

By Senator Stargel

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1 A bill to be entitled
2 An act relating to noncriminal traffic infractions;
3 amending s. 318.14, F.S.; requiring a specified
4 reduction for a civil penalty under certain
5 circumstances; deleting the requirement that a
6 specified percentage of the civil penalty be deposited
7 in the State Courts Revenue Trust Fund; amending s.
8 318.15, F.S.; requiring a person to pay the clerk of
9 the court the specified percentage previously deducted
10 under certain circumstances; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (9) of section 318.14, Florida
16 Statutes, is amended to read:

17 318.14 Noncriminal traffic infractions; exception;
18 procedures.—

19 (9) Any person who does not hold a commercial driver
20 license or commercial learner's permit and who is cited while
21 driving a noncommercial motor vehicle for an infraction under
22 this section other than a violation of s. 316.183(2), s.
23 316.187, or s. 316.189 when the driver exceeds the posted limit
24 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
25 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
26 lieu of a court appearance, elect to attend in the location of
27 his or her choice within this state a basic driver improvement
28 course approved by the Department of Highway Safety and Motor
29 Vehicles. In such a case, adjudication must be withheld; ~~and~~
30 points, as provided by s. 322.27, may not be assessed; and any
31 civil penalty that is imposed under s. 318.18(3) must be reduced
32 by 18 percent. However, a person may not make an election under

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33 this subsection if the person has made an election under this
34 subsection in the preceding 12 months. A person may not make
35 more than five elections within his or her lifetime under this
36 subsection. The requirement for community service under s.
37 318.18(8) is not waived by a plea of nolo contendere or by the
38 withholding of adjudication of guilt by a court. ~~If a person
39 makes an election to attend a basic driver improvement course
40 under this subsection, 18 percent of the civil penalty imposed
41 under s. 318.18(3) shall be deposited in the State Courts
42 Revenue Trust Fund; however, that portion is not revenue for
43 purposes of s. 28.36 and may not be used in establishing the
44 budget of the clerk of the court under that section or s. 28.35.~~

45 Section 2. Paragraph (b) of subsection (1) of section
46 318.15, Florida Statutes, is amended to read:

47 318.15 Failure to comply with civil penalty or to appear;
48 penalty.—

49 (1)

50 (b) However, a person who elects to attend driver
51 improvement school and has paid the civil penalty as provided in
52 s. 318.14(9), but who subsequently fails to attend the driver
53 improvement school within the time specified by the court shall
54 be deemed to have admitted the infraction and shall be
55 adjudicated guilty. In such a case in which there is ~~was~~ an 18-
56 percent reduction pursuant to s. 318.14(9) ~~as it existed before~~
57 ~~February 1, 2009~~, the person must pay the clerk of the court
58 that amount and a processing fee of up to \$18, after which ~~no~~
59 additional penalties, court costs, or surcharges may not ~~shall~~
60 be imposed for the violation. In all other such cases, the
61 person must pay the clerk a processing fee of up to \$18, after

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62 which ~~no~~ additional penalties, court costs, or surcharges may
63 not shall be imposed for the violation. The clerk of the court
64 shall notify the department of the person's failure to attend
65 driver improvement school and points shall be assessed pursuant
66 to s. 322.27.

67 Section 3. This act shall take effect July 1, 2017.