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

14  
 15   Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1.   Section 316.650, Florida Statutes, is amended  
 18   to read:

19           316.650   Traffic citations; parental notification forms.--

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

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30 that the traffic violation or crash was due to aggressive  
 31 careless driving as defined in s. 316.1923.

32 (b) The department shall prepare, and supply to every  
 33 traffic enforcement agency in the state, an appropriate  
 34 affidavit-of-compliance form which shall be issued along with  
 35 the form traffic citation for any violation of s. 316.610 and  
 36 which shall indicate the specific defect which needs to be  
 37 corrected. However, such affidavit of compliance shall not be  
 38 issued in the case of a violation of s. 316.610 by a commercial  
 39 motor vehicle as defined in s. 316.003(66). Such affidavit-of-  
 40 compliance form shall be distributed in the same manner and to  
 41 the same parties as is the form traffic citation.

42 (c) The department shall prepare, and supply to every  
 43 traffic enforcement agency in the state, an appropriate parental  
 44 notification form which shall be completed by any traffic  
 45 enforcement officer stopping a vehicle driven by a person under  
 46 21 years of age if the vehicle has a parental notification decal  
 47 affixed as provided in s. 322.093. The form shall be used to  
 48 record the time and date the vehicle was stopped, the reason for  
 49 stopping the vehicle, the number of people in the vehicle,  
 50 whether or not a citation was issued, the name of the person  
 51 stopped, the name and contact information of the person to be  
 52 contacted as that information appears on the decal, and the name  
 53 of the traffic enforcement officer who stopped the vehicle. The  
 54 parental notification form shall be distributed in the same  
 55 manner and to the same parties as is the form traffic citation.

56 (d)~~(e)~~ Notwithstanding paragraphs (a), ~~and~~ (b), and (c), a  
 57 traffic enforcement agency may produce uniform traffic citations  
 58 by electronic means. Such citations must be consistent with the

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59 state traffic court rules and the procedures established by the  
 60 department; must be appropriately numbered and inventoried; and  
 61 may have fewer copies than the quintuplicate form. Affidavit-of-  
 62 compliance forms and parental notification forms may also be  
 63 produced by electronic means.

64 ~~(e)(d)~~ The department must distribute to every traffic  
 65 enforcement agency and to any others who request it, a traffic  
 66 infraction reference guide describing the class of the traffic  
 67 infraction, the penalty for the infraction, the points to be  
 68 assessed on a driver's license, and any other information  
 69 necessary to describe a violation and the penalties therefor.

70 (2) Courts, enforcement agencies, and the department are  
 71 jointly responsible to account for all uniform traffic citations  
 72 in accordance with rules and procedures promulgated by the  
 73 department.

74 (3)(a) Except for a traffic citation issued pursuant to s.  
 75 316.1001, each traffic enforcement officer, upon issuing a  
 76 traffic citation to an alleged violator of any provision of the  
 77 motor vehicle laws of this state or of any traffic ordinance of  
 78 any city or town, shall deposit the original and one copy of  
 79 such traffic citation or, in the case of a traffic enforcement  
 80 agency which has an automated citation issuance system, shall  
 81 provide an electronic facsimile with a court having jurisdiction  
 82 over the alleged offense or with its traffic violations bureau  
 83 within 5 days after issuance to the violator.

84 (b) If a traffic citation is issued pursuant to s.  
 85 316.1001, a traffic enforcement officer may deposit the original  
 86 and one copy of such traffic citation or, in the case of a  
 87 traffic enforcement agency that has an automated citation

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88 system, may provide an electronic facsimile with a court having  
89 jurisdiction over the alleged offense or with its traffic  
90 violations bureau within 45 days after the date of issuance of  
91 the citation to the violator.

92 (4) The chief administrative officer of every traffic  
93 enforcement agency shall require the return to him or her of the  
94 department record copy of every traffic citation issued by an  
95 officer under the chief administrative officer's supervision to  
96 an alleged violator of any traffic law or ordinance and of all  
97 copies of every traffic citation which has been spoiled or upon  
98 which any entry has been made and not issued to an alleged  
99 violator. In the case of a traffic enforcement agency which has  
100 an automated citation issuance system, the chief administrative  
101 officer shall require the return of all electronic traffic  
102 citation records.

