

IN THE SUPREME COURT OF FLORIDA

Case No. SC16-1976

LUIS TORRES JIMENEZ,

Petitioner,

v.

CITY OF AVENTURA, et al.,

Respondents.

APPENDIX TO PETITIONER'S REPLY BRIEF

ON DISCRETIONARY REVIEW FROM THE DISTRICT COURT
OF APPEAL OF FLORIDA, THIRD DISTRICT

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Trial Exhibit of Petitioner's Notice of Violation and Uniform Traffic Citation.

Respectfully submitted,

/s/ Stephen F. Rosenthal

Stephen F. Rosenthal

Fla. Bar No. 131458

PODHURST ORSECK, P.A.

Sun Trust International Center

One S.E. 3rd Avenue, Suite 2700

Miami, Florida 33131

Tel.: 305-358-2800

srosenthal@podhurst.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is being served via Florida Courts E-Filing Portal system on this 6th day of October, 2017, upon: Edward G. Guedes and Samuel I. Zeskind, Weiss Serota Helfman Cole & Boniske, P.L., 2525 Ponce de Leon Blvd., Suite 700, Coral Gables, Florida 33134, eguedes@wsh-law.com, szavala@wsh-law.com, szeskind@wsh-law.com, ozuniga@wsh-law.com; Rachel Nordby and Amit Agarwal, Office of the Attorney General, PL01-The Capitol, Tallahassee, FL 32399-1050, rachel.nordby@myfloridalegal.com, amit.agarwal@myfloridalegal.com; Robert Dietz, Office of the Attorney General, 501 E. Kennedy Blvd., Suite 1100, Tampa, Florida 33134, Robert.Dietz@myfloridalegal.com; E. Bruce Johnson and Christopher J. Stearns, Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A., 2455 East Sunrise Blvd., Suite 1000, Ft. Lauderdale, FL 33304, Johnson@jambg.com, stearns@jambg.com; Kraig A. Conn and David Cruz, Florida League of Cities, Inc., P.O. Box 1757, Tallahassee, FL 32302, kconn@flcities.com, dcruz@flcities.com.

s/ Stephen F. Rosenthal
Stephen F. Rosenthal

APPENDIX



City of Aventura
Intersection Safety Program
PO Box 22091
Tempe, AZ 85285-2091

CITY OF AVENTURA NOTICE OF VIOLATION

NOTICE #: 0931400119653

PIN: 5906

View your video and pay with your Visa or MasterCard at www.ViolationInfo.com

Amount Due: \$158.00

Due Date: 08/23/2014



LUIS A TORRES JIMENEZ
274 NW 132 PLACE
MIAMI, FL 33182

ON/ (Date) 06/15/2014		AT TIME 04:38 PM		AT LOCATION WB NE 199TH ST / AVENTURA BLVD @ BISCAYNE BLVD		COUNTY MIAMI-DADE	
NAME LUIS A TORRES JIMENEZ							
STREET ADDRESS 274 NW 132 PLACE							
CITY MIAMI				STATE FL		ZIP CODE 33182	
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK							
M-C-I-M-V	YEAR 1998	MAKE OLDS	MODEL	STYLE VN	COLOR TAN		
	L C	NUMBER BNMV71	STATE FL	REGISTRATION NUMBER 09817259			
Did then and there commit the following offense: FAILURE TO COMPLY WITH A STEADY RED SIGNAL The recorded images relating to the vehicle stated above are evidence of this violation.							
IN VIOLATION OF: Florida Statutes §§316.0083, 316.074(1) and 316.075(1)(c)1							
POLICE DEPARTMENT ID# 115							
The traffic infraction enforcement officer named or law enforcement officer above has reviewed the recorded images evidencing the red light signal violation, has identified the license tag number of the violating vehicle and has found reasonable and probable grounds that an offense has been committed.						ISSUE DATE 06/24/2014	
STATUTORY PENALTY OF \$158.00							



IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE GO TO WWW.VIOLATIONINFO.COM



Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below.



