

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 to pay civil penalties and fees;
 6 directing the clerks of court to establish a system to
 7 accept such periodic payments; requiring the system to
 8 provide for adjustment of payments under certain
 9 circumstances; providing that the designated official
 10 hearing the case of a traffic law violation may withhold
 11 adjudication and that such action is not a conviction;
 12 amending s. 318.15, F.S.; providing for suspension of a
 13 driver's license for failure to enter into or make
 14 payments under a penalty payment plan; providing for
 15 reinstatement of the suspended license; amending s.
 16 322.01, F.S.; providing that a judicial determination to
 17 withhold adjudication for a violation of specified
 18 provisions for driver licenses and identification cards is
 19 not a conviction; providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Section 318.14, Florida Statutes, is amended to
 24 read:

25 318.14 Noncriminal traffic infractions; exception;
 26 procedures.—

27 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
 28 person cited for a violation of chapter 316, s. 320.0605, s.

29 | 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
 30 | (3), s. 322.161(5), s. 322.19, or s. 1006.66(3) is charged with
 31 | a noncriminal infraction and must be cited for such an
 32 | infraction and cited to appear before an official. If another
 33 | person dies as a result of the noncriminal infraction, the
 34 | person cited may be required to perform 120 community service
 35 | hours under s. 316.027(4), in addition to any other penalties.

36 | (2) Except as provided in s. 316.1001(2), any person cited
 37 | for an infraction under this section must sign and accept a
 38 | citation indicating a promise to appear. The officer may
 39 | indicate on the traffic citation the time and location of the
 40 | scheduled hearing and must indicate the applicable civil penalty
 41 | established in s. 318.18.

42 | (3) Any person who willfully refuses to accept and sign a
 43 | summons is guilty of a misdemeanor of the second degree.

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

48 | 1. Pay the civil penalty and delinquent fee, if
 49 | applicable, either by mail or in person; or

50 | 2. Enter into a payment plan with the clerk of the court
 51 | to pay the civil penalty and delinquent fee, if applicable,
 52 | ~~within 30 days after the date of issuance of the citation.~~

53 | (b) If the person cited follows the procedures in
 54 | paragraph (a) above procedure, he or she shall be deemed to have
 55 | admitted the infraction and to have waived his or her right to a
 56 | hearing on the issue of commission of the infraction. Such

57 admission shall not be used as evidence in any other
58 proceedings. Any person who is cited for a violation of s.
59 320.0605 or s. 322.15(1), or subject to a penalty under s.
60 320.07(3) (a) or (b) or s. 322.065, and who makes an election
61 under this subsection shall submit proof of compliance with the
62 applicable section to the clerk of the court. For the purposes
63 of this subsection, proof of compliance consists of a valid
64 driver's license or a valid registration certificate.

65 (5) Any person electing to appear before the designated
66 official or who is required so to appear shall be deemed to have
67 waived his or her right to the civil penalty provisions of s.
68 318.18. The official, after a hearing, shall make a
69 determination as to whether an infraction has been committed. If
70 the commission of an infraction has been proven, the official
71 may impose a civil penalty not to exceed \$500, except that in
72 cases involving unlawful speed in a school zone or involving
73 unlawful speed in a construction zone, the civil penalty may not
74 exceed \$1,000; or require attendance at a driver improvement
75 school, or both. If the person is required to appear before the
76 designated official pursuant to s. 318.19(1) and is found to
77 have committed the infraction, the designated official shall
78 impose a civil penalty of \$1,000 in addition to any other
79 penalties and the person's driver's license shall be suspended
80 for 6 months. If the person is required to appear before the
81 designated official pursuant to s. 318.19(2) and is found to
82 have committed the infraction, the designated official shall
83 impose a civil penalty of \$500 in addition to any other
84 penalties and the person's driver's license shall be suspended

