

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brandes offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 4568 and 4569, insert:

5 Section 95. Paragraph (d) of subsection (1) of section
6 316.0083, Florida Statutes, is amended to read:

7 316.0083 Mark Wandall Traffic Safety Program;
8 administration; report.-

9 (1)

10 (d)1. The owner of the motor vehicle involved in the
11 violation is responsible and liable for paying the uniform
12 traffic citation issued for a violation of s. 316.074(1) or s.
13 316.075(1)(c)1. when the driver failed to stop at a traffic
14 signal, unless the owner can establish that:

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15 a. The motor vehicle passed through the intersection in
16 order to yield right-of-way to an emergency vehicle or as part
17 of a funeral procession;

18 b. The motor vehicle passed through the intersection at
19 the direction of a law enforcement officer;

20 c. The motor vehicle was, at the time of the violation, in
21 the care, custody, or control of another person; ~~or~~

22 d. A uniform traffic citation was issued by a law
23 enforcement officer to the driver of the motor vehicle for the
24 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

25 e. The motor vehicle's owner was deceased on or before the
26 date that the uniformed traffic citation was issued as
27 established by an affidavit submitted by the representative of
28 the motor vehicle owner's estate or other designated person or
29 family member.

30 2. In order to establish such facts, the owner of the
31 motor vehicle shall, within 30 days after the date of issuance
32 of the traffic citation, furnish to the appropriate governmental
33 entity an affidavit setting forth detailed information
34 supporting an exemption as provided in this paragraph.

35 a. An affidavit supporting an exemption under sub-
36 subparagraph 1.c. must include the name, address, date of birth,
37 and, if known, the driver's license number of the person who
38 leased, rented, or otherwise had care, custody, or control of
39 the motor vehicle at the time of the alleged violation. If the
40 vehicle was stolen at the time of the alleged offense, the
41 affidavit must include the police report indicating that the
42 vehicle was stolen.

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43 b. If a traffic citation for a violation of s. 316.074(1)
44 or s. 316.075(1)(c)1. was issued at the location of the
45 violation by a law enforcement officer, the affidavit must
46 include the serial number of the uniform traffic citation.

47 c. If the motor vehicle's owner to whom a traffic citation
48 has been issued is deceased, the affidavit must include a
49 certified copy of the owner's death certificate showing that the
50 date of death occurred on or before the issuance of the uniform
51 traffic citation and one of the following:

52 (I) A bill of sale or other document showing that the
53 deceased owner's motor vehicle was sold after his or her death
54 but on or before the date of the alleged violation.

55 (II) Documentary proof that the registered license plate
56 belonging to the deceased owner's vehicle was returned to the
57 department or any branch office or authorized agent of the
58 department on or before the date of the alleged violation.

59 (III) A copy of a police report showing the deceased
60 owner's registered license plate or motor vehicle was stolen
61 after the owner's death but on or before the date of the alleged
62 violation.

63
64 Upon receipt of the affidavit and documentation required under
65 this sub-subparagraph, the governmental entity must dismiss the
66 citation and provide proof of such dismissal to the person that
67 submitted the affidavit.

68 3. Upon receipt of an affidavit, the person designated as
69 having care, custody, and control of the motor vehicle at the
70 time of the violation may be issued a traffic citation for a
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71 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
 72 failed to stop at a traffic signal. The affidavit is admissible
 73 in a proceeding pursuant to this section for the purpose of
 74 providing proof that the person identified in the affidavit was
 75 in actual care, custody, or control of the motor vehicle. The
 76 owner of a leased vehicle for which a traffic citation is issued
 77 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 78 driver failed to stop at a traffic signal is not responsible for
 79 paying the traffic citation and is not required to submit an
 80 affidavit as specified in this subsection if the motor vehicle
 81 involved in the violation is registered in the name of the
 82 lessee of such motor vehicle.

83 4. The submission of a false affidavit is a misdemeanor of
 84 the second degree, punishable as provided in s. 775.082 or s.
 85 775.083.

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

88 Remove line 506 and insert:
 89 made by the act; amending s. 316.0083, F.S., providing
 90 an additional defense for certain red-light traffic
 91 infractions; providing for the dismissal of a uniform
 92 traffic citation for a red-light violation when the
 93 motor vehicle owner is deceased and an affidavit with
 94 specified supporting documents is filed with the
 95 issuing agency; providing effective dates.
 96