

FOR CONSIDERATION By the Committee on Transportation

596-01081A-10

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1 A bill to be entitled
2 An act relating to the enforcement of tolls; amending
3 s. 316.1001, F.S.; clarifying the mailing method to be
4 used in providing notice following the issuance of a
5 citation for failure to pay a toll; providing that
6 receipt of the citation rather than its mailing
7 constitutes notification; authorizing any governmental
8 entity, including the clerk of court, to provide
9 specified data to the Department of Highway Safety and
10 Motor Vehicles regarding outstanding violations for
11 failure to pay tolls; amending s. 318.18, F.S.;
12 providing for the department to suspend, at the
13 direction of the court, a person's driver's license
14 for violations involving the failure to pay tolls;
15 amending s. 320.03, F.S.; clarifying provisions
16 requiring that the tax collector withhold issuance of
17 a license plate or revalidation sticker if certain
18 fines are outstanding; amending s. 322.27, F.S.;
19 clarifying that failure to pay a toll does not result
20 in the assessment of points against a person's driving
21 record; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (b) of subsection (2) and subsection
26 (4) of section 316.1001, Florida Statutes, are amended to read:
27 316.1001 Payment of toll on toll facilities required;
28 penalties.—

29 (2)

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30 (b) A citation issued under this subsection may be issued
31 by mailing the citation by first-class ~~first class~~ mail, ~~or by~~
32 ~~certified mail~~, return receipt requested, to the address of the
33 registered owner of the motor vehicle involved in the violation.
34 Receipt of Mailing the citation ~~to this address~~ constitutes
35 notification. In the case of joint ownership of a motor vehicle,
36 the traffic citation must be mailed to the first name appearing
37 on the registration, unless the first name appearing on the
38 registration is a business organization, in which case the
39 second name appearing on the registration may be used. A
40 citation issued under this paragraph must be mailed to the
41 registered owner of the motor vehicle involved in the violation
42 within 14 days after the date of issuance of the citation
43 ~~violation~~. In addition to the citation, notification must be
44 sent to the registered owner of the motor vehicle involved in
45 the violation specifying remedies available under ss. 318.14(12)
46 and 318.18(7).

47 (4) Any governmental entity, including, without limitation,
48 a clerk of court, may provide ~~supply~~ the department with data
49 that is machine readable by the department's computer system,
50 listing persons who have one or more outstanding violations of
51 this section, with reference to the person's driver's license
52 number or vehicle registration number in the case of a business
53 entity. Pursuant to s. 320.03(8), those persons may not be
54 issued a license plate or revalidation sticker for any motor
55 vehicle.

56 Section 2. Subsection (7) of section 318.18, Florida
57 Statutes, is amended to read:

58 318.18 Amount of penalties.—The penalties required for a

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59 noncriminal disposition pursuant to s. 318.14 or a criminal
60 offense listed in s. 318.17 are as follows:

61 (7) Mandatory \$100 fine for each violation of s. 316.1001
62 plus the amount of the unpaid toll shown on the traffic citation
63 for each citation issued. The clerk of the court shall forward
64 \$25 of the \$100 fine received, plus the amount of the unpaid
65 toll that is shown on the citation, to the governmental entity
66 that issued the citation, or on whose behalf the citation was
67 issued. If a plea arrangement is reached prior to the date set
68 for a scheduled evidentiary hearing and adjudication is
69 withheld, there shall be a mandatory fine assessed per citation
70 of not less than \$50 and not more than \$100, plus the amount of
71 the unpaid toll for each citation issued. The clerk of the court
72 shall forward \$25 of the fine imposed plus the amount of the
73 unpaid toll that is shown on the citation to the governmental
74 entity that issued the citation or on whose behalf the citation
75 was issued. The court shall have specific authority to
76 consolidate issued citations for the same defendant for the
77 purpose of sentencing and aggregate jurisdiction. In addition,
78 the court may direct the department to ~~shall~~ suspend for 60 days
79 the driver's license of a person who is convicted of 10
80 violations of s. 316.1001 within a 36-month period. Any funds
81 received by a governmental entity for this violation may be used
82 for any lawful purpose related to the operation or maintenance
83 of a toll facility.

