

MEMORANDUM

TO: CFX Board Members

FROM: David Wynne, Director of Toll Operations

DATE: March 10, 2016

SUBJECT: Changes to the Central Florida Expressway Authority's Violation Business Rules

Board approval is requested to adopt the amended Violation Business Rules attached. The changes requested are based on some additional feedback from CFX Bond Counsel and CFX Executive staff. These additional changes are being made to support the future processing of transactions on the current CFX system, Osceola Parkway and for the upcoming additions of the Poinciana Parkway and Wekiva Parkway.

cc: Laura Kelley, Executive Director
Consent Agenda

4974 ORL TOWER RD. ORLANDO, FL 32807 | PHONE: (407) 690-5000 | FAX: (407) 690-5011

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Permanent Rule 2-1

PAY BY PLATE AND VIOLATION BUSINESS RULES

2-1.001

Application and Scope.

Except as provided in Sec. 338.155, Fla. Stat., or those instances specifically approved by the Central Florida Expressway (CFX) Authority Board, no person is allowed to use the CFX System without payment of the required tolls. The current Pay By Plate ~~toll-rate~~ schedule is incorporated herein by this reference and may be obtained from CFX at its main office located at 4974 ORL Tower Road, Orlando, Florida 32807, (407) 690-5000. Failure to pay a prescribed toll is a non-criminal traffic infraction, punishable as a moving violation under Chapter 318, Fla. Stat. CFX authorizes its Toll Enforcement Officers, staff and designees to issue warnings, Pay By Plate Invoices, Pay By Plate Final Notices, Uniform Traffic Citations (UTCs) and request Vehicle Registration Holds from the Department of Highway Safety and Motor Vehicles (DHSMV) for the failure to pay tolls as set forth in this rule.

2-1.002

Definitions.

For the purpose of this rule, the following definitions shall apply:

- (1) Toll Enforcement Officer means the person or persons designated by the Executive Director of CFX whose sole authority is to enforce the payment of tolls on behalf of CFX and who has been designated as a Toll Enforcement Officer by the State.
- (2) CFX means the Central Florida Expressway Authority.
- (3) Pay By Plate ~~Toll-Rate~~ Schedule is the ~~toll-rate~~ associated with toll transactions considered violations which are unpaid when the vehicle passes through a designated tolling point. The rate is the CFX cash toll rate plus the per-transaction cost to CFX to process such transactions, additional fees and charges to cover the cost of the Pay By Plate collection program.
- (4) UTC means Uniform Traffic Citation.
- (5) Vehicle Registration Hold means the taking of an action by DHSMV in response to notice of unpaid tolls that would prohibit a vehicle's registration from being renewed until the tolls have been paid or a final resolution is achieved pursuant to the remedies as provided in section 2-1.006 Dispute Resolution Process.

2-1.003**Warnings, Issuance of [UTNs Pay By Plate Invoices](#) and Vehicle Registration Holds.**

- 1) CFX may issue warnings for failure to pay prescribed toll(s).
- 2) A Pay By Plate Invoice will be issued for failure to pay one (1) or more tolls processed in an approximate 30 day period based on the business rules associated with the particular toll location, roadway and or roadway owner. The Pay By Plate Invoice will be mailed the day after or shortly thereafter the defined invoice date of the customer. The Pay By Plate Invoice will require payment for all missed tolls plus associated fees if applicable by the due date listed on the Pay By Plate Invoice.
- 3) The Pay By Plate Invoice will be mailed first class postage to the registered owner/registant of the motor vehicle involved in the violations. In the case of joint ownership of the motor vehicle, the [UTN Pay By Plate Invoice](#) must be mailed to the first name appearing on the vehicle registration.

2-1.004**Request to DHSMV for the Issuance of a Vehicle Registration Hold**
~~**Request to DHSMV for the Issuance of a Vehicle Registration Hold**~~

- 1) A Florida registered vehicle may be subject to having a Vehicle Registration Hold placed on it by DHSMV if the Pay By Plate Invoice remains unpaid by the payment due date.
- 2) The Vehicle Registration Hold will be requested by CFX by sending a file to the Department of Highway Safety and Motor Vehicles (DHSMV) indicating that there are unpaid tolls and requesting a hold be placed on the violating vehicle for failure to pay toll(s).

