

CHAPTER 318

DISPOSITION OF TRAFFIC INFRACTIONS

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318.11 Short title.—This chapter may be known and cited as the "Florida Uniform Disposition of Traffic Infractions Act."

History.—s. 1, ch. 74-377.

318.12 Purpose.—It is the legislative intent in the adoption of this chapter to decriminalize certain violations of chapter 316, the Florida Uniform Traffic Control Law; chapter 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses; ¹chapter 339, Florida Transportation Code, Sixth Part; ²chapter 239, Universities; Scholarships, etc.; and ³chapter 340, Turnpike Projects, thereby facilitating the implementation of a more uniform and expeditious system for the disposition of traffic infractions.

History.—s. 1, ch. 74-377; s. 1, ch. 79-27; s. 21, ch. 83-215; s. 13, ch. 84-359.
¹**Note.**—Chapter 339 no longer refers to "Florida Transportation Code, Sixth Part."
²**Note.**—The several sections comprising former ch. 239 have been either repealed or transferred to ch. 240. See the Table of Repealed and Transferred Sections in Volume 5 of this edition.

³**Note.**—The several sections comprising former ch. 340 have been either repealed or transferred to ch. 338. See the Table of Repealed and Transferred Sections in Volume 5 of this edition.

318.13 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(1) "Department" means Department of Highway Safety and Motor Vehicles, defined in s. 20.24, or the appropriate division thereof.

(2) "Suspension" means that a licensee's privilege to drive a motor vehicle is temporarily withdrawn.

(3) "Infraction" means a noncriminal violation that may require community service hours under s. 316.027(4), but is not punishable by incarceration and for which there is no right to a trial by jury or a right to court-appointed counsel.

(4) "Official" means any judge authorized by law to preside over a court or hearing adjudicating traffic infractions.

(5) "Officer" means any law enforcement officer charged with and acting under his or her authority to arrest persons suspected of, or known to be, violating statutes or ordinances regulating traffic or the operation or equipment of vehicles. "Officer" includes any individual employed by a sheriff's department or the police department of a chartered municipality who is acting as a traffic infraction enforcement officer as provided in s. 318.141.

History.—s. 1, ch. 74-377; s. 1, ch. 76-183; s. 1, ch. 77-119; s. 12, ch. 94-306; s. 907, ch. 95-148.

318.14 Noncriminal traffic infractions; exception; procedures.—

(1) Except as provided in ss. 318.17 and 320.07(3)(b), any person cited for a violation of s. 240.265, chapter 316, s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s. 322.15(1), or s. 322.19 shall be deemed to be charged with a noncriminal infraction and shall be cited for such an infraction and cited to appear before an official. If another person dies as a result of the noncriminal infraction, the person cited may perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

(2) Except as provided in s. 316.1001(2), any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18.

(3) Any person who willfully refuses to accept and sign a summons is guilty of a misdemeanor of the second degree.

(4) Any person charged with a noncriminal infraction under this section who does not elect to appear shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days of the date of receiving the citation, unless the citation is for violation of s. 316.646, in which case payment may be made, either by mail or in person, within 20 days of the date of receiving the citation. If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. Any person who is cited for a violation of s. 320.0605(1) or s. 322.15(1), or subject to a penalty under s. 320.07(3)(a) or s. 322.065, and who makes an election under this subsection shall submit proof of compliance with the applicable section to the clerk of the court. For the purposes of this subsection, proof of compliance consists of a valid driver's license or a valid registration certificate.

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his or her right to the civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500 or require attendance at a driver improvement school, or both. If the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties that have been paid shall be returned.

(6) The commission of a charged infraction at a hearing under this chapter must be proved beyond a reasonable doubt.

(7) The official having jurisdiction over the infraction shall certify to the department within 10 days after payment of the civil penalty that the defendant has admitted to the infraction. If the charge results in a hearing, the official having jurisdiction shall certify to the department the final disposition within 10 days of the hearing.

(8) When a report of a determination or admission of an infraction is received by the department, it shall proceed to enter the proper number of points on the licensee's driving record in accordance with s. 322.27.

(9) Any person who is cited for an infraction under this section other than a violation of s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such case, adjudication shall be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) shall be reduced by 18 percent; however, an election may not be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. A person may make no more than five elections under this subsection.

(10)(a) Any person cited for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more than three elections under this subsection. This subsection applies to the following offenses:

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

2. Operating a motor vehicle without a valid registration by a person who is subject to the penalty provided in s. 320.0605(1) or s. 320.07(3).