85 for 3 months. After a hearing under this subsection, the
86 designated official may withhold adjudication and such action is
87 not a conviction. If the official determines that no infraction
88 has been committed, no costs or penalties shall be imposed and
89 any costs or penalties that have been paid shall be returned.
90 Moneys received from the mandatory civil penalties imposed
91 pursuant to this subsection upon persons required to appear
92 before a designated official pursuant to s. 318.19(1) or (2)
93 shall be remitted to the Department of Revenue and deposited
94 into the Department of Health Administrative Trust Fund to
95 provide financial support to certified trauma centers to assure
96 the availability and accessibility of trauma services throughout
97 the state. Funds deposited into the Administrative Trust Fund
98 under this section shall be allocated as follows:

99 (a) Fifty percent shall be allocated equally among all
100 Level I, Level II, and pediatric trauma centers in recognition
101 of readiness costs for maintaining trauma services.

102 (b) Fifty percent shall be allocated among Level I, Level
103 II, and pediatric trauma centers based on each center's relative
104 volume of trauma cases as reported in the Department of Health
105 Trauma Registry.

106 (6) The commission of a charged infraction at a hearing
107 under this chapter must be proved beyond a reasonable doubt.

108 (7) (a) The official having jurisdiction over the
109 infraction shall certify to the department within 10 days after
110 payment of the civil penalty that the defendant has admitted to
111 the infraction. If the charge results in a hearing, the official
112 having jurisdiction shall certify to the department the final

HB 795

2010

113 disposition within 10 days after the hearing. All dispositions
114 returned to the county requiring a correction shall be
115 resubmitted to the department within 10 days after the
116 notification of the error.

117 (b) If the official having jurisdiction over the traffic
118 infraction submits the final disposition to the department more
119 than 180 days after the final hearing or after payment of the
120 civil penalty, the department may modify any resulting
121 suspension or revocation action to begin as if the citation were
122 reported in a timely manner.

123 (8) When a report of a determination or admission of an
124 infraction is received by the department, it shall proceed to
125 enter the proper number of points on the licensee's driving
126 record in accordance with s. 322.27.

127 (9) Any person who does not hold a commercial driver's
128 license and who is cited for an infraction under this section
129 other than a violation of s. 316.183(2), s. 316.187, or s.
130 316.189 when the driver exceeds the posted limit by 30 miles per
131 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
132 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
133 appearance, elect to attend in the location of his or her choice
134 within this state a basic driver improvement course approved by
135 the Department of Highway Safety and Motor Vehicles. In such a
136 case, adjudication must be withheld and points, as provided by
137 s. 322.27, may not be assessed. However, a person may not make
138 an election under this subsection if the person has made an
139 election under this subsection in the preceding 12 months. A
140 person may make no more than five elections within 10 years

HB 795

2010

141 under this subsection. The requirement for community service
142 under s. 318.18(8) is not waived by a plea of nolo contendere or
143 by the withholding of adjudication of guilt by a court. If a
144 person makes an election to attend a basic driver improvement
145 course under this subsection, 18 percent of the civil penalty
146 imposed under s. 318.18(3) shall be deposited in the State
147 Courts Revenue Trust Fund; however, that portion is not revenue
148 for purposes of s. 28.36 and may not be used in establishing the
149 budget of the clerk of the court under that section or s. 28.35.

150 (10) (a) Any person who does not hold a commercial driver's
151 license and who is cited for an offense listed under this
152 subsection may, in lieu of payment of fine or court appearance,
153 elect to enter a plea of nolo contendere and provide proof of
154 compliance to the clerk of the court or authorized operator of a
155 traffic violations bureau. In such case, adjudication shall be
156 withheld; however, no election shall be made under this
157 subsection if such person has made an election under this
158 subsection in the 12 months preceding election hereunder. No
159 person may make more than three elections under this subsection.
160 This subsection applies to the following offenses:

161 1. Operating a motor vehicle without a valid driver's
162 license in violation of the provisions of s. 322.03, s. 322.065,
163 or s. 322.15(1), or operating a motor vehicle with a license
164 which has been suspended for failure to appear, failure to pay
165 civil penalty, or failure to attend a driver improvement course
166 pursuant to s. 322.291.

