

# ADVISORY BULLETIN

## Florida Association of Court Clerks/Comptrollers

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REF: HB 137 (ch. 2008-117, Laws of Florida)

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Effective October 1, 2008, HB 137 revises the traffic laws to create a few more penalties. This short bill was particularly focused on unsafe motorcycle activities, but it does include a provision for excessive speed. The new law also provides penalties for the first, second, third or subsequent violations. The Distribution Chart found on the FACC website will be updated to reflect the amounts for the first and second offenses in the Traffic section. The third and subsequent offense is classified as a third degree felony with a \$5,000 fine and will appear in the Criminal Traffic section of the chart.

### New Violations:

#### **316.2085(2) Motorcycle or moped, wheels losing contact with ground**

This is classified as a moving violation.

First Offense: the violator must pay \$1,000 plus any other costs assessed for a moving violation.

Second Offense: the violator must pay a fine of \$2,500, plus any other applicable costs assessed for a moving violation. The person's driver license must be revoked for a period of one year.

Third Offense: the violator will be charged with a third degree felony, punishable as provided in ss. 775.082, 775.083, and 775.084, a mandatory fine of \$5,000, and the driver license must be revoked for a period of ten years.

(new entries for Distribution Chart—see below)

#### **316.2085(3) Motorcycle or moped license tag improperly affixed**

This is classified as a moving violation.

First Offense: the violator must pay \$1,000 plus any other costs assessed for a moving violation.

Second Offense: the violator must pay a fine of \$2,500, plus any other applicable costs assessed for a moving violation. The person's driver license must be revoked for a period of one year.

Third Offense: the violator will be charged with a third degree felony, punishable as provided in ss. 775.082, 775.083, and 775.084, a mandatory fine of \$5,000, and the driver license must be revoked for a period of ten years.

(new entries for Distribution Chart—see below)

#### **316.1926 (2) A person who exceeds the speed limit in excess of 50 mph or more in violation of ss. 316.183(2) (posted speeds), 316.187(state speed zones), or 316.189 (municipal and county speeds)**

This is classified as a moving violation.

First Offense: the violator must pay a fine of \$1,000 plus court costs.

Second Offense: the violator must pay a fine of \$2,500 plus court costs and the driver license must be revoked for a period of one year.

Third Offense: the violator will be charged with a third degree felony, punishable as provided in ss. 775.082, 775.083, and 775.084, a mandatory fine of \$5,000, and the driver license must be revoked for a period of ten years.

(new entries for Distribution Chart—see below).

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New entries for the Distribution Chart are as follows:

### Civil Traffic

#### **First Violation:**

#### **Motorcycle/Moped –Wheels Off Ground or Tag --First Offense 316.2085(2) or (3)**

4 LIABILITY COURT FACILITIES FUND (BOCC) optional with county ordinance	\$15.00	C/M	318.18(13)(a)
4 LIABILITY LAW ENFORCEMENT EDU (BOCC) Optional with ordinance	\$ 2.00	C/M	938.15/318.18(11)(d)
3 LIABILITY ADDITIONAL COURT COST CLEAR	\$ 3.00	C/M	318.18(11)(d)
2 or 4 348-530 LIABILITY ADDIT'L COURT COST-CLERK or Co. if directed	\$ 2.50	CM	318.18(11)(d)
2 348-530 COURT COSTS	\$30.00	C/M	318.18(11)(a)
1 LIABILITY CLERK OF COURT T.F./DOR/GEN FUND	\$ 5.00	C/M	318.18(11)(a)
1 LIABILITY ADMIN FEE/CLERK OF COURT T.F./DOR./GEN FUND	\$ 12.50	S/M	318.18(18)
3 LIABILITY STATE RADIO SYSTEM SURCHARGE	\$ 3.00	S/M	318.18(7)
BASE FINE	\$ 60.00	P/M	318.18(3)(a)
ADDITIONAL FINE	<u>\$1,000</u>	P/M	318.14(13)(a)
	\$1,133		

The break out, or distribution, of the \$1,000 is the same as the \$60.

#### **Excessive Speed—Over 50 mph --First Offense 316.1926**

4 LIABILITY COURT FACILITIES FUND (BOCC) optional with county ordinance	\$15.00	C/M	318.18(13)(a)
4 LIABILITY LAW ENFORCEMENT EDU (BOCC) Optional with ordinance	\$2.00	C/M	938.15/318.18(11)(d)
3 LIABILITY ADDITIONAL COURT COST CLEAR	\$3.00	C/M	318.18(11)(d)
2 or 4 348-530 LIABILITY ADDIT'L COURT COST-CLERK or Co. if directed	\$2.50	CM	318.18(11)(d)
2 348-530 COURT COSTS	\$30.00	C/M	318.18(11)(a)
1 LIABILITY CLERK OF COURT T.F./DOR/GEN FUND	\$5.00	C/M	318.18(11)(a)
1 LIABILITY ADMIN FEE/CLERK OF COURT T.F./DOR./GEN FUND	\$12.50	S/M	318.18(18)
3 LIABILITY STATE RADIO SYSTEM SURCHARGE	\$3.00	S/M	318.18(7)
BASE FINE	<u>\$1,000</u>	P/M	318.18(3)(a)
	\$1,073		

The break out, or distribution, of the \$1,000 is the same as the \$60.