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

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$22, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$7. One dollar of such costs shall be distributed to the Department of Health and Rehabilitative Services for deposit into the Child Welfare Training Trust Fund. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Twelve dollars of such costs shall be distributed to the municipality and \$8 shall be retained by the county, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the county shall retain the entire amount, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without a valid vehicle tag and registration, or without the maintenance of required security.

(11) If adjudication is withheld for any person charged or cited under this section, such action is not a conviction.

History.—s. 1, ch. 74-377; s. 2, ch. 79-27; s. 194, ch. 81-259; s. 7, ch. 82-97; s. 22, ch. 83-215; s. 268, ch. 84-309; s. 14, ch. 84-359; s. 59, ch. 85-190; s. 2, ch. 85-250; s. 1, ch. 86-12; s. 5, ch. 86-154; s. 2, ch. 86-182; ss. 1, 3, ch. 86-185; s. 1, ch. 87-108; s. 1, ch. 88-50; s. 53, ch. 89-282; s. 2, ch. 90-230; ss. 1, 6, ch. 91-200; ss. 1, 5, ch. 92-195; s. 19, ch. 93-164; ss. 13, 36, ch. 94-306; s. 908, ch. 95-148; s. 58, ch. 95-267; s. 2, ch. 95-326.

Note.—Section 320.0605(1) does not provide a penalty.

318.141 Enforcement; traffic control officers and traffic infraction enforcement officers.—

(1)(a) Any sheriff's department, or any police department of a chartered municipality, may employ, as a traffic control officer, any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection is authorized to direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that such traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic con-

trol officers may be employed to perform such traffic control responsibilities only when off-duty, full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be construed to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.

(c) Nothing in this subsection shall be construed to permit the carrying of firearms or other weapons, nor shall traffic control officers have arrest authority.

(2)(a) Any sheriff's department or police department of a chartered municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes at least 200 hours of instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for such infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

(b) Such traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of an accident investigation team at the scene of a vehicle accident or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that such traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(c) Nothing in this subsection shall be construed to permit the carrying of firearms or other weapons, nor shall traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided herein.

History.—s. 2, ch. 76-183; s. 14, ch. 79-8; s. 4, ch. 79-82; s. 12, ch. 83-167; s. 2, ch. 90-66; s. 4, ch. 91-174; s. 2, ch. 94-330; s. 909, ch. 95-148.

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall approve the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, 322.095, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, 322.095, and 322.291.

(2) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver

awareness, accident avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

(3) The Department of Highway Safety and Motor Vehicles shall suspend accepting proof of attendance of courses from persons who attend those schools that do not teach an approved course. In those circumstances, a person who has elected to take courses from such a school shall receive a refund from the school, and the person shall have the opportunity to take the course at another school.

(4) In addition to a regular course fee, an assessment fee in the amount of \$2.50 shall be collected by the school from each person who elects to attend a course, as it relates to ss. 318.14(9), 322.0261, and 322.291, which shall be remitted to the Department of Highway Safety and Motor Vehicles and deposited in the Highway Safety Operating Trust Fund to administer this program and to fund the general operations of the department.

(5) The Department of Highway Safety and Motor Vehicles is directed to perform studies of the driver improvement courses offered in Florida to determine the effectiveness of such courses on crash and violation rates. The department must report its findings to the Legislature by October 1, 1997. The department is authorized to establish control groups of licensed drivers to test the effectiveness of the courses, and the department shall have the authority to suspend the normal penalties provided by chapters 316, 318, and 322 with respect to those persons participating in the studies.

History.—ss. 2, 6, ch. 91-200; ss. 2, 5, ch. 92-195; s. 61, ch. 93-120; s. 37, ch. 94-306; s. 3, ch. 95-326.

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

(1) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of such failure within 5 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver's license and privilege to drive of such person as of the date of such failure and shall send such person notice of such suspension.

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with the \$25 nonrefundable service fee imposed under s. 322.29, or pays the aforementioned \$25 service fee to the clerk of the court clearing such suspension. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

History.—s. 1, ch. 74-377; s. 1, ch. 80-262; s. 6, ch. 86-154; s. 333, ch. 95-148.

318.16 Appeals; stay orders; procedures.—

(1) If a person is found to have committed an infraction by the hearing official, he or she may appeal that

finding to the circuit court. An appeal under this subsection shall not operate to stay the reporting requirements of s. 318.14(7) or to stay appropriate action by the department upon receipt of that report.

