

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

WD/2R
04/28/2004 03:00 PM

.
. .
. .
. .
. .
. .

Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 2, before line 1,

insert:

Section 2. Section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations; parental notification forms.--

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. Upon all future printings of the traffic citation, the form shall include a special box which is to be checked by the law enforcement officer when the officer believes that the traffic violation

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

1 or crash was due to aggressive careless driving as defined in
2 s. 316.1923.

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

14 (c) The department shall develop a notification system
15 that shall be utilized by traffic enforcement officers to
16 assist in the notification of the parent of any driver under
17 18 years of age when the officer issues a citation or written
18 warning to such driver for a violation of law. The
19 notification shall include the time and date the vehicle was
20 stopped, the reason for the stop, the number of people in the
21 vehicle, the name of the person stopped, and the name of the
22 officer. The notification shall be mailed by the department
23 within 10 days to the address provided by the parent,
24 guardian, or other responsible adult who signed the license
25 application of the driver in compliance with s. 322.09(1). If
26 no address is on file pursuant to s. 322.09(1)(b), the
27 department shall mail the notification to the address on
28 record for the driver. The department has authority to adopt
29 rules pursuant to ss. 120.536(1) and 120.54 to implement the
30 provisions of this paragraph.

31 (d)(e) Notwithstanding paragraphs (a), and (b), and

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

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

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

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

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

30 (b) If a traffic citation is issued pursuant to s.
31 316.1001, a traffic enforcement officer may deposit the

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

1 original and one copy of such traffic citation or, in the case
2 of a traffic enforcement agency that has an automated citation
3 system, may provide an electronic facsimile with a court
4 having jurisdiction over the alleged offense or with its
5 traffic violations bureau within 45 days after the date of
6 issuance of the citation to the violator.

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

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

31 (6) The chief administrative officer shall transmit,

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

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

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

15 (8) It is unlawful and official misconduct for any
16 traffic enforcement officer or other officer or public
17 employee to dispose of a traffic citation or copies thereof or
18 of the record of the issuance of the same in a manner other
19 than as required herein.

20 (9) Such citations shall not be admissible evidence in
21 any trial.

22 (10) If a uniform traffic citation has not been issued
23 with respect to a criminal traffic offense, or with respect to
24 an offense that requires mandatory revocation of the driver's
25 license or driving privilege pursuant to s. 322.26 upon
26 conviction of such offense, and the prosecution is by
27 affidavit, information, or indictment, the prosecutor shall
28 direct the arresting officer to prepare a citation. In the
29 absence of an arresting officer, the prosecutor shall prepare
30 the citation. For the purpose of this subsection, the term
31 "arresting officer" means the law enforcement officer who

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

1 apprehended or took into custody the alleged offender.

2 (11) Driver information contained in a uniform traffic
3 citation, which includes but is not limited to, the accused
4 person's name and address, shall not be used for commercial
5 solicitation purposes. However, the use of such driver
6 information contained in a uniform traffic citation shall not
7 be considered a commercial purpose when used for publication
8 in a newspaper or other news periodical, when used for
9 broadcast by radio or television, or when used to inform a
10 person of the availability of driver safety training.

11 Section 3. Subsection (1) of section 322.09, Florida
12 Statutes, is amended to read:

13 322.09 Application of minors; responsibility for
14 negligence or misconduct of minor.--

15 (1)(a) The application of any person under the age of
16 18 years for a driver's license must be signed and verified
17 before a person authorized to administer oaths by the father,
18 mother, or guardian, or, if there is no parent or guardian, by
19 another responsible adult who is willing to assume the
20 obligation imposed under this chapter upon a person signing
21 the application of a minor. This section does not apply to a
22 person under the age of 18 years who is emancipated by
23 marriage.

24 (b) The parent, guardian, or other responsible adult
25 signing the application of a minor pursuant to this section
26 must furnish an address with the application for the purpose
27 of being contacted in the event that the minor applicant is
28 issued a written warning or a citation for a violation of law.

29 (c)(b) There shall be submitted with each application
30 a certified copy of a United States birth certificate, a valid
31 United States passport, an alien registration receipt card

Bill No. CS for CS for SB 500

Amendment No. ____ Barcode 293354

1 (green card), an employment authorization card issued by the
2 United States Department of Justice, or proof of nonimmigrant
3 classification provided by the United States Department of
4 Justice, for an original license.

5
6 (Redesignate subsequent sections.)

7
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 8, after the semicolon,

12

13 insert:

14 amending s. 316.650, F.S.; providing for a
15 parental notification system to be developed by
16 the Department of Highway Safety and Motor
17 Vehicles; requiring the form to be completed by
18 a traffic enforcement officer upon issuing a
19 traffic citation or a written warning to a
20 person under 18 years of age; requiring the
21 department to provide such notification to the
22 parent, guardian, or other responsible adult
23 who signed the driver's license application;
24 amending s. 322.09, F.S.; requiring a parent,
25 guardian, or other responsible adult signing
26 the driver license application of a minor to
27 provide certain contact information;

28
29
30
31