

1 A bill to be entitled
2 An act relating to speed limit enforcement on state roads;
3 creating s. 316.1893, F.S.; providing legislative intent;
4 providing for establishment by the Department of
5 Transportation of enhanced penalty zones on state roads;
6 authorizing the department to set speed limits within
7 those zones; directing the department to adopt a uniform
8 system of traffic control devices to be used within the
9 zones; prohibiting operation of a vehicle at a speed
10 greater than that posted in the enhanced penalty zone;
11 directing the Department of Highway Safety and Motor
12 Vehicles to tabulate citations issued within enhanced
13 penalty zones and make available certain information;
14 directing the Department of Transportation, the Department
15 of Highway Safety and Motor Vehicles, and the Department
16 of Education to conduct a study and report to the Governor
17 and the Legislature for certain purposes; amending s.
18 318.18, F.S.; removing a condition for an increased
19 penalty for violation of posted speed in a construction
20 zone; providing penalties for violation of posted speed in
21 an enhanced penalty zone; amending s. 318.21, F.S.;
22 correcting cross-references to conform to changes made by
23 the act; reenacting ss. 318.14(2), (5), and (9),
24 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and
25 985.406(4)(b), F.S., relating to noncriminal traffic
26 infraction procedures, failure to comply with civil
27 penalty or to appear, disposition of civil penalties by
28 county courts, child welfare training, and juvenile

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29 justice training academies, respectively, for the purpose
30 of incorporating the amendment made to s. 318.18, F.S., in
31 references thereto; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. Section 316.1893, Florida Statutes, is created
36 to read:

37 316.1893 Establishment of enhanced penalty zones;
38 designation.--

39 (1) It is the intent of the Legislature to prevent
40 vehicular fatalities by prioritizing enforcement on segments of
41 highways that have a high incidence of fatalities. Enforcement
42 shall also be prioritized during the times that fatalities most
43 often occur. The enforcement of these zones shall be in a way
44 that maximizes public safety.

45 (2) No later than July 1, 2008, the Department of
46 Transportation shall identify enhanced penalty zones on state
47 roads where there is a high incidence of fatalities.

48 (3) The Department of Transportation, pursuant to the
49 authority granted under s. 316.187, is authorized to set such
50 maximum and minimum speed limits for travel within enhanced
51 penalty zones as it deems safe and advisable.

52 (4) The Department of Transportation shall adopt a uniform
53 system of traffic control devices for use in conjunction with
54 enhanced penalty zones pursuant to the authority granted under
55 s. 316.0745.

56 (5) A person may not drive a vehicle on a roadway
57 designated as an enhanced penalty zone at a speed greater than
58 that posted in the enhanced penalty zone in accordance with this
59 section. A person who violates the speed limit within a legally
60 posted enhanced penalty zone established under this section
61 commits a moving violation, punishable as provided in chapter
62 318.

63 (6) The Department of Highway Safety and Motor Vehicles
64 shall annually publish the date, time, and number of citations
65 issued both in and outside enhanced penalty zones and shall make
66 available statistical information based thereon as to the number
67 and circumstances of traffic citations inside an enhanced
68 penalty zone.

69 Section 2. The Department of Transportation, the
70 Department of Highway Safety and Motor Vehicles, and the
71 Department of Education shall jointly conduct a study of highway
72 safety and transportation issues as they relate to public
73 safety, including, but not limited to, engineering, enforcement,
74 and policy, to identify measurable improvements to reduce
75 highway traffic fatalities by one-third of the 2005 traffic
76 death statistics. The results of the study shall be presented to
77 the Governor, the President of the Senate, and the Speaker of
78 the House of Representatives no later than July 1, 2007, for a
79 public hearing and development of legislative recommendations.

80 Section 3. Paragraph (d) of subsection (3) of section
81 318.18, Florida Statutes, is amended, paragraphs (e) and (f) of
82 that subsection are redesignated as paragraphs (f) and (g),

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83 respectively, and a new paragraph (e) is added to that
 84 subsection, to read:

85 318.18 Amount of civil penalties.--The penalties required
 86 for a noncriminal disposition pursuant to s. 318.14 are as
 87 follows:

88 (3)

89 (d) A person cited for exceeding the speed limit in a
 90 posted construction zone shall pay a fine double the amount
 91 listed in paragraph (b). ~~The fine shall be doubled for~~
 92 ~~construction zone violations only if construction personnel are~~
 93 ~~present or operating equipment on the road or immediately~~
 94 ~~adjacent to the road under construction.~~

95 (e) A person cited for exceeding the speed limit in an
 96 enhanced penalty zone shall pay a fine amount of \$50 plus the
 97 amount listed in paragraph (b). Notwithstanding paragraph (b), a
 98 person cited for exceeding the speed limit by up to 5 m.p.h. in
 99 a legally posted enhanced penalty zone shall pay a fine amount
 100 of \$50.