2.-1.0054**Issuance of UTCs.**

- 1) A Toll Enforcement Officer may issue a UTC for failure to pay prescribed toll(s) in accordance to this rule.
- 2) Any vehicle whose registered owner/registant (i) has been issued a Pay By Plate Invoice and (ii) thereafter fails to pay the Pay By Plate Invoice by the payment due date and (iii) does not have a Vehicle Registration Hold placed for those tolls may be subject to issuance of a UTC for the failure to pay any prescribed toll(s).
- 3) Prior to the issuance of a UTC by a Toll Enforcement Officer a review [and authorization](#) must be obtained from the following staff positions: Manager of VES & Special Projects and the Director of Toll Operations or their authorized designees.
- 4) A UTC for failure to pay prescribed toll(s) may be issued as set forth in this rule upon either: (i) a written report of a Toll Enforcement Officer or (ii) photographic, computer or video evidence indicating that prescribed toll(s) were not paid. The written report of a Toll Enforcement Officer shall contain, at a minimum, such person's

written account of the observed facts and circumstances of the violation, or photographic, computer or video evidence indicating that prescribed toll(s) were not paid.

- 5) UTC's shall be issued and delivered as required by current Florida Statutes and mailed to the address of the registered owner/registrant of the motor vehicle involved in the violation(s). In case of joint ownership of the motor vehicle, the UTC must be mailed to the first name appearing on the vehicle registration [as required by Florida Statutes](#).
- 6) The registered owner/registrant of the motor vehicle involved in a violation is responsible for payment of the UTC, unless (a) the owner/registrant can establish the motor vehicle was at the time of the violation, in the care, custody or control of another person or (b) the owner/registrant elects to request a court hearing. In order to establish such facts, the registered owner/registrant of the motor vehicle is required, within fourteen (14) days after receipt of the UTC, to furnish to CFX a sworn affidavit setting forth:
 - a. The name, address, and if known, the driver's license number of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation;
 - or
 - [b.](#) If the motor vehicle was stolen, the police report (or a copy thereof) indicating that the vehicle was a stolen vehicle at the time of the alleged violation.

___ Upon receipt of such an affidavit, CFX may elect to issue a UTC against the ___ person identified in the affidavit. If CFX elects to issue a UTC against the ___ person identified in the affidavit, CFX shall follow the same procedure for ___ initial issuance of a UTC as set forth above. The submission of a false [b.](#) ___ affidavit is a misdemeanor of the second degree.

2-1.005006 Payment of Pay By Plate Invoices and UTCs Upon Issuance.

Payment of Pay By Plate Invoices will be made directly to CFX. In addition to the unpaid toll(s) the Pay By Plate Invoice may include additional fees and charges which ~~are hereby approved by the CFX Board~~ [cover the cost of the Pay By Plate collection program.](#) Any transaction or document charges established by contract with rental car companies or third party providers shall continue [as set forth per in](#) the contract. Payment of fines upon issuance of UTCs shall be as ~~provided required~~ by [Florida statute](#) ~~Statutes~~.

2-1.006007 Dispute Resolution Process

Prior to the due date of a Pay By Plate ~~Final Notice~~Invoice, the owner/registrator of the ~~violating~~ vehicle may elect one or both of the following:

- 1) Review of the ~~violation~~ data with CFX staff or their designee for the purposes of determining if the information is valid and enforceable.
- 2) If the owner/registrator of the ~~violating~~ vehicle is not satisfied with the result of the review with CFX staff or designee, the owner/registrator may request a UTC and then pursue the remedies set forth in Chapters 316 and 318, Florida Statutes, or the Toll Enforcement Officer may issue a UTC(s) for unpaid Pay By Plate Invoice.

2-1.007008 Payment Notification to DHSMV for Clearance of Vehicle Registration Hold.

