

By Senator Atwater

25-1263-04

See HB 531

1 A bill to be entitled
 2 An act relating to highway safety; amending s.
 3 316.650, F.S.; providing for a parental
 4 notification form to be issued by the
 5 Department of Highway Safety and Motor
 6 Vehicles; requiring the form to be completed by
 7 a traffic enforcement officer who stops a
 8 vehicle driven by a person under 21 years of
 9 age if the vehicle has a parental notification
 10 decal; requiring the chief administrative
 11 officer to provide parental notification as
 12 provided on the parental notification decal;
 13 creating s. 322.093, F.S.; providing for a
 14 traffic enforcement notification form and a
 15 parental notification decal to be issued by the
 16 department; providing an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Section 316.650, Florida Statutes, is
 21 amended to read:

22 316.650 Traffic citations; parental notification
 23 forms.--

24 (1)(a) The department shall prepare, and supply to
 25 every traffic enforcement agency in this state, an appropriate
 26 form traffic citation containing a notice to appear (which
 27 shall be issued in prenumbered books with citations in
 28 quintuplicate) and meeting the requirements of this chapter or
 29 any laws of this state regulating traffic, which form shall be
 30 consistent with the state traffic court rules and the
 31 procedures established by the department. Upon all future

1 printings of the traffic citation, the form shall include a
2 special box which is to be checked by the law enforcement
3 officer when the officer believes that the traffic violation
4 or crash was due to aggressive careless driving as defined in
5 s. 316.1923.

6 (b) The department shall prepare, and supply to every
7 traffic enforcement agency in the state, an appropriate
8 affidavit-of-compliance form which shall be issued along with
9 the form traffic citation for any violation of s. 316.610 and
10 which shall indicate the specific defect which needs to be
11 corrected. However, such affidavit of compliance shall not be
12 issued in the case of a violation of s. 316.610 by a
13 commercial motor vehicle as defined in s. 316.003(66). Such
14 affidavit-of-compliance form shall be distributed in the same
15 manner and to the same parties as is the form traffic
16 citation.

17 (c) The department shall prepare, and supply to every
18 traffic enforcement agency in the state, an appropriate
19 parental notification form which shall be completed by any
20 traffic enforcement officer stopping a vehicle driven by a
21 person under 21 years of age if the vehicle has a parental
22 notification decal affixed as provided in s. 322.093. The form
23 shall be used to record the time and date the vehicle was
24 stopped, the reason for stopping the vehicle, the number of
25 people in the vehicle, whether or not a citation was issued,
26 the name of the person stopped, the name and contact
27 information of the person to be contacted as that information
28 appears on the decal, and the name of the traffic enforcement
29 officer who stopped the vehicle. The parental notification
30 form shall be distributed in the same manner and to the same
31 parties as is the form traffic citation.

1 ~~(d)(e)~~ Notwithstanding paragraphs (a), ~~and~~ (b), and
2 (c), a traffic enforcement agency may produce uniform traffic
3 citations by electronic means. Such citations must be
4 consistent with the state traffic court rules and the
5 procedures established by the department; must be
6 appropriately numbered and inventoried; and may have fewer
7 copies than the quintuplicate form. Affidavit-of-compliance
8 forms and parental notification forms may also be produced by
9 electronic means.

10 ~~(e)(d)~~ The department must distribute to every traffic
11 enforcement agency and to any others who request it, a traffic
12 infraction reference guide describing the class of the traffic
13 infraction, the penalty for the infraction, the points to be
14 assessed on a driver's license, and any other information
15 necessary to describe a violation and the penalties therefor.

16 (2) Courts, enforcement agencies, and the department
17 are jointly responsible to account for all uniform traffic
18 citations in accordance with rules and procedures promulgated
19 by the department.

20 (3)(a) Except for a traffic citation issued pursuant
21 to s. 316.1001, each traffic enforcement officer, upon issuing
22 a traffic citation to an alleged violator of any provision of
23 the motor vehicle laws of this state or of any traffic
24 ordinance of any city or town, shall deposit the original and
25 one copy of such traffic citation or, in the case of a traffic
26 enforcement agency which has an automated citation issuance
27 system, shall provide an electronic facsimile with a court
28 having jurisdiction over the alleged offense or with its
29 traffic violations bureau within 5 days after issuance to the
30 violator.