NAME: LUIS A TORRES JIMENEZ		DUE: 08/23/2014
NOTICE #: 0931400119653	VERSION: 1	ISSUED: 06/24/2014
PLATE: BNMV71	STATE: FL	TYPE:

No points will be assessed for this Notice of Violation nor will it affect vehicle insurance rates.

City of Aventura
Payment Processing Center
PO Box 742527
Cincinnati, OH 45274-2527

- Si necesita ayuda en Español, favor llame al 1.866.225.8875.
- **PLEASE RESPOND WITH PAYMENT, REQUEST A HEARING, OR SUBMIT AN AFFIDAVIT POSTMARKED ON OR BEFORE THE DUE DATE TO AVOID ISSUANCE OF A UNIFORM TRAFFIC CITATION ("UTC"). SEE INSTRUCTIONS ON REVERSE SIDE.**
- Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address to the right.
- Make your check or money order payable to City of Aventura.
- **DO NOT MAIL CASH.**
- Write the Notice # located above on the front of your payment.
- Insert this tear-off coupon in the enclosed envelope with the address to the right showing through the window.

AMOUNT DUE: \$158.00

1 0931400119653 000010975906 158007

Your vehicle was observed by a traffic infraction detector failing to comply with a steady red light signal, in violation of Florida Statutes §§ 316.0083, 316.074(1) and 316.075(1)(c)1, at the intersection, date, and time stated on the front page of this Notice of Violation ("Notice"). This is a non-criminal infraction of state law. No points will be assessed and this infraction may not be used to set motor vehicle insurance rates.

This Notice has been issued by the City of Aventura.

You have the following three options:

- Pay this violation in the amount of \$158.00 on or before the due date specified on the front of this Notice; or
- Submit an affidavit by following the instructions below; or
- Request a hearing by signing and mailing the form below. You will be notified by letter of the time, location and date of the hearing. If you request a hearing and the Local Hearing Officer concludes that no infraction has been committed, this Notice will be dismissed and no costs or penalties shall be imposed. If the Local Hearing Officer concludes that an infraction has been committed, the Local Hearing Officer will uphold the infraction, and you will be responsible for payment of a \$158.00 fine as well as additional administrative fees and costs not to exceed \$250.00 as imposed by the Local Hearing Officer.

SUBMISSION OF AFFIDAVIT: You may download an affidavit at www.ViolationInfo.com. As the registered owner of the vehicle, you are deemed responsible for the violation and the payment of a \$158.00 penalty unless, in compliance with Florida Statute § 316.0083(1)(d)1.a-d, you establish by a sworn affidavit that a statutory exemption applies. The exemptions are that the motor vehicle: (a) passed through the intersection in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession; (b) passed through the intersection at the direction of a law enforcement officer; (c) was, at the time of the violation, in the care, custody, or control of another person; or (d) a Uniform Traffic Citation ("UTC") was issued by a law enforcement officer to the driver of the motor vehicle for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice. **The affidavit must be sworn before a notary public or other person authorized to administer oaths.** If you assert that the vehicle was in the care, custody, or control of another person, 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. If the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. If you assert that a UTC was issued by a law enforcement officer for the violation of Florida Statutes §§ 316.074(1) and 316.075(1)(c)1 stated in this Notice, then you must include the serial number of the UTC. For faster processing, you may, but are not required to, include a copy of the UTC. If your affidavit complies with the requirements of Florida Statute § 316.0083, then no further action will be taken against you. **The submission of a false affidavit is a misdemeanor of the second degree, punishable under Florida Statute § 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.** If submitting an affidavit, it must be postmarked on or before the due date specified on the front page of this Notice in order to be appropriately processed. The affidavit should be mailed to City of Aventura, c/o Intersection Safety Program, PO Box 22091, Tempe, AZ 85285-2091.

Do not send payment or affidavit to the Clerk of the Court.

