

Amendment No. a2s

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Kiar offered the following:

3
4 **Amendment to Amendment (676701) by Representative Albritton**
5 **(with title amendment)**

6 Between lines 29 and 30 of the amendment, insert:

7 Section 3. Paragraph (d) of subsection (1) of section
8 316.0083, Florida Statutes, is amended to read:

9 316.0083 Mark Wandall Traffic Safety Program;
10 administration; report.-

11 (1)

12 (d)1. The owner of the motor vehicle involved in the
13 violation is responsible and liable for paying the uniform
14 traffic citation issued for a violation of s. 316.074(1) or s.
15 316.075(1)(c)1. when the driver failed to stop at a traffic
16 signal, unless the owner can establish that:

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

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

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

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

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

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

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

45 b. If a traffic citation for a violation of s. 316.074(1)
46 or s. 316.075(1)(c)1. was issued at the location of the

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47 violation by a law enforcement officer, the affidavit must
48 include the serial number of the uniform traffic citation.

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

54 (I) A bill of sale or other document showing the deceased
55 owner's motor vehicle was sold or transferred after his or her
56 death, but on or before the date of the alleged violation;

57 (II) Documentary proof that the registered license plate
58 belonging to the deceased owner's vehicle was turned into the
59 department or agent of the department, but on or before the date
60 of the alleged violation; or

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

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

70 3. Upon receipt of an affidavit, the person designated as
71 having care, custody, and control of the motor vehicle at the
72 time of the violation may be issued a traffic citation for a
73 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
74 failed to stop at a traffic signal. The affidavit is admissible

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

85 4. The submission of a false affidavit is a misdemeanor of
86 the second degree, punishable as provided in s. 775.082 or s.
87 775.083.

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91 -----
92 **T I T L E A M E N D M E N T**

93 Remove line 2188 of the amendment and insert:
94 buggies; defining the term "swamp buggy"; amending s. 316.0083,
95 F.S.; providing for the dismissal of a uniform traffic citation
96 for failure to stop at a red light when the motor vehicle owner
97 is deceased and an affidavit with specified supporting documents
98 is filed with the issuing agency; amending s.
99