforcement vehicle, lieutenant vehicles)

**C. Marked Fleet Vehicle:** A conspicuously marked police vehicle that has blue striping, lettering and a Department seal(s). These vehicles may or may not have roof-mounted light bars. Includes all vehicles used for patrol (Dodge Charger and Ford Interceptor) and Traffic Unit motorcycles.

**D. Emergency Vehicles:** Fleet vehicles (either marked or unmarked) equipped with emergency lights and sirens.

**E. Felony Traffic Stop:** LEO has a strong REASON TO BELIEVE the vehicle contains a driver or passenger suspected of having committed a serious crime, especially of a nature that would lead the police to believe the suspect(s) may be armed ( i.e. armed robbery, assault w/ a weapon, or an outstanding felony warrant for the registered owner)

**F. Reasonable Suspicion:** In justifying a particular intrusion, a police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion; facts must be judged against an objective

standard of whether facts available to the officer at the moment of seizure or search would warrant a person of reasonable caution in belief that action taken was appropriate.

**G. Unconventional Fleet Police Vehicles:** Unconventional fleet police vehicles are those that are used for specific duties that do not primarily involve traffic enforcement. These include the pickup trucks and gator cab golf cart.

#### **IV. PROCEDURE**

**A. Traffic Enforcement Practices:** The following methods may be used to enforce traffic laws:

**1. Visible Traffic Patrol:** Marked vehicles may be assigned to particular roadways or locations by supervisors or communications center as a result of a call for service request. Officers may also conduct traffic enforcement in their assigned sectors or districts [CALEA 61.1.6.a].

**2. Stationary Observation:** Covert or overt stationary observation may be employed for the operation of radar, laser, detection of defective equipment violations, surveys, or the enforcement of specific traffic laws. [CALEA 61.1.6.b]

Officers should park vehicles in a manner to minimize a roadway or visibility obstruction.

**3. Traffic Checkpoints:** See General Order 61.2. [CALEA 61.1.6.d]

**B. Selective Traffic Enforcement:** As staffing permits, Operations Bureau personnel may be assigned to selective traffic enforcement activities at times and locations where hazardous or congested conditions exist. *Note:* Nothing in this section prohibits individual officers from performing self-initiated or 'spot' selective enforcement activities in their assigned beats when time permits.

**1. Implementation and Assignment:** An Operations Commander, designee and the Traffic Safety Team supervisor have the authority to:

- i. Develop and implement selective traffic enforcement plans, using whatever lawful techniques are appropriate.
- ii. Assign and deploy personnel and/or equipment (as determined by the analysis and evaluation) to perform selective traffic enforcement.

**2. Planning and Evaluation:**

- i. **Overall Responsibility:** The Traffic Unit Commander or designee shall be responsible for:
  - a. Directing and prioritizing the Traffic Unit's selective enforcement efforts.
  - b. Deploying traffic enforcement personnel and/or equipment

**ii. Shift Assignment:** The commander / designee overseeing or implementing a selective enforcement plan shall provide the results of the activity to the Traffic Unit Commander or designee.

**3. Highway Enforcement:** Domestic Highway Enforcement Programs are conducted by the Domestic Highway Enforcement Team, which is assigned to the Gainesville- Alachua County Drug Task Force. All highway enforcement details are conducted under the direction/supervision of the Domestic Highway Enforcement Team.

**C. Specific Traffic Violations:**

**1. Driving Under the Influence:** See General Order 61.3, DUI Enforcement. [CALEA 61.1.5.a]

**2. Driving While License Suspended or Revoked (DWLSR):** If a driver has a license that is suspended or revoked, the person may be arrested or issued a criminal UTC (if a criminal violation) or cited (if a non-criminal violation). Be sure to indicate in the remarks section of the citation whether the person had knowledge of the suspension. In either case, collect the person's driver's license and attach it to the citation before forwarding to Records. [CALEA 61.1.5.b]

**3. Driving While License Suspended or Revoked With Knowledge (See also G. O. 1.3):** According to Florida State Statute, a person cannot be criminally charged with Driving While License Suspended or Revoked unless he/she was aware of the suspension / revocation or court notice was given. (Information regarding the driver being noticed is sometimes available through the teletype operator or DAVID).

