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ADVISORY BULLETIN

Florida Association of Court Clerks/Comptrollers

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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.