101 Section 4. Subsections (4) and (5) of section 318.21,
 102 Florida Statutes, are amended to read:

103 318.21 Disposition of civil penalties by county
 104 courts.--All civil penalties received by a county court pursuant
 105 to the provisions of this chapter shall be distributed and paid
 106 monthly as follows:

107 (4) Of the additional fine assessed under s.
 108 318.18(3) (f) ~~(e)~~ for a violation of s. 316.1301, 40 percent must
 109 be remitted to the Department of Revenue for deposit in the
 110 Grants and Donations Trust Fund of the Division of Blind

111 Services of the Department of Education, and 60 percent must be
 112 distributed pursuant to subsections (1) and (2).

113 (5) Of the additional fine assessed under s.
 114 318.18(3) (f) ~~(e)~~ for a violation of s. 316.1303, 60 percent must
 115 be remitted to the Department of Revenue for deposit in the
 116 endowment fund for the Florida Endowment Foundation for
 117 Vocational Rehabilitation, and 40 percent must be distributed
 118 pursuant to subsections (1) and (2) of this section.

119 Section 5. For the purpose of incorporating the amendment
 120 made by this act to section 318.18, Florida Statutes, in
 121 references thereto, subsections (2), (5), and (9) of section
 122 318.14, Florida Statutes, are reenacted to read:

123 318.14 Noncriminal traffic infractions; exception;
 124 procedures.--

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

131 (5) Any person electing to appear before the designated
 132 official or who is required so to appear shall be deemed to have
 133 waived his or her right to the civil penalty provisions of s.
 134 318.18. The official, after a hearing, shall make a
 135 determination as to whether an infraction has been committed. If
 136 the commission of an infraction has been proven, the official
 137 may impose a civil penalty not to exceed \$500, except that in
 138 cases involving unlawful speed in a school zone or involving

139 unlawful speed in a construction zone, the civil penalty may not
140 exceed \$1,000; or require attendance at a driver improvement
141 school, or both. If the person is required to appear before the
142 designated official pursuant to s. 318.19(1) and is found to
143 have committed the infraction, the designated official shall
144 impose a civil penalty of \$1,000 in addition to any other
145 penalties and the person's driver's license shall be suspended
146 for 6 months. If the person is required to appear before the
147 designated official pursuant to s. 318.19(2) and is found to
148 have committed the infraction, the designated official shall
149 impose a civil penalty of \$500 in addition to any other
150 penalties and the person's driver's license shall be suspended
151 for 3 months. If the official determines that no infraction has
152 been committed, no costs or penalties shall be imposed and any
153 costs or penalties that have been paid shall be returned. Moneys
154 received from the mandatory civil penalties imposed pursuant to
155 this subsection upon persons required to appear before a
156 designated official pursuant to s. 318.19(1) or (2) shall be
157 remitted to the Department of Revenue and deposited into the
158 Department of Health Administrative Trust Fund to provide
159 financial support to certified trauma centers to assure the
160 availability and accessibility of trauma services throughout the
161 state. Funds deposited into the Administrative Trust Fund under
162 this section shall be allocated as follows:

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

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166 (b) Fifty percent shall be allocated among Level I, Level
167 II, and pediatric trauma centers based on each center's relative
168 volume of trauma cases as reported in the Department of Health
169 Trauma Registry.

170 (9) Any person who does not hold a commercial driver's
171 license and who is cited for an infraction under this section
172 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
173 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
174 of a court appearance, elect to attend in the location of his or
175 her choice within this state a basic driver improvement course
176 approved by the Department of Highway Safety and Motor Vehicles.
177 In such a case, adjudication must be withheld; points, as
178 provided by s. 322.27, may not be assessed; and the civil
179 penalty that is imposed by s. 318.18(3) must be reduced by 18
180 percent; however, a person may not make an election under this
181 subsection if the person has made an election under this
182 subsection in the preceding 12 months. A person may make no more
183 than five elections under this subsection. The requirement for
184 community service under s. 318.18(8) is not waived by a plea of
185 nolo contendere or by the withholding of adjudication of guilt
186 by a court.