**i. Taken into Custody:** If the Driving While License Suspended or Revoked is the only criminal charge, and the person is an adult, he/she may be taken to the Department of the Jail and booked, using the white copy of the citation or a hard copy of the electronic citation as the charging document(s). An incident report shall be completed also to document the handcuffing and transport.

The vehicle shall be disposed of as outlined in G.O. 84.2.

If there is a 'seize tag' indication regarding the tag, members shall follow the procedures in G.O. 40.27.

**ii. Released on Recognizance:** If the person is criminally cited and released on his/her own recognizance, the officer shall:

- a.** Ensure that the vehicle registration is valid.
- b.** Instruct the driver NOT to drive the vehicle;
- c.** If the officer later observes the person driving the vehicle, he/she should (after verifying that the license is still suspended) physically arrest the driver.
- d.** Assist the driver in contacting a responsible party to pick him/her up, and/or to drive the vehicle. If no one is available, or this is not a feasible option:

e. Ensure that the vehicle is properly parked, or

f. Have it towed using a wrecker of the driver's choice, if available, or, if the driver does not have a choice of wrecker, utilize a rotation wrecker through CCC.

**3. Driving While License Suspended or Revoked without Knowledge:** Issue a moving citation for a Driving While License Suspended or Revoked (no knowledge) infraction and any other traffic violations, and release the person (if no other criminal charges or offenses reveal themselves).

i. This citation should serve as notice to the person that his/her license has been suspended or revoked; therefore he/she can be arrested for a subsequent stop.

ii. Instruct the driver NOT to drive the vehicle; assist him/her in contacting someone to pick him/her up, and/or to drive the vehicle, if possible;

If the officer later observes the person driving the vehicle, he/she should (after verifying that the license is still suspended) physically arrest the driver.

**4. Driving While License Suspended or Revoked, Habitual Traffic Offender (322.264) or Permanently Revoked (322.341):** According to Florida State Statute, it is a felony violation for driving while a Habitual Traffic Offender, unless the provisions of Section 322.34(10)(a) apply, or with a License Permanently Revoked. Information regarding the driver having a Habitual Traffic Offender or Permanently Revoked status is available through the teletype operator or DAVID.

a. It is a misdemeanor if a person is driving while a Habitual Traffic Offender and does not have a prior forcible felony conviction as defined in s. 776.08, and a person's driver license or driving privilege is canceled, suspended, or revoked, or the person is under suspension or revocation equivalent status, for:

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;

2. Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);

3. Failing to comply with a civil penalty required in s. 318.15;

4. Failing to maintain vehicular financial responsibility as required by chapter 324;

5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or

6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver license or driver privilege for any underlying violation listed in subparagraphs 1.--5.

**b.** Otherwise, it is a felony to drive while on Habitual Felony Offender suspension.

If the driver is found to be DWLSR Felony Habitual Traffic Offender or License Permanently Revoked he/she shall be taken to the Department of the Jail and booked, using an arrest mittimus and the white copy of the citation or a hard copy of the electronic citation as the charging document(s). An Incident/investigation Report shall be completed. The case report number shall be noted on the citation.

The vehicle shall be disposed of as outlined in G.O. 84.2.

If there is a 'seize tag' indication regarding the tag, members shall follow the procedures in G.O. 40.27.

## **5. General Traffic Offenses:**

**i. Moving Violations:** Officers shall use discretion and may issue a Uniform Traffic Citation or warning citation. [CALEA 61.1.5.c]

**Speeding:** Speeding violators may be issued a *Uniform Traffic Citation*. (See General Order 61.5 re: speed measuring devices)

**ii. Hazardous Violations:** Drivers of vehicles posing a hazard to persons or property should be stopped and cited immediately to alleviate the danger.