(2) The circuit court, upon application by the appellant, may:

(a) Order a stay of any action by the department during pendency of the appeal, but not to exceed a period of 60 days. A copy of the order shall be forwarded to the department.

(b) Deny the application.

History.—s. 1, ch. 74-377; s. 334, ch. 95-148.

318.17 Offenses excepted.—No provision of this chapter shall be available to persons charged with the following offenses:

(1) Fleeing or attempting to elude a police officer, in violation of s. 316.1935;

(2) Leaving the scene of an accident, in violation of ss. 316.027 and 316.061;

(3) Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, in violation of s. 316.193, or driving with an unlawful blood alcohol level;

(4) Reckless driving, in violation of s. 316.192;

(5) Making false accident reports, in violation of s. 316.067;

(6) Willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3); or

(7) Obstructing an officer, in violation of s. 316.545(1).

History.—s. 1, ch. 74-377; s. 37, ch. 76-31; s. 4, ch. 77-456; s. 7, ch. 82-155; s. 4, ch. 83-187; s. 4, ch. 85-87; s. 20, ch. 86-296.

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to ss. 316.2935(6) and 318.14(1), (2), and (4) are as follows:

(1) Seventeen dollars for all infractions of pedestrian regulations under s. 316.130, all infractions of s. 316.2065(12), and violations of chapter 316 by persons 14 years of age or under who are operating bicycles.

(2) Thirty-two dollars for all nonmoving traffic violations and:

(a) For all violations of s. 322.19.

(b) For all violations of ss. 320.0605(1), 320.07(1), 322.065, and 322.15(1). Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

(c) For all violations of ss. 316.2935 and 316.610. However, for a violation of s. 316.2935 or s. 316.610, if the person committing the violation corrects the defect and obtains proof of such timely repair by an affidavit of compliance executed by the law enforcement agency within 20 days from the date upon which the traffic citation was issued, and pays \$4 to the law enforcement agency, thereby completing the affidavit of compliance, then upon presentation of said affidavit by the defendant to the clerk within the 30-day time period set forth under s. 318.14(4), the fine shall be reduced to \$5 of which the clerk of the court shall retain \$2 for administrative costs and forward \$1 to the Department of Highway

Safety and Motor Vehicles and \$2 to the Department of Health and Rehabilitative Services.

(3) Except as otherwise provided in this section, \$52 for all moving violations not requiring a mandatory appearance. With respect to violations involving an unlawful speed, there shall be added to the \$52 an amount equal to \$2 for every mile per hour over the lawful speed limit.

(4) Twenty-two dollars, including court costs, for a violation of s. 316.614(4) or (5).

(5) The penalty imposed under s. 316.545 shall be determined by the officer in accordance with the provisions of ss. 316.535 and 316.545.

(6) One hundred dollars for a violation of s. 316.172(1), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of \$100.

(7) One hundred dollars for illegally parking in a parking space provided for disabled persons under s. 316.1955 or s. 316.1956.

(8) One hundred dollars for a violation of s. 316.1001.

(9)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 shall be required to pay an additional civil penalty of \$12, which additional civil penalty shall be distributed as provided in s. 318.21.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrable financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

(10)(a) Two dollars for every mile per hour over the lawful speed limit for violations for unlawful speed shall be assessed in addition to the penalties set forth in subsection (3).

(b) Beginning July 1, 1992, 25 cents for every mile per hour over the lawful speed limit for violations for unlawful speed shall be assessed in addition to the penalties set forth in subsection (3) and paragraph (a), for deposit in the Nongame Wildlife Trust Fund.

(11) In addition to the civil penalties imposed in subsections (4) and (12) for the violation of child restraint requirements provided in s. 316.613 and safety belt requirements as provided in s. 316.614, there is hereby imposed an additional \$5 surcharge. This surcharge

shall be deposited in the Epilepsy Services Trust Fund established pursuant to s. 385.207.

(12) Five dollars for each moving violation, except for violations involving an unlawful speed, shall be assessed in addition to the penalties set forth in subsection (3).

(13) One hundred and fifty dollars, including court costs, for a violation of s. 316.613.

(14) Up to \$1,500 for a violation of s. 316.1575.

