

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Benson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove line 629 and insert:

5  
6 Section 13. Effective October 1, 2006, section 318.18,  
7 Florida Statutes, is amended to read:

8 318.18 Amount of ~~civil~~ penalties.--The penalties required  
9 for a noncriminal disposition pursuant to s. 318.14 or a  
10 criminal offense listed in s. 318.17 are as follows:

11 (1) Fifteen dollars for:

12 (a) All infractions of pedestrian regulations.

13 (b) All infractions of s. 316.2065, unless otherwise  
14 specified.

15 (c) Other violations of chapter 316 by persons 14 years of  
16 age or under who are operating bicycles, regardless of the  
17 noncriminal traffic infraction's classification.

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18 (2) Thirty dollars for all nonmoving traffic violations  
19 and:

20 (a) For all violations of s. 322.19.

21 (b) For all violations of ss. 320.0605, 320.07(1),  
22 322.065, and 322.15(1). Any person who is cited for a violation  
23 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
24 320.07(4).

25 1. If a person who is cited for a violation of s. 320.0605  
26 or s. 320.07 can show proof of having a valid registration at  
27 the time of arrest, the clerk of the court may dismiss the case  
28 and may assess a dismissal fee of up to \$7.50. A person who  
29 finds it impossible or impractical to obtain a valid  
30 registration certificate must submit an affidavit detailing the  
31 reasons for the impossibility or impracticality. The reasons may  
32 include, but are not limited to, the fact that the vehicle was  
33 sold, stolen, or destroyed; that the state in which the vehicle  
34 is registered does not issue a certificate of registration; or  
35 that the vehicle is owned by another person.

36 2. If a person who is cited for a violation of s. 322.03,  
37 s. 322.065, or s. 322.15 can show a driver's license issued to  
38 him or her and valid at the time of arrest, the clerk of the  
39 court may dismiss the case and may assess a dismissal fee of up  
40 to \$7.50.

41 3. If a person who is cited for a violation of s. 316.646  
42 can show proof of security as required by s. 627.733, issued to  
43 the person and valid at the time of arrest, the clerk of the  
44 court may dismiss the case and may assess a dismissal fee of up  
45 to \$7.50. A person who finds it impossible or impractical to  
46 obtain proof of security must submit an affidavit detailing the

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47 reasons for the impracticality. The reasons may include, but are  
48 not limited to, the fact that the vehicle has since been sold,  
49 stolen, or destroyed; that the owner or registrant of the  
50 vehicle is not required by s. 627.733 to maintain personal  
51 injury protection insurance; or that the vehicle is owned by  
52 another person.

53 (c) For all violations of ss. 316.2935 and 316.610.  
54 However, for a violation of s. 316.2935 or s. 316.610, if the  
55 person committing the violation corrects the defect and obtains  
56 proof of such timely repair by an affidavit of compliance  
57 executed by the law enforcement agency within 30 days from the  
58 date upon which the traffic citation was issued, and pays \$4 to  
59 the law enforcement agency, thereby completing the affidavit of  
60 compliance, then upon presentation of said affidavit by the  
61 defendant to the clerk within the 30-day time period set forth  
62 under s. 318.14(4), the fine must be reduced to \$7.50, which the  
63 clerk of the court shall retain.

64 (d) For all violations of s. 316.126(1)(b), unless  
65 otherwise specified.

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

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

70	
71	For speed exceeding the limit by:.....Fine:
72	1-5 m.p.h.....Warning
73	6-9 m.p.h.....\$ 25
74	10-14 m.p.h.....\$100
75	15-19 m.p.h.....\$125

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76 20-29 m.p.h.....\$150

77 30 m.p.h. and above.....\$250

78 (c) Notwithstanding paragraph (b), a person cited for  
79 exceeding the speed limit by up to 5 m.p.h. in a legally posted  
80 school zone will be fined \$50. A person exceeding the speed  
81 limit in a school zone shall pay a fine double the amount listed  
82 in paragraph (b).

83 (d) A person cited for exceeding the speed limit in a  
84 posted construction zone shall pay a fine double the amount  
85 listed in paragraph (b). The fine shall be doubled for  
86 construction zone violations only if construction personnel are  
87 present or operating equipment on the road or immediately  
88 adjacent to the road under construction.