### **iii. Off-Road Vehicles:**

**a.** The only type of vehicles allowed to travel on the roadway without proper licensing are farm vehicles. Officers shall ensure these off-road farm vehicles operating on the public roads obey all applicable traffic laws.

**b.** Vehicles such as all-terrain vehicles, go-carts, go-peds, etc., that cannot be registered for use on the roadways are NOT allowed to travel thereon, and should be cited accordingly

**iv. Non-Moving Violations:** Officers shall use discretion when enforcing non-moving violations. A uniform traffic citation or warning citation may be issued. [CALEA 61.1.5.d]

- a. Safety Restraints:** Members should pro-actively enforce all violations of driver and passenger safety restraint laws, and should adopt a zero-tolerance approach to violations of child restraint laws.
- b. Equipment:** Officers shall use discretion when dealing with equipment violations. If a citation is issued for an equipment violation under the general statute for equipment violations (FSS 316.610), rather than the statute for the specific violation (such as tint too dark) the issuing officer shall notify the driver that the fine will be reduced if the equipment is repaired within 30 days from citation issue date.

Members shall instruct motorists that they can contact the front desk officer to confirm the equipment correction and pay the inspection fee at the Records Section of the Gainesville Police Department.

**v. Public Carrier & Commercial Vehicles:** Although law enforcement officers have the authority to enforce traffic regulations regarding public carrier and commercial vehicles, Department members should not engage in safety and regulatory activities (e.g. weight limits and inspections) pertaining to trucks and carriers. [CALEA 61.1.5.e]

- a.** The Florida Department of Transportation's Motor Carrier Compliance in Ocala, FL is responsible for conducting safety inspections and enforcement.
- b.** A member may issue citations for violations pertaining to basic equipment, moving violations, and driver's licenses.

**vi. Non-hazardous:** Drivers of vehicles committing violations that are not posing a hazard to persons or property may be cited.

**vii. Multiple Violations:** Officers may issue multiple citations but should exercise discretion when dealing with multiple charges. [CALEA 61.1.5.f]

**viii. Newly Enacted Laws:** Officers may charge violators under newly enacted laws and/or regulations; however, consideration may be given to citizens who are unfamiliar with the new law by issuance of a warning citation. [CALEA 61.1.5.g]

Department members are notified of newly enacted laws via Legal Bulletins administered from the Legal Office. Department members may also access the [Florida Department of Law Enforcement Legislative Summaries](#).

**ix. Violations Resulting in Traffic Crashes:** Officers shall fully investigate traffic crashes. If the investigation determines that a traffic law violation occurred, a citation should be issued. If exigent circumstances exist and fault cannot be determined, a citation does not need to be issued. [CALEA 61.1.5.h]

**x. Pedestrian and Bicycle:** Written warnings or *Uniform Traffic Citations* may be issued to bicyclists or pedestrians who violate traffic laws.[CALEA 61.1.5.i]

**xi. Motorcycle Violations:** Members should pro-actively enforce all violations and should adopt a zero-tolerance approach to violations of operator licensing, protective equipment, rider impairment, and speeding.

**D. Vehicle Traffic Stops:**

**1.Traffic Enforcement Vehicle Usage Policy:** Only sworn personnel in marked and unmarked fleet vehicles shall routinely conduct vehicle traffic stops.

Sworn personnel in nondescript police vehicles and unconventional police vehicle should not normally conduct traffic enforcement, unless exigent circumstances arise. [CALEA 61.1.6.c]

**i. Sworn Operators of Emergency Vehicles:**

**a.** Members will normally be in uniform when making traffic stops.

**b.** Non-uniformed sworn members may make traffic stops, but must be properly equipped and identifiable as police officers (see G.O. 26.1).

Upon completion of a warning or citation, it must be noted on the citation how you were identified as an Officer while in plain clothes (ie. Badge displayed, GPD jacket, etc.).

**ii. Emergency Equipment:** Members shall employ their emergency equipment according to State law and the circumstances encountered:

**a.** Members initiating a traffic stop shall use their emergency lights to alert the motorist that he/she is expected to stop.

