

By Senator Wise

5-669-05

See HB 115

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 system to be developed by the

5 Department of Highway Safety and Motor

6 Vehicles; requiring notification to the parent,

7 guardian, or other responsible adult who signed

8 the driver license application of a person

9 under 18 years of age when a written warning or

10 citation has been issued to that person for a

11 violation of traffic law; providing for content

12 of the notification; amending s. 322.09, F.S.;

13 requiring a parent, guardian, or other

14 responsible adult signing the driver license

15 application of a minor to provide certain

16 contact information; providing an effective

17 date.

18

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

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21 Section 1. Section 316.650, Florida Statutes, is

22 amended to read:

23 316.650 Traffic citations; parental notification

24 system.--

25 (1)(a) The department shall prepare, and supply to

26 every traffic enforcement agency in this state, an appropriate

27 form traffic citation containing a notice to appear (which

28 shall be issued in prenumbered books with citations in

29 quintuplicate) and meeting the requirements of this chapter or

30 any laws of this state regulating traffic, which form shall be

31 consistent with the state traffic court rules and the

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

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

18 | (c) The department shall develop a notification system
19 | that shall be used by traffic law enforcement officers to
20 | assist in the notification of the parent, guardian, or other
21 | responsible adult who signed the application for a driver
22 | license of a person under 18 years of age when the officer
23 | cites or warns such person of a violation of traffic law. The
24 | notification shall include the time and date the motor vehicle
25 | was stopped, the reason the motor vehicle was stopped, the
26 | number of people in the motor vehicle, the name of the driver
27 | stopped, and the name of the officer who issued the citation
28 | or warning. Such notifications shall be mailed by the
29 | department to the address provided by the parent, guardian, or
30 | other responsible adult in compliance with s. 322.09(1)(b). If
31 | no address is on file pursuant to s. 322.09(1)(b), the

1 department shall mail the notification to the address on
2 record for the driver.

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

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

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

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

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

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

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

1 a fine to, the traffic violations bureau by the person to whom
2 such traffic citation has been issued by the traffic
3 enforcement officer.

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

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

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

24 (9) Such citations shall not be admissible evidence in
25 any trial.

26 (10) If a uniform traffic citation has not been issued
27 with respect to a criminal traffic offense, or with respect to
28 an offense that requires mandatory revocation of the driver's
29 license or driving privilege pursuant to s. 322.26 upon
30 conviction of such offense, and the prosecution is by
31 affidavit, information, or indictment, the prosecutor shall

1 | direct the arresting officer to prepare a citation. In the
2 | absence of an arresting officer, the prosecutor shall prepare
3 | the citation. For the purpose of this subsection, the term
4 | "arresting officer" means the law enforcement officer who
5 | apprehended or took into custody the alleged offender.

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

15 | Section 2. Subsection (1) of section 322.09, Florida
16 | Statutes, is amended to read:

17 | 322.09 Application of minors; responsibility for
18 | negligence or misconduct of minor.--

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

28 | **(b) The parent, guardian, or other responsible adult**
29 | **signing the application of a minor pursuant to this section**
30 | **must furnish an address with the application for the purpose**
31 | **of being contacted in the event that the minor applicant is**

1 issued a written warning or a citation for a violation of
2 traffic law.

3 ~~(c)(b)~~ There shall be submitted with each application
4 a certified copy of a United States birth certificate, a valid
5 United States passport, an alien registration receipt card
6 (green card), an employment authorization card issued by the
7 United States Department of Homeland Security, or proof of
8 nonimmigrant classification provided by the United States
9 Department of Homeland Security, for an original license.

10 Section 3. This act shall take effect October 1, 2005.

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