

By Senator Wasserman Schultz

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

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

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

316.655 Penalties; enhanced fines in certain
circumstances.--

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

(2) Drivers convicted of a violation of any offense
prohibited by this chapter or any other law of this state
regulating motor vehicles may have their driving privileges
revoked or suspended by the court if the court finds such
revocation or suspension warranted by the totality of the
circumstances resulting in the conviction and the need to
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 proscribed by this chapter while the operator
11 is engaged in a secondary activity that results in driver
12 distraction is subject to penalty enhancement of double the
13 amount of the fine established under s. 318.18. The amount of
14 the enhanced fine shall be distributed as provided for in s.
15 318.211.

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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16 SENATE SUMMARY

17 Provides for the doubling of fines against the operator
18 of a motor vehicle involved in a moving traffic violation
19 while the operator is engaged in another activity that
20 results in distraction of the operator. Provides for the
21 distribution of the moneys collected from the enhanced
22 penalties.
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