

CHAMBER ACTION

1 The Committee on Transportation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to highway safety; amending s. 316.650,
7 F.S.; providing for a parental notification form to be
8 issued by the Department of Highway Safety and Motor
9 Vehicles; requiring the form to be completed by a traffic
10 enforcement officer upon issuing a traffic citation or a
11 written warning for a traffic infraction to a person under
12 18 years of age; requiring the chief administrative
13 officer to provide such notification to the parent,
14 guardian, or other responsible adult who signed the
15 driver's license application; amending s. 322.09, F.S.;
16 requiring a parent, guardian, or other responsible adult
17 signing the driver license application of a minor to
18 provide certain contact information; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Section 316.650, Florida Statutes, is amended
24 to read:

25 316.650 Traffic citations; parental notification forms.--

26 (1)(a) The department shall prepare, and supply to every
27 traffic enforcement agency in this state, an appropriate form
28 traffic citation containing a notice to appear (which shall be
29 issued in prenumbered books with citations in quintuplicate) and
30 meeting the requirements of this chapter or any laws of this
31 state regulating traffic, which form shall be consistent with
32 the state traffic court rules and the procedures established by
33 the department. Upon all future printings of the traffic
34 citation, the form shall include a special box which is to be
35 checked by the law enforcement officer when the officer believes
36 that the traffic violation or crash was due to aggressive
37 careless driving as defined in s. 316.1923.

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

48 (c) The department shall prepare, and supply to every
49 traffic enforcement agency in the state, an appropriate parental
50 notification form which shall be completed by any traffic

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51 enforcement officer issuing a traffic citation or a written
 52 warning to a person under 18 years of age who violates the
 53 traffic laws while operating a motor vehicle. The form shall be
 54 used to record the time and date the driver was stopped, the
 55 reason for stopping the motor vehicle, the number of people in
 56 the motor vehicle with the driver, the reason for issuing the
 57 citation or written warning, the name of the person driving, and
 58 the name of the traffic enforcement officer who issued the
 59 citation or warning. The parental notification form shall be
 60 distributed in the same manner and to the same parties as is the
 61 form traffic citation.

62 (d)(e) Notwithstanding paragraphs (a), ~~and~~ (b), and (c), a
 63 traffic enforcement agency may produce uniform traffic citations
 64 by electronic means. Such citations must be consistent with the
 65 state traffic court rules and the procedures established by the
 66 department; must be appropriately numbered and inventoried; and
 67 may have fewer copies than the quintuplicate form. Affidavit-of-
 68 compliance forms and parental notification forms may also be
 69 produced by electronic means.

70 (e)(d) The department must distribute to every traffic
 71 enforcement agency and to any others who request it, a traffic
 72 infraction reference guide describing the class of the traffic
 73 infraction, the penalty for the infraction, the points to be
 74 assessed on a driver's license, and any other information
 75 necessary to describe a violation and the penalties therefor.

76 (2) Courts, enforcement agencies, and the department are
 77 jointly responsible to account for all uniform traffic citations

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78 | in accordance with rules and procedures promulgated by the
79 | department.

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

90 | (b) If a traffic citation is issued pursuant to s.
91 | 316.1001, a traffic enforcement officer may deposit the original
92 | and one copy of such traffic citation or, in the case of a
93 | traffic enforcement agency that has an automated citation
94 | system, may provide an electronic facsimile with a court having
95 | jurisdiction over the alleged offense or with its traffic
96 | violations bureau within 45 days after the date of issuance of
97 | the citation to the violator.

98 | (4) The chief administrative officer of every traffic
99 | enforcement agency shall require the return to him or her of the
100 | department record copy of every traffic citation issued by an
101 | officer under the chief administrative officer's supervision to
102 | an alleged violator of any traffic law or ordinance and of all
103 | copies of every traffic citation which has been spoiled or upon
104 | which any entry has been made and not issued to an alleged
105 | violator. In the case of a traffic enforcement agency which has

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106 an automated citation issuance system, the chief administrative
107 officer shall require the return of all electronic traffic
108 citation records.