History.—s. 1, ch. 74-377; s. 38, ch. 76-31; s. 3, ch. 79-27; s. 1, ch. 80-179; s. 195, ch. 81-259; s. 2, ch. 82-58; s. 2, ch. 84-73; s. 15, ch. 84-359; s. 25, ch. 85-167; s. 3, ch. 85-250; s. 2, ch. 85-255; s. 6, ch. 85-309; s. 4, ch. 85-337; s. 3, ch. 86-49; s. 7, ch. 86-154; s. 4, ch. 86-185; s. 3, ch. 86-260; s. 2, ch. 87-108; s. 2, ch. 87-167; ss. 2, 5, ch. 88-50; s. 2, ch. 88-305; ss. 61, 72, ch. 88-381; s. 6, ch. 89-212; s. 2, ch. 90-141; s. 8, ch. 90-290; ss. 10, 26, ch. 90-330; s. 3, ch. 91-136; s. 3, ch. 91-200; s. 1, ch. 92-192; s. 21, ch. 93-164; s. 14, ch. 94-306.

Note.—Redesignated as subsection (13) by s. 21, ch. 93-164.

318.19 Infractions requiring a mandatory hearing.

Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2) and (4) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

(1) Any infraction which results in an accident that causes the death of another; or

(2) Any infraction which results in an accident that causes "serious bodily injury" of another as defined in s. 316.1933(1).

History.—s. 1, ch. 74-377; s. 91, ch. 77-104; s. 1, ch. 81-34; s. 16, ch. 84-359; s. 4, ch. 85-250; s. 12, ch. 86-154; s. 335, ch. 95-148.

318.20 Notification; duties of department.—

The department shall prepare a notification form to be appended to, or incorporated as a part of, the Florida uniform traffic citation issued in accordance with s. 316.650. The notification form shall contain language informing persons charged with infractions to which this chapter applies of the procedures available to them under this chapter. Such notification shall contain a statement that, if the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties which have been paid shall be returned.

History.—s. 1, ch. 74-377; s. 39, ch. 76-31; s. 8, ch. 86-154; s. 2, ch. 86-185.

318.21 Disposition of civil penalties by county courts.—

All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of Health and Rehabilitative Services for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to s. 404.40. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Health and Rehabilitative Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.4531.

(b) Seven and two-tenths percent shall be deposited in the Emergency Medical Services Trust Fund for the purposes set forth in s. 401.113.

(c) Five and one-tenth percent shall be deposited in the Additional Court Cost Clearing Trust Fund established pursuant to s. 943.25 for criminal justice purposes.

(d) Eight and two-tenths percent shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund for the purposes set forth in s. 413.613.

(e) Two percent shall be deposited in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation established by s. 413.615.

(f) Five-tenths percent shall be paid to the clerk of the court for administrative costs.

(g)1. If the violation occurred within a municipality or a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that municipality or special improvement district.

2. If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that county.

(3)(a) Moneys paid to a municipality or special improvement district under subparagraph (2)(g)1. must be used to fund local criminal justice training as provided in s. 943.25(13) when such a program is established by ordinance; to fund a municipal school crossing guard training program; and for any other lawful purpose.

(b) Moneys paid to a county under subparagraph (2)(g)2. shall be used to fund local criminal justice training as provided in s. 943.25(13) when such a program is established by ordinance, to fund a county school crossing guard training program, and for any other lawful purpose.

History.—s. 1, ch. 74-377; s. 39, ch. 76-31; s. 9, ch. 86-154; s. 3, ch. 87-108; s. 4, ch. 87-186; s. 2, ch. 88-73; s. 7, ch. 90-208; s. 4, ch. 91-200; s. 4, ch. 92-194; s. 3, ch. 92-195; s. 2, ch. 94-324; s. 59, ch. 95-267.

318.30 Legislative intent.—It is the intent of the Legislature that civil traffic infraction hearing officers be appointed and used in those counties where the need arises for their services. Any Civil Traffic Infraction Hearing Officer Program established in a county under ss. 318.30-318.38 shall be subject to the supervision of the Supreme Court.

History.—s. 1, ch. 89-337; s. 19, ch. 90-330; s. 2, ch. 94-202.

318.31 Objectives.—The Supreme Court is hereby requested to adopt rules and procedures for the establishment and operation of Civil Traffic Infraction Hearing Officer Programs under ss. 318.30-318.38. However, the appointment of a hearing officer shall be at the option of the county electing to establish such a program, upon recommendation by the county court judge or judges, as the case may be, and the Chief Judge of the Circuit and approval by the Chief Justice of the Supreme Court.

History.—s. 2, ch. 89-337; s. 3, ch. 94-202.