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

93 (f) A person cited for exceeding the speed limit within a  
94 zone posted for any electronic or manual toll collection  
95 facility shall pay a fine double the amount listed in paragraph  
96 (b). However, no person cited for exceeding the speed limit in  
97 any toll collection zone shall be subject to a doubled fine  
98 unless the governmental entity or authority controlling the toll  
99 collection zone first installs a traffic control device  
100 providing warning that speeding fines are doubled. Any such  
101 traffic control device must meet the requirements of the uniform  
102 system of traffic control devices.

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103 (4) The penalty imposed under s. 316.545 shall be  
104 determined by the officer in accordance with the provisions of  
105 ss. 316.535 and 316.545.

106 (5) (a) One hundred dollars for a violation of s.  
107 316.172(1) (a), failure to stop for a school bus. If, at a  
108 hearing, the alleged offender is found to have committed this  
109 offense, the court shall impose a minimum civil penalty of \$100.  
110 In addition to this penalty, for a second or subsequent offense  
111 within a period of 5 years, the department shall suspend the  
112 driver's license of the person for not less than 90 days and not  
113 more than 6 months.

114 (b) Two hundred dollars for a violation of s.  
115 316.172(1) (b), passing a school bus on the side that children  
116 enter and exit when the school bus displays a stop signal. If,  
117 at a hearing, the alleged offender is found to have committed  
118 this offense, the court shall impose a minimum civil penalty of  
119 \$200. In addition to this penalty, for a second or subsequent  
120 offense within a period of 5 years, the department shall suspend  
121 the driver's license of the person for not less than 180 days  
122 and not more than 1 year.

123 (6) One hundred dollars or the fine amount designated by  
124 county ordinance, plus court costs for illegally parking, under  
125 s. 316.1955, in a parking space provided for people who have  
126 disabilities. However, this fine will be waived if a person  
127 provides to the law enforcement agency that issued the citation  
128 for such a violation proof that the person committing the  
129 violation has a valid parking permit or license plate issued  
130 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,  
131 or s. 320.0848 or a signed affidavit that the owner of the  
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132 disabled parking permit or license plate was present at the time  
133 the violation occurred, and that such a parking permit or  
134 license plate was valid at the time the violation occurred. The  
135 law enforcement officer, upon determining that all required  
136 documentation has been submitted verifying that the required  
137 parking permit or license plate was valid at the time of the  
138 violation, must sign an affidavit of compliance. Upon provision  
139 of the affidavit of compliance and payment of a dismissal fee of  
140 up to \$7.50 to the clerk of the circuit court, the clerk shall  
141 dismiss the citation.

142 (7) One hundred dollars for a violation of s. 316.1001.  
143 However, a person may elect to pay \$30 to the clerk of the  
144 court, in which case adjudication is withheld, and no points are  
145 assessed under s. 322.27. Upon receipt of the fine, the clerk of  
146 the court must retain \$5 for administrative purposes and must  
147 forward the \$25 to the governmental entity that issued the  
148 citation. Any funds received by a governmental entity for this  
149 violation may be used for any lawful purpose related to the  
150 operation or maintenance of a toll facility.

151 (8)(a) Any person who fails to comply with the court's  
152 requirements or who fails to pay the civil penalties specified  
153 in this section within the 30-day period provided for in s.  
154 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
155 which must be remitted to the Department of Revenue for deposit  
156 in the General Revenue Fund, and \$9.50 of which must be remitted  
157 to the Department of Revenue for deposit in the Highway Safety  
158 Operating Trust Fund. The department shall contract with the  
159 Florida Association of Court Clerks, Inc., to design, establish,  
160 operate, upgrade, and maintain an automated statewide Uniform  
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161 Traffic Citation Accounting System to be operated by the clerks  
162 of the court which shall include, but not be limited to, the  
163 accounting for traffic infractions by type, a record of the  
164 disposition of the citations, and an accounting system for the  
165 fines assessed and the subsequent fine amounts paid to the  
166 clerks of the court. On or before December 1, 2001, the clerks  
167 of the court must provide the information required by this  
168 chapter to be transmitted to the department by electronic  
169 transmission pursuant to the contract.