If you fail to respond as outlined above, postmarked by the due date, a UTC will be issued to you. Upon issuance of a UTC, you shall have the remedies specified in Florida Statutes §§ 316.0083 and 318.14, which include (a) the right to pay the civil penalty in the amount of \$277.00; (b) the right to submit an affidavit; or (c) the right to have a hearing before a designated official, who shall determine whether an infraction has been committed. If the official concludes that no infraction has been committed, the UTC will be dismissed and no costs or penalties shall be imposed. If the official concludes an infraction has been committed, the official will uphold the UTC and may impose an additional civil penalty not to exceed \$500.00 and court fees and costs. Failure to pay, submit an affidavit, or request a hearing on the UTC could result in your driving privileges being suspended.

VIEW YOUR IMAGES AND VIDEO EVIDENCE FOR THIS INFRACTION: The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN printed on the front of this Notice inside the red box. If you do not have internet access, you may view your video and images at any public library.

QUESTIONS: If you have any questions, please contact Customer Service toll free at 1-866-225-8875.
(You must be the registered owner of the vehicle to discuss this violation with Customer Service.)

PAYMENT INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your \$158.00 penalty is online. Go to www.ViolationInfo.com and log on with your Notice # and PIN shown in the red box on the front of this notice. Click the Pay button. There is a convenience / service fee for this service.

PAYMENT BY PHONE: Call toll free 1-866-225-8875 available 24 hours a day, 7 days a week. There is a convenience / service fee for this service.

PAYMENT BY MAIL: Mail your check or money order (payable to **City of Aventura**) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this Notice. PLEASE DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment. Payment must be postmarked on or before the due date.

PAYMENT IN PERSON: You may pay in person by check or money order at Aventura City Hall, located at 19200 West Country Club Drive, 4th Floor, Aventura, FL 33180, Monday through Friday between 8:30 AM and 4:00 PM. Monday through Friday (excluding holidays).

HEARING REQUEST FORM

To request a hearing on the above referenced Notice pursuant to Florida Statute § 316.0083, please submit the signed and dated coupon below in the envelope provided. The petitioner understands they will be notified of the date, time and location of the hearing. The Local Hearing Officer shall issue a final administrative order. **If the Notice of Violation is upheld, the petitioner will be required to pay \$158.00 and may also be required to pay county or municipal costs, not to exceed \$250.00. NOTE: Per Florida Statute, you may cancel your appearance before the local hearing officer by paying the \$158.00 penalty assessed, plus \$50 in administrative costs, before the start of the hearing. The amount due will be \$208.00.**

Detach here and return bottom portion as a request for an Administrative Hearing before a Local Hearing Officer.

0931400119653



I submit this form as a request to contest this Notice of Violation and acknowledge that it must be postmarked by the due date of this Notice to be a valid request. I understand that I must attend this hearing in person, unless represented by counsel appearing in person on my behalf.

Please sign and print name using blue or black ink.

Signature: _____

Printed Name: _____

City of Aventura
Violations Processing Center
PO Box 22091
Tempe, AZ 85285-2091
Customer Service # 1-866-224-2354