- 1) Upon posting of payment of the Pay By Plate Invoice CFX will notify DHSMV as expeditiously as possible, but no later than three (3) business days after posting of payment of unpaid tolls, so that DHSMV may release any Vehicle Registration Hold as to those unpaid tolls.

2-1.008-009 Effective Date. The above amendments shall take effect on May 1, 2016as soon as possible once toll collection systems are in place and upon approval of the CFX Executive Director.

The current rules shall remain in effect until such time these amendments shall become effective. All other rules regarding toll enforcement shall remain in full force and effect.

VES Business Rules
Revision Register

Revised Sections/Description	Board Approval Dates / Adopted	ID #
VES Business Rules Adopted	11/05/2008	
2-1.001 – 2-1.007 creating 2-1.008	06/24/2009	
Sections 2-1.003, 2-1.004, 2-1.008	08/25/2010	2010-118
Section 2-1.004	4/25/2012	2012-149
Sections 2-1.001 through 2-1.008	1/14/2016	
Sections 2-1.001 through 2-1.009		

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Permanent Rule 2-1 **PAY BY PLATE AND VIOLATION BUSINESS RULES**

2-1.001 Application and Scope.

Except as provided in Sec. 338.155, Fla. Stat., or those instances specifically approved by the Central Florida Expressway (CFX) Authority Board, no person is allowed to use the CFX System without payment of the required tolls. The current Pay By Plate rate schedule is incorporated herein by this reference and may be obtained from CFX at its main office located at 4974 ORL Tower Road, Orlando, Florida 32807, (407) 690-5000. Failure to pay a prescribed toll is a non-criminal traffic infraction, punishable as a moving violation under Chapter 318, Fla. Stat. CFX authorizes its Toll Enforcement Officers, staff and designees to issue warnings, Pay By Plate Invoices, Pay By Plate Final Notices, Uniform Traffic Citations (UTCs) and request Vehicle Registration Holds from the Department of Highway Safety and Motor Vehicles (DHSMV) for the failure to pay tolls as set forth in this rule.

2-1.002 Definitions.

For the purpose of this rule, the following definitions shall apply:

- (1) Toll Enforcement Officer means the person or persons designated by the Executive Director of CFX whose sole authority is to enforce the payment of tolls on behalf of CFX and who has been designated as a Toll Enforcement Officer by the State.
- (2) CFX means the Central Florida Expressway Authority.
- (3) Pay By Plate Rate Schedule is the rate associated with toll transactions which are unpaid when the vehicle passes through a designated tolling point. The rate is the CFX cash toll rate plus the additional fees and charges to cover the cost of the Pay By Plate collection program.
- (4) UTC means Uniform Traffic Citation.
- (5) Vehicle Registration Hold means the taking of an action by DHSMV in response to notice of unpaid tolls that would prohibit a vehicle's registration from being renewed until the tolls have been paid or a final resolution is achieved pursuant to the remedies as provided in section 2-1.006 Dispute Resolution Process.

2-1.003 Warnings, Issuance of Pay By Plate Invoices and Vehicle Registration Holds.

- 1) CFX may issue warnings for failure to pay prescribed toll(s).

- 2) A Pay By Plate Invoice will be issued for failure to pay one (1) or more tolls processed in an approximate 30 day period based on the business rules associated with the particular toll location, roadway and or roadway owner. The Pay By Plate Invoice will be mailed the day after or shortly thereafter the defined invoice date of the customer. The Pay By Plate Invoice will require payment for all missed tolls plus associated fees if applicable by the due date listed on the Pay By Plate Invoice.
- 3) The Pay By Plate Invoice will be mailed first class postage to the registered owner/registrant of the motor vehicle involved in the violations. In the case of joint ownership of the motor vehicle, the Pay By Plate Invoice must be mailed to the first name appearing on the vehicle registration.

2-1.004

Request to DHSMV for the Issuance of a Vehicle Registration Hold

- 1) A Florida registered vehicle may be subject to having a Vehicle Registration Hold placed on it by DHSMV if the Pay By Plate Invoice remains unpaid by the payment due date.
- 2) The Vehicle Registration Hold will be requested by CFX by sending a file to the Department of Highway Safety and Motor Vehicles (DHSMV) indicating that there are unpaid tolls and requesting a hold be placed on the violating vehicle for failure to pay toll(s).