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

HB 795

2010

169 3. Operating a motor vehicle in violation of s. 316.646.
170 (b) Any person cited for an offense listed in this
171 subsection shall present proof of compliance prior to the
172 scheduled court appearance date. For the purposes of this
173 subsection, proof of compliance shall consist of a valid,
174 renewed, or reinstated driver's license or registration
175 certificate and proper proof of maintenance of security as
176 required by s. 316.646. Notwithstanding waiver of fine, any
177 person establishing proof of compliance shall be assessed court
178 costs of \$25, except that a person charged with violation of s.
179 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
180 such costs shall be remitted to the Department of Revenue for
181 deposit into the Child Welfare Training Trust Fund of the
182 Department of Children and Family Services. One dollar of such
183 costs shall be distributed to the Department of Juvenile Justice
184 for deposit into the Juvenile Justice Training Trust Fund.
185 Fourteen dollars of such costs shall be distributed to the
186 municipality and \$9 shall be deposited by the clerk of the court
187 into the fine and forfeiture fund established pursuant to s.
188 142.01, if the offense was committed within the municipality. If
189 the offense was committed in an unincorporated area of a county
190 or if the citation was for a violation of s. 316.646(1)-(3), the
191 entire amount shall be deposited by the clerk of the court into
192 the fine and forfeiture fund established pursuant to s. 142.01,
193 except for the moneys to be deposited into the Child Welfare
194 Training Trust Fund and the Juvenile Justice Training Trust
195 Fund. This subsection shall not be construed to authorize the
196 operation of a vehicle without a valid driver's license, without

HB 795

2010

197 a valid vehicle tag and registration, or without the maintenance
198 of required security.

199 (11) If adjudication is withheld for any person charged or
200 cited under this section, such action is not a conviction.

201 (12) Any person cited for a violation of s. 316.1001 may,
202 in lieu of making an election as set forth in subsection (4) or
203 s. 318.18(7), elect to pay a fine of \$25, or such other amount
204 as imposed by the governmental entity owning the applicable toll
205 facility, plus the amount of the unpaid toll that is shown on
206 the traffic citation directly to the governmental entity that
207 issued the citation, or on whose behalf the citation was issued,
208 within 30 days after the date of issuance of the citation. Any
209 person cited for a violation of s. 316.1001 who does not elect
210 to pay the fine imposed by the governmental entity owning the
211 applicable toll facility plus the amount of the unpaid toll that
212 is shown on the traffic citation directly to the governmental
213 entity that issued the citation, or on whose behalf the citation
214 was issued, as described in this subsection shall have an
215 additional 45 days after the date of the issuance of the
216 citation in which to request a court hearing or to pay the civil
217 penalty and delinquent fee, if applicable, as provided in s.
218 318.18(7), either by mail or in person, in accordance with
219 subsection (4).

220 (13) (a) A person cited for a violation of s. 316.1926
221 shall, in addition to any other requirements provided in this
222 section, pay a fine of \$1,000. This fine is in lieu of the fine
223 required under s. 318.18(3) (b), if the person was cited for
224 violation of s. 316.1926(2).

HB 795

2010

225 (b) A person cited for a second violation of s. 316.1926
226 shall, in addition to any other requirements provided in this
227 section, pay a fine of \$2,500. This fine is in lieu of the fine
228 required under s. 318.18(3)(b), if the person was cited for
229 violation of s. 316.1926(2). In addition, the court shall revoke
230 the person's authorization and privilege to operate a motor
231 vehicle for a period of 1 year and order the person to surrender
232 his or her driver's license.

233 (c) A person cited for a third violation of s. 316.1926
234 commits a felony of the third degree, punishable as provided in
235 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the
236 court shall impose a fine of \$5,000, revoke the person's
237 authorization and privilege to operate a motor vehicle for a
238 period of 10 years, and order the person to surrender his or her
239 driver's license.

240 (14) The clerks of the court shall establish a system for
241 accepting periodic payments of civil penalties and applicable
242 fees and charges associated with the disposition of traffic
243 infraction citations. The payment plan shall provide for the
244 adjustment of payments, without penalty, due to changes in the
245 ability of the payor to make the payments.

