

1 A bill to be entitled
 2 An act relating to community service for infractions of
 3 noncriminal traffic offenses; creating s. 318.185, 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; providing that a
 11 person participating in community service shall receive
 12 credit for the civil penalty at the specified hourly
 13 credit rate per hour of community service performed or at
 14 the prevailing wage rate for a trade or profession;
 15 defining the term "specified hourly credit rate";
 16 providing responsibilities for community service agencies;
 17 prohibiting the imprisonment of a person who defaults on
 18 the payment of a civil penalty because the person does not
 19 have the ability to pay the civil penalty; defining the
 20 terms "community service" and "community service agency";
 21 providing an effective date.

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

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 25 Section 1. Section 318.185, Florida Statutes, is created
 26 to read:

27 318.185 Civil penalties for noncriminal traffic
 28 infractions; inability to pay; community service.--

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

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

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

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

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

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

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

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

70 (4) A person ordered to pay a civil penalty for a
71 noncriminal traffic infraction may not be imprisoned for
72 defaulting on payment of the civil penalty if the person does
73 not have the ability to pay the civil penalty. Furthermore,
74 notwithstanding any other law, a person's driver's license may
75 not be suspended for failing to pay the civil penalty without a
76 finding that the person has the ability to pay the civil
77 penalty.

78 (5) As used in this section, the term:

79 (a) "Community service" means uncompensated labor for a
80 community service agency.

81 (b) "Community service agency" means a not-for-profit
82 corporation, community organization, charitable organization,
83 public officer, the state or any political subdivision of the

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84 state, or any other body the purpose of which is to improve the
85 quality of life or social welfare of the community and which
86 agrees to accept community service from persons unable to pay
87 civil penalties for noncriminal traffic infractions.

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