



700852

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Community Affairs (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 265 - 355
and insert:

that issued the citation for citations issued by toll enforcement officers or to the entity administering the tolls at the facility where the violation occurred for citations issued by law enforcement officers. However, a person may elect to pay \$30 to the clerk of the court, plus the amount of the unpaid toll that is shown on the citation, in which case adjudication is withheld, and no points may be assessed under s. 322.27. Upon receipt of the \$30 and unpaid toll amount, the clerk of the



700852

13 court shall retain \$5 for administrative purposes and shall
14 forward the remaining \$25, plus the amount of the unpaid toll
15 shown on the citation, to the governmental entity that issued
16 the citation for citations issued by toll enforcement officers
17 or to the entity administering the tolls at the facility where
18 the violation occurred for citations issued by law enforcement
19 officers. Additionally, adjudication shall be withheld and no
20 points shall be assessed under s. 322.27, except when
21 adjudication is imposed by the court after a hearing pursuant to
22 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
23 plea arrangement is reached prior to the date set for a
24 scheduled evidentiary hearing and, as a result of the plea,
25 adjudication is withheld, there shall be a mandatory fine
26 assessed per citation of not less than \$50 and not more than
27 \$100, plus the amount of the unpaid toll for each citation
28 issued. The clerk of the court shall forward \$25 of the fine
29 imposed plus the amount of the unpaid toll that is shown on the
30 citation to the governmental entity that issued the citation for
31 citations issued by toll enforcement officers or to the entity
32 administering the tolls at the facility where the violation
33 occurred for citations issued by law enforcement officers ~~or on~~
34 ~~whose behalf the citation was issued.~~ The court shall have
35 specific authority to consolidate issued citations for the same
36 defendant for the purpose of sentencing and aggregate
37 jurisdiction. In addition, the court may direct the department
38 to ~~shall~~ suspend for 60 days the driver's license of a person
39 who is convicted of 10 violations of s. 316.1001 within a 36-
40 month period. Any funds received by a governmental entity for
41 this violation may be used for any lawful purpose related to the



700852

42 operation or maintenance of a toll facility.

43 Section 4. Subsection (8) of section 320.03, Florida
44 Statutes, is amended to read:

45 320.03 Registration; duties of tax collectors;
46 International Registration Plan.—

47 (8) If the applicant's name appears on the list referred to
48 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
49 plate or revalidation sticker may not be issued until that
50 person's name no longer appears on the list or until the person
51 presents a receipt from the governmental entity or the clerk of
52 court that provided the data showing that the fines outstanding
53 have been paid. This subsection does not apply to the owner of a
54 leased vehicle if the vehicle is registered in the name of the
55 lessee of the vehicle. The tax collector and the clerk of the
56 court are each entitled to receive monthly, as costs for
57 implementing and administering this subsection, 10 percent of
58 the civil penalties and fines recovered from such persons. As
59 used in this subsection, the term "civil penalties and fines"
60 does not include a wrecker operator's lien as described in s.
61 713.78(13). If the tax collector has private tag agents, such
62 tag agents are entitled to receive a pro rata share of the
63 amount paid to the tax collector, based upon the percentage of
64 license plates and revalidation stickers issued by the tag agent
65 compared to the total issued within the county. The authority of
66 any private agent to issue license plates shall be revoked,
67 after notice and a hearing as provided in chapter 120, if he or
68 she issues any license plate or revalidation sticker contrary to
69 the provisions of this subsection. This section applies only to
70 the annual renewal in the owner's birth month of a motor vehicle



700852

71 registration and does not apply to the transfer of a
72 registration of a motor vehicle sold by a motor vehicle dealer
73 licensed under this chapter, except for the transfer of
74 registrations which is inclusive of the annual renewals. This
75 section does not affect the issuance of the title to a motor
76 vehicle, notwithstanding s. 319.23(7) (b).

77 Section 5. Paragraph (d) of subsection (3) of section
78 322.27, Florida Statutes, is amended to read:

79 322.27 Authority of department to suspend or revoke
80 license.—

81 (3) There is established a point system for evaluation of
82 convictions of violations of motor vehicle laws or ordinances,
83 and violations of applicable provisions of s. 403.413(6) (b) when
84 such violations involve the use of motor vehicles, for the
85 determination of the continuing qualification of any person to
86 operate a motor vehicle. The department is authorized to suspend
87 the license of any person upon showing of its records or other
88 good and sufficient evidence that the licensee has been
89 convicted of violation of motor vehicle laws or ordinances, or
90 applicable provisions of s. 403.413(6) (b), amounting to 12 or
91 more points as determined by the point system. The suspension
92 shall be for a period of not more than 1 year.

93 (d) The point system shall have as its basic element a
94 graduated scale of points assigning relative values to
95 convictions of the following violations:

- 96 1. Reckless driving, willful and wanton—4 points.
- 97 2. Leaving the scene of a crash resulting in property
98 damage of more than \$50—6 points.
- 99 3. Unlawful speed resulting in a crash—6 points.



700852

- 100 4. Passing a stopped school bus—4 points.
- 101 5. Unlawful speed:
- 102 a. Not in excess of 15 miles per hour of lawful or posted
- 103 speed—3 points.
- 104 b. In excess of 15 miles per hour of lawful or posted
- 105 speed—4 points.
- 106 6. A violation of a traffic control signal device as
- 107 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 108 7. All other moving violations (including parking on a
- 109 highway outside the limits of a municipality)—3 points. However,
- 110 no points shall be imposed for a violation of s. 316.0741 or s.
- 111 316.2065(12); and points shall be imposed for a violation of s.
- 112 316.1001 only when imposed by the court after a hearing pursuant
- 113 to s. 318.14(5).
- 114 8. Any moving violation covered above, excluding unlawful
- 115 speed, resulting in a crash—4 points.
- 116 9. Any conviction under s. 403.413(6)(b)—3 points.
- 117 10. Any conviction under s. 316.0775(2)—4 points.

118
119 ===== T I T L E A M E N D M E N T =====

120 And the title is amended as follows:

121 Delete lines 19 - 28

122 and insert:

123 amending s. 318.18, F.S.; revising provisions for
124 distribution of proceeds collected by the clerk of the court for
125 disposition of citations for failure to pay a toll; providing
126 alternative procedures for disposition of such citation;
127 providing for adjudication to be withheld and no points assessed
128 against the driver's license unless adjudication is imposed by a



700852

129 court; authorizing a court to direct the department to suspend a
130 person's driver's license for violations involving the failure
131 to pay tolls; amending s. 320.03, F.S.; clarifying provisions
132 requiring that the tax collector withhold issuance of a license
133 plate or revalidation sticker if certain fines are outstanding;
134 amending s. 322.27, F.S.; providing for assessment of points
135 against a driver's license for specified violations of
136 requirements to pay a toll only when the points are imposed by a
137 court; amending 337.14, F.S.; clarifying