**b.** When the lights alone are not effective, members should use a brief audible signal from the siren, or a continuous signal to alert a driver that he/she is expected to stop.

**c.** When the stop is effected, members shall, at a minimum, utilize their rear emergency lights [roof-top or deck, depending on how the vehicle is equipped] to warn approaching traffic that the vehicles are stopped.

**d.** Hazard lights may be employed, but in addition to, not instead of, the roof-top [or deck] emergency lights.

**iii. Location:** If circumstances permit, members should attempt to stop violators at a location where normal traffic flow will not be impeded.

**a.** Use side streets if possible.

Officer safety should always be the first priority, so lighted areas are better at night.

**b.** When private property is used for a vehicle stop, due care shall be taken to avoid inconvenience to property owners and/or patrons.

**iv. Safety:**

**a.** When initiating a traffic stop, the member should contact the dispatcher and provide pertinent information (location, tag number and state, vehicle description, and number of occupants) before the vehicle is stopped and the driver approached.

**b.** Department members shall not stand nor permit drivers or passengers to stand on the roadway, between vehicles, or at any other location that could pose a danger.

**c.** The decision to approach or not approach the vehicle shall be at the discretion of the officer.

To enhance the driver's ability to hear the officer's commands, the public address system should be used if an officer chooses to instruct the driver to exit the vehicle.[CALEA 61.1.7.a]

**d.** Felony Traffic Stop . [61.1.7.b]: If possible, when a felony traffic stop is conducted the following procedures should be followed:

**1). Before Initiating Stop:**

i). Advise Dispatch of the following:

a). that a felony stop will be conducted and why.

b). Request back up;

(1). Minimum of two, three is better. More is not often better in these conditions.

(2). Check to see if K-9 is available

(3). If backup is unavailable or you have to initiate the stop before they arrive, do not approach the vehicle alone.

c). Location, vehicle description and direction of travel

d). Occupants

ii). Location of the stop Considerations:



- a). Select a location that will not endanger the public.
- b). If possible block the major roadways that access your felony stop
- c). Avoid using private driveways or open business accesses

2). Initiating the Stop:

- i). Advise dispatch of the location of the stop.
- ii). Use emergency lights, siren, PA system to gain the attention of the driver as well as warn the general public.
- iii). If driver refuses to stop, adhere to the vehicle pursuit policy, General Order 41.4

3). Vehicle Positions: Primary and backup officers should be positioned to provide cover for the primary unit with attention to cross fire.

4). Making Contact

- i). Make sure backup is in position.
- ii). Use PA system, do not leave the cover of your vehicle.
- iii). Order all individuals w/in the vehicle to raise their hands up
- iv). Have driver roll down the window then put hands back where they can be seen.
- v). Advise driver to turn off the motor, remove keys and put them on the roof of the vehicle and return hands back where they can be seen.

5). Removing subjects from the vehicle

- i). Tell driver to reach out of the vehicle with their left hand and open the door.
- ii). Instruct subject to look away from your position and place both hands above their head and turn in a circle. (WEAPONS CHECK)
- iii). Make sure you can see waist or have them raise their shirt.

6. Securing subjects

- i). Primary Officer- directs the subject until they reach the front of the patrol vehicle
- ii). 1st BackUp- takes control directing the subject to the ground and securing and searching them for weapons.

iii). Once secure, the subject is brought behind the patrol vehicles and debriefed.

7. Clearing the vehicle

- i). DO NOT assume the vehicle is empty
- ii) Announce several commands
- iii). Use K-9 if available
- iv). Contact team approaches and clears vehicle and trunk.

