

By the Committees on Transportation and Economic Development
Appropriations; and Transportation; and Senator Smith

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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. 322.0261, F.S.; requiring the Department of Highway
17 Safety and Motor Vehicles to identify persons who have
18 committed violations of specific statutes and
19 requiring such persons to complete a driver
20 improvement course; requiring the department to send a
21 notice to such persons; amending s. 322.331, F.S.;
22 providing for the removal of the designation as a
23 habitual traffic offender upon proof of compliance
24 with certain statutory provisions; amending s. 322.34,
25 F.S.; authorizing certain persons cited for specified
26 offenses to enter a plea of nolo contendere and submit
27 proof of compliance to the clerk of the court, a
28 designated official, or an authorized operator of a
29 traffic violations bureau; providing an effective

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30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (4) and paragraph (a) of subsection
35 (10) of section 318.14, Florida Statutes, are amended to read:
36 318.14 Noncriminal traffic infractions; exception;
37 procedures.-

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

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

44 2. Enter into a payment plan in accordance with s. 28.246
45 with the clerk of the court to pay the civil penalty and
46 delinquent fee, if applicable, within 30 days after the date of
47 issuance of the citation.

48 (b) If the person cited follows the procedures in paragraph
49 (a) above procedure, he or she shall be deemed to have admitted
50 the infraction and to have waived his or her right to a hearing
51 on the issue of commission of the infraction. Such admission
52 shall not be used as evidence in any other proceedings. Any
53 person who is cited for a violation of s. 320.0605 or s.
54 322.15(1), or subject to a penalty under s. 320.07(3)(a) or (b)
55 or s. 322.065, and who makes an election under this subsection
56 shall submit proof of compliance with the applicable section to
57 the clerk of the court. For the purposes of this subsection,
58 proof of compliance consists of a valid driver's license or a

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59 valid registration certificate.

60 (10) (a) Any person who does not hold a commercial driver's
61 license and who is cited for an offense listed under this
62 subsection may, in lieu of payment of fine or court appearance,
63 elect to enter a plea of nolo contendere and submit ~~provide~~
64 proof of compliance to the clerk of the court, designated
65 official, or authorized operator of a traffic violations bureau.
66 In such case, adjudication shall be withheld; however, an ~~no~~
67 election may not ~~shall~~ be made under this subsection if such
68 person has made an election under this subsection in the
69 preceding 12 months ~~preceding election hereunder~~. A ~~No~~ person
70 may not make more than three elections under this subsection.
71 This subsection applies to the following offenses:

72 1. Operating a motor vehicle without a valid driver's
73 license in violation of the provisions of s. 322.03, s. 322.065,
74 or s. 322.15(1), or operating a motor vehicle with a license
75 that ~~which~~ has been suspended for failure to appear, failure to
76 pay civil penalty, failure to pay any other financial obligation
77 as provided in s. 322.245 other than those specified in s.
78 322.245(1), or failure to attend a driver improvement course
79 pursuant to s. 322.291.

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

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

83 4. Operating a motor vehicle with a license that has been
84 suspended for child support in violation of s. 322.245 or s.
85 61.13016.

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

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88 Section 2. Section 318.15, Florida Statutes, is amended to
89 read:

90 318.15 Failure to comply with civil penalty or to appear;
91 penalty.—

92 (1) (a) If a person fails to comply with the civil penalties
93 provided in s. 318.18 within the time period specified in s.
94 318.14(4), fails to enter into or comply with the terms of a
95 penalty payment plan with the clerk of the court in accordance
96 with s. 318.14(4) or s. 28.246, fails to attend driver
97 improvement school, or fails to appear at a scheduled hearing,
98 the clerk of the court shall notify the Division of Driver
99 Licenses of the Department of Highway Safety and Motor Vehicles
100 of such failure within 10 days after such failure. Upon receipt
101 of such notice, the department shall immediately issue an order
102 suspending the driver's license and privilege to drive of such
103 person effective 20 days after the date the order of suspension
104 is mailed in accordance with s. 322.251(1), (2), and (6). Any
105 such suspension of the driving privilege which has not been
106 reinstated, including a similar suspension imposed outside
107 Florida, shall remain on the records of the department for a
108 period of 7 years from the date imposed and shall be removed
109 from the records after the expiration of 7 years from the date
110 it is imposed.

