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CHAMBER ACTION

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| <u>Senate</u> | . | <u>House</u> |
| Comm: RCS | . | |
| 4/8/2008 | . | |
| | . | |
| | . | |

1 The Committee on Judiciary (Joyner) recommended the following
 2 **amendment:**

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

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

9 318.18 Amount of penalties.--The penalties required for a
10 noncriminal disposition pursuant to s. 318.14 or a criminal
11 offense listed in s. 318.17 are as follows:

12 (8)

13 (b)1.a. If a person has been ordered to pay a civil penalty
 14 for a noncriminal traffic infraction and the person is unable to
 15 comply with the court's order due to demonstrable financial
 16 hardship, the court shall allow the person to satisfy the civil

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17 penalty by participating in community service until the civil
18 penalty is paid.

19 b. If a person has been ordered to pay a civil penalty for
20 a noncriminal traffic infraction but cannot demonstrate financial
21 hardship, a person may also, at the discretion of the court, be
22 authorized to satisfy the civil penalty by participating in
23 community service until the civil penalty is paid.

24 c. If a court orders a person to perform community service,
25 the person shall receive credit for the civil penalty at the
26 specified hourly credit rate per hour of community service
27 performed, and each hour of community service performed shall
28 reduce the civil penalty by that amount.

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

35 b. However, if a person ordered to perform community
36 service has a trade or profession for which there is a community
37 service need, the specified hourly credit rate for each hour of
38 community service performed by that person shall be the average
39 prevailing wage rate for the trade or profession that the
40 community service agency needs.

41 3.a. The community service agency supervising the person
42 shall record the number of hours of community service completed
43 and the date the community service hours were completed. The
44 community service agency shall submit the data to the clerk of
45 court on the letterhead of the community service agency, which

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46 must also bear the signature of the person designated to
47 represent the community service agency.

48 b. When the number of community service hours completed by
49 the person equals the amount of the civil penalty, the clerk of
50 court shall certify this fact to the court. Thereafter, the clerk
51 of court shall record in the case file that the civil penalty has
52 been paid in full.

53 4. Notwithstanding any other law, a person's driver's
54 license may not be suspended for failing to pay the civil penalty
55 without a finding that the person has the ability to pay the
56 civil penalty.

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

58 a. "Community service" means uncompensated labor for a
59 community service agency.

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

67 ~~(b) Any person who fails to comply with the court's~~
68 ~~requirements as to civil penalties specified in this section due~~
69 ~~to demonstrable financial hardship shall be authorized to satisfy~~
70 ~~such civil penalties by public works or community service. Each~~
71 ~~hour of such service shall be applied, at the rate of the minimum~~
72 ~~wage, toward payment of the person's civil penalties; provided,~~
73 ~~however, that if the person has a trade or profession for which~~
74 ~~there is a community service need and application, the rate for~~
75 ~~each hour of such service shall be the average standard wage for~~



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76 ~~such trade or profession. Any person who fails to comply with the~~
77 ~~court's requirements as to such civil penalties who does not~~
78 ~~demonstrate financial hardship may also, at the discretion of the~~
79 ~~court, be authorized to satisfy such civil penalties by public~~
80 ~~works or community service in the same manner.~~

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

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85
86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to community service for infractions of
90 noncriminal traffic offenses; amending s. 318.18, F.S.;
91 requiring a court to allow a person to satisfy a civil
92 penalty for an infraction of a noncriminal traffic offense
93 by participating in community service if the person is
94 unable to pay the civil penalty due to a demonstrable
95 financial hardship; authorizing a court to allow a person
96 to participate in community service even if the person
97 does not demonstrate financial hardship; requiring that a
98 person participating in community service receive credit
99 for the civil penalty at the specified hourly credit rate
100 per hour of community service performed or at the
101 prevailing wage rate for a trade or profession; defining
102 the term "specified hourly credit rate"; providing
103 responsibilities for community service agencies; defining
104 the terms "community service" and "community service
105 agency"; providing an effective date.