



632128

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 2/WD	.	
4/1/2008	.	
	.	
	.	

---

1 The Committee on Transportation (Baker) recommended the following  
 2 **amendment to amendment (514012):**

**Senate Amendment (with title amendment)**

Delete line(s) 33-55

and insert:

Section 3. Subsection (5) of section 318.14, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

318.14 Noncriminal traffic infractions; exception; procedures.--

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his or her right to the civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil

Bill No. SB 802



632128

18 penalty not to exceed \$500, except that in cases involving  
19 unlawful speed in a school zone or involving unlawful speed in a  
20 construction zone, the civil penalty may not exceed \$1,000; or  
21 require attendance at a driver improvement school, or both. ~~If~~  
22 ~~the person is required to appear before the designated official~~  
23 ~~pursuant to s. 318.19(1) and is found to have committed the~~  
24 ~~infraction, the designated official shall impose a civil penalty~~  
25 ~~of \$1,000 in addition to any other penalties and the person's~~  
26 ~~driver's license shall be suspended for 6 months. If the person~~  
27 ~~is required to appear before the designated official pursuant to~~  
28 ~~s. 318.19(2) and is found to have committed the infraction, the~~  
29 ~~designated official shall impose a civil penalty of \$500 in~~  
30 ~~addition to any other penalties and the person's driver's license~~  
31 ~~shall be suspended for 3 months. If the official determines that~~  
32 ~~no infraction has been committed, no costs or penalties shall be~~  
33 ~~imposed and any costs or penalties that have been paid shall be~~  
34 ~~returned. Moneys received from the mandatory civil penalties~~  
35 ~~imposed pursuant to this subsection upon persons required to~~  
36 ~~appear before a designated official pursuant to s. 318.19(1) or~~  
37 ~~(2) shall be remitted to the Department of Revenue and deposited~~  
38 ~~into the Department of Health Administrative Trust Fund to~~  
39 ~~provide financial support to certified trauma centers to assure~~  
40 ~~the availability and accessibility of trauma services throughout~~  
41 ~~the state. Funds deposited into the Administrative Trust Fund~~  
42 ~~under this section shall be allocated as follows:~~

43       ~~(a) Fifty percent shall be allocated equally among all~~  
44 ~~Level I, Level II, and pediatric trauma centers in recognition of~~  
45 ~~readiness costs for maintaining trauma services.~~

46       ~~(b) Fifty percent shall be allocated among Level I, Level~~  
47 ~~II, and pediatric trauma centers based on each center's relative~~



632128

48 ~~volume of trauma cases as reported in the Department of Health~~  
49 ~~Trauma Registry.~~

50 (13) (a) A person cited for a violation of s. 316.1926  
51 shall, in addition to any other requirements in this section, pay  
52 a fine of \$1,000. This fine is in lieu of the fine required under  
53 318.18(3) (b) if the person is cited for violation of 316.1926(2).

54 (b) A person cited for a second violation of 316.1926  
55 shall, in addition to any other requirements provided in this  
56 section, pay a fine of \$2,500. This fine is in lieu of the fine  
57 required under s. 318.18(3) (b) if the person is cited for a  
58 violation of s. 316.1926(2). In addition, the court shall revoke  
59 the person's authorization and privilege to operate a motor  
60 vehicle for a period of 1 year and order the person to surrender  
61 his or her driver's license.

62 (c) A person cited for a third violation of s. 316.1926  
63 commits a felony of the third degree, punishable as provided in  
64 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the court  
65 shall seize the vehicle, which shall be subject to forfeiture  
66 under the Florida Contraband Forfeiture Act, revoke the person's  
67 authorization and privilege to operate a motor vehicle for a  
68 period of 10 years, and order the person to surrender his or her  
69 driver's license.

70 Section 4. Section 318.19, Florida Statutes, is amended to  
71 read:

72 318.19 Infractions requiring a mandatory hearing.--Any  
73 person cited for the infractions listed in this section shall not  
74 have the provisions of s. 318.14(2), (4), and (9) available to  
75 him or her but must appear before the designated official at the  
76 time and location of the scheduled hearing:

Bill No. SB 802



632128

77       ~~(1) Any infraction which results in a crash that causes the~~  
78 ~~death of another;~~

79       ~~(2) Any infraction which results in a crash that causes~~  
80 ~~"serious bodily injury" of another as defined in s. 316.1933(1);~~

81       ~~(1)(3)~~ Any infraction of s. 316.172(1)(b);

82       ~~(2)(4)~~ Any infraction of s. 316.520(1) or (2); or

83       ~~(3)(5)~~ Any infraction of s. 316.183(2), s. 316.187, or s.  
84 316.189 of exceeding the speed limit by 30 m.p.h. or more.

85       Section 5. Section 318.195, Florida Statutes, is created to  
86 read:

87       318.195 Enhanced penalties for moving violations involving  
88 death or serious bodily injury.--

89       (1) A person who is convicted of a moving violation that  
90 causes serious bodily injury to another, as defined in s  
91 316.1933, commits a misdemeanor of the second degree, punishable  
92 as provided in s. 775.082 or s. 775.083, shall pay a fine of not  
93 less than \$500, shall serve a minimum term of imprisonment of 30  
94 days, and shall be required to attend a driver improvement  
95 course. In addition, the court shall revoke the driver's license  
96 of a person so convicted for a period of not less than 30 days.

97       (2) A person who is convicted of a moving violation that  
98 causes or contributes to causing the death of another person  
99 commits a misdemeanor of the first degree, punishable as provided  
100 in s. 775.082 or s. 775.083, shall pay a fine of not less than  
101 \$1,000, shall serve a minimum term of imprisonment of 90 days,  
102 and shall be required in lieu of s. 322.0261 to attend an  
103 advanced driver improvement course. In addition, the court shall  
104 revoke the driver's license of a person so convicted for 1 year.



632128

105       (3) This section does not prohibit the person from being  
 106 charged with, convicted of, or punished for any other violation  
 107 of law.

108  
 109 ===== T I T L E   A M E N D M E N T =====

110 And the title is amended as follows:

111       On line 74, after the semicolon  
 112 insert:

113       deleting provisions relating to the disposition of funds  
 114       received from certain civil penalties; amending s. 318.19,  
 115       F.S.; conforming provisions relating to penalties for  
 116       persons causing vehicular crashes involving death or  
 117       serious bodily injury; creating s. 318.195, F.S.;

118       providing enhanced penalties for persons convicted of  
 119       moving violations that cause or contribute to the serious  
 120       bodily injury or death of another person;

121