2.-1.005

Issuance of UTCs.

- 1) A Toll Enforcement Officer may issue a UTC for failure to pay prescribed toll(s) in accordance to this rule.
- 2) Any vehicle whose registered owner/registrant (i) has been issued a Pay By Plate Invoice and (ii) thereafter fails to pay the Pay By Plate Invoice by the payment due date and (iii) does not have a Vehicle Registration Hold placed for those tolls may be subject to issuance of a UTC for the failure to pay any prescribed toll(s).
- 3) Prior to the issuance of a UTC by a Toll Enforcement Officer a review and authorization must be obtained from the following staff positions: Manager of VES & Special Projects and the Director of Toll Operations or their authorized designees.
- 4) A UTC for failure to pay prescribed toll(s) may be issued as set forth in this rule upon either: (i) a written report of a Toll Enforcement Officer or (ii) photographic, computer or video evidence indicating that prescribed toll(s) were not paid. The written report of a Toll Enforcement Officer shall contain, at a minimum, such person's written account of the observed facts and circumstances of the violation, or photographic, computer or video evidence indicating that prescribed toll(s) were not paid.

- 5) UTC's shall be issued and delivered as required by current Florida Statutes and mailed to the address of the registered owner/registrant of the motor vehicle involved in the violation(s). In case of joint ownership of the motor vehicle, the UTC must be mailed to the first name appearing on the vehicle registration as required by Florida Statutes.
- 6) The registered owner/registrant of the motor vehicle involved in a violation is responsible for payment of the UTC, unless (a) the owner/registrant can establish the motor vehicle was at the time of the violation, in the care, custody or control of another person or (b) the owner/registrant elects to request a court hearing. In order to establish such facts, the registered owner/registrant of the motor vehicle is required, within fourteen (14) days after receipt of the UTC, to furnish to CFX a sworn affidavit setting forth:
 - a. The name, address, and if known, the driver's license number of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation;
 - or
 - b. If the motor vehicle was stolen, the police report (or a copy thereof) indicating that the vehicle was a stolen vehicle at the time of the alleged violation.

Upon receipt of such an affidavit, CFX may elect to issue a UTC against the person identified in the affidavit. If CFX elects to issue a UTC against the person identified in the affidavit, CFX shall follow the same procedure for initial issuance of a UTC as set forth above. The submission of a false affidavit is a misdemeanor of the second degree.

2-1.006 Payment of Pay By Plate Invoices and UTCs Upon Issuance.

Payment of Pay By Plate Invoices will be made directly to CFX. In addition to the unpaid toll(s) the Pay By Plate Invoice may include additional fees and charges which cover the cost of the Pay By Plate collection program. Any transaction or document charges established by contract with rental car companies or third party providers shall continue as set forth in the contract. Payment of fines upon issuance of UTCs shall be as required by Florida Statutes.

2-1.007 Dispute Resolution Process

Prior to the due date of a Pay By Plate Invoice, the owner/registrant of the vehicle may elect one or both of the following:

- 1) Review of the data with CFX staff or their designee for the purposes of determining if the information is valid and enforceable.
- 2) If the owner/registrant of the vehicle is not satisfied with the result of the review with CFX staff or designee, the owner/registrant may request a UTC and then pursue the remedies set forth in Chapters 316 and 318, Florida Statutes, or the Toll Enforcement Officer may issue a UTC(s) for unpaid Pay By Plate Invoice.

2-1.008 Payment Notification to DHSMV for Clearance of Vehicle Registration Hold.

- 1) Upon posting of payment of the Pay By Plate Invoice CFX will notify DHSMV as expeditiously as possible, but no later than three (3) business days after posting of payment of unpaid tolls, so that DHSMV may release any Vehicle Registration Hold as to those unpaid tolls.

2-1.009 Effective Date. The above amendments shall take effect on May 1, 2016.

The current rules shall remain in effect until such time these amendments shall become effective. All other rules regarding toll enforcement shall remain in full force and effect.

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