

By Representative Heyman

1 A bill to be entitled
2 An act relating to State Uniform Traffic
3 Control; amending s. 316.655, F.S.; providing
4 for enhanced penalties for certain violations
5 of chapter 316, F.S.; creating s. 318.211,
6 F.S.; providing for the disposition of such
7 enhanced penalties; providing an effective
8 date.

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

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12 Section 1. Section 316.655, Florida Statutes, is
13 amended to read:

14 316.655 Penalties; enhanced fines in certain
15 circumstances.--

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

25 (2) Drivers convicted of a violation of any offense
26 prohibited by this chapter or any other law of this state
27 regulating motor vehicles may have their driving privileges
28 revoked or suspended by the court if the court finds such
29 revocation or suspension warranted by the totality of the
30 circumstances resulting in the conviction and the need to
31 provide for the maximum safety for all persons who travel on

1 or who are otherwise affected by the use of the highways of
2 the state. In determining whether suspension or revocation is
3 appropriate, the court shall consider all pertinent factors,
4 including, but not limited to, such factors as the extent and
5 nature of the driver's violation of this chapter, the number
6 of persons killed or injured as the result of the driver's
7 violation of this chapter, and the extent of any property
8 damage resulting from the driver's violation of this chapter.

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

16 Section 2. Section 318.211, Florida Statutes, is
17 created to read:

18 318.211 Enhanced penalties for certain violations of
19 chapter 316; distribution.--Moneys collected for violations
20 described in s. 316.655(3) shall be distributed as follows:

21 (1) Forty-five percent of the enhanced penalty amount
22 shall be deposited in the Brain and Spinal Cord Injury
23 Rehabilitation Trust Fund for the purposes set forth in s.
24 381.79, with funds distributed evenly between the University
25 of Miami's Miami Project to Cure Paralysis, the University of
26 South Florida's Spinal Cord and Head Injury Program, and the
27 University of Florida's McKnight Brain Institute's Neurotrauma
28 Program.

29 (2) Twenty-five percent of the enhanced penalty amount
30 shall be paid to the Department of Children and Family
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- 1 Services for deposit into the Child Welfare Training Trust
2 Fund pursuant to s. 402.40, in memory of Helen Marie Witty.
3 (3) Ten percent of the enhanced penalty amount shall
4 be deposited into the County Article V Trust Fund of the
5 county in which the penalty was collected.
6 (4) Ten percent of the enhanced penalty amount shall
7 be deposited in the endowment fund of the Florida Endowment
8 Foundation for Vocational Rehabilitation established pursuant
9 to s. 413.615.
10 (5) Ten percent of the enhanced penalty amount shall
11 be deposited in the Criminal Justice Standards and Training
12 Trust Fund created pursuant to s. 943.25(2).

13 Section 3. This act shall take effect January 1, 2003.

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15 HOUSE SUMMARY

16 Provides that the operator of a motor vehicle who commits
17 a moving violation when the operator is engaged in a
18 secondary activity which results in driver distraction
19 shall be subject to a penalty enhancement of double the
20 amount of the fine and provides for distribution of the
21 enhanced fine. See bill for details.