

ENROLLED

CS/HB 1509, Engrossed 2

2008 Legislature

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; requiring that a person participating
 9 in community service receive credit for the civil penalty
 10 at the specified hourly credit rate per hour of community
 11 service performed or at the prevailing wage rate for a
 12 trade or profession; defining the term "specified hourly
 13 credit rate"; providing responsibilities for community
 14 service agencies; defining the terms "community service"
 15 and "community service agency"; providing an effective
 16 date.

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

19
 20 Section 1. Paragraph (b) of subsection (8) of section
 21 318.18, Florida Statutes, is amended to read:

22 318.18 Amount of penalties.--The penalties required for a
 23 noncriminal disposition pursuant to s. 318.14 or a criminal
 24 offense listed in s. 318.17 are as follows:

25 (8)

26 (b)1.a. If a person has been ordered to pay a civil
 27 penalty for a noncriminal traffic infraction and the person is
 28 unable to comply with the court's order due to demonstrable

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29 financial hardship, the court shall allow the person to satisfy
 30 the civil penalty by participating in community service until
 31 the civil penalty is paid.

32 b. If a court orders a person to perform community
 33 service, the person shall receive credit for the civil penalty
 34 at the specified hourly credit rate per hour of community
 35 service performed, and each hour of community service performed
 36 shall reduce the civil penalty by that amount.

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

43 b. However, if a person ordered to perform community
 44 service has a trade or profession for which there is a community
 45 service need, the specified hourly credit rate for each hour of
 46 community service performed by that person shall be the average
 47 prevailing wage rate for the trade or profession that the
 48 community service agency needs.

49 3.a. The community service agency supervising the person
 50 shall record the number of hours of community service completed
 51 and the date the community service hours were completed. The
 52 community service agency shall submit the data to the clerk of
 53 court on the letterhead of the community service agency, which
 54 must also bear the signature of the person designated to
 55 represent the community service agency.

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56 b. When the number of community service hours completed by
57 the person equals the amount of the civil penalty, the clerk of
58 court shall certify this fact to the court. Thereafter, the
59 clerk of court shall record in the case file that the civil
60 penalty has been paid in full.

61 4. As used in this paragraph, the term:

62 a. "Community service" means uncompensated labor for a
63 community service agency.

64 b. "Community service agency" means a not-for-profit
65 corporation, community organization, charitable organization,
66 public officer, the state or any political subdivision of the
67 state, or any other body the purpose of which is to improve the
68 quality of life or social welfare of the community and which
69 agrees to accept community service from persons unable to pay
70 civil penalties for noncriminal traffic infractions.

71 ~~(b) Any person who fails to comply with the court's~~
72 ~~requirements as to civil penalties specified in this section due~~
73 ~~to demonstrable financial hardship shall be authorized to~~
74 ~~satisfy such civil penalties by public works or community~~
75 ~~service. Each hour of such service shall be applied, at the rate~~
76 ~~of the minimum wage, toward payment of the person's civil~~
77 ~~penalties; provided, however, that if the person has a trade or~~
78 ~~profession for which there is a community service need and~~
79 ~~application, the rate for each hour of such service shall be the~~
80 ~~average standard wage for such trade or profession. Any person~~
81 ~~who fails to comply with the court's requirements as to such~~
82 ~~civil penalties who does not demonstrate financial hardship may~~
83 ~~also, at the discretion of the court, be authorized to satisfy~~

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84 ~~such civil penalties by public works or community service in the~~
85 ~~same manner.~~

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