#### **Second Violation:**

#### **Motorcycle/Moped –Wheels Off Ground or Tag –Second Offense 316.2085(2) or (3)**

4 LIABILITY COURT FACILITIES FUND (BOCC) optional with county ordinance	\$15.00	C/M	318.18(13)(a)
4 LIABILITY LAW ENFORCEMENT EDU (BOCC) Optional with ordinance	\$2.00	C/M	938.15/318.18(11)(d)
3 LIABILITY ADDITIONAL COURT COST CLEAR	\$3.00	C/M	318.18(11)(d)
2 or 4 348-530 LIABILITY ADDIT'L COURT COST-CLERK or Co. if directed	\$2.50	CM	318.18(11)(d)
2 348-530 COURT COSTS	\$30.00	C/M	318.18(11)(a)
1 LIABILITY CLERK OF COURT T.F./DOR/GEN FUND	\$5.00	C/M	318.18(11)(a)
1 LIABILITY ADMIN FEE/CLERK OF COURT T.F./DOR./GEN FUND	\$12.50	S/M	318.18(18)
3 LIABILITY STATE RADIO SYSTEM SURCHARGE	\$3.00	S/M	318.18(7)
BASE FINE	\$60.00	P/M	318.18(3)(a)
ADDITIONAL FINE	<u>\$2,500</u>	P/M	318.14(13)(a)
	\$2,633		

The break out, or distribution, of the \$2,500 is the same as the \$60.

#### **Excessive Speed—Over 50 mph --Second Offense 316.1926**

4 LIABILITY COURT FACILITIES FUND (BOCC) optional with county ordinance	\$15.00	C/M	318.18(13)(a)
4 LIABILITY LAW ENFORCEMENT EDU (BOCC) Optional with ordinance	\$2.00	C/M	938.15/318.18(11)(d)
3 LIABILITY ADDITIONAL COURT COST CLEAR	\$3.00	C/M	318.18(11)(d)

2 or 4 348-530 LIABILITY	ADDIT'L COURT COST-CLERK or Co. if directed	\$2.50	CM	318.18(11)(d)
2	348-530 COURT COSTS	\$30.00	C/M	318.18(11)(a)
1	LIABILITY CLERK OF COURT T.F./DOR/GEN FUND	\$5.00	C/M	318.18(11)(a)
1	LIABILITY ADMIN FEE/CLERK OF COURT T.F./DOR./GEN FUND	\$12.50	S/M	318.18(18)
3	LIABILITY STATE RADIO SYSTEM SURCHARGE	\$3.00	S/M	318.18(7)
	BASE FINE	<u>\$2,500</u>	P/M	318.18(3)(a)
		\$ 2,573		

The break out, or distribution, of the \$2,500 is the same as the \$60.

### Criminal Traffic

#### Motorcycle/Moped/Excessive Speed Over 50 mph 316.1926

2	351-500	FINE	\$5,000.00	P/M	318.14(13)(c)
3	LIABILITY	FCCA 5% surcharge (only if fine assessed)	\$250.00	C/M if fine	938.04
3	LIABILITY	CRIME STOPPER TRUST FUND (only if fine assessed)	\$17.00	C/M if fine	938.06
2	348-520	CRIME STOPPER TRUST FEE	\$3.00	S/M if fine	938.06
2	348-530	ADDIT'L COURT COSTS	\$200.00	C/M	938.05(1)(a)
1	LIABILITY	ADDIT'L COURT COSTS	\$25.00	C/M	938.05(1)(a)
2	348-520	CRIMES COMP FEE	\$1.00	S/M	938.03
3	LIABILITY	CRIMES COMP T.F.	\$49.00	C/M	938.03
3	LIABILITY	ADDIT'L COURT COST CLEARING	\$3.00	C/M	938.01
4	LIABILITY	LOCAL LAW ENF ED	\$2.00	C/M	938.15
4	LIABILITY	CRIMES PEVENTION FUND (only if fine assessed)	\$50.00	C/M	775.083(2)
3	LIABILITY	STATE RADIO SYSTEM SURCHARGE	\$3.00	S/M	318.18(17)
4	LIABILITY	COURT FACILITIES FUND (optional with ordinance)	\$15.00	C/M	318.18(13)(a)
4	LIABILITY	ADDIT'L COSTS (BOCC) - PROGRAMS (optional with ordinance)	<u>\$65.00</u>	C/M	939.185(1)(a)
			\$5,733		