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

121 (6) The chief administrative officer shall transmit, on a
122 form approved by the department, the department record copy of
123 the uniform traffic citation to the department within 5 days
124 after submission of the original and one copy to the court, or
125 citation and transmittal data may be transmitted to the
126 department in an automated fashion, in a form prescribed by the
127 department. A copy of such transmittal shall also be provided to
128 the court having jurisdiction for accountability purposes.

129 (7) The chief administrative officer shall also maintain
130 or cause to be maintained in connection with every traffic
131 citation issued by an officer under his or her supervision a
132 record of the disposition of the charge by the court or its

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133 traffic violations bureau in which the original or copy of the
134 traffic citation was deposited.

135 (8) The chief administrative officer shall also notify or
136 cause to be notified in connection with every parental
137 notification form completed by an officer under his or her
138 supervision the parent, guardian, or other responsible adult
139 who, pursuant to s. 322.09, signed the driver license
140 application of the minor who is the subject of the notification
141 form. The notification shall be mailed within 10 days after the
142 motor vehicle is stopped by the officer.

143 (9)(8) It is unlawful and official misconduct for any
144 traffic enforcement officer or other officer or public employee
145 to dispose of a traffic citation or copies thereof or of the
146 record of the issuance of the same in a manner other than as
147 required herein.

148 (10)(9) Such citations shall not be admissible evidence in
149 any trial.

150 (11)(10) If a uniform traffic citation has not been issued
151 with respect to a criminal traffic offense, or with respect to
152 an offense that requires mandatory revocation of the driver's
153 license or driving privilege pursuant to s. 322.26 upon
154 conviction of such offense, and the prosecution is by affidavit,
155 information, or indictment, the prosecutor shall direct the
156 arresting officer to prepare a citation. In the absence of an
157 arresting officer, the prosecutor shall prepare the citation.
158 For the purpose of this subsection, the term "arresting officer"
159 means the law enforcement officer who apprehended or took into
160 custody the alleged offender.

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161 (12)~~(11)~~ Driver information contained in a uniform traffic
 162 citation, which includes but is not limited to, the accused
 163 person's name and address, shall not be used for commercial
 164 solicitation purposes. However, the use of such driver
 165 information contained in a uniform traffic citation shall not be
 166 considered a commercial purpose when used for publication in a
 167 newspaper or other news periodical, when used for broadcast by
 168 radio or television, or when used to inform a person of the
 169 availability of driver safety training.

170 Section 2. Subsection (1) of section 322.09, Florida
 171 Statutes, is amended to read:

172 322.09 Application of minors; responsibility for
 173 negligence or misconduct of minor.--

174 (1)(a) The application of any person under the age of 18
 175 years for a driver's license must be signed and verified before
 176 a person authorized to administer oaths by the father, mother,
 177 or guardian, or, if there is no parent or guardian, by another
 178 responsible adult who is willing to assume the obligation
 179 imposed under this chapter upon a person signing the application
 180 of a minor. This section does not apply to a person under the
 181 age of 18 years who is emancipated by marriage.

182 (b) The parent, guardian, or other responsible adult
 183 signing the application of a minor pursuant to this section must
 184 furnish an address and phone number with the application for the
 185 purpose of being contacted in the event that the minor applicant
 186 is issued a traffic citation or a written warning by a traffic
 187 enforcement officer.

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188 | (c)~~(b)~~ There shall be submitted with each application a
189 | certified copy of a United States birth certificate, a valid
190 | United States passport, an alien registration receipt card
191 | (green card), an employment authorization card issued by the
192 | United States Department of Justice, or proof of nonimmigrant
193 | classification provided by the United States Department of
194 | Justice, for an original license.

195 | Section 3. This act shall take effect October 1, 2004.