

By Senator Garcia

40-963-03

See HB 875

1                                   A bill to be entitled  
2           An act relating to civil penalties for  
3           noncriminal traffic infractions; amending s.  
4           318.14, F.S.; imposing penalties for certain  
5           noncriminal traffic infractions requiring a  
6           mandatory hearing; amending s. 318.19, F.S.;  
7           providing for a mandatory hearing for certain  
8           noncriminal traffic infractions; providing an  
9           effective date.

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

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13           Section 1. Subsection (5) of section 318.14, Florida  
14 Statutes, is amended to read:15           318.14 Noncriminal traffic infractions; exception;  
16 procedures.--

17           (5) Any person electing to appear before the designated  
18 official or who is required so to appear shall be deemed to  
19 have waived his or her right to the civil penalty provisions  
20 of s. 318.18. The official, after a hearing, shall make a  
21 determination as to whether an infraction has been committed.  
22 If the commission of an infraction has been proven, the  
23 official may impose a civil penalty not to exceed \$500, except  
24 that in cases involving unlawful speed in a school zone, or  
25 involving unlawful speed in a construction zone, ~~or involving~~  
26 ~~a death~~, the civil penalty may not exceed \$1,000; or require  
27 attendance at a driver improvement school, or both. If the  
28 person is required to appear before the designated official  
29 pursuant to s. 318.19(1), and is found to have committed the  
30 infraction, the designated official shall impose a civil  
31 penalty of \$1,000 in addition to any other penalties; and the

1 person's driver's license shall be suspended for six months.  
2 If the person is required to appear before the designated  
3 official pursuant to s. 318.19(2), and is found to have  
4 committed the infraction, the designated official shall impose  
5 a civil penalty of \$500 in addition to any other penalties;  
6 and the person's driver's license shall be suspended for three  
7 months. If the person is required to appear before the  
8 designated official pursuant to s. 318.19(3), and is found to  
9 have committed the infraction, the designated official shall  
10 impose a civil penalty of \$200 in addition to any other  
11 penalties; and the person's driver's license shall be  
12 suspended for 30 days. If the official determines that no  
13 infraction has been committed, no costs or penalties shall be  
14 imposed and any costs or penalties that have been paid shall  
15 be returned.

16 Section 2. Section 318.19, Florida Statutes, is  
17 amended to read:

18 318.19 Infractions requiring a mandatory hearing.--Any  
19 person cited for the infractions listed in this section shall  
20 not have the provisions of s. 318.14(2), (4), and (9)  
21 available to him or her but must appear before the designated  
22 official at the time and location of the scheduled hearing:

23 (1) Any infraction which results in a crash that  
24 causes the death of another;

25 (2) Any infraction which results in a crash that  
26 causes "serious bodily injury" of another as defined in s.  
27 316.1933(1);

28 (3) Any infraction which results in a crash that  
29 causes any bodily injury other than the kind defined in s.  
30 316.1933(1);

31 (4)~~(3)~~ Any infraction of s. 316.172(1)(b); or

1           (5)~~(4)~~ Any infraction of s. 316.520(1) or (2).  
2           Section 3. This act shall take effect upon becoming a  
3 law.  
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