246 Section 2. Section 318.15, Florida Statutes, is amended to
247 read:

248 318.15 Failure to comply with civil penalty or to appear;
249 penalty.—

250 (1)(a) If a person fails to comply with the civil
251 penalties provided in s. 318.18 within the time period specified
252 in s. 318.14(4), fails to enter into a penalty payment plan with

HB 795

2010

253 | the clerk of the court or fails to make payments for 8
254 | consecutive weeks under that plan, fails to attend driver
255 | improvement school, or fails to appear at a scheduled hearing,
256 | the clerk of the court shall notify the Division of Driver
257 | Licenses of the Department of Highway Safety and Motor Vehicles
258 | of such failure within 10 days after such failure. Upon receipt
259 | of such notice, the department shall immediately issue an order
260 | suspending the driver's license and privilege to drive of such
261 | person effective 20 days after the date the order of suspension
262 | is mailed in accordance with s. 322.251(1), (2), and (6). Any
263 | such suspension of the driving privilege which has not been
264 | reinstated, including a similar suspension imposed outside
265 | Florida, shall remain on the records of the department for a
266 | period of 7 years from the date imposed and shall be removed
267 | from the records after the expiration of 7 years from the date
268 | it is imposed.

269 | (b) However, a person who elects to attend driver
270 | improvement school and has paid the civil penalty as provided in
271 | s. 318.14(9), but who subsequently fails to attend the driver
272 | improvement school within the time specified by the court shall
273 | be deemed to have admitted the infraction and shall be
274 | adjudicated guilty. In such a case in which there was an 18-
275 | percent reduction pursuant to s. 318.14(9) as it existed before
276 | February 1, 2009, the person must pay the clerk of the court
277 | that amount and a processing fee of up to \$18, after which no
278 | additional penalties, court costs, or surcharges shall be
279 | imposed for the violation. In all other such cases, the person
280 | must pay the clerk a processing fee of up to \$18, after which no

281 additional penalties, court costs, or surcharges shall be
 282 imposed for the violation. The clerk of the court shall notify
 283 the department of the person's failure to attend driver
 284 improvement school and points shall be assessed pursuant to s.
 285 322.27.

286 (2) After the suspension of a person's driver's license
 287 and privilege to drive under subsection (1), the license and
 288 privilege may not be reinstated until the person complies with
 289 the terms of a periodic payment plan or a revised payment plan
 290 with the clerk of the court pursuant to s. 318.14 or with all
 291 obligations and penalties imposed under s. 318.18 and presents
 292 to a driver license office a certificate of compliance issued by
 293 the court, together with a nonrefundable service charge of \$60
 294 imposed under s. 322.29, or presents a certificate of compliance
 295 and pays the service charge to the clerk of the court or a
 296 driver licensing agent authorized under s. 322.135 clearing such
 297 suspension. Of the charge collected, \$22.50 shall be remitted to
 298 the Department of Revenue to be deposited into the Highway
 299 Safety Operating Trust Fund. Such person must also be in
 300 compliance with requirements of chapter 322 before
 301 reinstatement.

302 Section 3. Subsection (11) of section 322.01, Florida
 303 Statutes, is amended to read:

304 322.01 Definitions.—As used in this chapter:

305 (11) (a) "Conviction" means a conviction of an offense
 306 relating to the operation of motor vehicles on highways which is
 307 a violation of this chapter or any other such law of this state
 308 or any other state, including an admission or determination of a

HB 795

2010

309 noncriminal traffic infraction pursuant to s. 318.14, or a
310 judicial disposition of an offense committed under any federal
311 law substantially conforming to the aforesaid state statutory
312 provisions.

313 (b) Notwithstanding any other provisions of this chapter,
314 the definition of "conviction" provided in 49 C.F.R. part 383.5
315 applies to offenses committed in a commercial motor vehicle or
316 by a person holding a commercial driver's license.

317 (c) Except as otherwise specifically provided in this
318 chapter, a judicial determination to withhold adjudication for a
319 violation under this chapter is not a conviction.

320 Section 4. This act shall take effect July 1, 2010.