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1 A bill to be entitled
2 An act relating to the state judicial system; amending
3 s. 318.14, F.S.; eliminating a percentage reduction in
4 penalties for noncriminal traffic infractions which is
5 provided for attending a basic driver improvement
6 course; providing for the distribution of a specified
7 portion of penalty revenues; amending s. 318.15, F.S.,
8 to conform; amending s. 318.18, F.S.; increasing
9 certain fines for speeding; creating an assessment to
10 be paid for noncriminal moving and nonmoving traffic
11 infractions; providing for distribution of the
12 assessment; amending s. 318.21, F.S.; providing for
13 the distribution of funds from certain penalties
14 imposed for traffic infractions; amending s. 775.083,
15 F.S.; providing for the distribution of certain
16 criminal and noncriminal fines; defining the terms
17 "convicted" and "conviction" for purposes of liability
18 for payment of criminal and noncriminal fines;
19 providing that a fine may be imposed for a
20 determination of guilt from a trial or plea,
21 regardless of whether adjudication is withheld;
22 amending s. 948.01, F.S.; providing that the
23 imposition of probation in certain nonfelony cases is
24 discretionary rather than mandatory; authorizing the
25 court to impose a fine without placing a nonfelony
26 offender on probation; providing that certain revenues
27 generated under the act may not be used to establish
28 the budgets of clerks of the court; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. Subsection (9) of section 318.14, Florida
34 Statutes, is amended to read:

35 318.14 Noncriminal traffic infractions; exception;
36 procedures.—

37 (9) Any person who does not hold a commercial driver's
38 license and who is cited for an infraction under this section
39 other than a violation of s. 316.183(2), s. 316.187, or s.
40 316.189 when the driver exceeds the posted limit by 30 miles per
41 hour or more, s. 320.0605, s. 320.07(3) (a) or (b), s. 322.065,
42 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
43 appearance, elect to attend in the location of his or her choice
44 within this state a basic driver improvement course approved by
45 the Department of Highway Safety and Motor Vehicles. In such a
46 case, adjudication must be withheld and, points, as provided by
47 s. 322.27, may not be assessed. ~~and the civil penalty that is~~
48 ~~imposed by s. 318.18(3) must be reduced by 18 percent.~~ However,
49 a person may not make an election under this subsection if the
50 person has made an election under this subsection in the
51 preceding 12 months. A person may make no more than five
52 elections within 10 years under this subsection. The requirement
53 for community service under s. 318.18(8) is not waived by a plea
54 of nolo contendere or by the withholding of adjudication of
55 guilt by a court. If a person makes an election to attend a
56 basic driver improvement course under this subsection, 18
57 percent of the civil penalty imposed under s. 318.18(3) shall be
58 deposited in the State Courts Revenue Trust Fund; however, that

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59 portion is not revenue for purposes of s. 28.36 and may not be
60 used in establishing the budget of the clerk of the court under
61 that section or s. 28.35.

62 Section 2. Subsection (1) of section 318.15, Florida
63 Statutes, is amended to read:

64 318.15 Failure to comply with civil penalty or to appear;
65 penalty.—

66 (1) (a) If a person fails to comply with the civil penalties
67 provided in s. 318.18 within the time period specified in s.
68 318.14(4), fails to attend driver improvement school, or fails
69 to appear at a scheduled hearing, the clerk of the court shall
70 notify the Division of Driver Licenses of the Department of
71 Highway Safety and Motor Vehicles of such failure within 10 days
72 after such failure. Upon receipt of such notice, the department
73 shall immediately issue an order suspending the driver's license
74 and privilege to drive of such person effective 20 days after
75 the date the order of suspension is mailed in accordance with s.
76 322.251(1), (2), and (6). Any such suspension of the driving
77 privilege which has not been reinstated, including a similar
78 suspension imposed outside Florida, shall remain on the records
79 of the department for a period of 7 years from the date imposed
80 and shall be removed from the records after the expiration of 7
81 years from the date it is imposed.

82 (b) However, a person who elects to attend driver
83 improvement school and has paid the civil penalty as provided in
84 s. 318.14(9), but who subsequently fails to attend the driver
85 improvement school within the time specified by the court shall
86 be deemed to have admitted the infraction and shall be
87 adjudicated guilty. In such a case in which there was an 18

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88 percent reduction pursuant to s. 318.14(9) as it existed prior
 89 to the effective date of this act, the person must pay the clerk
 90 of the court that amount ~~the 18 percent deducted pursuant to s.~~
 91 ~~318.14(9),~~ and a processing fee of up to \$18, after which no
 92 additional penalties, court costs, or surcharges shall be
 93 imposed for the violation. The clerk of the court shall notify
 94 the department of the person's failure to attend driver
 95 improvement school and points shall be assessed pursuant to s.
 96 322.27.

97 Section 3. Subsection (3) of section 318.18, Florida
 98 Statutes, is amended, and subsection (19) is added to that
 99 section, to read:

100 318.18 Amount of penalties.—The penalties required for a
 101 noncriminal disposition pursuant to s. 318.14 or a criminal
 102 offense listed in s. 318.17 are as follows:

103 (3) (a) Except as otherwise provided in this section, \$60
 104 for all moving violations not requiring a mandatory appearance.

