

Bradford County Clerk of Court
P.O. Drawer B
Starke, FL 32091

**Affidavit Establishing Exemption Under Florida Statutes § 316.1896(7)
POST UTC ISSUANCE AFFIDAVIT**

Affidavit must be received within 30 days of the Issue Date appearing on the UTC

This is a form of affidavit that you may use to establish an exemption from the statutory penalty described in the Uniform Traffic Citation that you have received (the "UTC"). 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. **You should utilize this form ONLY if you have been issued a UTC. If you have been issued a UTC, complete and mail this form to the Bradford County Clerk's Office for processing. Mailing this affidavit does not guarantee a dismissal of your UTC.**

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 §§ 316.1895(10), 316.1896, relating to adherence to traffic control devices, is responsible for a statutory penalty of \$206.00 unless the owner establishes by affidavit that an exemption applies. The UTC 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 already issued by a law enforcement officer for the violation of Florida Statutes §§ 316.1895(10), 316.1896 stated in the UTC, then you must include the serial number of the previously issued 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 to:

Bradford County Clerk of Court
Attn: Traffic Department
P.O. Drawer B
Starke, FL 32091
- (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 Uniform Traffic Citation (the "Citation") informing me that a motor vehicle registered in my name was observed violating Florida Statutes §§ 316.1895(10), 316.1896 by exceeding the speed limit in force on a roadway maintained as a school zone.
The Notice bears the following 16-digit number: _____.
2. Under Florida Statute § 316.1896(7), I am exempt from the payment of the statutory penalty described in the Citation because (check all that apply):

_____ At the time of the violation described in the Citation, 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 Citation, 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 §§ 316.1895(10), 316.1896 described in the Citation.
The serial number of that citation is _____.

_____ The motor vehicle's owner was deceased on or before the date that the 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 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
- Copy of a police report showing the deceased owner's registered license plate or motor vehicle was stolen after the owner's death but on or before the date of the alleged violation.

I have provided _____ to satisfy the requirements of this section.

3. I understand that Florida Statutes § 316.1896 requires that I provide detailed information supporting the exemption(s) I have identified in paragraph 2, above, 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.

Signature of Registered Owner

Phone Number of Registered Owner

Email 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 know to me or _____ provided identification, and did take an oath.

Notary Public, State of Florida

Printed Name: _____

My Commission Expires: _____

Mail this form to:

Bradford County Clerk of Court
 Attn: Traffic Department
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