

HB 1033

2004

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A bill to be entitled
 An act relating to civil traffic court; creating the
 "Traffic Safety Act of 2004"; amending s. 318.18, F.S.;
 providing additional court costs for traffic violations;
 limiting the amount of certain court costs; providing for
 moneys collected to be used for the operation of civil
 traffic infraction magistrate programs; providing for use
 of certain nondesignated funds for criminal justice
 selection centers or other local criminal justice access
 and assessment centers; amending s. 318.21, F.S.;
 providing for distribution of moneys collected; amending
 s. 318.37, F.S.; providing for funding of civil traffic
 infraction magistrate programs; renaming hearing officers
 as traffic magistrates; amending ss. 318.30, 318.31,
 318.32, 318.325, 318.33, 318.34, 318.35, 318.36, and
 318.38, F.S.; conforming provisions; providing an
 effective date.

WHEREAS, the civil traffic court hearing officer programs
 have been designated an essential element of the statewide court
 system, and

WHEREAS, the funding for these programs is now the
 obligation of the state, and

WHEREAS, the Legislature desires to continue to provide
 effective and efficient resolution of civil traffic court cases,
 NOW, THEREFORE,

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

HB 1033

2004

30 Section 1. This act may be known by the popular name the
 31 "Traffic Safety Act of 2004."

32 Section 2. Subsection (11) of section 318.18, Florida
 33 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 34 amended to read:

35 318.18 Amount of civil penalties.--The penalties required
 36 for a noncriminal disposition pursuant to s. 318.14 are as
 37 follows:

38 (11)(a) Court costs that are to be in addition to the
 39 stated fine must be paid in an amount not less than the
 40 following and shall be deposited by the clerk into the fine and
 41 forfeiture fund established pursuant to s. 142.01:

42		
43	For pedestrian infractions	\$ 3.
44	For nonmoving traffic infractions	\$16.
45	For moving traffic infractions	\$30.
46		

47 (b) In addition to the court costs ~~cost~~ required under
 48 paragraph (a), the court shall impose an additional cost for
 49 each infraction as follows:

50 1. A \$3 court cost ~~must be paid for each infraction~~ to be
 51 distributed as provided in s. 938.01. ~~and~~

52 2. A \$2 court cost to be distributed as provided in s.
 53 938.15 when assessed by a municipality or county.

54 3. A \$3 court cost to fund the county civil traffic
 55 infraction magistrate programs. These funds shall be managed by
 56 the state, and each county's funds shall be earmarked
 57 exclusively for the operation of the civil traffic infraction
 58 magistrate programs.

59
 60 Court costs imposed under this subsection may not exceed \$35. A
 61 criminal justice selection center or other local criminal
 62 justice access and assessment center may be funded from
 63 nondesignated court costs collected under this section.

64 Section 3. Subsection (13) is added to section 318.21,
 65 Florida Statutes, to read:

66 318.21 Disposition of civil penalties by county
 67 courts.--All civil penalties received by a county court pursuant
 68 to the provisions of this chapter shall be distributed and paid
 69 monthly as follows:

70 (13) The court costs from traffic violations provided for
 71 under s. 318.18(11) shall be collected and distributed by the
 72 clerk of the court as provided in that subsection.

73 Section 4. Section 318.37, Florida Statutes, is amended to
 74 read:

75 318.37 Funding.--In any county electing to establish a
 76 civil traffic infraction magistrate ~~hearing officer~~ program
 77 under ss. 318.30-318.38, the court shall develop a plan for its
 78 implementation and shall submit the plan to the Office of the
 79 State Courts Administrator. Funds for the program are to be used
 80 for traffic magistrate ~~hearing officer~~ salaries, which may not
 81 exceed \$50 per hour, and other necessary expenses such as
 82 traffic magistrate ~~hearing officer~~ training, office rental,
 83 furniture, and administrative staff salaries. Any county
 84 electing to establish and participate in civil traffic
 85 infraction magistrate programs approved by the Supreme Court
 86 shall be funded in accordance with s. 318.18(11)(b) ~~such a~~

HB 1033

2004

87 ~~program shall provide the funds necessary to operate the~~
 88 ~~program.~~

89 Section 5. Funding for traffic court programs; traffic
 90 magistrates designated.--Any county electing to participate in
 91 civil traffic infraction magistrate programs approved by the
 92 Supreme Court shall be funded in accordance with s.

93 318.18(11)(b). Traffic hearing officers shall be referred to as
 94 traffic magistrates.

95 Section 6. Section 318.30, Florida Statutes, is amended to
 96 read:

97 318.30 Legislative intent.--It is the intent of the
 98 Legislature that civil traffic infraction magistrates ~~hearing~~
 99 ~~officers~~ be appointed and used in those counties where the need
 100 arises for their services. Any civil traffic infraction
 101 magistrate ~~hearing officer~~ program established in a county under
 102 ss. 318.30-318.38 shall be subject to the supervision of the
 103 Supreme Court.

104 Section 7. Section 318.31, Florida Statutes, is amended to
 105 read:

106 318.31 Objectives.--The Supreme Court is hereby requested
 107 to adopt rules and procedures for the establishment and
 108 operation of civil traffic infraction magistrate ~~hearing officer~~
 109 programs under ss. 318.30-318.38. However, the appointment of a
 110 traffic magistrate ~~hearing officer~~ shall be at the option of the
 111 county electing to establish such a program, upon recommendation
 112 by the county court judge or judges, as the case may be, and the
 113 Chief Judge of the Circuit and approval by the Chief Justice of
 114 the Supreme Court.

