

Bill No. CS for CS for CS for SB 2804

Barcode 244448

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development  
Appropriations (Diaz de la Portilla) recommended the following  
amendment:

**Senate Amendment (with title amendment)**

On page 7, between lines 3 and 4,

and insert:

Section 2. Section 318.18, Florida Statutes, is  
amended to read:

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

- (1) Fifteen dollars for:
  - (a) All infractions of pedestrian regulations.
  - (b) All infractions of s. 316.2065, unless otherwise specified.
  - (c) Other violations of chapter 316 by persons 14 years of age or under who are operating bicycles, regardless of the noncriminal traffic infraction's classification.

(2) Thirty dollars for all nonmoving traffic

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1 | violations and:

2 |       (a) For all violations of s. 322.19.

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

7 |           1. If a person who is cited for a violation of s.  
8 | 320.0605 or s. 320.07 can show proof of having a valid  
9 | registration at the time of arrest, the clerk of the court may  
10 | dismiss the case and may assess a dismissal fee of up to  
11 | \$7.50. A person who finds it impossible or impractical to  
12 | obtain a valid registration certificate must submit an  
13 | affidavit detailing the reasons for the impossibility or  
14 | impracticality. The reasons may include, but are not limited  
15 | to, the fact that the vehicle was sold, stolen, or destroyed;  
16 | that the state in which the vehicle is registered does not  
17 | issue a certificate of registration; or that the vehicle is  
18 | owned by another person.

19 |           2. If a person who is cited for a violation of s.  
20 | 322.03, s. 322.065, or s. 322.15 can show a driver's license  
21 | issued to him or her and valid at the time of arrest, the  
22 | clerk of the court may dismiss the case and may assess a  
23 | dismissal fee of up to \$7.50.

24 |           3. If a person who is cited for a violation of s.  
25 | 316.646 can show proof of security as required by s. 627.733,  
26 | issued to the person and valid at the time of arrest, the  
27 | clerk of the court may dismiss the case and may assess a  
28 | dismissal fee of up to \$7.50. A person who finds it impossible  
29 | or impractical to obtain proof of security must submit an  
30 | affidavit detailing the reasons for the impracticality. The  
31 | reasons may include, but are not limited to, the fact that the

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1 vehicle has since been sold, stolen, or destroyed; that the  
2 owner or registrant of the vehicle is not required by s.  
3 627.733 to maintain personal injury protection insurance; or  
4 that the vehicle is owned by another person.

5 (c) For all violations of ss. 316.2935 and 316.610.  
6 However, for a violation of s. 316.2935 or s. 316.610, if the  
7 person committing the violation corrects the defect and  
8 obtains proof of such timely repair by an affidavit of  
9 compliance executed by the law enforcement agency within 30  
10 days from the date upon which the traffic citation was issued,  
11 and pays \$4 to the law enforcement agency, thereby completing  
12 the affidavit of compliance, then upon presentation of said  
13 affidavit by the defendant to the clerk within the 30-day time  
14 period set forth under s. 318.14(4), the fine must be reduced  
15 to \$7.50, which the clerk of the court shall retain.

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

18 (3)(a) Except as otherwise provided in this section,  
19 \$60 for all moving violations not requiring a mandatory  
20 appearance.

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

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

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

6 (d) A person cited for exceeding the speed limit in a  
7 posted construction zone, which posting must include  
8 notification of the speed limit and the doubling of fines,  
9 shall pay a fine double the amount listed in paragraph (b).  
10 The fine shall be doubled for construction zone violations  
11 only if construction personnel are present or operating  
12 equipment on the road or immediately adjacent to the road  
13 under construction.

14 (e) A person cited for exceeding the speed limit in an  
15 enhanced penalty zone shall pay a fine amount of \$50 plus the  
16 amount listed in paragraph (b). Notwithstanding paragraph (b),  
17 a person cited for exceeding the speed limit by up to 5 m.p.h.  
18 in a legally posted enhanced penalty zone shall pay a fine  
19 amount of \$50.

20 (f) If a violation of s. 316.1301 or s. 316.1303  
21 results in an injury to the pedestrian or damage to the  
22 property of the pedestrian, an additional fine of up to \$250  
23 shall be paid. This amount must be distributed pursuant to s.  
24 318.21.