105 (b) For moving violations involving unlawful speed, the
 106 fines are as follows:

107	For speed exceeding the limit by:	Fine:
108	1-5 m.p.h.....	Warning
109	6-9 m.p.h.....	\$25
110	10-14 m.p.h.....	\$100
111	15-19 m.p.h.....	<u>\$150</u> \$125
112	20-29 m.p.h.....	<u>\$175</u> \$150
113	30 m.p.h. and above.....	\$250

114 (c) Notwithstanding paragraph (b), a person cited for
 115
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117 exceeding the speed limit by up to 5 m.p.h. in a legally posted
118 school zone will be fined \$50. A person exceeding the speed
119 limit in a school zone shall pay a fine double the amount listed
120 in paragraph (b).

121 (d) A person cited for exceeding the speed limit in a
122 posted construction zone, which posting must include
123 notification of the speed limit and the doubling of fines, shall
124 pay a fine double the amount listed in paragraph (b). The fine
125 shall be doubled for construction zone violations only if
126 construction personnel are present or operating equipment on the
127 road or immediately adjacent to the road under construction.

128 (e) A person cited for exceeding the speed limit in an
129 enhanced penalty zone shall pay a fine amount of \$50 plus the
130 amount listed in paragraph (b). Notwithstanding paragraph (b), a
131 person cited for exceeding the speed limit by up to 5 m.p.h. in
132 a legally posted enhanced penalty zone shall pay a fine amount
133 of \$50.

134 (f) If a violation of s. 316.1301 or s. 316.1303 results in
135 an injury to the pedestrian or damage to the property of the
136 pedestrian, an additional fine of up to \$250 shall be paid. This
137 amount must be distributed pursuant to s. 318.21.

138 (g) A person cited for exceeding the speed limit within a
139 zone posted for any electronic or manual toll collection
140 facility shall pay a fine double the amount listed in paragraph
141 (b). However, no person cited for exceeding the speed limit in
142 any toll collection zone shall be subject to a doubled fine
143 unless the governmental entity or authority controlling the toll
144 collection zone first installs a traffic control device
145 providing warning that speeding fines are doubled. Any such

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146 traffic control device must meet the requirements of the uniform
147 system of traffic control devices.

148 (h) A person cited for a second or subsequent conviction of
149 speed exceeding the limit by 30 miles per hour and above within
150 a 12-month period shall pay a fine that is double the amount
151 listed in paragraph (b). For purposes of this paragraph, the
152 term "conviction" means a finding of guilt as a result of a jury
153 verdict, nonjury trial, or entry of a plea of guilty. Moneys
154 received from the increased fine imposed by this paragraph shall
155 be remitted to the Department of Revenue and deposited into the
156 Department of Health Administrative Trust Fund to provide
157 financial support to certified trauma centers to assure the
158 availability and accessibility of trauma services throughout the
159 state. Funds deposited into the Administrative Trust Fund under
160 this section shall be allocated as follows:

161 1. Fifty percent shall be allocated equally among all Level
162 I, Level II, and pediatric trauma centers in recognition of
163 readiness costs for maintaining trauma services.

164 2. Fifty percent shall be allocated among Level I, Level
165 II, and pediatric trauma centers based on each center's relative
166 volume of trauma cases as reported in the Department of Health
167 Trauma Registry.

168 (19) In addition to any penalties imposed, an Article V
169 assessment of \$10 must be paid for all noncriminal moving and
170 nonmoving traffic violations under chapter 316. The assessment
171 is not revenue for purposes of s. 28.36 and may not be used in
172 establishing the budget of the clerk of the court under that
173 section or s. 28.35. Of the funds collected under this
174 subsection:

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175 (a) The sum of \$5 shall be deposited in the State Courts
176 Revenue Trust Fund for use by the state courts system;

177 (b) The sum of \$3.33 shall be deposited in the State
178 Attorneys Revenue Trust Fund for use by the state attorneys; and

179 (c) The sum of \$1.67 shall be deposited in the Public
180 Defenders Revenue Trust Fund for use by the public defenders.

181 Section 4. Subsections (18), (19), and (20) are added to
182 section 318.21, Florida Statutes, to read:

183 318.21 Disposition of civil penalties by county courts.—All
184 civil penalties received by a county court pursuant to the
185 provisions of this chapter shall be distributed and paid monthly
186 as follows:

187 (18) Notwithstanding subsections (1) and (2), the proceeds
188 from the administrative fee imposed under s. 318.18(18) shall be
189 distributed as provided in that subsection.

190 (19) Notwithstanding subsections (1) and (2), the proceeds
191 from the Article V assessment imposed under s. 318.18(19) shall
192 be distributed as provided in that subsection.