170 (b) Any person who fails to comply with the court's  
171 requirements as to civil penalties specified in this section due  
172 to demonstrable financial hardship shall be authorized to  
173 satisfy such civil penalties by public works or community  
174 service. Each hour of such service shall be applied, at the rate  
175 of the minimum wage, toward payment of the person's civil  
176 penalties; provided, however, that if the person has a trade or  
177 profession for which there is a community service need and  
178 application, the rate for each hour of such service shall be the  
179 average standard wage for such trade or profession. Any person  
180 who fails to comply with the court's requirements as to such  
181 civil penalties who does not demonstrate financial hardship may  
182 also, at the discretion of the court, be authorized to satisfy  
183 such civil penalties by public works or community service in the  
184 same manner.

185 (c) If the noncriminal infraction has caused or resulted  
186 in the death of another, the person who committed the infraction  
187 may perform 120 community service hours under s. 316.027(4), in  
188 addition to any other penalties.

189 (9) One hundred dollars for a violation of s. 316.1575.

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190 (10) Twenty-five dollars for a violation of s. 316.2074.

191 (11) (a) In addition to the stated fine, court costs must  
192 be paid in the following amounts and shall be deposited by the  
193 clerk into the fine and forfeiture fund established pursuant to  
194 s. 142.01:

195  
196 For pedestrian infractions.....\$ 3.

197 For nonmoving traffic infractions.....\$ 16.

198 For moving traffic infractions.....\$ 30.

199 (b) In addition to the court cost required under paragraph  
200 (a), up to \$3 for each infraction shall be collected and  
201 distributed by the clerk in those counties that have been  
202 authorized to establish a criminal justice selection center or a  
203 criminal justice access and assessment center pursuant to the  
204 following special acts of the Legislature:

- 205 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 206 2. Chapter 89-521, Laws of Florida, for Bay County.
- 207 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 208 4. Chapter 97-333, Laws of Florida, for Pinellas County.

209  
210 Funds collected by the clerk pursuant to this paragraph shall be  
211 distributed to the centers authorized by those special acts.

212 (c) In addition to the court cost required under paragraph  
213 (a), a \$2.50 court cost must be paid for each infraction to be  
214 distributed by the clerk to the county to help pay for criminal  
215 justice education and training programs pursuant to s. 938.15.  
216 Funds from the distribution to the county not directed by the  
217 county to fund these centers or programs shall be retained by



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218 | the clerk and used for funding the court-related services of the  
219 | clerk.

220 |       (d) In addition to the court cost required under paragraph  
221 | (a), a \$3 court cost must be paid for each infraction to be  
222 | distributed as provided in s. 938.01 and a \$2 court cost as  
223 | provided in s. 938.15 when assessed by a municipality or county.

224 |       (12) One hundred dollars for a violation of s. 316.520(1)  
225 | or (2). If, at a hearing, the alleged offender is found to have  
226 | committed this offense, the court shall impose a minimum civil  
227 | penalty of \$100. For a second or subsequent adjudication within  
228 | a period of 5 years, the department shall suspend the driver's  
229 | license of the person for not less than 180 days and not more  
230 | than 1 year.

231 |       (13) In addition to any penalties imposed for noncriminal  
232 | traffic infractions pursuant to this chapter or imposed for  
233 | criminal violations listed in s. 318.17, a board of county  
234 | commissioners or any unit of local government which is  
235 | consolidated as provided by s. 9, Art. VIII of the State  
236 | Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
237 | Constitution of 1968:

238 |       (a) May impose by ordinance a surcharge of up to \$15 for  
239 | any infraction or violation to fund state court facilities. The  
240 | court shall not waive this surcharge. Up to 25 percent of the  
241 | revenue from such surcharge may be used to support local law  
242 | libraries provided that the county or unit of local government  
243 | provides a level of service equal to that provided prior to July  
244 | 1, 2004, which shall include the continuation of library  
245 | facilities located in or near the county courthouse or annexes.