25 (g) A person cited for exceeding the speed limit  
26 within a zone posted for any electronic or manual toll  
27 collection facility shall pay a fine double the amount listed  
28 in paragraph (b). However, no person cited for exceeding the  
29 speed limit in any toll collection zone shall be subject to a  
30 doubled fine unless the governmental entity or authority  
31 controlling the toll collection zone first installs a traffic

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1 control device providing warning that speeding fines are  
2 doubled. Any such traffic control device must meet the  
3 requirements of the uniform system of traffic control devices.

4 (h) A person cited for a second or subsequent  
5 conviction of speed exceeding the limit by 30 miles per hour  
6 and above within a 12-month period shall pay a fine that is  
7 double the amount listed in paragraph (b). For purposes of  
8 this paragraph, the term "conviction" means a finding of guilt  
9 as a result of a jury verdict, nonjury trial, or entry of a  
10 plea of guilty. Moneys received from the increased fine  
11 imposed by this paragraph shall be remitted to the Department  
12 of Revenue and deposited into the Department of Health  
13 Administrative Trust Fund to provide financial support to  
14 certified trauma centers to assure the availability and  
15 accessibility of trauma services throughout the state. Funds  
16 deposited into the Administrative Trust Fund under this  
17 section shall be allocated as follows:

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

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

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

28 (5)(a) One hundred dollars for a violation of s.  
29 316.172(1)(a), failure to stop for a school bus. If, at a  
30 hearing, the alleged offender is found to have committed this  
31 offense, the court shall impose a minimum civil penalty of

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1 \$100. In addition to this penalty, for a second or subsequent  
2 offense within a period of 5 years, the department shall  
3 suspend the driver's license of the person for not less than  
4 90 days and not more than 6 months.

5 (b) Two hundred dollars for a violation of s.  
6 316.172(1)(b), passing a school bus on the side that children  
7 enter and exit when the school bus displays a stop signal. If,  
8 at a hearing, the alleged offender is found to have committed  
9 this offense, the court shall impose a minimum civil penalty  
10 of \$200. In addition to this penalty, for a second or  
11 subsequent offense within a period of 5 years, the department  
12 shall suspend the driver's license of the person for not less  
13 than 180 days and not more than 1 year.

14 (6) One hundred dollars or the fine amount designated  
15 by county ordinance, plus court costs for illegally parking,  
16 under s. 316.1955, in a parking space provided for people who  
17 have disabilities. However, this fine will be waived if a  
18 person provides to the law enforcement agency that issued the  
19 citation for such a violation proof that the person committing  
20 the violation has a valid parking permit or license plate  
21 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.  
22 320.0845, or s. 320.0848 or a signed affidavit that the owner  
23 of the disabled parking permit or license plate was present at  
24 the time the violation occurred, and that such a parking  
25 permit or license plate was valid at the time the violation  
26 occurred. The law enforcement officer, upon determining that  
27 all required documentation has been submitted verifying that  
28 the required parking permit or license plate was valid at the  
29 time of the violation, must sign an affidavit of compliance.  
30 Upon provision of the affidavit of compliance and payment of a  
31 dismissal fee of up to \$7.50 to the clerk of the circuit

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1 court, the clerk shall dismiss the citation.

2 (7) One hundred dollars for a violation of s.  
3 316.1001. However, a person may elect to pay \$30 to the clerk  
4 of the court, in which case adjudication is withheld, and no  
5 points are assessed under s. 322.27. Upon receipt of the fine,  
6 the clerk of the court must retain \$5 for administrative  
7 purposes and must forward the \$25 to the governmental entity  
8 that issued the citation. Any funds received by a governmental  
9 entity for this violation may be used for any lawful purpose  
10 related to the operation or maintenance of a toll facility.

11 (8)(a) Any person who fails to comply with the court's  
12 requirements or who fails to pay the civil penalties specified  
13 in this section within the 30-day period provided for in s.  
14 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
15 which must be remitted to the Department of Revenue for  
16 deposit in the General Revenue Fund, and \$9.50 of which must  
17 be remitted to the Department of Revenue for deposit in the  
18 Highway Safety Operating Trust Fund. The department shall  
19 contract with the Florida Association of Court Clerks, Inc.,  
20 to design, establish, operate, upgrade, and maintain an  
21 automated statewide Uniform Traffic Citation Accounting System  
22 to be operated by the clerks of the court which shall include,  
23 but not be limited to, the accounting for traffic infractions  
24 by type, a record of the disposition of the citations, and an  
25 accounting system for the fines assessed and the subsequent  
26 fine amounts paid to the clerks of the court. On or before  
27 December 1, 2001, the clerks of the court must provide the  
28 information required by this chapter to be transmitted to the  
29 department by electronic transmission pursuant to the  
30 contract.

