

By Senator Joyner

18-02581-08

2008858\_\_

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.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 318.185, Florida Statutes, is created to  
26 read:

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

18-02581-08

2008858\_\_

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

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

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

51       (c) 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.

18-02581-08

2008858\_\_

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 clerk  
67 of court shall record in the case file that the civil penalty has  
68 been paid in full.

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

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

77       (a) "Community service" means uncompensated labor for a  
78 community service agency.

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

18-02581-08

2008858\_\_

86

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