**E. Officer Actions and Demeanor:** It is the policy of the Gainesville Police Department to protect the Constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion or other belief system or physical characteristic; and to treat each person with respect and dignity. While contacting persons in a variety of situations is not only routine, but also germane to law enforcement activities, the Department will not accept or tolerate bias-based profiling. Upon contact with the driver of a stopped vehicle, the Department member shall:

- 1. Assess, approach and control the situation in consideration of officer safety issues; The decision regarding the placement of the driver (remaining in the vehicle, or stepping out) will be at the officer's discretion;
- 2. Remain polite and professional to minimize conflict;
- 3. Explain the reason for the stop;
- 4. Request the driver's license,  
Other documents, such as vehicle registration may be requested, if needed.
- 5. Have citations and equipment immediately available;
- 6. At the conclusion of the stop, [and the driver and/or vehicle was released] assist the operator of the vehicle with safely re-entering the flow of traffic.

**F. Traffic Enforcement Actions:** Traffic enforcement action should be conducted using one of the below methods:

- 1. **Physical Arrest** [CALEA 61.1.2.a]: Department members that make a physical arrest will complete the following paperwork:
  - i. (DWLSR) only charge: Officers shall complete a citation and an incident report. A case number shall be pulled and documented on the citation.
  - ii. If there are multiple charges: Officers shall complete the citation with the label "To Be Set" in the court date slot and submitted to records. They also need to complete a

mittimus with the traffic charge listed and an incident report. The mittimus must have the citation number listed under each traffic charge.

**2. Sworn Complaint and Related Citations** [CALEA 61.1.2.b]: When a violator cannot be immediately located for issuance of a citation(s) or for purposes of a physical arrest, the investigating member may submit a Sworn Complaint upon probable cause that a criminal traffic offense(s) occurred.

Criminal traffic citations for each of the charges shall also be filled out and shall reference the sworn complaint in the 'NOTES' section. Citations are to be submitted to Records with the Sworn Complaint.

**3. Citation and Release:** Members may issue a *Uniform Traffic Citation* and release the driver if the violation is non-criminal or a misdemeanor.

**4. Warnings** [CALEA 61.1.2.c]: A warning citation shall be completed in the MFR citation module if the probable cause for the stop is not otherwise documented (i.e. in an incident report). It is not necessary to issue a copy of the warning citation to the violator. [CALEA 61.1.2.c]

A F.I. Card is not sufficient documentation and cannot be used in lieu of completing the warning citation in the MFR citation module.

**5. Reexamination:** If a Department member believes that a driver is unable to exercise reasonable and ordinary care while operating a motor vehicle, the member should notify the Bureau of Driver Improvement via submitting a Report Driver for Medical Review or Re-exam in DAVID (Driver and Vehicle Information Database). [CALEA 61.1.11]

i. If the discover is made while conducting traffic enforcement the "Re-exam" box on the Uniform Traffic Citation (UTC) shall be checked.

ii. If the discovery is made while investigating a traffic crash, the member shall complete the appropriate section on the Traffic Crash Investigation form and if a citation issued check the "Re-exam" box on the citation for the driver.

iii. Members shall make every reasonable effort to provide alternative transportation for drivers whose abilities may be in question, and who agree to the alternatives.

If there is no legal option, members must release the driver at the scene.

**G. Traffic Law Violators/Special Circumstances and Dispositions:**

**1. Non-residents** [CALEA 61.1.3.a]: Individuals who are not residents of the Department's service area shall be warned, cited, or arrested in the same manner as area residents.

**2. Juveniles** [CALEA 61.1.3.b]:

i. Juveniles shall be issued non-criminal traffic citations in the same manner as adults.

ii. Juveniles who are physically arrested shall be handled as prescribed in General Order 44.3, Juvenile Delinquent Acts, Disposition, Arrest and Custodial Procedures. [CALEA 61.3.3.b]

**3. Members of the United States Congress** [CALEA 61.1.3.c]: Although United States senators and representatives and state legislators are afforded some immunities from arrest during their attendance at sessions and while going to or returning from the same, United States and state legislators may be issued civil traffic citations and criminal traffic citations if the person is released.

**4. Military Personnel** [CALEA 61.1.3.e]:

i. Military personnel may be issued traffic citations and/or subjected to physical arrest the same as civilians.

ii. Military personnel, while stationed or temporarily residing in Florida, are not required to obtain a Florida DL if they have one from another state.

