

By the Committee on Transportation; and Senator Smith

596-03642-10

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1 A bill to be entitled
2 An act relating to penalties for violation of traffic
3 laws; amending s. 318.14, F.S.; providing for a person
4 charged with a noncriminal traffic infraction to make
5 periodic payments when paying civil penalties and
6 fees; providing for certain persons cited for
7 specified offenses to submit proof of compliance to a
8 designated official; providing alternative citation
9 disposition procedures for the offense of operating a
10 motor vehicle with a license that has been suspended
11 for failure to pay certain financial obligations;
12 amending s. 318.15, F.S.; providing for suspension of
13 a driver's license for failure to enter into or comply
14 with the terms of a penalty payment plan; providing
15 for reinstatement of the suspended license; amending
16 s. 322.331, F.S.; providing for the removal of the
17 designation as a habitual traffic offender upon proof
18 of compliance with certain statutory provisions;
19 amending s. 322.34, F.S.; authorizing certain persons
20 cited for specified offenses to enter a plea of nolo
21 contendere and submit proof of compliance to the clerk
22 of the court, a designated official, or an authorized
23 operator of a traffic violations bureau; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (4) and paragraph (a) of subsection
29 (10) of section 318.14, Florida Statutes, are amended to read:

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30 318.14 Noncriminal traffic infractions; exception;
31 procedures.-

32 (4) (a) Except as provided in subsection (12), any person
33 charged with a noncriminal infraction under this section who
34 does not elect to appear shall, within 30 days after the date of
35 issuance of the citation:

36 1. Pay the civil penalty and delinquent fee, if applicable,
37 either by mail or in person; or

38 2. Enter into a payment plan in accordance with s. 28.246
39 with the clerk of the court to pay the civil penalty and
40 delinquent fee, if applicable, ~~within 30 days after the date of~~
41 ~~issuance of the citation.~~

42 (b) If the person cited follows the procedures in paragraph
43 (a) above procedure, he or she shall be deemed to have admitted
44 the infraction and to have waived his or her right to a hearing
45 on the issue of commission of the infraction. Such admission
46 shall not be used as evidence in any other proceedings. Any
47 person who is cited for a violation of s. 320.0605 or s.
48 322.15(1), or subject to a penalty under s. 320.07(3)(a) or (b)
49 or s. 322.065, and who makes an election under this subsection
50 shall submit proof of compliance with the applicable section to
51 the clerk of the court. For the purposes of this subsection,
52 proof of compliance consists of a valid driver's license or a
53 valid registration certificate.

54 (10) (a) Any person who does not hold a commercial driver's
55 license and who is cited for an offense listed under this
56 subsection may, in lieu of payment of fine or court appearance,
57 elect to enter a plea of nolo contendere and submit provide
58 proof of compliance to the clerk of the court, designated

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59 official, or authorized operator of a traffic violations bureau.

60 In such case, adjudication shall be withheld; however, an ~~no~~
61 election may not ~~shall~~ be made under this subsection if such
62 person has made an election under this subsection in the
63 preceding 12 months ~~preceding election hereunder~~. A ~~No~~ person
64 may not make more than three elections under this subsection.

65 This subsection applies to the following offenses:

66 1. Operating a motor vehicle without a valid driver's
67 license in violation of the provisions of s. 322.03, s. 322.065,
68 or s. 322.15(1), or operating a motor vehicle with a license
69 that ~~which~~ has been suspended for failure to appear, failure to
70 pay civil penalty, failure to pay any other financial obligation
71 as provided in s. 322.245 other than those specified in s.
72 322.245(1), or failure to attend a driver improvement course
73 pursuant to s. 322.291.

74 2. Operating a motor vehicle without a valid registration
75 in violation of s. 320.0605, s. 320.07, or s. 320.131.

76 3. Operating a motor vehicle in violation of s. 316.646.

77 4. Operating a motor vehicle with a license that has been
78 suspended for child support in violation of s. 322.245 or s.
79 61.13016.

80 5. Operating a motor vehicle with a license that has been
81 suspended in violation of s. 322.091.

82 Section 2. Section 318.15, Florida Statutes, is amended to
83 read:

84 318.15 Failure to comply with civil penalty or to appear;
85 penalty.—

86 (1) (a) If a person fails to comply with the civil penalties
87 provided in s. 318.18 within the time period specified in s.