HB 1033

2004

115 Section 8. Subsections (1) and (2) of section 318.32,
 116 Florida Statutes, are amended to read:

117 318.32 Jurisdiction; limitations.--

118 (1) Traffic magistrates ~~Hearing officers~~ shall be
 119 empowered to accept pleas from and decide the guilt or innocence
 120 of any person, adult or juvenile, charged with any civil traffic
 121 infraction and shall be empowered to adjudicate or withhold
 122 adjudication of guilt in the same manner as a county court judge
 123 under the statutes, rules, and procedures presently existing or
 124 as subsequently amended, except that traffic magistrates ~~hearing~~
 125 ~~officers~~ shall not:

126 (a) Have the power to hold a defendant in contempt of
 127 court, but shall be permitted to file a motion for order of
 128 contempt with the appropriate state trial court judge;

129 (b) Hear a case involving a crash resulting in injury or
 130 death; or

131 (c) Hear a criminal traffic offense case or a case
 132 involving a civil traffic infraction issued in conjunction with
 133 a criminal traffic offense.

134 (2) This section does not prohibit a county court judge
 135 from exercising concurrent jurisdiction with a civil traffic
 136 magistrate ~~hearing officer~~.

137 Section 9. Section 318.325, Florida Statutes, as amended
 138 by chapter 2003-402, Laws of Florida, is amended to read:

139 318.325 Jurisdiction and procedure for parking
 140 infractions.--Any county or municipality may adopt an ordinance
 141 that allows the county or municipality to refer cases involving
 142 the violation of a county or municipal parking ordinance to a
 143 traffic magistrate ~~hearing officer~~ funded by the county or

HB 1033

2004

144 municipality. Notwithstanding the provisions of ss. 318.14 and
 145 775.08(3), any parking violation shall be deemed to be an
 146 infraction as defined in s. 318.13(3). However, the violation
 147 must be enforced and disposed of in accordance with the
 148 provisions of general law applicable to parking violations and
 149 with the charter or code of the county or municipality where the
 150 violation occurred. The clerk of the court or the designated
 151 traffic violations bureau must collect and distribute the fines,
 152 forfeitures, and court costs assessed under this section.
 153 Notwithstanding the provisions of s. 318.21, fines and
 154 forfeitures received from parking violations committed within
 155 the unincorporated areas of the county or within the boundaries
 156 of the municipality must be collected and paid monthly to the
 157 county or municipality, respectively. Court costs assessed by
 158 the traffic magistrate ~~hearing officer~~ must be paid to the
 159 county.

160 Section 10. Section 318.33, Florida Statutes, is amended
 161 to read:

162 318.33 Appeals.--Decisions of the traffic magistrate
 163 ~~hearing officer~~ are appealable, under the rules of court, to the
 164 circuit court. Appeals shall be based upon the record of the
 165 hearing before the traffic magistrate ~~hearing officer~~ and shall
 166 not be hearings de novo. Appellants are responsible for
 167 producing the record of the hearing beyond that which normally
 168 results from the civil traffic infraction hearing process.

169 Section 11. Section 318.34, Florida Statutes, is amended
 170 to read:

171 318.34 Qualifications.--Applicants for the position of
 172 traffic magistrate ~~hearing officer~~ of the civil traffic court

HB 1033

2004

173 shall be members in good standing of The Florida Bar and shall
 174 have completed a 40-hour education and training program which
 175 has been approved by the Florida Supreme Court. Thereafter,
 176 traffic magistrates ~~hearing officers~~ shall complete an approved
 177 4-hour continuing education program annually.

178 Section 12. Section 318.35, Florida Statutes, is amended
 179 to read:

180 318.35 Term of office.--Traffic magistrates ~~Hearing~~
 181 ~~officers~~ shall be independent contractors and may serve either
 182 full time or part time as determined by the chief judge. In
 183 either case, they shall serve at the pleasure of the chief judge
 184 of the county and circuit in which they are to hear cases and
 185 shall have no definite term of office.

186 Section 13. Section 318.36, Florida Statutes, is amended
 187 to read:

188 318.36 Code of ethics.--Traffic magistrates ~~Hearing~~
 189 ~~officers~~ shall be subject to The Florida Bar Code of
 190 Professional Responsibility and not the Judicial Code of Ethics,
 191 except that they shall avoid practices or occupations that would
 192 constitute a conflict of interest or give the appearance of
 193 impropriety. Whether serving full time or part time, traffic
 194 magistrates ~~hearing officers~~ shall be prohibited from
 195 representing clients or practicing before any other traffic
 196 magistrate ~~hearing officer~~ of a civil traffic court or from
 197 representing any client appealing the decision of any other
 198 traffic magistrate ~~hearing officer~~. A civil traffic infraction
 199 magistrate ~~infractions hearing officer~~ appointed under s. 318.30
 200 shall have judicial immunity in the same manner and to the same
 201 extent as judges.

HB 1033

2004

202 Section 14. Section 318.38, Florida Statutes, is amended
 203 to read:

204 318.38 Nonseverability.--If the provisions of s. 318.32
 205 authorizing traffic magistrates ~~hearing officers~~ to impose the
 206 same sanctions as county court judges for civil traffic
 207 infractions are found to be unconstitutional by the Florida
 208 Supreme Court, then the traffic magistrates ~~hearing officers~~
 209 shall have no further jurisdiction over any civil traffic
 210 infractions.

211 Section 15. This act shall take effect January 1, 2005.