

CHAMBER ACTION

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1 The Transportation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the state agency law enforcement radio  
7 system; amending s. 318.18, F.S.; revising penalty  
8 provisions to provide for certain criminal penalties;  
9 imposing a surcharge to be paid for specified traffic-  
10 related criminal offenses and all moving traffic  
11 violations; providing for distribution of the proceeds of  
12 the surcharge to be used for the state agency law  
13 enforcement radio system; amending s. 318.21, F.S.;  
14 revising distribution provisions to provide for  
15 distribution of the surcharge; providing an effective  
16 date.

17  
18 WHEREAS, during the 2004 and 2005 hurricane seasons, the  
19 State of Florida experienced eight catastrophic storms within a  
20 15-month period, and

21 WHEREAS, designed in 1988, the state agency law enforcement  
22 radio system was able to serve law enforcement units of state

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23 agencies and local law enforcement agencies through mutual aid  
24 channels, and

25 WHEREAS, the state recognizes the importance of maintaining  
26 a law enforcement radio system throughout the state to ensure  
27 that first responders and law enforcement officers are able to  
28 communicate, protect, and provide relief, and

29 WHEREAS, the state agency law enforcement radio system  
30 performed as designed and was able to withstand and operate  
31 effectively during all recent hurricanes, and

32 WHEREAS, recent legislative studies and agency reviews  
33 indicate that the radio system should be strengthened to ensure  
34 continued communication and protection by investment in the  
35 infrastructure, and

36 WHEREAS, in 2005, the Joint Task Force on State Agency Law  
37 Enforcement Communications conducted a review of the operations  
38 and identified a number of enhancements to strengthen the system  
39 for future events, and

40 WHEREAS, these permanent enhancements to the statewide  
41 system should be funded by recurring funding sources, and

42 WHEREAS, all Floridians benefit from a law enforcement  
43 radio system that allows constant communication throughout the  
44 state during hurricane seasons, emergencies, and the normal  
45 course of performing their duties, NOW, THEREFORE,

46

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

48

49 Section 1. Section 318.18, Florida Statutes, is amended to  
50 read:

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51           318.18 Amount of ~~civil~~ penalties.--The penalties required  
52 for a noncriminal disposition pursuant to s. 318.14 or a  
53 criminal offense listed in s. 318.17 are as follows:

54           (1) Fifteen dollars for:

55           (a) All infractions of pedestrian regulations.

56           (b) All infractions of s. 316.2065, unless otherwise  
57 specified.

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

61           (2) Thirty dollars for all nonmoving traffic violations  
62 and:

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

64           (b) For all violations of ss. 320.0605, 320.07(1),  
65 322.065, and 322.15(1). Any person who is cited for a violation  
66 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
67 320.07(4).

68           1. If a person who is cited for a violation of s. 320.0605  
69 or s. 320.07 can show proof of having a valid registration at  
70 the time of arrest, the clerk of the court may dismiss the case  
71 and may assess a dismissal fee of up to \$7.50. A person who  
72 finds it impossible or impractical to obtain a valid  
73 registration certificate must submit an affidavit detailing the  
74 reasons for the impossibility or impracticality. The reasons may  
75 include, but are not limited to, the fact that the vehicle was  
76 sold, stolen, or destroyed; that the state in which the vehicle  
77 is registered does not issue a certificate of registration; or  
78 that the vehicle is owned by another person.

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

84 | 3. If a person who is cited for a violation of s. 316.646  
85 | can show proof of security as required by s. 627.733, issued to  
86 | the person and valid at the time of arrest, the clerk of the  
87 | court may dismiss the case and may assess a dismissal fee of up  
88 | to \$7.50. A person who finds it impossible or impractical to  
89 | obtain proof of security must submit an affidavit detailing the  
90 | reasons for the impracticality. The reasons may include, but are  
91 | not limited to, the fact that the vehicle has since been sold,  
92 | stolen, or destroyed; that the owner or registrant of the  
93 | vehicle is not required by s. 627.733 to maintain personal  
94 | injury protection insurance; or that the vehicle is owned by  
95 | another person.