111 (b) However, a person who elects to attend driver
112 improvement school and has paid the civil penalty as provided in
113 s. 318.14(9), but who subsequently fails to attend the driver
114 improvement school within the time specified by the court shall
115 be deemed to have admitted the infraction and shall be
116 adjudicated guilty. In such a case in which there was an 18-

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117 percent reduction pursuant to s. 318.14(9) as it existed before
118 February 1, 2009, the person must pay the clerk of the court
119 that amount and a processing fee of up to \$18, after which no
120 additional penalties, court costs, or surcharges shall be
121 imposed for the violation. In all other such cases, the person
122 must pay the clerk a processing fee of up to \$18, after which no
123 additional penalties, court costs, or surcharges shall be
124 imposed for the violation. The clerk of the court shall notify
125 the department of the person's failure to attend driver
126 improvement school and points shall be assessed pursuant to s.
127 322.27.

128 (2) After the suspension of a person's driver's license and
129 privilege to drive under subsection (1), the license and
130 privilege may not be reinstated until the person complies with
131 the terms of a periodic payment plan or a revised payment plan
132 with the clerk of the court pursuant to s. 318.14 or s. 28.246
133 or with all obligations and penalties imposed under s. 318.18
134 and presents to a driver license office a certificate of
135 compliance issued by the court, together with a nonrefundable
136 service charge of \$60 imposed under s. 322.29, or presents a
137 certificate of compliance and pays the service charge to the
138 clerk of the court or a driver licensing agent authorized under
139 s. 322.135 clearing such suspension. Of the charge collected,
140 \$22.50 shall be remitted to the Department of Revenue to be
141 deposited into the Highway Safety Operating Trust Fund. Such
142 person must also be in compliance with requirements of chapter
143 322 before reinstatement.

144 Section 3. Subsection (4) of section 322.0261, Florida
145 Statutes, is amended to read:

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146 322.0261 Driver improvement course; requirement to maintain
147 driving privileges; failure to complete; department approval of
148 course.-

149 (4) The department shall identify any operator convicted
150 of, or who pleaded nolo contendere to, a violation of s.
151 316.074, s. 316.075, s. 316.123 ~~s. 316.074(1), s.~~
152 ~~316.075(1)(c)1.,~~ s. 316.172, s. 316.191, ~~or~~ s. 316.192, s.
153 316.1925, or s. 316.614 and shall require that operator, in
154 addition to other applicable penalties, to attend a department-
155 approved driver improvement course in order to maintain driving
156 privileges. The department shall, within 10 days after receiving
157 a report of a conviction or plea from the clerk of court, send
158 notice to the operator of the requirement to attend a driver
159 improvement course. If the operator fails to complete the course
160 within 90 days after receiving notice from the department, the
161 operator's driver license shall be canceled by the department
162 until the course is successfully completed.

163 Section 4. Section 322.331, Florida Statutes, is amended to
164 read:

165 322.331 Habitual traffic offenders; restoration of
166 license.-

167 (1) At the expiration of 5 years from the date of license
168 revocation, a person whose license has been revoked under s.
169 322.27(5) may petition the department for restoration of driving
170 privileges. Upon such petition and after investigation of the
171 person's qualification and fitness to drive, the department
172 shall hold an administrative hearing to determine whether
173 driving privileges shall be restored either on an unrestricted
174 basis or on a restricted basis solely for business or employment

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175 purposes.

176 (2) The clerk of the court shall submit an amended
177 disposition to remove the designation as a habitual traffic
178 offender when:

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

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

183 (c) The person submits proof of compliance as allowed by s.
184 318.14(10) (a) before July 1, 2011.

185 Section 5. Subsection (11) is added to section 322.34,
186 Florida Statutes, to read:

187 322.34 Driving while license suspended, revoked, canceled,
188 or disqualified.—

189 (11) (a) Any person who does not hold a commercial driver's
190 license and who is cited for an offense of knowingly driving
191 while his or her license is suspended, revoked, or canceled for
192 any of the underlying violations listed in paragraph (10) (a)
193 may, in lieu of payment of fine or court appearance, elect to
194 enter a plea of nolo contendere and submit proof of compliance
195 to the clerk of the court, designated official, or authorized
196 operator of a traffic violations bureau. In such case,
197 adjudication shall be withheld; however, an election may not be
198 made under this subsection if such person has made an election
199 under this subsection in the preceding 12 months. A person may
200 not make more than three elections under this subsection.

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

203 Section 6. This act shall take effect July 1, 2010.