

Bill No. CS for SB 1742

Barcode 830224

CHAMBER ACTION

Senate

House

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Comm: RCS
04/25/2006 10:23 AM

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The Committee on Government Efficiency Appropriations (Posey) recommended the following **amendment to amendment** (155312):

Senate Amendment (with title amendment)

On page 6, between lines 20 and 21,

insert:

Section 5. Subsection (2) of section 316.1001, F.S.;
is amended to read:

(2)(a) For the purpose of enforcing this section, any governmental entity, as defined in s. 334.03, that owns or operates a toll facility may, by rule or ordinance, authorize a toll enforcement officer to issue a uniform traffic citation for a violation of this section. Toll enforcement officer means the designee of a governmental entity whose authority is to enforce the payment of tolls. The governmental entity may designate toll enforcement officers pursuant to s. 316.640(1).

(b) A citation issued under this subsection may be issued by mailing the citation by first class mail, or by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the

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1 violation. Mailing the citation to this address constitutes
 2 notification. In the case of joint ownership of a motor
 3 vehicle, the traffic citation must be mailed to the first name
 4 appearing on the registration, unless the first name appearing
 5 on the registration is a business organization, in which case
 6 the second name appearing on the registration may be used. A
 7 citation issued under this paragraph must be mailed to the
 8 registered owner of the motor vehicle involved in the
 9 violation within 14 days after the date of issuance of the
 10 violation. In addition to the citation, notification must be
 11 sent to the registered owner of the motor vehicle involved in
 12 the violation specifying remedies available under ss.
 13 318.14(12) and 318.18(7).

14 (c) The owner of the motor vehicle involved in the
 15 violation is responsible and liable for payment of a citation
 16 issued for failure to pay a toll, unless the owner can
 17 establish the motor vehicle was, at the time of the violation,
 18 in the care, custody, or control of another person. In order
 19 to establish such facts, the owner of the motor vehicle is
 20 required, within 14 days after the date of issuance of the
 21 citation, to furnish to the appropriate governmental entity an
 22 affidavit setting forth:

23 1. The name, address, date of birth, and, if known,
 24 the driver license number of the person who leased, rented, or
 25 otherwise had the care, custody, or control of the motor
 26 vehicle at the time of the alleged violation; or

27 2. If stolen, the police report indicating that the
 28 vehicle was stolen at the time of the alleged violation.

29
 30 Upon receipt of an affidavit the person designated as having
 31 care, custody, and control of the motor vehicle at the time of

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1 the violation may be issued a citation for failure to pay a
 2 required toll. The affidavit shall be admissible in a
 3 proceeding pursuant to this section for the purpose of
 4 providing that the person identified in the affidavit was in
 5 actual care, custody, or control of the motor vehicle. The
 6 owner of a leased vehicle for which a citation is issued for
 7 failure to pay a toll is not responsible for payment of the
 8 citation and is not required to submit an affidavit as
 9 specified in this subsection, if the motor vehicle involved in
 10 the violation is registered in the name of the lessee of such
 11 motor vehicle.

12 (d) A written report of a toll enforcement officer or
 13 photographic evidence that indicates that a required toll was
 14 not paid is admissible in any proceeding to enforce this
 15 section and raises a rebuttable presumption that the motor
 16 vehicle named in the report or shown in the photographic
 17 evidence was used in violation of this section.

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19 (Redesignate subsequent sections.)

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

23 And the title is amended as follows:

24 On page 79, line 16, after the semicolon

25

26 insert:

27 exempting the owner of a leased vehicle from
 28 responsibility for a failure to pay a toll
 29 violation under certain circumstances;

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