

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

Case No.: SC18-149

v.

Fl. Bar File Nos.: 20174035(11B)

TIKD SERVICES LLC and
CHRISTOPHER RILEY,

and 20174045(11B)

Respondents.

_____ /

NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner, THE FLORIDA BAR, submits as supplemental authority pursuant to Fla. R. App. P. 9.225, the attached authority, Section 318.14(9), Florida Statutes (2019).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2020, the foregoing was filed and served via the State of Florida's E-Filing Portal to:

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The 2019 Florida Statutes

[Title XXIII](#)[MOTOR VEHICLES](#)[Chapter 318](#)[DISPOSITION OF TRAFFIC INFRACTIONS](#)[View Entire Chapter](#)**318.14 Noncriminal traffic infractions; exception; procedures.—**

(1) Except as provided in ss. [318.17](#) and [320.07\(3\)\(c\)](#), any person cited for a violation of chapter 316, s. [320.0605](#), s. [320.07\(3\)\(a\)](#) or (b), s. [322.065](#), s. [322.15\(1\)](#), s. [322.16\(2\)](#) or (3), s. [322.1615](#), s. [322.19](#), or s. [1006.66\(3\)](#) is charged with a noncriminal infraction and must 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 be required to perform 120 community service hours under s. [316.027\(4\)](#), in addition to any other penalties.

(2) Except as provided in ss. [316.1001\(2\)](#) and [316.0083](#), any person cited for a violation requiring a mandatory hearing listed in s. [318.19](#) or any other criminal traffic violation listed in chapter 316 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](#). For all other infractions under this section, except for infractions under s. [316.1001](#), the officer must certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited. This certification is prima facie evidence that the person cited was served with the citation.

(3) Any person who willfully refuses to accept and sign a summons as provided in subsection (2) commits a misdemeanor of the second degree.

(4)(a) Except as provided in subsection (12), any person charged with a noncriminal infraction under this section who does not elect to appear shall, within 30 days after the date of issuance of the citation:

1. Pay the civil penalty and delinquent fee, if applicable, either by mail or in person; or
2. Enter into a payment plan in accordance with s. [28.246](#) with the clerk of the court to pay the civil penalty and delinquent fee, if applicable.

(b) If the person cited follows the procedures in paragraph (a), 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](#) or s. [322.15\(1\)](#), or subject to a penalty under s. [320.07\(3\)\(a\)](#) or (b) 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 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, except that in cases involving unlawful speed in a school zone or involving unlawful speed in a construction zone, the civil penalty may not exceed \$1,000; or require attendance at a driver improvement school, or both. If the person is required to appear before the designated official pursuant to s. [318.19\(1\)](#) and is found to have committed the infraction, the designated official shall impose a civil penalty of \$1,000 in addition to any other penalties and the person's driver license shall be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. [318.19\(2\)](#) and is found to have committed the infraction, the designated official shall impose a civil penalty of \$500 in addition to any other penalties and the person's driver license shall be suspended for 3 months. 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. Moneys received from the mandatory civil penalties imposed pursuant to this subsection upon persons required to appear before a designated official pursuant to s. [318.19](#)(1) or (2) shall be remitted to the Department of Revenue and deposited into the Department of Health Emergency Medical Services Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Emergency Medical Services Trust Fund under this section shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

¹(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as calculated using the hospital discharge data collected pursuant to s. [408.061](#).

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

(7)(a) 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 after the hearing. All dispositions returned to the county requiring a correction shall be resubmitted to the department within 10 days after the notification of the error.

(b) If the official having jurisdiction over the traffic infraction submits the final disposition to the department more than 180 days after the final hearing or after payment of the civil penalty, the department may modify any resulting suspension or revocation action to begin as if the citation were reported in a timely manner.

(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 does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. [316.183](#)(2), s. [316.187](#), or s. [316.189](#) when the driver exceeds the posted limit by 30 miles per hour or more, s. [320.0605](#), s. [320.07](#)(3)(a) or (b), 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 a case, adjudication must be withheld, any civil penalty that is imposed by s. [318.18](#)(3) must be reduced by 18 percent, and points, as provided by s. [322.27](#), may not be assessed. However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than five elections within his or her lifetime under this subsection. The requirement for community service under s. [318.18](#)(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

(10)(a) Any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle 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, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver license in violation of s. [322.03](#), s. [322.065](#), or s. [322.15](#)(1), or operating a motor vehicle with a license that 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 in violation of s. [320.0605](#), s. [320.07](#), or s. [320.131](#).
3. Operating a motor vehicle in violation of s. [316.646](#).
4. Operating a motor vehicle with a license that has been suspended under s. [61.13016](#) or s. [322.245](#) for failure to pay child support or for failure to pay any other financial obligation as provided in s. [322.245](#); however, this

subparagraph does not apply if the license has been suspended pursuant to s. [322.245\(1\)](#).

