

By the Committee on Judiciary; and Senator Joyner

590-07009-08

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1 A bill to be entitled

2 An act relating to community service for infractions of  
3 noncriminal traffic offenses; amending s. 318.18, F.S.;  
4 requiring a court to allow a person to satisfy a civil  
5 penalty for an infraction of a noncriminal traffic offense  
6 by participating in community service if the person is  
7 unable to pay the civil penalty due to a demonstrable  
8 financial hardship; authorizing a court to allow a person  
9 to participate in community service even if the person  
10 does not demonstrate financial hardship; requiring that a  
11 person participating in community service receive credit  
12 for the civil penalty at the specified hourly credit rate  
13 per hour of community service performed or at the  
14 prevailing wage rate for a trade or profession; defining  
15 the term "specified hourly credit rate"; providing  
16 responsibilities for community service agencies; defining  
17 the terms "community service" and "community service  
18 agency"; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (b) of subsection (8) of section  
23 318.18, Florida Statutes, is amended to read:

24 318.18 Amount of penalties.--The penalties required for a  
25 noncriminal disposition pursuant to s. 318.14 or a criminal  
26 offense listed in s. 318.17 are as follows:

27 (8)

28 (b)1.a. If a person has been ordered to pay a civil penalty  
29 for a noncriminal traffic infraction and the person is unable to

590-07009-08

2008858c1

30 comply with the court's order due to demonstrable financial  
31 hardship, the court shall allow the person to satisfy the civil  
32 penalty by participating in community service until the civil  
33 penalty is paid.

34 b. If a person has been ordered to pay a civil penalty for  
35 a noncriminal traffic infraction but cannot demonstrate financial  
36 hardship, a person may also, at the discretion of the court, be  
37 authorized to satisfy the civil penalty by participating in  
38 community service until the civil penalty is paid.

39 c. If a court orders a person to perform community service,  
40 the person shall receive credit for the civil penalty at the  
41 specified hourly credit rate per hour of community service  
42 performed, and each hour of community service performed shall  
43 reduce the civil penalty by that amount.

44 2.a. As used in this paragraph, the term "specified hourly  
45 credit rate" means the wage rate that is specified in 29 U.S.C.  
46 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,  
47 that is then in effect, and that an employer subject to such  
48 provision must pay per hour to each employee subject to such  
49 provision.

50 b. However, if a person ordered to perform community  
51 service has a trade or profession for which there is a community  
52 service need, the specified hourly credit rate for each hour of  
53 community service performed by that person shall be the average  
54 prevailing wage rate for the trade or profession that the  
55 community service agency needs.

56 3.a. The community service agency supervising the person  
57 shall record the number of hours of community service completed  
58 and the date the community service hours were completed. The

590-07009-08

2008858c1

59 community service agency shall submit the data to the clerk of  
60 court on the letterhead of the community service agency, which  
61 must also bear the signature of the person designated to  
62 represent the community service agency.

63 b. When the number of community service hours completed by  
64 the person equals the amount of the civil penalty, the clerk of  
65 court shall certify this fact to the court. Thereafter, the clerk  
66 of court shall record in the case file that the civil penalty has  
67 been paid in full.

68 4. Notwithstanding any other law, a person's driver's  
69 license may not be suspended for failing to pay the civil penalty  
70 without a finding that the person has the ability to pay the  
71 civil penalty.

72 5. As used in this paragraph, the term:

73 a. "Community service" means uncompensated labor for a  
74 community service agency.

75 b. "Community service agency" means a not-for-profit  
76 corporation, community organization, charitable organization,  
77 public officer, the state or any political subdivision of the  
78 state, or any other body the purpose of which is to improve the  
79 quality of life or social welfare of the community and which  
80 agrees to accept community service from persons unable to pay  
81 civil penalties for noncriminal traffic infractions.

82 ~~(b) Any person who fails to comply with the court's~~  
83 ~~requirements as to civil penalties specified in this section due~~  
84 ~~to demonstrable financial hardship shall be authorized to satisfy~~  
85 ~~such civil penalties by public works or community service. Each~~  
86 ~~hour of such service shall be applied, at the rate of the minimum~~  
87 ~~wage, toward payment of the person's civil penalties; provided,~~

590-07009-08

2008858c1

88 ~~however, that if the person has a trade or profession for which~~  
89 ~~there is a community service need and application, the rate for~~  
90 ~~each hour of such service shall be the average standard wage for~~  
91 ~~such trade or profession. Any person who fails to comply with the~~  
92 ~~court's requirements as to such civil penalties who does not~~  
93 ~~demonstrate financial hardship may also, at the discretion of the~~  
94 ~~court, be authorized to satisfy such civil penalties by public~~  
95 ~~works or community service in the same manner.~~

96 Section 2. This act shall take effect July 1, 2008.