Tracking Number
9207190112892507403134

Florida Uniform Traffic Citation

PAYMENTS AND HEARING REQUESTS NOT ACCEPTED AT THIS ADDRESS



LUIS A TORRES JIMENEZ
274 NW 132 PLACE
MIAMI, FL 33182

NOTICE #: 0931400119653
PIN: 5906

View your video online at:
www.ViolationInfo.com

Amount Due: \$277.00
Due Date: 10/19/2014

FLORIDA UNIFORM TRAFFIC CITATION

A369OZE

COUNTY OF MIAMI-DADE		<input type="checkbox"/> (1) F.H.P. <input checked="" type="checkbox"/> (2) P.D. <input type="checkbox"/> (3) S.O. <input type="checkbox"/> (4) OTHER	
CITY (IF APPLICABLE) AVENTURA		AGENCY NAME: City of Aventura AGENCY #: 85	
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON SUMMONS (VIOLATOR'S COPY)			
DAY OF WEEK Sunday	MONTH Jun	DAY 15	YEAR 2014
NAME (PRINT) FIRST LUIS		MIDDLE A	LAST TORRES JIMENEZ
STREET 274 NW 132 PLACE			
CITY MIAMI		STATE FL	ZIP CODE 33182
TELEPHONE NUMBER T625521622590	DATE OF BIRTH Jul 19 1962	RACE M	HGT
DRIVER LICENSE NUMBER T625521622590	STATE FL	CLASS E	CDL LICENSE YES <input type="checkbox"/> NO <input type="checkbox"/>
YR. VEHICLE 1998	MAKE OLDS	STYLE VN	COLOR TAN
VEHICLE LICENSE NO. BNMV71	TRAILER TAG NO.	STATE FL	YEAR TAG EXPIRES 20140719
UPON A PUBLIC STREET OR HIGHWAY, OR OTHER LOCATION, NAMELY WB NE 199TH ST / AVENTURA BLVD @ BISCAYNE BLVD		MOTORCYCLE YES <input type="checkbox"/> NO <input type="checkbox"/>	
COMPANION CITATION NUMBER(S)			
FT. _____ MILES. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W OF NODE _____			
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE VIOLATION OF STATE STATUTES §§ 316.075(1)(c)1 and 316.074(1) FAILURE TO STOP AT A RED TRAFFIC SIGNAL PURSUANT TO F.S. § 316.0083			

ISSUE DATE: 09/19/2014 FINE AMOUNT: \$277.00

Location: WB NE 199TH ST / AVENTURA BLVD @ BISCAYNE BLVD

Violation Date and Time: 6/15/2014 4:38:33PM

Vehicle License Number: BNMV71 FL

Important instructions to individuals charged with a non criminal traffic infraction. You have been issued a Uniform Traffic Citation for a violation of State Statute code 316.075(1)(c)1 failure to stop at a red traffic signal pursuant to F.S. 316.0083 of the Florida State Statutes. You are required to comply with one of the options listed below. If you fail to comply with one of the options by the date listed your driving privilege may be suspended until you comply and you may incur additional cost associated with non-compliance.

DIRECTIONS TO RESOLVE THIS CITATION

OPTIONS: MARK ONLY ONE

☐ Option A: MAKE A PAYMENT

• **PAYMENT BY MAIL** \$277.00 must be received by 10/19/2014 payable by check or money order directly to the Clerk of the Court. Sign and mail this original Citation with your payment. Please keep a copy for your records. MAILING ADDRESS FOR THE CLERK OF COURT: Miami-Dade Clerk of the Court, P.O. Box 19321, Miami, FL 33101-9321. DO NOT MAIL CASH.

• **PAYMENT IN PERSON** \$277.00 may be paid in person at Clerk of the Court, 1351 NW 12th St. Rm 124, Miami FL 33125, or check the Clerk of Courts website for other locations on or before 10/19/2014. Include this original Citation with your payment. Please keep a copy for your records.

• **PAYMENT ONLINE**

http://www.miami-dadeclerk.com/traffic_parking.asp

☐ Option B: REQUEST A HEARING To challenge this Citation, request a court hearing prior to 10/19/2014. Sign and mail this original Citation to the Miami-Dade Clerk of the Court, P.O. Box 19321, Miami, FL 33101-9321. Please keep a copy for your records. If the official determines no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties which have been paid shall be returned in accordance with Florida Statute § 318.20. IF THIS BOX IS NOT CHECKED, A HEARING WILL NOT BE SCHEDULED. THE COURT WILL SCHEDULE YOUR HEARING AND NOTIFY YOU OF THE DATE, TIME AND LOCATION.

☐ Option C: AFFIDAVIT If you are the registered owner of the vehicle, you are deemed responsible for the penalty unless, in compliance with Florida Statute § 316.0083(1)(d)(1)-(4), you establish by a notarized affidavit that a statutory exemption applies. Please visit and log into www.ViolationInfo.com to obtain an affidavit.



