

1 A bill to be entitled
 2 An act relating to community service for infractions of
 3 noncriminal traffic offenses; amending s. 318.18, F.S.;
 4 requiring a court to allow a person to satisfy a civil
 5 penalty for an infraction of a noncriminal traffic offense
 6 by participating in community service if the person is
 7 unable to pay the civil penalty due to a demonstrable
 8 financial hardship; authorizing a court to allow a person
 9 to participate in community service even if the person
 10 does not demonstrate financial hardship; requiring that a
 11 person participating in community service receive credit
 12 for the civil penalty at the specified hourly credit rate
 13 per hour of community service performed or at the
 14 prevailing wage rate for a trade or profession; defining
 15 the term "specified hourly credit rate"; providing
 16 responsibilities for community service agencies; defining
 17 the terms "community service" and "community service
 18 agency"; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Paragraph (b) of subsection (8) of section
 23 318.18, Florida Statutes, is amended to read:

24 318.18 Amount of penalties.--The penalties required for a
 25 noncriminal disposition pursuant to s. 318.14 or a criminal
 26 offense listed in s. 318.17 are as follows:

27 (8)

28 (b)1.a. If a person has been ordered to pay a civil
29 penalty for a noncriminal traffic infraction and the person is
30 unable to comply with the court's order due to demonstrable
31 financial hardship, the court shall allow the person to satisfy
32 the civil penalty by participating in community service until
33 the civil penalty is paid.

34 b. If a person has been ordered to pay a civil penalty for
35 a noncriminal traffic infraction but cannot demonstrate
36 financial hardship, a person may also, at the discretion of the
37 court, be authorized to satisfy the civil penalty by
38 participating in community service until the civil penalty is
39 paid.

40 c. If a court orders a person to perform community
41 service, the person shall receive credit for the civil penalty
42 at the specified hourly credit rate per hour of community
43 service performed, and each hour of community service performed
44 shall reduce the civil penalty by that amount.

45 2.a. As used in this paragraph, the term "specified hourly
46 credit rate" means the wage rate that is specified in 29 U.S.C.
47 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
48 that is then in effect, and that an employer subject to such
49 provision must pay per hour to each employee subject to such
50 provision.

51 b. However, if a person ordered to perform community
52 service has a trade or profession for which there is a community
53 service need, the specified hourly credit rate for each hour of
54 community service performed by that person shall be the average

55 prevailing wage rate for the trade or profession that the
56 community service agency needs.

57 3.a. The community service agency supervising the person
58 shall record the number of hours of community service completed
59 and the date the community service hours were completed. The
60 community service agency shall submit the data to the clerk of
61 court on the letterhead of the community service agency, which
62 must also bear the signature of the person designated to
63 represent the community service agency.

64 b. When the number of community service hours completed by
65 the person equals the amount of the civil penalty, the clerk of
66 court shall certify this fact to the court. Thereafter, the
67 clerk of court shall record in the case file that the civil
68 penalty has been paid in full.

69 4. Notwithstanding any other law, a person's driver's
70 license may not be suspended for failing to pay the civil
71 penalty without a finding that the person has the ability to pay
72 the civil penalty.

73 5. As used in this paragraph, the term:

74 a. "Community service" means uncompensated labor for a
75 community service agency.

76 b. "Community service agency" means a not-for-profit
77 corporation, community organization, charitable organization,
78 public officer, the state or any political subdivision of the
79 state, or any other body the purpose of which is to improve the
80 quality of life or social welfare of the community and which
81 agrees to accept community service from persons unable to pay
82 civil penalties for noncriminal traffic infractions.

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83 ~~(b) Any person who fails to comply with the court's~~
84 ~~requirements as to civil penalties specified in this section due~~
85 ~~to demonstrable financial hardship shall be authorized to~~
86 ~~satisfy such civil penalties by public works or community~~
87 ~~service. Each hour of such service shall be applied, at the rate~~
88 ~~of the minimum wage, toward payment of the person's civil~~
89 ~~penalties; provided, however, that if the person has a trade or~~
90 ~~profession for which there is a community service need and~~
91 ~~application, the rate for each hour of such service shall be the~~
92 ~~average standard wage for such trade or profession. Any person~~
93 ~~who fails to comply with the court's requirements as to such~~
94 ~~civil penalties who does not demonstrate financial hardship may~~
95 ~~also, at the discretion of the court, be authorized to satisfy~~
96 ~~such civil penalties by public works or community service in the~~
97 ~~same manner.~~

98 Section 2. This act shall take effect July 1, 2008.