**5. Foreign Diplomats/Consular Officers** [CALEA 61.1.3.d]: Regardless of the level of immunity from criminal arrest, citations may be issued for a non-criminal, traffic infraction.

**H. Traffic Violation Legal Process:** When a Department member stops a traffic law violator, the member shall explain and notate on the citation the rights and requirements imposed on motorists pursuant to the arrest or citation, to include:

**1. Uniform Traffic Citations- Non-Criminal**

Whether a court appearance is optional or mandatory; Department members shall notate this on the UTC by checking “infraction, court appearance required, as indicated below” or “infraction which does not require appearance in court.” [CALEA 61.1.4.b]

i. Court Appearance Not Required: If the violation does not require a court appearance, the department member shall check the box on the UTC that states: “infraction which does not require appearance in court.” Members shall document the civil penalty amount, within 30 days they have to pay the fine or request a court date, and the court house address in which payment should be mailed.

Department members shall refer to the violator to the section titled “Important Instructions Regarding a Non-Criminal Traffic Infraction Not Requiring a Court Appearance” [CALEA 61.1.4.c/d]. Department members should circle the option(s) available to the violator that are listed on the back of paper citations and right side of electronic citations as pictured below:

## IMPORTANT INSTRUCTIONS REGARDING A NON-CRIMINAL TRAFFIC INFRACTION NOT REQUIRING A COURT APPEARANCE

If you were charged with a civil infraction, you must complete one of the following options **within 30 calendar days** of the date of this citation. If you fail to comply **within 30 calendar days**, your driving privilege will be suspended until you comply. You will then be subject to additional penalties. Please see the front of the citation for the contact information for the Clerk of Court in the county where this violation occurred.

**Option 1:** You may pay the civil penalty listed on the front of this citation to the Clerk of Court. You must enclose this citation if you mail payment, which may be a money order or a cashier's check. The clerk \_\_\_\_\_ does \_\_\_\_\_ does not accept personal checks. Payment of the civil penalty is considered a conviction and points will be assessed, if applicable. Proof of compliance in the form of driver license or registration certificate, whichever is applicable, is required in addition to payment if you were cited for driver license expired less than six months, expired tag less than six months, failure to display a valid driver license, or failure to display a valid registration. You will be required to complete a driver improvement course if you are convicted of running a red light or passing a school bus. Your driving privilege will be suspended if you are convicted of not providing proof of insurance. Accumulation of points may increase the cost of your insurance.

**Option 2:** If you were cited for expired driver license, failure to display a valid driver license, expired tag, failure to possess a valid registration, or no proof of insurance, you may show proof to the Clerk of Court that you had a valid driver license, tag/registration, or insurance, whichever is applicable, at the time of the offense. The charge will be dismissed upon payment of a dismissal fee.

**Option 3:** If you **do not** hold a commercial driver license and you were cited for driver license expired 6 months or less, expired tag 6 months or less, failure to display a valid driver license, failure to possess a valid registration, no proof of insurance, or driving while license suspended [See s.322.34 (10)(a), F.S.], you may elect to show proof of compliance to the Clerk of Court in the form of a valid driver license, registration, or proof of insurance, whichever is applicable. You may only make one such election per 12 month period and no more than three elections in a lifetime. You must pay court costs and adjudication will be withheld.

**Option 4:** If you **do not** hold a commercial driver license, you may be eligible to elect to complete a Florida driver improvement course. You must contact the Clerk of Court to make this election. You may make only one such election per 12 month period and not more than 5 elections in your lifetime. Please visit [www.flhsmv.gov](http://www.flhsmv.gov) for a list of approved courses and to determine your eligibility for this election. Adjudication will be withheld and points will not be assessed. You must pay a civil penalty and court costs. This option is not available for certain traffic offenses, including driver license, tag, and registration violations. Completion of a driver improvement course is required if you are cited for running a red light/traffic control device, even if you do not make this election.