84 Section 3. Subsection (8) of section 320.03, Florida
85 Statutes, is amended to read:

86 320.03 Registration; duties of tax collectors;
87 International Registration Plan.-

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88 (8) If the applicant's name appears on the list referred to
89 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
90 plate or revalidation sticker may not be issued until that
91 person's name no longer appears on the list or until the person
92 presents a receipt from the governmental entity or the clerk of
93 court that provided the data showing that the fines outstanding
94 have been paid. This subsection does not apply to the owner of a
95 leased vehicle if the vehicle is registered in the name of the
96 lessee of the vehicle. The tax collector and the clerk of the
97 court are each entitled to receive monthly, as costs for
98 implementing and administering this subsection, 10 percent of
99 the civil penalties and fines recovered from such persons. As
100 used in this subsection, the term "civil penalties and fines"
101 does not include a wrecker operator's lien as described in s.
102 713.78(13). If the tax collector has private tag agents, such
103 tag agents are entitled to receive a pro rata share of the
104 amount paid to the tax collector, based upon the percentage of
105 license plates and revalidation stickers issued by the tag agent
106 compared to the total issued within the county. The authority of
107 any private agent to issue license plates shall be revoked,
108 after notice and a hearing as provided in chapter 120, if he or
109 she issues any license plate or revalidation sticker contrary to
110 the provisions of this subsection. This section applies only to
111 the annual renewal in the owner's birth month of a motor vehicle
112 registration and does not apply to the transfer of a
113 registration of a motor vehicle sold by a motor vehicle dealer
114 licensed under this chapter, except for the transfer of
115 registrations which is inclusive of the annual renewals. This
116 section does not affect the issuance of the title to a motor

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117 vehicle, notwithstanding s. 319.23(7) (b) .

118 Section 4. Paragraph (d) of subsection (3) of section
119 322.27, Florida Statutes, is amended to read:

120 322.27 Authority of department to suspend or revoke
121 license.—

122 (3) There is established a point system for evaluation of
123 convictions of violations of motor vehicle laws or ordinances,
124 and violations of applicable provisions of s. 403.413(6) (b) when
125 such violations involve the use of motor vehicles, for the
126 determination of the continuing qualification of any person to
127 operate a motor vehicle. The department is authorized to suspend
128 the license of any person upon showing of its records or other
129 good and sufficient evidence that the licensee has been
130 convicted of violation of motor vehicle laws or ordinances, or
131 applicable provisions of s. 403.413(6) (b), amounting to 12 or
132 more points as determined by the point system. The suspension
133 shall be for a period of not more than 1 year.

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

- 137 1. Reckless driving, willful and wanton—4 points.
138 2. Leaving the scene of a crash resulting in property
139 damage of more than \$50—6 points.
140 3. Unlawful speed resulting in a crash—6 points.
141 4. Passing a stopped school bus—4 points.
142 5. Unlawful speed:
143 a. Not in excess of 15 miles per hour of lawful or posted
144 speed—3 points.
145 b. In excess of 15 miles per hour of lawful or posted

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146 speed-4 points.

147 6. A violation of a traffic control signal device as
148 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.

149 7. All other moving violations (including parking on a
150 highway outside the limits of a municipality)-3 points. However,
151 no points shall be imposed for a violation of s. 316.0741, s.
152 316.1001, or s. 316.2065(12).

153 8. Any moving violation covered above, excluding unlawful
154 speed, resulting in a crash-4 points.

155 9. Any conviction under s. 403.413(6)(b)-3 points.

156 10. Any conviction under s. 316.0775(2)-4 points.

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