

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 of 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 amount of the reduction under certain
 10 circumstances; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

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

16 318.14 Noncriminal traffic infractions; exception;
 17 procedures.—

18 (9) Any person who does not hold a commercial driver
 19 license or commercial learner's permit and who is cited while
 20 driving a noncommercial motor vehicle for an infraction under
 21 this section other than a violation of s. 316.183(2), s.
 22 316.187, or s. 316.189 when the driver exceeds the posted limit
 23 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
 24 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
 25 lieu of a court appearance, elect to attend in the location of

26 his or her choice within this state a basic driver improvement
27 course approved by the Department of Highway Safety and Motor
28 Vehicles. In such a case, adjudication must be withheld; and
29 points, as provided by s. 322.27, may not be assessed; and any
30 civil penalty that is imposed under s. 318.18(3) must be reduced
31 by 18 percent. However, a person may not make an election under
32 this subsection if the person has made an election under this
33 subsection in the preceding 12 months. A person may not make
34 more than five elections within his or her lifetime under this
35 subsection. The requirement for community service under s.
36 318.18(8) is not waived by a plea of nolo contendere or by the
37 withholding of adjudication of guilt by a court. ~~If a person~~
38 ~~makes an election to attend a basic driver improvement course~~
39 ~~under this subsection, 18 percent of the civil penalty imposed~~
40 ~~under s. 318.18(3) shall be deposited in the State Courts~~
41 ~~Revenue Trust Fund; however, that portion is not revenue for~~
42 ~~purposes of s. 28.36 and may not be used in establishing the~~
43 ~~budget of the clerk of the court under that section or s. 28.35.~~

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

46 318.15 Failure to comply with civil penalty or to appear;
47 penalty.—

48 (1)

49 (b) However, a person who elects to attend driver
50 improvement school and has paid the civil penalty as provided in

51 s. 318.14(9)~~7~~ but who subsequently fails to attend the driver
52 improvement school within the time specified by the court shall
53 be deemed to have admitted the infraction and shall be
54 adjudicated guilty. In such a case in which there is ~~was~~ an 18-
55 percent reduction pursuant to s. 318.14(9) ~~as it existed before~~
56 ~~February 1, 2009~~, the person must pay the clerk of the court
57 that amount and a processing fee of up to \$18, after which ~~no~~
58 additional penalties, court costs, or surcharges may not ~~shall~~
59 be imposed for the violation. In all other such cases, the
60 person must pay the clerk a processing fee of up to \$18, after
61 which ~~no~~ additional penalties, court costs, or surcharges may
62 not ~~shall~~ be imposed for the violation. The clerk of the court
63 shall notify the department of the person's failure to attend
64 driver improvement school and points shall be assessed pursuant
65 to s. 322.27.

66 Section 3. This act shall take effect July 1, 2018.