31 (b) Any person who fails to comply with the court's

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1 requirements as to civil penalties specified in this section  
 2 due to demonstrable financial hardship shall be authorized to  
 3 satisfy such civil penalties by public works or community  
 4 service. Each hour of such service shall be applied, at the  
 5 rate of the minimum wage, toward payment of the person's civil  
 6 penalties; provided, however, that if the person has a trade  
 7 or profession for which there is a community service need and  
 8 application, the rate for each hour of such service shall be  
 9 the average standard wage for such trade or profession. Any  
 10 person who fails to comply with the court's requirements as to  
 11 such civil penalties who does not demonstrate financial  
 12 hardship may also, at the discretion of the court, be  
 13 authorized to satisfy such civil penalties by public works or  
 14 community service in the same manner.

15 (c) If the noncriminal infraction has caused or  
 16 resulted in the death of another, the person who committed the  
 17 infraction may perform 120 community service hours under s.  
 18 316.027(4), in addition to any other penalties.

19 (9) One hundred dollars for a violation of s.  
 20 316.1575.

21 (10) Twenty-five dollars for a violation of s.  
 22 316.2074.

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

- 27
- 28 For pedestrian infractions.....\$ 3.
- 29 For nonmoving traffic infractions.....\$ 16.
- 30 For moving traffic infractions.....\$ 30.

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

- 7 1. Chapter 87-423, Laws of Florida, for Brevard  
 8 County.
- 9 2. Chapter 89-521, Laws of Florida, for Bay County.
- 10 3. Chapter 94-444, Laws of Florida, for Alachua  
 11 County.
- 12 4. Chapter 97-333, Laws of Florida, for Pinellas  
 13 County.

14  
 15 Funds collected by the clerk pursuant to this paragraph shall  
 16 be distributed to the centers authorized by those special  
 17 acts.

18 (c) In addition to the court cost required under  
 19 paragraph (a), a \$2.50 court cost must be paid for each  
 20 infraction to be distributed by the clerk to the county to  
 21 help pay for criminal justice education and training programs  
 22 pursuant to s. 938.15. Funds from the distribution to the  
 23 county not directed by the county to fund these centers or  
 24 programs shall be retained by the clerk and used for funding  
 25 the court-related services of the clerk.

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

31 (12) Two hundred dollars for a violation of s.

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1 316.520(1) or (2). If, at a hearing, the alleged offender is  
 2 found to have committed this offense, the court shall impose a  
 3 minimum civil penalty of \$200. For a second or subsequent  
 4 adjudication within a period of 5 years, the department shall  
 5 suspend the driver's license of the person for not less than 1  
 6 year and not more than 2 years.

7 (13) In addition to any penalties imposed for  
 8 noncriminal traffic infractions pursuant to this chapter or  
 9 imposed for criminal violations listed in s. 318.17, a board  
 10 of county commissioners or any unit of local government which  
 11 is consolidated as provided by s. 9, Art. VIII of the State  
 12 Constitution of 1885, as preserved by s. 6(e), Art. VIII of  
 13 the Constitution of 1968:

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

23 (b) That imposed increased fees or service charges by  
 24 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
 25 purpose of securing payment of the principal and interest on  
 26 bonds issued by the county before July 1, 2003, to finance  
 27 state court facilities, may impose by ordinance a surcharge  
 28 for any infraction or violation for the exclusive purpose of  
 29 securing payment of the principal and interest on bonds issued  
 30 by the county before July 1, 2003, to fund state court  
 31 facilities until the date of stated maturity. The court shall

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1 not waive this surcharge. Such surcharge may not exceed an  
 2 amount per violation calculated as the quotient of the maximum  
 3 annual payment of the principal and interest on the bonds as  
 4 of July 1, 2003, divided by the number of traffic citations  
 5 for county fiscal year 2002-2003 certified as paid by the  
 6 clerk of the court of the county. Such quotient shall be  
 7 rounded up to the next highest dollar amount. The bonds may be  
 8 refunded only if savings will be realized on payments of debt  
 9 service and the refunding bonds are scheduled to mature on the  
 10 same date or before the bonds being refunded.