103 (5) Upon the deposit of the original and one copy of such  
104 traffic citation or upon deposit of an electronic facsimile of  
105 the traffic citation with respect to traffic enforcement  
106 agencies which have an automated citation issuance system with a  
107 court having jurisdiction over the alleged offense or with its  
108 traffic violations bureau as aforesaid, the original, facsimile,  
109 or copy of such traffic citation may be disposed of only by  
110 trial in the court or other official action by a judge of the  
111 court, including forfeiture of the bail, or by the deposit of  
112 sufficient bail with, or payment of a fine to, the traffic  
113 violations bureau by the person to whom such traffic citation  
114 has been issued by the traffic enforcement officer.

115 (6) The chief administrative officer shall transmit, on a  
116 form approved by the department, the department record copy of

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117 the uniform traffic citation to the department within 5 days  
 118 after submission of the original and one copy to the court, or  
 119 citation and transmittal data may be transmitted to the  
 120 department in an automated fashion, in a form prescribed by the  
 121 department. A copy of such transmittal shall also be provided to  
 122 the court having jurisdiction for accountability purposes.

123 (7) The chief administrative officer shall also maintain  
 124 or cause to be maintained in connection with every traffic  
 125 citation issued by an officer under his or her supervision a  
 126 record of the disposition of the charge by the court or its  
 127 traffic violations bureau in which the original or copy of the  
 128 traffic citation was deposited.

129 (8) The chief administrative officer shall also notify or  
 130 cause to be notified in connection with every parental  
 131 notification form completed by an officer under his or her  
 132 supervision the parent or guardian of the driver in the manner  
 133 prescribed on the parental notification decal.

134 (9)~~(8)~~ It is unlawful and official misconduct for any  
 135 traffic enforcement officer or other officer or public employee  
 136 to dispose of a traffic citation or copies thereof or of the  
 137 record of the issuance of the same in a manner other than as  
 138 required herein.

139 (10)~~(9)~~ Such citations shall not be admissible evidence in  
 140 any trial.

141 (11)~~(10)~~ If a uniform traffic citation has not been issued  
 142 with respect to a criminal traffic offense, or with respect to  
 143 an offense that requires mandatory revocation of the driver's  
 144 license or driving privilege pursuant to s. 322.26 upon  
 145 conviction of such offense, and the prosecution is by affidavit,

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146 information, or indictment, the prosecutor shall direct the  
 147 arresting officer to prepare a citation. In the absence of an  
 148 arresting officer, the prosecutor shall prepare the citation.  
 149 For the purpose of this subsection, the term "arresting officer"  
 150 means the law enforcement officer who apprehended or took into  
 151 custody the alleged offender.

152 ~~(11)~~ (12) Driver information contained in a uniform traffic  
 153 citation, which includes but is not limited to, the accused  
 154 person's name and address, shall not be used for commercial  
 155 solicitation purposes. However, the use of such driver  
 156 information contained in a uniform traffic citation shall not be  
 157 considered a commercial purpose when used for publication in a  
 158 newspaper or other news periodical, when used for broadcast by  
 159 radio or television, or when used to inform a person of the  
 160 availability of driver safety training.

161 Section 2. Section 322.093, Florida Statutes, is created  
 162 to read:

163 322.093 Traffic enforcement notification form and parental  
 164 notification decal.--The department shall make available to the  
 165 parent or guardian of any person under 21 years of age and  
 166 licensed to drive a form requesting to be notified whenever a  
 167 traffic enforcement officer stops a vehicle driven by the  
 168 licensee. The parent or guardian shall choose to be notified at  
 169 home or work, or both, by mail or telephone, or both, and shall  
 170 provide the necessary contact information for each location. The  
 171 department shall issue a parental notification decal containing  
 172 the contact information to the parent or guardian which shall be  
 173 affixed to the vehicle driven by the licensee.

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