

1 A bill to be entitled
2 An act relating to penalties for violations 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 providing for certain persons cited for specified offenses
7 to provide proof of compliance to a designated official;
8 providing alternative citation disposition procedures for
9 the offense of operating a motor vehicle with a license
10 that has been suspended for failure to pay certain
11 financial obligations or to comply with specified
12 education requirements; amending s. 318.15, F.S.;
13 providing for suspension of a driver's license for failure
14 to enter into or comply with the terms of a penalty
15 payment plan; providing for reinstatement of the suspended
16 license; amending s. 322.331, F.S.; providing for the
17 removal of a habitual traffic offender designation upon
18 proof of compliance with statutory provisions by certain
19 offenders; amending s. 322.34, F.S.; providing alternative
20 citation disposition procedures for the offense of
21 knowingly operating a motor vehicle with a license that
22 has been suspended for failure to pay certain financial
23 obligations or failure to comply with specified education
24 requirements; providing that adjudication shall be
25 withheld under the alternative disposition and that such
26 withholding of adjudication is not a conviction; providing
27 an effective date.
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29 Be It Enacted by the Legislature of the State of Florida:

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

33 318.14 Noncriminal traffic infractions; exception;
 34 procedures.-

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

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

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

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

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

69 1. Operating a motor vehicle without a valid driver's
70 license in violation of the provisions of s. 322.03, s. 322.065,
71 or s. 322.15(1), or operating a motor vehicle with a license
72 that which has been suspended for failure to appear, failure to
73 pay civil penalty, or failure to attend a driver improvement
74 course pursuant to s. 322.291.

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

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

78 4. Operating a motor vehicle with a license that has been
79 suspended under s. 61.13016 or s. 322.245 for failure to pay
80 child support or for failure to pay any other financial
81 obligation as provided in s. 322.245; however, this subsection
82 does not apply if the license has been suspended pursuant to s.
83 322.245(1).

84 5. Operating a motor vehicle with a license that has been

85 suspended under s. 322.091 for failure to meet school attendance
86 requirements.

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

89 318.15 Failure to comply with civil penalty or to appear;
90 penalty.—

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

109 (b) However, a person who elects to attend driver
110 improvement school and has paid the civil penalty as provided in
111 s. 318.14(9), but who subsequently fails to attend the driver
112 improvement school within the time specified by the court shall

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

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

141 reinstatement.

142 Section 3. Section 322.331, Florida Statutes, is amended
 143 to read:

144 322.331 Habitual traffic offenders; restoration of
 145 license.—

146 (1) At the expiration of 5 years from the date of license
 147 revocation, a person whose license has been revoked under s.
 148 322.27(5) may petition the department for restoration of driving
 149 privileges. Upon such petition and after investigation of the
 150 person's qualification and fitness to drive, the department
 151 shall hold an administrative hearing to determine whether
 152 driving privileges shall be restored either on an unrestricted
 153 basis or on a restricted basis solely for business or employment
 154 purposes.

155 (2) If a person whose license has been revoked under s.
 156 322.27(5) as a result of a third violation of driving a motor
 157 vehicle while his or her license is suspended or revoked which
 158 occurred prior to July 1, 2010, provides proof of compliance as
 159 allowed by s. 318.14(10) (a) prior to July 1, 2011, the clerk of
 160 court shall submit an amended disposition to remove the habitual
 161 traffic offender designation.

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

164 322.34 Driving while license suspended, revoked, canceled,
 165 or disqualified.—

166 (10) (a) Notwithstanding any other provision of this
 167 section, if a person does not have a prior forcible felony
 168 conviction as defined in s. 776.08, the penalties provided in

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169 paragraph (b) apply if a person's driver's license or driving
170 privilege is canceled, suspended, or revoked for:

171 1. Failing to pay child support as provided in s. 322.245
172 or s. 61.13016;

173 2. Failing to pay any other financial obligation as
174 provided in s. 322.245 other than those specified in s.
175 322.245(1);

176 3. Failing to comply with a civil penalty required in s.
177 318.15;

178 4. Failing to maintain vehicular financial responsibility
179 as required by chapter 324;

180 5. Failing to comply with attendance or other requirements
181 for minors as set forth in s. 322.091; or

182 6. Having been designated a habitual traffic offender
183 under s. 322.264(1)(d) as a result of suspensions of his or her
184 driver's license or driver privilege for any underlying
185 violation listed in subparagraphs 1.-5.

186 (b)1. Upon a first conviction for knowingly driving while
187 his or her license is suspended, revoked, or canceled for any of
188 the underlying violations listed in subparagraphs (a)1.-6., a
189 person commits a misdemeanor of the second degree, punishable as
190 provided in s. 775.082 or s. 775.083.

191 2. Upon a second or subsequent conviction for the same
192 offense of knowingly driving while his or her license is
193 suspended, revoked, or canceled for any of the underlying
194 violations listed in subparagraphs (a)1.-6., a person commits a
195 misdemeanor of the first degree, punishable as provided in s.
196 775.082 or s. 775.083.

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197 (11) (a) Any person who does not hold a commercial driver's
198 license and who is cited for an offense of knowingly driving
199 while his or her license is suspended, revoked, or canceled for
200 any of the underlying violations listed in paragraph (10) (a)
201 may, in lieu of payment of fine or court appearance, elect to
202 enter a plea of nolo contendere and provide proof of compliance
203 to the clerk of the court, designated official, or authorized
204 operator of a traffic violations bureau. In such case,
205 adjudication shall be withheld; however, no election shall be
206 made under this subsection if such person has made an election
207 under this subsection in the preceding 12 months. No person may
208 make more than three elections under this subsection.

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

211 Section 5. This act shall take effect October 1, 2010.