

Bill No. CS for SB 1742

Barcode 193332

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations (Posey)  
recommended the following **amendment to amendment** (155312):

**Senate Amendment (with title amendment)**

On page 17, between lines 5 and 6,

insert:

Section 15. Subsection (9) of section 318.14, Florida  
Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception;  
procedures.--

(9) Any person who does not hold a commercial driver's  
license and who is cited for an infraction under this section  
other than a violation of s. 316.183(2), s. 316.187, or s.  
316.189 when the driver exceeds the posted limit by 30 miles  
per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s.  
322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of  
a court appearance, elect to attend in the location of his or  
her choice within this state a basic driver improvement course  
approved by the Department of Highway Safety and Motor  
Vehicles. In such a case, adjudication must be withheld;

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1 points, as provided by s. 322.27, may not be assessed; and the  
 2 civil penalty that is imposed by s. 318.18(3) must be reduced  
 3 by 18 percent; however, a person may not make an election  
 4 under this subsection if the person has made an election under  
 5 this subsection in the preceding 12 months. A person may make  
 6 no more than five elections under this subsection. The  
 7 requirement for community service under s. 318.18(8) is not  
 8 waived by a plea of nolo contendere or by the withholding of  
 9 adjudication of guilt by a court.

10 Section 16. Subsection (3) of section 318.18, Florida  
 11 Statutes, is amended to read:

12 318.18 Amount of civil penalties.--The penalties  
 13 required for a noncriminal disposition pursuant to s. 318.14  
 14 are as follows:

15 (3)(a) Except as otherwise provided in this section,  
 16 \$60 for all moving violations not requiring a mandatory  
 17 appearance.

18 (b) For moving violations involving unlawful speed,  
 19 the fines are as follows:

21 For speed exceeding the limit by:	Fine:
22 1-5 m.p.h.....	Warning
23 6-9 m.p.h.....	\$ 25
24 10-14 m.p.h.....	\$100
25 15-19 m.p.h.....	\$125
26 20-29 m.p.h.....	\$150
27 30 m.p.h. and above.....	\$250

28  
 29 (c) Notwithstanding paragraph (b), a person cited for  
 30 exceeding the speed limit by up to 5 m.p.h. in a legally  
 31 posted school zone will be fined \$50. A person exceeding the

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1 speed limit in a school zone shall pay a fine double the  
 2 amount listed in paragraph (b).

3 (d) A person cited for exceeding the speed limit in a  
 4 posted construction zone shall pay a fine double the amount  
 5 listed in paragraph (b). The fine shall be doubled for  
 6 construction zone violations only if construction personnel  
 7 are present or operating equipment on the road or immediately  
 8 adjacent to the road under construction.

9 (e) If a violation of s. 316.1301 or s. 316.1303  
 10 results in an injury to the pedestrian or damage to the  
 11 property of the pedestrian, an additional fine of up to \$250  
 12 shall be paid. This amount must be distributed pursuant to s.  
 13 318.21.

14 (f) A person cited for exceeding the speed limit  
 15 within a zone posted for any electronic or manual toll  
 16 collection facility shall pay a fine double the amount listed  
 17 in paragraph (b). However, no person cited for exceeding the  
 18 speed limit in any toll collection zone shall be subject to a  
 19 doubled fine unless the governmental entity or authority  
 20 controlling the toll collection zone first installs a traffic  
 21 control device providing warning that speeding fines are  
 22 doubled. Any such traffic control device must meet the  
 23 requirements of the uniform system of traffic control devices.

24 (g) A person cited for a second or subsequent  
 25 conviction of speed exceeding the limit by 30 miles per hour  
 26 and above within a 12-month period shall pay a fine that is  
 27 double the amount listed in paragraph (b). For purposes of  
 28 this paragraph, the term "conviction" means a finding of  
 29 guilt, with or without adjudication of guilt, as a result of a  
 30 jury verdict, nonjury trial, or entry of a plea of guilty or  
 31 nolo contendere, notwithstanding s. 318.14(11). Moneys

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1 received from the increased fine imposed by this paragraph  
 2 shall be remitted to the Department of Revenue and deposited  
 3 into the Department of Health Administrative Trust Fund to  
 4 provide financial support to certified trauma centers to  
 5 assure the availability and accessibility of trauma services  
 6 throughout the state. Funds deposited into the Administrative  
 7 Trust Fund under this section shall be allocated as follows:

8 1. Fifty percent shall be allocated equally among all  
 9 Level I, Level II, and pediatric trauma centers in recognition  
 10 of readiness costs for maintaining trauma services.

11 2. Fifty percent shall be allocated among Level I,  
 12 Level II, and pediatric trauma centers based on each center's  
 13 relative volume of trauma cases as reported in the Department  
 14 of Health Trauma Registry.

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

17 318.19 Infractions requiring a mandatory hearing.--Any  
 18 person cited for the infractions listed in this section shall  
 19 not have the provisions of s. 318.14(2), (4), and (9)  
 20 available to him or her but must appear before the designated  
 21 official at the time and location of the scheduled hearing:

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

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

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

28 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

29 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 30 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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1 (Redesignate subsequent sections.)

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

5 And the title is amended as follows:

6 On page 81, line 13, after the semicolon

7

8 insert:

9 amending s. 318.14, F.S.; providing exceptions

10 to procedures for certain speed-limit

11 violations; removing the option for certain

12 offenders to attend driver improvement school;

13 amending s. 318.18, F.S.; providing increased

14 penalties for certain speed-limit violations;

15 providing for disposition of increased

16 penalties; amending s. 318.19, F.S.; requiring

17 mandatory hearings for certain speed-limit

18 violations;

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