96 | (c) For all violations of ss. 316.2935 and 316.610.  
97 | However, for a violation of s. 316.2935 or s. 316.610, if the  
98 | person committing the violation corrects the defect and obtains  
99 | proof of such timely repair by an affidavit of compliance  
100 | executed by the law enforcement agency within 30 days from the  
101 | date upon which the traffic citation was issued, and pays \$4 to  
102 | the law enforcement agency, thereby completing the affidavit of  
103 | compliance, then upon presentation of said affidavit by the  
104 | defendant to the clerk within the 30-day time period set forth  
105 | under s. 318.14(4), the fine must be reduced to \$7.50, which the  
106 | clerk of the court shall retain.

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

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

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

113

114	For speed exceeding the limit by:.....	Fine:
115	1-5 m.p.h.....	Warning
116	6-9 m.p.h.....	\$ 25
117	10-14 m.p.h.....	\$100
118	15-19 m.p.h.....	\$125
119	20-29 m.p.h.....	\$150
120	30 m.p.h. and above.....	\$250

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

126 (d) A person cited for exceeding the speed limit in a  
127 posted construction zone shall pay a fine double the amount  
128 listed in paragraph (b). The fine shall be doubled for  
129 construction zone violations only if construction personnel are  
130 present or operating equipment on the road or immediately  
131 adjacent to the road under construction.

132 (e) If a violation of s. 316.1301 or s. 316.1303 results  
133 in an injury to the pedestrian or damage to the property of the

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134 pedestrian, an additional fine of up to \$250 shall be paid. This  
135 amount must be distributed pursuant to s. 318.21.

136 (f) A person cited for exceeding the speed limit within a  
137 zone posted for any electronic or manual toll collection  
138 facility shall pay a fine double the amount listed in paragraph  
139 (b). However, no person cited for exceeding the speed limit in  
140 any toll collection zone shall be subject to a doubled fine  
141 unless the governmental entity or authority controlling the toll  
142 collection zone first installs a traffic control device  
143 providing warning that speeding fines are doubled. Any such  
144 traffic control device must meet the requirements of the uniform  
145 system of traffic control devices.

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

149 (5) (a) One hundred dollars for a violation of s.  
150 316.172(1)(a), failure to stop for a school bus. If, at a  
151 hearing, the alleged offender is found to have committed this  
152 offense, the court shall impose a minimum civil penalty of \$100.  
153 In addition to this penalty, for a second or subsequent offense  
154 within a period of 5 years, the department shall suspend the  
155 driver's license of the person for not less than 90 days and not  
156 more than 6 months.

157 (b) Two hundred dollars for a violation of s.  
158 316.172(1)(b), passing a school bus on the side that children  
159 enter and exit when the school bus displays a stop signal. If,  
160 at a hearing, the alleged offender is found to have committed  
161 this offense, the court shall impose a minimum civil penalty of

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162 | \$200. In addition to this penalty, for a second or subsequent  
163 | offense within a period of 5 years, the department shall suspend  
164 | the driver's license of the person for not less than 180 days  
165 | and not more than 1 year.

166 |       (6) One hundred dollars or the fine amount designated by  
167 | county ordinance, plus court costs for illegally parking, under  
168 | s. 316.1955, in a parking space provided for people who have  
169 | disabilities. However, this fine will be waived if a person  
170 | provides to the law enforcement agency that issued the citation  
171 | for such a violation proof that the person committing the  
172 | violation has a valid parking permit or license plate issued  
173 | pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,  
174 | or s. 320.0848 or a signed affidavit that the owner of the  
175 | disabled parking permit or license plate was present at the time  
176 | the violation occurred, and that such a parking permit or  
177 | license plate was valid at the time the violation occurred. The  
178 | law enforcement officer, upon determining that all required  
179 | documentation has been submitted verifying that the required  
180 | parking permit or license plate was valid at the time of the  
181 | violation, must sign an affidavit of compliance. Upon provision  
182 | of the affidavit of compliance and payment of a dismissal fee of  
183 | up to \$7.50 to the clerk of the circuit court, the clerk shall  
184 | dismiss the citation.