**Option 5:** You may elect a court hearing by contacting the Clerk of Court. If you request a hearing and the County Judge/Magistrate/Hearing Officer determines that you have committed the offense, the County Judge/Magistrate/Hearing Officer may impose a penalty of up to \$500 (or \$1,000 if a fatality occurred) and/or require completion of a driver improvement course. Points may be assessed. If it is determined that no infraction has been committed, no cost or penalties shall be imposed.

**Option 6:** If you were cited with a non-criminal violation of operating a motor vehicle in an unsafe condition (s. 316.610 F.S.) or not properly equipped (s. 316.610 F.S. or a 316.2935, F.S.), you may have the defect corrected, then contact your local county or city law enforcement agency to have the correction certified below. You must pay the local law enforcement agency \$ \_\_\_\_\_ for this service. You may then mail or present this affidavit of compliance along with \$ \_\_\_\_\_ to the Clerk of Court within 30 calendar days of the date of this citation. No points will be assessed. This option does not apply to a commercial motor vehicle or a transit bus owned by a governmental entity.

### FAULTY EQUIPMENT AFFIDAVIT OF COMPLIANCE

(Law Enforcement Use Only)

I certify that the defective equipment described herein has been corrected and complies with the requirements of the Florida traffic laws.

DATE: \_\_\_\_\_ ASSIGNED DHSMV AGENCY #: \_\_\_\_\_

Signed: \_\_\_\_\_  
(Name, Title, and ID #)

Department members may also provide the violator with a pre-addressed envelope. [CALEA 61.1.4.d]

**ii. Court Appearance Required:** If the violation requires a court appearance, the department member shall check the box on the UTC that states "infraction, court appearance required." Members shall document the courthouse address and notate "to be set" in the date and time location and explain to the violator the courthouse will contact them. This is applicable for certain violations such as speeding 30mph over.

## 2. Uniform Traffic Citations- Criminal

**i. Members may issue a Criminal Uniform Traffic Citation to subjects in lieu of a physical arrest for some violations. A case report number shall be drawn and written on the Criminal Traffic Citation, (See also DUI Procedures Go 61.3, and Arrests GO 1.3).**

**ii. Department members shall clearly inform the offender they are under arrest; and that they will be released on their signature to appear in court.**

**iii. Department members shall have the offender sign the citation in the "signature of violator section."**

**iv. Department members shall request the offender to affix a right thumb impression to the reverse of the original copy of the Criminal Traffic Citation as**

well as the officer's (pink) copy. If using the electronic citations, department members shall have the offender affix a right thumb impression to the printed Court copy citation.

v. Department members shall notate the mandatory court appearance by checking "Criminal violation, court appearance required, as indicated below."

vi. Department members shall document the required court date and time. Department members may access the criminal traffic court dates on the intranet HERE. [CALEA 61.1.4.a]

vii. Department members shall refer to General Order 1.3- Arrests for further procedures regarding arrest, search, and handcuff procedures.

**I. Uniform Traffic Citation Accountability and Voiding Procedures (see GO 82.1).**

**J. Safety Belt Violations:**

1. The Florida Legislature amended section 316.614, Florida's Safety Belt Usage Law, to require all Florida law enforcement agencies adopt policies prohibiting racial profiling. This recent amendment also requires law enforcement officers who issue a citation for this section record the race and ethnicity of the violator.

2. Ethnicity is an estimate, based on physical characteristics, language, and/or name, of a person's cultural affiliation with countries in Central or South America, or the Caribbean Islands.

3. For Seat Belt violations only, Officers shall record the ethnicity of the violator in the lower right hand corner of the narrative section in the following manner:

i. For Hispanic or Latino "HISP"

ii. For non-Hispanic or non-Latino "Not Hisp."

4. For the purpose of non-intrusive data collection, ethnicity is simply whether or not the officer perceives the violator to be Hispanic or Latino, or non-Hispanic or non-Latino. It is the officer's perception that should be recorded unless the information is available from a source such as a driver's license or other document.

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**By Order of**

*Signed Original on File in the  
Accreditation Unit*

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**Nelson Moya  
Chief of Police**