SIGNATURE OF VIOLATOR _____ DATE _____
OFC. JEANNETTE CASTRO 115
TROOPER/OFFICER NAME & RANK _____ BADGE NUMBER _____
SIGNATURE OF OFFICER _____ ID NUMBER _____

VIEW YOUR IMAGES AND VIDEO EVIDENCE OBTAINED FOR THIS CASE: The recorded images and video of your violation will be submitted as evidence for the disposition of this violation. You have the right to examine and observe your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN printed on the top of this Citation inside the red box. If you do not have internet access, you have the right to examine and observe your video and images at the local library.



Violation Evidence Report

Complaint Number: A369OZE
Docket Number:
Document Number: 0931400119653

Document Information:

Document Type: VIOLATION DATA REPORT
Version: v 1.0
Issue Date: 09/19/2014
Appearance Date: 10/19/2014

Violation Information:

Violation Date / Time: 6/15/2014 4:38:33PM
Violation Location: WB NE 199TH ST / AVENTURA BLVD @ BISCAYNE BLVD
AVENTURA, FL
Plate No. / State: BNMV71 FL
Make / Model / Year.: OLDS / 1998
Registered Owner:
Name / Address: LUIS A TORRES JIMENEZ
274 NW 132 PLACE
MIAMI, FL 33182
Driver:
Name / Address: LUIS A TORRES JIMENEZ
274 NW 132 PLACE
MIAMI, FL 33182

State Exhibit:





Violation Evidence Report

Complaint Number: A369OZE
Docket Number:
Document Number: 0931400119653



State Exhibit:





City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Violation Evidence Report

Complaint Number: A369OZE

Docket Number:

Document Number: 0931400119653



State Exhibit:





City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Violation Evidence Report

Complaint Number: A369OZE

Docket Number:

Document Number: 0931400119653



State Exhibit:





Violation Evidence Report

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Docket Number:
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NOTES

Note	Added By	Added Date
UTC GENERATED	ADMINUSER	09/18/2014 11:01:46 AM
STOP PAYMENT RECORD CREATED	ADMINUSER	09/16/2014 09:31:11 AM

State Exhibit:



ATS SYSTEM LOG REPORT

I, Jonathan Crabb, do hereby swear that:

1. I am employed by American Traffic Solutions ("ATS").
2. I am of sound mind, capable of making this certification, over the age of 18, and execute this certification based upon my own personal knowledge of ATS's business and the method by which ATS created, transmitted, and stored the information contained in the **ATS System Log Report**.
3. I, am the duly authorized custodian of the **ATS System Log Report**, and in such capacity, I have authority to certify the **ATS System Log Report** is a true and correct copy of an original record maintained by ATS.
4. The **ATS System Log Report** referenced below is a copy of a business record which was made automatically by the Axis Violation Processing System, at or near the time of the self-test of the automatic red light enforcement system.
5. I certify that the testing that was conducted and is contained in the **ATS System Log Report** is a regular practice in the course of ATS's regularly conducted business activities and is kept in the ordinary course of ATS's regularly conducted business activities.

I DECLARE UNDER PENALTY OF PERJURY IN THE STATE OF FLORIDA THAT THE AFOREMENTIONED INFORMATION IS TRUE AND CORRECT.



Jonathan Crabb

ATS System Log Report

06/15/2014

Location: AT13 - WB NE 199TH ST / AVENTURA BLVD @ BISCAYNE BLVD

Date: 06/15/2014

Event Time Status

Automated Self-Test 02:06:27 AM All Tests Passed



NOTES REPORT

Submission Criteria

DOCUMENT ID: 0931400119653

NOTE	VERSION	NOTICE TYPE	REASONS	ADDED BY	ADDED ON
UTC GENERATED	1	SECOND NOTICE	UTC GENERATED	ADMINUSER	09/18/2014
STOP PAYMENT RECORD CREATED	1	FIRST NOTICE	STOP FLAG SENT TO BPA	ADMINUSER	09/16/2014

STRICKEN