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88 318.14(4), fails to enter into or comply with the terms of a
89 penalty payment plan with the clerk of the court in accordance
90 with s. 318.14(4) or s. 28.246, fails to attend driver
91 improvement school, or fails to appear at a scheduled hearing,
92 the clerk of the court shall notify the Division of Driver
93 Licenses of the Department of Highway Safety and Motor Vehicles
94 of such failure within 10 days after such failure. Upon receipt
95 of such notice, the department shall immediately issue an order
96 suspending the driver's license and privilege to drive of such
97 person effective 20 days after the date the order of suspension
98 is mailed in accordance with s. 322.251(1), (2), and (6). Any
99 such suspension of the driving privilege which has not been
100 reinstated, including a similar suspension imposed outside
101 Florida, shall remain on the records of the department for a
102 period of 7 years from the date imposed and shall be removed
103 from the records after the expiration of 7 years from the date
104 it is imposed.

105 (b) However, a person who elects to attend driver
106 improvement school and has paid the civil penalty as provided in
107 s. 318.14(9), but who subsequently fails to attend the driver
108 improvement school within the time specified by the court shall
109 be deemed to have admitted the infraction and shall be
110 adjudicated guilty. In such a case in which there was an 18-
111 percent reduction pursuant to s. 318.14(9) as it existed before
112 February 1, 2009, the person must pay the clerk of the court
113 that amount and a processing fee of up to \$18, after which no
114 additional penalties, court costs, or surcharges shall be
115 imposed for the violation. In all other such cases, the person
116 must pay the clerk a processing fee of up to \$18, after which no

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117 additional penalties, court costs, or surcharges shall be
118 imposed for the violation. The clerk of the court shall notify
119 the department of the person's failure to attend driver
120 improvement school and points shall be assessed pursuant to s.
121 322.27.

122 (2) After the suspension of a person's driver's license and
123 privilege to drive under subsection (1), the license and
124 privilege may not be reinstated until the person complies with
125 the terms of a periodic payment plan or a revised payment plan
126 with the clerk of the court pursuant to s. 318.14 or s. 28.246
127 or with all obligations and penalties imposed under s. 318.18
128 and presents to a driver license office a certificate of
129 compliance issued by the court, together with a nonrefundable
130 service charge of \$60 imposed under s. 322.29, or presents a
131 certificate of compliance and pays the service charge to the
132 clerk of the court or a driver licensing agent authorized under
133 s. 322.135 clearing such suspension. Of the charge collected,
134 \$22.50 shall be remitted to the Department of Revenue to be
135 deposited into the Highway Safety Operating Trust Fund. Such
136 person must also be in compliance with requirements of chapter
137 322 before reinstatement.

138 Section 3. Section 322.331, Florida Statutes, is amended to
139 read:

140 322.331 Habitual traffic offenders; restoration of
141 license.—

142 (1) At the expiration of 5 years from the date of license
143 revocation, a person whose license has been revoked under s.
144 322.27(5) may petition the department for restoration of driving
145 privileges. Upon such petition and after investigation of the

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146 person's qualification and fitness to drive, the department
147 shall hold an administrative hearing to determine whether
148 driving privileges shall be restored either on an unrestricted
149 basis or on a restricted basis solely for business or employment
150 purposes.

151 (2) The clerk of the court shall submit an amended
152 disposition to remove the designation as a habitual traffic
153 offender when:

154 (a) A person's license has been revoked under s. 322.27(5)
155 as a result of a third violation for driving a motor vehicle
156 while his or her license is suspended or revoked;

157 (b) The third violation occurred before July 1, 2010; and

158 (c) The person submits proof of compliance as allowed by s.
159 318.14(10) (a) before July 1, 2011.

160 Section 4. Subsection (11) is added to section 322.34,
161 Florida Statutes, to read:

162 322.34 Driving while license suspended, revoked, canceled,
163 or disqualified.—

164 (11) (a) Any person who does not hold a commercial driver's
165 license and who is cited for an offense of knowingly driving
166 while his or her license is suspended, revoked, or canceled for
167 any of the underlying violations listed in paragraph (10) (a)
168 may, in lieu of payment of fine or court appearance, elect to
169 enter a plea of nolo contendere and submit proof of compliance
170 to the clerk of the court, designated official, or authorized
171 operator of a traffic violations bureau. In such case,
172 adjudication shall be withheld; however, an election may not be
173 made under this subsection if such person has made an election
174 under this subsection in the preceding 12 months. A person may

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175 not make more than three elections under this subsection.

176 (b) If adjudication is withheld under paragraph (a), such
177 action is not a conviction.

178 Section 5. This act shall take effect July 1, 2010.