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1 (b) If a traffic citation is issued pursuant to s.
2 316.1001, a traffic enforcement officer may deposit the
3 original and one copy of such traffic citation or, in the case
4 of a traffic enforcement agency that has an automated citation
5 system, may provide an electronic facsimile with a court
6 having jurisdiction over the alleged offense or with its
7 traffic violations bureau within 45 days after the date of
8 issuance of the citation to the violator.

9 (4) The chief administrative officer of every traffic
10 enforcement agency shall require the return to him or her of
11 the department record copy of every traffic citation issued by
12 an officer under the chief administrative officer's
13 supervision to an alleged violator of any traffic law or
14 ordinance and of all copies of every traffic citation which
15 has been spoiled or upon which any entry has been made and not
16 issued to an alleged violator. In the case of a traffic
17 enforcement agency which has an automated citation issuance
18 system, the chief administrative officer shall require the
19 return of all electronic traffic citation records.

20 (5) Upon the deposit of the original and one copy of
21 such traffic citation or upon deposit of an electronic
22 facsimile of the traffic citation with respect to traffic
23 enforcement agencies which have an automated citation issuance
24 system with a court having jurisdiction over the alleged
25 offense or with its traffic violations bureau as aforesaid,
26 the original, facsimile, or copy of such traffic citation may
27 be disposed of only by trial in the court or other official
28 action by a judge of the court, including forfeiture of the
29 bail, or by the deposit of sufficient bail with, or payment of
30 a fine to, the traffic violations bureau by the person to whom
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1 such traffic citation has been issued by the traffic
2 enforcement officer.

3 (6) The chief administrative officer shall transmit,
4 on a form approved by the department, the department record
5 copy of the uniform traffic citation to the department within
6 5 days after submission of the original and one copy to the
7 court, or citation and transmittal data may be transmitted to
8 the department in an automated fashion, in a form prescribed
9 by the department. A copy of such transmittal shall also be
10 provided to the court having jurisdiction for accountability
11 purposes.

12 (7) The chief administrative officer shall also
13 maintain or cause to be maintained in connection with every
14 traffic citation issued by an officer under his or her
15 supervision a record of the disposition of the charge by the
16 court or its traffic violations bureau in which the original
17 or copy of the traffic citation was deposited.

18 (8) The chief administrative officer shall also notify
19 or cause to be notified in connection with every parental
20 notification form completed by an officer under his or her
21 supervision the parent or guardian of the driver in the manner
22 prescribed on the parental notification decal.

23 (9)~~(8)~~ It is unlawful and official misconduct for any
24 traffic enforcement officer or other officer or public
25 employee to dispose of a traffic citation or copies thereof or
26 of the record of the issuance of the same in a manner other
27 than as required herein.

28 (10)~~(9)~~ Such citations shall not be admissible
29 evidence in any trial.

30 (11)~~(10)~~ If a uniform traffic citation has not been
31 issued with respect to a criminal traffic offense, or with

1 respect to an offense that requires mandatory revocation of
2 the driver's license or driving privilege pursuant to s.
3 322.26 upon conviction of such offense, and the prosecution is
4 by affidavit, information, or indictment, the prosecutor shall
5 direct the arresting officer to prepare a citation. In the
6 absence of an arresting officer, the prosecutor shall prepare
7 the citation. For the purpose of this subsection, the term
8 "arresting officer" means the law enforcement officer who
9 apprehended or took into custody the alleged offender.

10 (12)~~(11)~~ Driver information contained in a uniform
11 traffic citation, which includes but is not limited to, the
12 accused person's name and address, shall not be used for
13 commercial solicitation purposes. However, the use of such
14 driver information contained in a uniform traffic citation
15 shall not be considered a commercial purpose when used for
16 publication in a newspaper or other news periodical, when used
17 for broadcast by radio or television, or when used to inform a
18 person of the availability of driver safety training.

19 Section 2. Section 322.093, Florida Statutes, is
20 created to read:

21 322.093 Traffic enforcement notification form and
22 parental notification decal.--The department shall make
23 available to the parent or guardian of any person under 21
24 years of age and licensed to drive a form requesting to be
25 notified whenever a traffic enforcement officer stops a
26 vehicle driven by the licensee. The parent or guardian shall
27 choose to be notified at home or work, or both, by mail or
28 telephone, or both, and shall provide the necessary contact
29 information for each location. The department shall issue a
30 parental notification decal containing the contact information

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1 to the parent or guardian which shall be affixed to the
2 vehicle driven by the licensee.

3 Section 3. This act shall take effect July 1, 2004.
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