193 (20) For fines assessed under s. 318.18(3) for unlawful
194 speed, effective for violations occurring on or after the
195 effective date of this act, the following amounts shall be
196 remitted to the Department of Revenue for deposit in the State
197 Courts Revenue Trust Fund; however, these amounts are not
198 revenue for purposes of s. 28.36 and may not be used in
199 establishing the budget of the clerk of the court under that
200 section or s. 28.35:

201		
202	<u>For speed exceeding the limit by:</u>	<u>Fine:</u>
203	<u>1-5 m.p.h.</u>	<u>\$.00</u>

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204	<u>6-9 m.p.h.</u>	<u>\$.00</u>
205	<u>10-14 m.p.h.</u>	<u>\$.00</u>
206	<u>15-19 m.p.h.</u>	<u>\$25</u>
207	<u>20-29 m.p.h.</u>	<u>\$25</u>
208	<u>30 m.p.h. and above</u>	<u>\$.00</u>

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210 The remaining amount shall be distributed pursuant to
211 subsections (1) and (2).

212 Section 5. Section 775.083, Florida Statutes, is amended to
213 read:

214 775.083 Fines.—

215 (1) A person who has been convicted of an offense other
216 than a capital felony may be sentenced to pay a fine in addition
217 to any punishment described in s. 775.082; when specifically
218 authorized by statute, he or she may be sentenced to pay a fine
219 in lieu of any punishment described in s. 775.082. A person who
220 has been convicted of a noncriminal violation may be sentenced
221 to pay a fine. Fines for designated crimes and for noncriminal
222 violations shall not exceed:

223 (a) \$15,000, when the conviction is of a life felony.

224 (b) \$10,000, when the conviction is of a felony of the
225 first or second degree.

226 (c) \$5,000, when the conviction is of a felony of the third
227 degree.

228 (d) \$1,000, when the conviction is of a misdemeanor of the
229 first degree.

230 (e) \$500, when the conviction is of a misdemeanor of the
231 second degree or a noncriminal violation.

232 (f) Any higher amount equal to double the pecuniary gain

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233 derived from the offense by the offender or double the pecuniary
234 loss suffered by the victim.

235 (g) Any higher amount specifically authorized by statute.

236

237 Fines imposed in this subsection shall be deposited by the clerk
238 of the court in the fine and forfeiture fund established
239 pursuant to s. 142.01, except that fines imposed when
240 adjudication is withheld shall be deposited in the State Courts
241 Revenue Trust Fund, and such fines imposed when adjudication is
242 withheld are not revenue for purposes of s. 28.36 and may not be
243 used in establishing the budget of the clerk of the court under
244 that section or s. 28.35. If a defendant is unable to pay a
245 fine, the court may defer payment of the fine to a date certain.
246 As used in this subsection, the term "convicted" or "conviction"
247 means a determination of guilt which is the result of a trial or
248 the entry of a plea of guilty or nolo contendere, regardless of
249 whether adjudication is withheld.

250 (2) In addition to the fines set forth in subsection (1),
251 court costs shall be assessed and collected in each instance a
252 defendant pleads nolo contendere to, or is convicted of, or
253 adjudicated delinquent for, a felony, a misdemeanor, or a
254 criminal traffic offense under state law, or a violation of any
255 municipal or county ordinance if the violation constitutes a
256 misdemeanor under state law. The court costs imposed by this
257 section shall be \$50 for a felony and \$20 for any other offense
258 and shall be deposited by the clerk of the court into an
259 appropriate county account for disbursement for the purposes
260 provided in this subsection. A county shall account for the
261 funds separately from other county funds as crime prevention

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262 funds. The county, in consultation with the sheriff, must expend
263 such funds for crime prevention programs in the county,
264 including safe neighborhood programs under ss. 163.501-163.523.

265 (3) The purpose of this section is to provide uniform
266 penalty authorization for criminal offenses and, to this end, a
267 reference to this section constitutes a general reference under
268 the doctrine of incorporation by reference.

269 Section 6. Subsection (2) of section 948.01, Florida
270 Statutes, is amended to read:

271 948.01 When court may place defendant on probation or into
272 community control.-

273 (2) If it appears to the court upon a hearing of the matter
274 that the defendant is not likely again to engage in a criminal
275 course of conduct and that the ends of justice and the welfare
276 of society do not require that the defendant presently suffer
277 the penalty imposed by law, the court, in its discretion, may
278 either adjudge the defendant to be guilty or stay and withhold
279 the adjudication of guilt.~~;~~ ~~and,~~ In either case, the court ~~it~~
280 shall stay and withhold the imposition of sentence upon the ~~such~~
281 defendant and shall place a felony ~~the~~ defendant upon probation.
282 If the defendant is found guilty of a nonfelony offense as the
283 result of a trial or entry of a plea of guilty or nolo
284 contendere, regardless of whether adjudication is withheld, the
285 court may place the defendant on probation. In addition to court
286 costs and fees and notwithstanding any law to the contrary, the
287 court may impose a fine authorized by law if the offender is a
288 nonfelony offender who is not placed on probation. However, a ~~ne~~
289 defendant who is placed on probation for a misdemeanor may not
290 be placed under the supervision of the department unless the

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291 circuit court was the court of original jurisdiction.

292 Section 7. This act shall take effect February 1, 2009, or

293 upon becoming a law, whichever occurs later.