318.32 Jurisdiction; limitations.—

(1) Hearing officers shall be empowered to accept pleas from and decide the guilt or innocence of any person, adult or juvenile, charged with any civil traffic infrac-

tion and shall be empowered to adjudicate or withhold adjudication of guilt in the same manner as a county court judge under the statutes, rules, and procedures presently existing or as subsequently amended, except that hearing officers shall not:

(a) Have the power to hold a defendant in contempt of court, but shall be permitted to file a motion for order of contempt with the appropriate state trial court judge;

(b) Hear a case involving an accident resulting in injury or death; or

(c) Hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense.

(2) This section does not prohibit a county court judge from exercising concurrent jurisdiction with a civil traffic hearing officer.

(3) Upon the request of the defendant contained in a Notice of Appearance or a written plea, the case shall be assigned to a county court judge regularly assigned to hear traffic matters.

History.—s. 3, ch. 89-337; s. 1, ch. 91-152; s. 4, ch. 94-202.

318.325 Jurisdiction and procedure for parking infractions.—Any county or municipality may adopt an ordinance that allows the county or municipality to refer cases involving the violation of a county or municipal parking ordinance to a hearing officer designated to preside over civil traffic infractions in the county. Notwithstanding the provisions of ss. 318.14 and 775.08(3), any parking violation shall be deemed to be an infraction as defined in s. 318.13(3). However, the violation must be enforced and disposed of in accordance with the provisions of general law applicable to parking violations and with the charter or code of the county or municipality where the violation occurred. The clerk of the court or the designated traffic violations bureau must collect and distribute the fines, forfeitures, and court costs assessed under this section. Notwithstanding the provisions of s. 318.21, fines and forfeitures received from parking violations committed within the unincorporated areas of the county or within the boundaries of the municipality must be collected and paid monthly to the county or municipality, respectively. Court costs assessed by the hearing officer must be paid to the county.

History.—s. 1, ch. 94-202.

318.33 Appeals.—Decisions of the hearing officer are appealable, under the rules of court, to the circuit court. Appeals shall be based upon the record of the hearing before the hearing officer and shall not be hearings de novo. Appellants are responsible for producing the record of the hearing beyond that which normally results from the civil traffic infraction hearing process.

History.—s. 4, ch. 89-337; s. 5, ch. 94-202.

318.34 Qualifications.—Applicants for the position of hearing officer of the civil traffic court shall be members in good standing of The Florida Bar and shall have completed a 40-hour education and training program which has been approved by the Florida Supreme Court. Thereafter, hearing officers shall complete an approved 4-hour continuing education program annually.

History.—s. 5, ch. 89-337; s. 6, ch. 94-202.

318.35 Term of office.—Hearing officers shall be independent contractors and may serve either full time or part time as determined by the chief judge. In either case, they shall serve at the pleasure of the chief judge of the county and circuit in which they are to hear cases and shall have no definite term of office.

History.—s. 6, ch. 89-337; s. 7, ch. 94-202.

318.36 Code of ethics.—Hearing officers shall be subject to The Florida Bar Code of Professional Responsibility and not the Judicial Code of Ethics, except that they shall avoid practices or occupations that would constitute a conflict of interest or give the appearance of impropriety. Whether serving full time or part time, hearing officers shall be prohibited from representing clients or practicing before any other hearing officer of a civil traffic court or from representing any client appealing the decision of any other hearing officer.

History.—s. 7, ch. 89-337; s. 8, ch. 94-202.

318.37 Funding.—In any county electing to establish a Civil Traffic Infraction Hearing Officer Program under ss. 318.30-318.38 the court shall develop a plan for its implementation and shall submit the plan to the Office of the State Courts Administrator. Funds for the program are to be used for hearing officer salaries, which may not exceed \$50 per hour, and other necessary expenses such as hearing officer training, office rental, furniture, and administrative staff salaries. Any county electing to establish such a program shall provide the funds necessary to operate the program.

History.—s. 8, ch. 89-337; s. 2, ch. 91-152; s. 9, ch. 94-202.

318.38 Nonseverability.—If the provisions of s. 318.32 authorizing hearing officers to impose the same sanctions as county court judges for civil traffic infractions are found to be unconstitutional by the Florida Supreme Court, then the hearing officers shall have no further jurisdiction over any civil traffic infractions.

History.—s. 9, ch. 89-337; s. 10, ch. 94-202.

318.39 Highway Safety Operating Trust Fund.—The Accident Reports Trust Fund within the Department of Highway Safety and Motor Vehicles is redesignated as the Highway Safety Operating Trust Fund and is to be used to fund the general operations of the Department of Highway Safety and Motor Vehicles.

History.—s. 58, ch. 93-120.