

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Heyman offered the following:

13 **Amendment to Amendment (742687) (with title amendment)**

14 On page 1, between lines 16 & 17,

16 insert:

17 Section 1. Section 316.655, Florida Statutes, is
18 amended to read:

19 316.655 Penalties; enhanced fines in certain
20 circumstances.--

21 (1) A violation of any of the provisions of this
22 chapter, except those violations with a specific criminal
23 charge, as enumerated in s. 318.17, are infractions, as
24 defined in s. 318.13(3). Except for violations of s. 316.302,
25 infractions of this chapter are punishable as provided in
26 chapter 318. Any person convicted of a violation of or
27 otherwise found to be in violation of s. 316.063, s. 316.3025,
28 s. 316.516, s. 316.545, or s. 316.550 shall be punished as
29 specifically provided in that section.

30 (2) Drivers convicted of a violation of any offense
31 prohibited by this chapter or any other law of this state

1 regulating motor vehicles may have their driving privileges
2 revoked or suspended by the court if the court finds such
3 revocation or suspension warranted by the totality of the
4 circumstances resulting in the conviction and the need to
5 provide for the maximum safety for all persons who travel on
6 or who are otherwise affected by the use of the highways of
7 the state. In determining whether suspension or revocation is
8 appropriate, the court shall consider all pertinent factors,
9 including, but not limited to, such factors as the extent and
10 nature of the driver's violation of this chapter, the number
11 of persons killed or injured as the result of the driver's
12 violation of this chapter, and the extent of any property
13 damage resulting from the driver's violation of this chapter.

14 (3) Any operator of a motor vehicle who commits a
15 moving violation in violation of this chapter, when the
16 operator is engaged in a secondary activity which results in
17 driver distraction, shall be subject to penalty enhancement of
18 double the amount of the fine established under s. 318.18. The
19 amount of the enhanced fine shall be distributed as provided
20 for in s. 318.211.

21 Section 2. Section 318.211, Florida Statutes, is
22 created to read:

23 318.211 Enhanced penalties for certain violations of
24 chapter 316; distribution.--Moneys collected for violations
25 described in s. 316.655(3) shall be distributed as follows:

26 (1) Forty-five percent of the enhanced penalty amount
27 shall be deposited in the Brain and Spinal Cord Injury
28 Rehabilitation Trust Fund for the purposes set forth in s.
29 381.79, with funds distributed evenly between the University
30 of Miami's Miami Project to Cure Paralysis, the University of
31 South Florida's Spinal Cord and Head Injury Program, and the

1 University of Florida's McKnight Brain Institute's Neurotrauma
2 Program.

3 (2) Fifteen percent of the enhanced penalty amount
4 shall be paid to the Department of Children and Family
5 Services for deposit into the Child Welfare Training Trust
6 Fund pursuant to s. 402.40, in memory of Helen Marie Witty.

7 (3) Ten percent of the enhanced penalty amount shall
8 be deposited in the Transportation Disadvantaged Trust Fund
9 created in Part 1 of Chapter 427, and used as provided
10 therein.

11 (4) Ten percent of the enhanced penalty amount shall
12 be deposited into the County Article V Trust Fund of the
13 county in which the penalty was collected.

14 (5) Ten percent of the enhanced penalty amount shall
15 be deposited in the endowment fund of the Florida Endowment
16 Foundation for Vocational Rehabilitation established pursuant
17 to s. 413.615.

18 (6) Ten percent of the enhanced penalty amount shall
19 be deposited in the Criminal Justice Standards and Training
20 Trust Fund created pursuant to s. 943.25(2).

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

24 And the title is amended as follows:

25 On page 147, between lines 18 and 19,
26
27 insert:
28 amending s. 316.655, F.S.; providing for
29 enhanced penalties for certain violations of
30 chapter 316, F.S.; creating s. 318.211, F.S.;

31 providing for the disposition of such enhanced

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