185 |       (7) One hundred dollars for a violation of s. 316.1001.  
186 | However, a person may elect to pay \$30 to the clerk of the  
187 | court, in which case adjudication is withheld, and no points are  
188 | assessed under s. 322.27. Upon receipt of the fine, the clerk of  
189 | the court must retain \$5 for administrative purposes and must

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190 forward the \$25 to the governmental entity that issued the  
191 citation. Any funds received by a governmental entity for this  
192 violation may be used for any lawful purpose related to the  
193 operation or maintenance of a toll facility.

194 (8) (a) Any person who fails to comply with the court's  
195 requirements or who fails to pay the civil penalties specified  
196 in this section within the 30-day period provided for in s.  
197 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
198 which must be remitted to the Department of Revenue for deposit  
199 in the General Revenue Fund, and \$9.50 of which must be remitted  
200 to the Department of Revenue for deposit in the Highway Safety  
201 Operating Trust Fund. The department shall contract with the  
202 Florida Association of Court Clerks, Inc., to design, establish,  
203 operate, upgrade, and maintain an automated statewide Uniform  
204 Traffic Citation Accounting System to be operated by the clerks  
205 of the court which shall include, but not be limited to, the  
206 accounting for traffic infractions by type, a record of the  
207 disposition of the citations, and an accounting system for the  
208 fines assessed and the subsequent fine amounts paid to the  
209 clerks of the court. On or before December 1, 2001, the clerks  
210 of the court must provide the information required by this  
211 chapter to be transmitted to the department by electronic  
212 transmission pursuant to the contract.

213 (b) Any person who fails to comply with the court's  
214 requirements as to civil penalties specified in this section due  
215 to demonstrable financial hardship shall be authorized to  
216 satisfy such civil penalties by public works or community  
217 service. Each hour of such service shall be applied, at the rate



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218 | of the minimum wage, toward payment of the person's civil  
 219 | penalties; provided, however, that if the person has a trade or  
 220 | profession for which there is a community service need and  
 221 | application, the rate for each hour of such service shall be the  
 222 | average standard wage for such trade or profession. Any person  
 223 | who fails to comply with the court's requirements as to such  
 224 | civil penalties who does not demonstrate financial hardship may  
 225 | also, at the discretion of the court, be authorized to satisfy  
 226 | such civil penalties by public works or community service in the  
 227 | same manner.

228 |       (c) If the noncriminal infraction has caused or resulted  
 229 | in the death of another, the person who committed the infraction  
 230 | may perform 120 community service hours under s. 316.027(4), in  
 231 | addition to any other penalties.

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

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

234 |       (11)(a) In addition to the stated fine, court costs must  
 235 | be paid in the following amounts and shall be deposited by the  
 236 | clerk into the fine and forfeiture fund established pursuant to  
 237 | s. 142.01:

238 |

239         For pedestrian infractions.....	\$ 3.
240         For nonmoving traffic infractions.....	\$ 16.
241         For moving traffic infractions.....	\$ 30.

242 |       (b) In addition to the court cost required under paragraph  
 243 | (a), up to \$3 for each infraction shall be collected and  
 244 | distributed by the clerk in those counties that have been  
 245 | authorized to establish a criminal justice selection center or a

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246 criminal justice access and assessment center pursuant to the  
247 following special acts of the Legislature:

- 248 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 249 2. Chapter 89-521, Laws of Florida, for Bay County.
- 250 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 251 4. Chapter 97-333, Laws of Florida, for Pinellas County.

252

253 Funds collected by the clerk pursuant to this paragraph shall be  
254 distributed to the centers authorized by those special acts.

255 (c) In addition to the court cost required under paragraph  
256 (a), a \$2.50 court cost must be paid for each infraction to be  
257 distributed by the clerk to the county to help pay for criminal  
258 justice education and training programs pursuant to s. 938.15.  
259 Funds from the distribution to the county not directed by the  
260 county to fund these centers or programs shall be retained by  
261 the clerk and used for funding the court-related services of the  
262 clerk.

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

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

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274 (13) In addition to any penalties imposed for noncriminal  
275 traffic infractions pursuant to this chapter or imposed for  
276 criminal violations listed in s. 318.17, a board of county  
277 commissioners or any unit of local government which is  
278 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 Constitution of 1968:

281 (a) May impose by ordinance a surcharge of up to \$15 for  
282 any infraction or violation to fund state court facilities. The  
283 court shall not waive this surcharge. Up to 25 percent of the  
284 revenue from such surcharge may be used to support local law  
285 libraries provided that the county or unit of local government  
286 provides a level of service equal to that provided prior to July  
287 1, 2004, which shall include the continuation of library  
288 facilities located in or near the county courthouse or annexes.

