

By Senator Baker

20-1034-06

1                                   A bill to be entitled  
2           An act relating to traffic infractions;  
3           amending s. 318.14, F.S.; providing exceptions  
4           to procedures for certain speed-limit  
5           violations; removing the option for certain  
6           offenders to attend driver improvement school;  
7           amending s. 318.18, F.S.; providing increased  
8           penalties for certain speed-limit violations;  
9           amending s. 318.19, F.S.; requiring mandatory  
10          hearings for certain speed-limit violations;  
11          amending s. 322.27, F.S.; providing for an  
12          increase in driver points for certain  
13          speed-limit violations; providing an effective  
14          date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Subsection (9) of section 318.14, Florida  
19 Statutes, is amended to read:

20           318.14 Noncriminal traffic infractions; exception;  
21 procedures.--

22           (9) Any person who does not hold a commercial driver's  
23 license and who is cited for an infraction under this section  
24 other than a violation of s. 316.183(2), s. 316.187, or s.  
25 316.189 when the driver exceeds the posted limit by 30 miles  
26 per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s.  
27 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of  
28 a court appearance, elect to attend in the location of his or  
29 her choice within this state a basic driver improvement course  
30 approved by the Department of Highway Safety and Motor  
31 Vehicles. In such a case, adjudication must be withheld;

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 2. 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:

20 |

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

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).

1 Section 3. Section 318.19, Florida Statutes, is  
2 amended to read:

3 318.19 Infractions requiring a mandatory hearing.--Any  
4 person cited for the infractions listed in this section shall  
5 not have the provisions of s. 318.14(2), (4), and (9)  
6 available to him or her but must appear before the designated  
7 official at the time and location of the scheduled hearing:

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

10 (2) Any infraction which results in a crash that  
11 causes "serious bodily injury" of another as defined in s.  
12 316.1933(1);

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

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

15 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
16 316.189 of exceeding the speed limit by 30 m.p.h. or more.

17 Section 4. Subsection (3) of section 322.27, Florida  
18 Statutes, is amended to read:

19 322.27 Authority of department to suspend or revoke  
20 license.--

21 (3) There is established a point system for evaluation  
22 of convictions of violations of motor vehicle laws or  
23 ordinances, and violations of applicable provisions of s.  
24 403.413(6)(b) when such violations involve the use of motor  
25 vehicles, for the determination of the continuing  
26 qualification of any person to operate a motor vehicle. The  
27 department is authorized to suspend the license of any person  
28 upon showing of its records or other good and sufficient  
29 evidence that the licensee has been convicted of violation of  
30 motor vehicle laws or ordinances, or applicable provisions of  
31 s. 403.413(6)(b), amounting to 12 or more points as determined

1 by the point system. The suspension shall be for a period of  
2 not more than 1 year.

3 (a) When a licensee accumulates 12 points within a  
4 12-month period, the period of suspension shall be for not  
5 more than 30 days.

6 (b) When a licensee accumulates 18 points, including  
7 points upon which suspension action is taken under paragraph  
8 (a), within an 18-month period, the suspension shall be for a  
9 period of not more than 3 months.

10 (c) When a licensee accumulates 24 points, including  
11 points upon which suspension action is taken under paragraphs  
12 (a) and (b), within a 36-month period, the suspension shall be  
13 for a period of not more than 1 year.

14 (d) The point system shall have as its basic element a  
15 graduated scale of points assigning relative values to  
16 convictions of the following violations:

- 17 1. Reckless driving, willful and wanton--4 points.
- 18 2. Leaving the scene of a crash resulting in property  
19 damage of more than \$50--6 points.
- 20 3. Unlawful speed resulting in a crash--6 points.
- 21 4. Passing a stopped school bus--4 points.
- 22 5. Unlawful speed:
  - 23 a. Not in excess of 15 miles per hour of lawful or  
24 posted speed--3 points.
  - 25 b. In excess of 15 miles per hour but less than 30  
26 miles per hour of lawful or posted speed--4 points.
  - 27 c. Thirty miles per hour or more in excess of lawful  
28 or posted speed--6 points.
- 29 6. A violation of a traffic control signal device as  
30 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

31

1           7. All other moving violations (including parking on a  
2 highway outside the limits of a municipality)--3 points.  
3 However, no points shall be imposed for a violation of s.  
4 316.0741 or s. 316.2065(12).

5           8. Any moving violation covered above, excluding  
6 unlawful speed, resulting in a crash--4 points.

7           9. Any conviction under s. 403.413(6)(b)--3 points.

8           10. Any conviction under s. 316.0775(2)--4 points.

9           (e) A conviction in another state of a violation  
10 therein which, if committed in this state, would be a  
11 violation of the traffic laws of this state, or a conviction  
12 of an offense under any federal law substantially conforming  
13 to the traffic laws of this state, except a violation of s.  
14 322.26, may be recorded against a driver on the basis of the  
15 same number of points received had the conviction been made in  
16 a court of this state.

17           (f) In computing the total number of points, when the  
18 licensee reaches the danger zone, the department is authorized  
19 to send the licensee a warning letter advising that any  
20 further convictions may result in suspension of his or her  
21 driving privilege.

22           (g) The department shall administer and enforce the  
23 provisions of this law and may make rules and regulations  
24 necessary for its administration.

25           (h) Three points shall be deducted from the driver  
26 history record of any person whose driving privilege has been  
27 suspended only once pursuant to this subsection and has been  
28 reinstated, if such person has complied with all other  
29 requirements of this chapter.

30  
31

1 (i) This subsection shall not apply to persons  
2 operating a nonmotorized vehicle for which a driver's license  
3 is not required.

4 (j) For purposes of sub-subparagraph (d)5.c., the term  
5 "conviction" means a finding of guilt, with or without  
6 adjudication of guilt, as a result of a jury verdict, nonjury  
7 trial, or entry of a plea of guilty or nolo contendere,  
8 notwithstanding s. 318.14(11).

9 Section 5. This act shall take effect October 1, 2006.

10 \*\*\*\*\*

11 \*\*\*\*\*  
12 SENATE SUMMARY

13 Revises provisions related to traffic infractions.  
14 Provides exceptions to procedures for certain violations  
15 of speed limits. Increases penalties for certain speed  
16 limit violations. Requires violators of certain  
17 provisions to attend a mandatory hearing. Increases  
18 driver's license points for certain speed violations.  
19 (See bill for details.)  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31