187 Section 6. For the purpose of incorporating the amendment
188 made by this act to section 318.18, Florida Statutes, in
189 references thereto, paragraph (a) of subsection (1) and
190 subsection (2) of section 318.15, Florida Statutes, are
191 reenacted to read:

192 318.15 Failure to comply with civil penalty or to appear;
193 penalty.--

194 (1) (a) If a person fails to comply with the civil
195 penalties provided in s. 318.18 within the time period specified
196 in s. 318.14(4), fails to attend driver improvement school, or
197 fails to appear at a scheduled hearing, the clerk of the court
198 shall notify the Division of Driver Licenses of the Department
199 of Highway Safety and Motor Vehicles of such failure within 10
200 days after such failure. Upon receipt of such notice, the
201 department shall immediately issue an order suspending the
202 driver's license and privilege to drive of such person effective
203 20 days after the date the order of suspension is mailed in
204 accordance with s. 322.251(1), (2), and (6). Any such suspension
205 of the driving privilege which has not been reinstated,
206 including a similar suspension imposed outside Florida, shall
207 remain on the records of the department for a period of 7 years
208 from the date imposed and shall be removed from the records
209 after the expiration of 7 years from the date it is imposed.

210 (2) After suspension of the driver's license and privilege
211 to drive of a person under subsection (1), the license and
212 privilege may not be reinstated until the person complies with
213 all obligations and penalties imposed on him or her under s.
214 318.18 and presents to a driver license office a certificate of
215 compliance issued by the court, together with a nonrefundable
216 service charge of up to \$47.50 imposed under s. 322.29, or
217 presents a certificate of compliance and pays the aforementioned
218 service charge of up to \$47.50 to the clerk of the court or tax
219 collector clearing such suspension. Of the charge collected by
220 the clerk of the court or the tax collector, \$10 shall be
221 remitted to the Department of Revenue to be deposited into the

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222 Highway Safety Operating Trust Fund. Such person shall also be
 223 in compliance with requirements of chapter 322 prior to
 224 reinstatement.

225 Section 7. For the purpose of incorporating the amendment
 226 made by this act to section 318.18, Florida Statutes, in a
 227 reference thereto, subsection (7) of section 318.21, Florida
 228 Statutes, is reenacted to read:

229 318.21 Disposition of civil penalties by county
 230 courts.--All civil penalties received by a county court pursuant
 231 to the provisions of this chapter shall be distributed and paid
 232 monthly as follows:

233 (7) For fines assessed under s. 318.18(3) for unlawful
 234 speed, the following amounts must be remitted to the Department
 235 of Revenue for deposit in the Nongame Wildlife Trust Fund:

For speed exceeding the limit by:	Fine:
238 1-5 m.p.h.	\$.00
239 6-9 m.p.h.	\$.25
240 10-14 m.p.h.	\$ 3.00
241 15-19 m.p.h.	\$ 4.00
242 20-29 m.p.h.	\$ 5.00
243 30 m.p.h. and above.	\$10.00

244
 245 The remaining amount must be distributed pursuant to subsections
 246 (1) and (2).

247 Section 8. For the purpose of incorporating the amendment
 248 made by this act to section 318.18, Florida Statutes, in a

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249 reference thereto, paragraph (b) of subsection (4) of section
 250 402.40, Florida Statutes, is reenacted to read:

251 402.40 Child welfare training.--

252 (4) CHILD WELFARE TRAINING TRUST FUND.--

253 (b) One dollar from every noncriminal traffic infraction
 254 collected pursuant to s. 318.14(10)(b) or s. 318.18 shall be
 255 deposited into the Child Welfare Training Trust Fund.

256 Section 9. For the purpose of incorporating the amendment
 257 made by this act to section 318.18, Florida Statutes, in a
 258 reference thereto, paragraph (b) of subsection (4) of section
 259 985.406, Florida Statutes, is reenacted to read:

260 985.406 Juvenile justice training academies established;
 261 Juvenile Justice Standards and Training Commission created;
 262 Juvenile Justice Training Trust Fund created.--

263 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

264 (b) One dollar from every noncriminal traffic infraction
 265 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
 266 deposited into the Juvenile Justice Training Trust Fund.

267 Section 10. This act shall take effect July 1, 2006.