11

12 A county may not impose both of the surcharges authorized  
 13 under paragraphs (a) and (b) concurrently. The clerk of court  
 14 shall report, no later than 30 days after the end of the  
 15 quarter, the amount of funds collected under this subsection  
 16 during each quarter of the fiscal year. The clerk shall submit  
 17 the report, in a format developed by the Office of State  
 18 Courts Administrator, to the chief judge of the circuit, the  
 19 Governor, the President of the Senate, and the Speaker of the  
 20 House of Representatives.

21 (14) In addition to any penalties imposed for  
 22 noncriminal traffic infractions under this chapter or imposed  
 23 for criminal violations listed in s. 318.17, any unit of local  
 24 government that is consolidated as provided by s. 9, Art. VIII  
 25 of the State Constitution of 1885, as preserved by s. 6(e),  
 26 Art. VIII of the State Constitution of 1968, and that is  
 27 granted the authority in the State Constitution to exercise  
 28 all the powers of a municipal corporation, and any unit of  
 29 local government operating under a home rule charter adopted  
 30 pursuant to ss. 10, 11, and 24, Art. VIII of the State  
 31 Constitution of 1885, as preserved by s. 6(e), Art. VIII of

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1 the State Constitution of 1968, that is granted the authority  
 2 in the State Constitution to exercise all the powers conferred  
 3 now or hereafter by general law upon municipalities, may  
 4 impose by ordinance a surcharge of up to \$15 for any  
 5 infraction or violation. Revenue from the surcharge shall be  
 6 transferred to such unit of local government for the purpose  
 7 of replacing fine revenue deposited into the clerk's fine and  
 8 forfeiture fund under s. 142.01. The court may not waive this  
 9 surcharge. Proceeds from the imposition of the surcharge  
 10 authorized in this subsection shall not be used for the  
 11 purpose of securing payment of the principal and interest on  
 12 bonds. This subsection, and any surcharge imposed pursuant to  
 13 this subsection, shall stand repealed September 30, 2007.

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

21 (16) One hundred dollars for a violation of s.  
 22 316.622(3) or (4), for a vehicle that fails to display a  
 23 sticker authorizing it to transport migrant or seasonal farm  
 24 workers or fails to display standardized notification  
 25 instructions requiring passengers to fasten their seat belts.  
 26 Two hundred dollars for a violation of s. 316.622(1) or (2),  
 27 for operating a farm labor vehicle that fails to conform to  
 28 vehicle safety standards or lacks seat belt assemblies at each  
 29 passenger position.

30 (17) In addition to any penalties imposed, a surcharge  
 31 of \$3 must be paid for all criminal offenses listed in s.

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1 318.17 and for all noncriminal moving traffic violations under  
 2 chapter 316. Revenue from the surcharge shall be remitted to  
 3 the Department of Revenue and deposited quarterly into the  
 4 State Agency Law Enforcement Radio System Trust Fund of the  
 5 Department of Management Services for the state agency law  
 6 enforcement radio system, as described in s. 282.1095. This  
 7 subsection expires July 1, 2012.

8 Section 3. Subsection (17) is added to section 318.21,  
 9 Florida Statutes, to read:

10 318.21 Disposition of civil penalties by county  
 11 courts.--All civil penalties received by a county court  
 12 pursuant to the provisions of this chapter shall be  
 13 distributed and paid monthly as follows:

14 (17) Notwithstanding subsections (1) and (2), the  
 15 proceeds from the surcharge imposed under s. 318.18(17) shall  
 16 be distributed as provided in that subsection. This subsection  
 17 expires July 1, 2012.

18  
 19 (Redesignate subsequent sections.)

20  
 21  
 22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 1, line 9, after the semicolon,

25  
 26 insert:

27 amending s. 318.18, F.S.; revising penalties  
 28 for failure to pay a prescribed toll; providing  
 29 for disposition of amounts received by the  
 30 clerk of court; removing procedures for  
 31 withholding of adjudication; providing for

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1 suspension of a driver's license under certain  
2 circumstances; revising penalty provisions to  
3 provide for certain criminal penalties;  
4 imposing a surcharge to be paid for specified  
5 traffic-related criminal offenses and all  
6 moving traffic violations; providing for  
7 distribution of the proceeds of the surcharge  
8 to be used for the state agency law enforcement  
9 radio system; providing for future expiration;  
10 amending s. 318.21, F.S.; revising distribution  
11 provisions to provide for distribution of the  
12 surcharge; providing for future expiration;

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