5. Operating a motor vehicle with a license that has been suspended under s. [322.091](#) for failure to meet school attendance requirements.

²(b) Any person cited for an offense listed in this subsection shall present proof of compliance before the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver 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 \$25, except that a person charged with violation of s. [316.646\(1\)-\(3\)](#) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Families. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality, \$1 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund and \$8 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. [142.01](#), 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 entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. [142.01](#), except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund and \$3 which the clerk shall remit to the Department of Revenue for deposit into the General Revenue Fund. This subsection does not authorize the operation of a vehicle without a valid driver 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.

(12) Any person cited for a violation of s. [316.1001](#) may, in lieu of making an election as set forth in subsection (4), elect to pay a fine of \$25, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, within 30 days after the date of issuance of the citation. Any person cited for a violation of s. [316.1001](#) who does not elect to pay the fine imposed by the governmental entity owning the applicable toll facility plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, as described in this subsection shall have an additional 45 days after the date of the issuance of the citation in which to request a court hearing or to pay the civil penalty and delinquent fee, if applicable, as provided in s. [318.18\(7\)](#), either by mail or in person, in accordance with subsection (4).

(13)(a) A person cited for a violation of s. [316.1926](#) shall, in addition to any other requirements provided in this section, pay a fine of \$1,000. This fine is in lieu of the fine required under s. [318.18\(3\)\(b\)](#), if the person was cited for violation of s. [316.1926\(2\)](#).

(b) A person cited for a second violation of s. [316.1926](#) shall, in addition to any other requirements provided in this section, pay a fine of \$2,500. This fine is in lieu of the fine required under s. [318.18\(3\)\(b\)](#), if the person was cited for violation of s. [316.1926\(2\)](#). In addition, the court shall revoke the person's authorization and privilege to operate a motor vehicle for a period of 1 year and order the person to surrender his or her driver license.

(c) A person cited for a third violation of s. [316.1926](#) commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). Upon conviction, the court shall impose a fine of \$5,000, revoke the person's authorization and privilege to operate a motor vehicle for a period of 10 years, and order the person to surrender his or her driver license.

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. 85-180; 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; s. 7, ch. 96-200; s. 43, ch. 96-350; s. 8, ch. 96-414; s. 46, ch. 97-300; s. 58, ch. 99-8; s. 94, ch. 99-13; ss. 7, 249, ch. 99-248; s. 27, ch. 2001-122; s. 963, ch. 2002-387; s. 27, ch. 2003-1; s. 21, ch. 2003-286; s. 58, ch. 2004-265; ss. 11, 57, ch. 2005-164; s. 20, ch. 2006-290; s. 5, ch. 2006-296; s. 20, ch. 2007-196; s. 31, ch. 2008-111; s. 3, ch. 2008-117; s. 14, ch. 2008-176; s. 1, ch. 2009-6; s. 11, ch. 2010-80; s. 1, ch. 2010-107; s. 2, ch. 2010-161; s. 4, ch. 2010-198; s. 12, ch. 2010-223; s. 10, ch. 2012-128; s. 16, ch.

2012-181; s. 19, ch. 2013-160; s. 54, ch. 2014-17; s. 57, ch. 2014-19; s. 1, ch. 2018-66; s. 46, ch. 2018-118; s. 8, ch. 2019-42; s. 16, ch. 2019-58.

¹**Note.**—Section 14, ch. 2018-66, provides that “[i]f the provisions of this act relating to s. 395.4025(16), Florida Statutes, are held to be invalid or inoperative for any reason, the remaining provisions of this act shall be deemed to be void and of no effect, it being the legislative intent that this act as a whole would not have been adopted had any provision of the act not been included.”

²**Note.**—

A. Section 16, ch. 2019-58, amended paragraph (10)(b) “[e]ffective upon this act becoming a law and retroactive to July 1, 2008.”

B. Section 30, ch. 2019-58, provides that “[t]he amendments made by this act to ss. 27.52, 28.24, 28.2401, 28.241, 34.041, 45.035, 55.505, 61.14, 316.193, 318.14, 318.15, 318.18, 322.245, 327.35, 327.73, 379.401, 713.24, 721.83, 744.365, 744.3678, 766.104, and 938.05, Florida Statutes, are remedial and clarifying in nature and apply retroactively to July 1, 2008.”

C. Section 31, ch. 2019-58, provides that “[t]he amendments to the jurisdiction of a court made by this act shall apply with respect to the date of filing the cause of action, regardless of when the cause of action accrued.”