

By the Committees on Criminal and Civil Justice Appropriations;
Judiciary; and Senator Joyner

604-08375-08

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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.

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

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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 penalty
27 for a noncriminal traffic infraction and the person is unable to
28 comply with the court's order due to demonstrable financial
29 hardship, the court shall allow the person to satisfy the civil

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30 penalty by participating in community service until the civil
31 penalty is paid.

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

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 clerk

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59 of court shall record in the case file that the civil penalty has
60 been paid in full.

61 4. Notwithstanding any other law, a person's driver's
62 license may not be suspended for failing to pay the civil penalty
63 without a finding that the person has the ability to pay the
64 civil penalty.

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

66 a. "Community service" means uncompensated labor for a
67 community service agency.

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

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

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88 | ~~works or community service in the same manner.~~

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