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246 (b) That imposed increased fees or service charges by  
247 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
248 purpose of securing payment of the principal and interest on  
249 bonds issued by the county before July 1, 2003, to finance state  
250 court facilities, may impose by ordinance a surcharge for any  
251 infraction or violation for the exclusive purpose of securing  
252 payment of the principal and interest on bonds issued by the  
253 county before July 1, 2003, to fund state court facilities until  
254 the date of stated maturity. The court shall not waive this  
255 surcharge. Such surcharge may not exceed an amount per violation  
256 calculated as the quotient of the maximum annual payment of the  
257 principal and interest on the bonds as of July 1, 2003, divided  
258 by the number of traffic citations for county fiscal year 2002-  
259 2003 certified as paid by the clerk of the court of the county.  
260 Such quotient shall be rounded up to the next highest dollar  
261 amount. The bonds may be refunded only if savings will be  
262 realized on payments of debt service and the refunding bonds are  
263 scheduled to mature on the same date or before the bonds being  
264 refunded.

265  
266 A county may not impose both of the surcharges authorized under  
267 paragraphs (a) and (b) concurrently. The clerk of court shall  
268 report, no later than 30 days after the end of the quarter, the  
269 amount of funds collected under this subsection during each  
270 quarter of the fiscal year. The clerk shall submit the report,  
271 in a format developed by the Office of State Courts  
272 Administrator, to the chief judge of the circuit, the Governor,  
273 the President of the Senate, and the Speaker of the House of  
274 Representatives.

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275 (14) In addition to any penalties imposed for noncriminal  
276 traffic infractions under this chapter or imposed for criminal  
277 violations listed in s. 318.17, any unit of local government  
278 that is consolidated as provided by s. 9, Art. VIII of the State  
279 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
280 State Constitution of 1968, and that is granted the authority in  
281 the State Constitution to exercise all the powers of a municipal  
282 corporation, and any unit of local government operating under a  
283 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
284 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
285 Art. VIII of the State Constitution of 1968, that is granted the  
286 authority in the State Constitution to exercise all the powers  
287 conferred now or hereafter by general law upon municipalities,  
288 may impose by ordinance a surcharge of up to \$15 for any  
289 infraction or violation. Revenue from the surcharge shall be  
290 transferred to such unit of local government for the purpose of  
291 replacing fine revenue deposited into the clerk's fine and  
292 forfeiture fund under s. 142.01. The court may not waive this  
293 surcharge. Proceeds from the imposition of the surcharge  
294 authorized in this subsection shall not be used for the purpose  
295 of securing payment of the principal and interest on bonds. This  
296 subsection, and any surcharge imposed pursuant to this  
297 subsection, shall stand repealed September 30, 2007.

298 (15) One hundred twenty-five dollars for a violation of s.  
299 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
300 stop at a traffic signal. Sixty dollars shall be distributed as  
301 provided in s. 318.21, and the remaining \$65 shall be remitted  
302 to the Department of Revenue for deposit into the Administrative  
303 Trust Fund of the Department of Health.

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304       (16) In addition to any penalties imposed, a surcharge of  
 305 \$4 must be paid for all criminal offenses listed in s. 318.17  
 306 and for all noncriminal moving traffic violations under chapter  
 307 316. Revenue from the surcharge shall be remitted to the  
 308 Department of Revenue and deposited quarterly into the State  
 309 Agency Law Enforcement Radio System Trust Fund of the Department  
 310 of Management Services for the state agency law enforcement  
 311 radio system, as described in s. 282.1095.

312       Section 14. Effective October 1, 2006, subsection (15) is  
 313 added to section 318.21, Florida Statutes, to read:

314       318.21 Disposition of civil penalties by county  
 315 courts.--All civil penalties received by a county court pursuant  
 316 to the provisions of this chapter shall be distributed and paid  
 317 monthly as follows:

318       (15) Notwithstanding subsections (1) and (2), the proceeds  
 319 from the surcharge imposed under to s. 318.18(16) shall be  
 320 distributed as provided in that subsection.

321       Section 15. Except as otherwise expressly provided in this  
 322 act, this act shall take effect July 1, 2006.

323

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

325       Remove line 104 and insert:

326

327       severability; amending s. 318.18, F.S.; revising penalty  
 328 provisions to provide for certain criminal penalties;  
 329 imposing a surcharge to be paid for specified traffic-  
 330 related criminal offenses and all moving traffic  
 331 violations; providing for distribution of the proceeds of  
 332 the surcharge to be used for the state agency law

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333 enforcement radio system; amending s. 318.21, F.S.;

334 revising distribution provisions to provide for

335 distribution of the surcharge; providing effective dates.

336