

By the Committee on Transportation; and Senator Baker

596-2024-06

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           providing for disposition of increased  
10          penalties; amending s. 318.19, F.S.; requiring  
11          mandatory hearings for certain speed-limit  
12          violations; amending s. 322.27, F.S.; providing  
13          for an increase in driver points for certain  
14          speed-limit violations; providing an effective  
15          date.

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

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

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

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

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

11 Section 2. Subsection (3) of section 318.18, Florida  
12 Statutes, is amended to read:

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

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

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

21

22 For speed exceeding the limit by:	Fine:
23 1-5 m.p.h.....	Warning
24 6-9 m.p.h.....	\$ 25
25 10-14 m.p.h.....	\$100
26 15-19 m.p.h.....	\$125
27 20-29 m.p.h.....	\$150
28 30 m.p.h. and above.....	\$250

29

30 (c) Notwithstanding paragraph (b), a person cited for  
31 exceeding the speed limit by up to 5 m.p.h. in a legally

1 posted school zone will be fined \$50. A person exceeding the  
2 speed limit in a school zone shall pay a fine double the  
3 amount listed in paragraph (b).

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

10 (e) If a violation of s. 316.1301 or s. 316.1303  
11 results in an injury to the pedestrian or damage to the  
12 property of the pedestrian, an additional fine of up to \$250  
13 shall be paid. This amount must be distributed pursuant to s.  
14 318.21.

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

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

1 nolo contendere, notwithstanding s. 318.14(11). Moneys  
2 received from the increased fine imposed by this paragraph  
3 shall be remitted to the Department of Revenue and deposited  
4 into the Department of Health Administrative Trust Fund to  
5 provide financial support to certified trauma centers to  
6 assure the availability and accessibility of trauma services  
7 throughout the state. Funds deposited into the Administrative  
8 Trust Fund under this section shall be allocated as follows:

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

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

16       Section 3. 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 of s. 316.172(1)(b); ~~or~~

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

30       (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
31 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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

3           322.27 Authority of department to suspend or revoke  
4 license.--

5           (3) There is established a point system for evaluation  
6 of convictions of violations of motor vehicle laws or  
7 ordinances, and violations of applicable provisions of s.

8 403.413(6)(b) when such violations involve the use of motor  
9 vehicles, for the determination of the continuing

10 qualification of any person to operate a motor vehicle. The  
11 department is authorized to suspend the license of any person  
12 upon showing of its records or other good and sufficient  
13 evidence that the licensee has been convicted of violation of  
14 motor vehicle laws or ordinances, or applicable provisions of  
15 s. 403.413(6)(b), amounting to 12 or more points as determined  
16 by the point system. The suspension shall be for a period of  
17 not more than 1 year.

18           (a) When a licensee accumulates 12 points within a  
19 12-month period, the period of suspension shall be for not  
20 more than 30 days.

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

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

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

- 1           1. Reckless driving, willful and wanton--4 points.
- 2           2. Leaving the scene of a crash resulting in property
- 3 damage of more than \$50--6 points.
- 4           3. Unlawful speed resulting in a crash--6 points.
- 5           4. Passing a stopped school bus--4 points.
- 6           5. Unlawful speed:
- 7           a. Not in excess of 15 miles per hour of lawful or
- 8 posted speed--3 points.
- 9           b. In excess of 15 miles per hour but less than 30
- 10 miles per hour of lawful or posted speed--4 points.
- 11           c. Thirty miles per hour or more in excess of lawful
- 12 or posted speed--6 points.
- 13           6. A violation of a traffic control signal device as
- 14 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 15           7. All other moving violations (including parking on a
- 16 highway outside the limits of a municipality)--3 points.
- 17 However, no points shall be imposed for a violation of s.
- 18 316.0741 or s. 316.2065(12).
- 19           8. Any moving violation covered above, excluding
- 20 unlawful speed, resulting in a crash--4 points.
- 21           9. Any conviction under s. 403.413(6)(b)--3 points.
- 22           10. Any conviction under s. 316.0775(2)--4 points.
- 23           (e) A conviction in another state of a violation
- 24 therein which, if committed in this state, would be a
- 25 violation of the traffic laws of this state, or a conviction
- 26 of an offense under any federal law substantially conforming
- 27 to the traffic laws of this state, except a violation of s.
- 28 322.26, may be recorded against a driver on the basis of the
- 29 same number of points received had the conviction been made in
- 30 a court of this state.
- 31

1 (f) In computing the total number of points, when the  
2 licensee reaches the danger zone, the department is authorized  
3 to send the licensee a warning letter advising that any  
4 further convictions may result in suspension of his or her  
5 driving privilege.

6 (g) The department shall administer and enforce the  
7 provisions of this law and may make rules and regulations  
8 necessary for its administration.

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

14 (i) This subsection shall not apply to persons  
15 operating a nonmotorized vehicle for which a driver's license  
16 is not required.

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

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

23  
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25 COMMITTEE SUBSTITUTE FOR  
Senate Bill 2336

26  
27 This CS provides the increased fines would be used to support  
28 trauma centers to assure the availability and accessibility of  
29 trauma services throughout the state.