289 (b) That imposed increased fees or service charges by  
290 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
291 purpose of securing payment of the principal and interest on  
292 bonds issued by the county before July 1, 2003, to finance state  
293 court facilities, may impose by ordinance a surcharge for any  
294 infraction or violation for the exclusive purpose of securing  
295 payment of the principal and interest on bonds issued by the  
296 county before July 1, 2003, to fund state court facilities until  
297 the date of stated maturity. The court shall not waive this  
298 surcharge. Such surcharge may not exceed an amount per violation  
299 calculated as the quotient of the maximum annual payment of the  
300 principal and interest on the bonds as of July 1, 2003, divided  
301 by the number of traffic citations for county fiscal year 2002-

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302 2003 certified as paid by the clerk of the court of the county.  
 303 Such quotient shall be rounded up to the next highest dollar  
 304 amount. The bonds may be refunded only if savings will be  
 305 realized on payments of debt service and the refunding bonds are  
 306 scheduled to mature on the same date or before the bonds being  
 307 refunded.

308  
 309 A county may not impose both of the surcharges authorized under  
 310 paragraphs (a) and (b) concurrently. The clerk of court shall  
 311 report, no later than 30 days after the end of the quarter, the  
 312 amount of funds collected under this subsection during each  
 313 quarter of the fiscal year. The clerk shall submit the report,  
 314 in a format developed by the Office of State Courts  
 315 Administrator, to the chief judge of the circuit, the Governor,  
 316 the President of the Senate, and the Speaker of the House of  
 317 Representatives.

318 (14) In addition to any penalties imposed for noncriminal  
 319 traffic infractions under this chapter or imposed for criminal  
 320 violations listed in s. 318.17, any unit of local government  
 321 that is consolidated as provided by s. 9, Art. VIII of the State  
 322 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 323 State Constitution of 1968, and that is granted the authority in  
 324 the State Constitution to exercise all the powers of a municipal  
 325 corporation, and any unit of local government operating under a  
 326 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
 327 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
 328 Art. VIII of the State Constitution of 1968, that is granted the  
 329 authority in the State Constitution to exercise all the powers

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330 conferred now or hereafter by general law upon municipalities,  
331 may impose by ordinance a surcharge of up to \$15 for any  
332 infraction or violation. Revenue from the surcharge shall be  
333 transferred to such unit of local government for the purpose of  
334 replacing fine revenue deposited into the clerk's fine and  
335 forfeiture fund under s. 142.01. The court may not waive this  
336 surcharge. Proceeds from the imposition of the surcharge  
337 authorized in this subsection shall not be used for the purpose  
338 of securing payment of the principal and interest on bonds. This  
339 subsection, and any surcharge imposed pursuant to this  
340 subsection, shall stand repealed September 30, 2007.

341 (15) One hundred twenty-five dollars for a violation of s.  
342 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
343 stop at a traffic signal. Sixty dollars shall be distributed as  
344 provided in s. 318.21, and the remaining \$65 shall be remitted  
345 to the Department of Revenue for deposit into the Administrative  
346 Trust Fund of the Department of Health.

347 (16) In addition to any penalties imposed, a surcharge of  
348 \$4 must be paid for all criminal offenses listed in s. 318.17  
349 and for all noncriminal moving traffic violations under chapter  
350 316. Revenue from the surcharge shall be remitted to the  
351 Department of Revenue and deposited quarterly into the State  
352 Agency Law Enforcement Radio System Trust Fund of the Department  
353 of Management Services for the state agency law enforcement  
354 radio system, as described in s. 282.1095.

355 Section 2. Subsection (15) is added to section 318.21,  
356 Florida Statutes, to read:

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357           318.21 Disposition of civil penalties by county  
358 courts.--All civil penalties received by a county court pursuant  
359 to the provisions of this chapter shall be distributed and paid  
360 monthly as follows:

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

364           Section 3. This act shall take effect October 1, 2006.