

CHAMBER ACTION

1 The Transportation & Economic Development Appropriations
2 Committee recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to speed limit enforcement on state roads;
8 creating s. 316.1893, F.S.; providing legislative intent;
9 creating a pilot program for establishment by the
10 Department of Transportation of enhanced penalty zones on
11 state roads in certain counties; providing for future
12 review and repeal of the pilot program; authorizing the
13 department to set speed limits within enhanced penalty
14 zones; directing the department to adopt a uniform system
15 of traffic control devices to be used within the zones;
16 prohibiting operation of a vehicle at a speed greater than
17 that posted in the enhanced penalty zone; directing the
18 Department of Highway Safety and Motor Vehicles to
19 tabulate citations issued within enhanced penalty zones
20 and make available certain information; directing the
21 Department of Transportation, the Department of Highway
22 Safety and Motor Vehicles, and the Department of Education
23 to conduct a study and report to the Governor and the

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24 | Legislature for certain purposes; amending s. 318.18,
 25 | F.S.; specifying criteria for posting in a construction
 26 | zone; providing penalties for violation of posted speed in
 27 | an enhanced penalty zone; amending s. 318.21, F.S.;
 28 | correcting cross-references to conform to changes made by
 29 | the act; providing for disposition of fines collected;
 30 | reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and
 31 | (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S.,
 32 | relating to noncriminal traffic infraction procedures,
 33 | failure to comply with civil penalty or to appear,
 34 | disposition of civil penalties by county courts, child
 35 | welfare training, and juvenile justice training academies,
 36 | respectively, for the purpose of incorporating the
 37 | amendment made to s. 318.18, F.S., in references thereto;
 38 | providing an effective date.

39

40 | Be It Enacted by the Legislature of the State of Florida:

41

42 | Section 1. Section 316.1893, Florida Statutes, is created
 43 | to read:

44 | 316.1893 Establishment of enhanced penalty zones;
 45 | designation.--

46 | (1) It is the intent of the Legislature to prevent
 47 | vehicular fatalities by prioritizing enforcement on segments of
 48 | highways that have a high incidence of speed-related crashes.
 49 | Enforcement shall also be prioritized during the times that
 50 | speed-related crashes most often occur. The enforcement of these
 51 | zones shall be in a way that maximizes public safety.

52 (2) No later than July 1, 2007, the Department of
53 Transportation shall identify enhanced penalty zones on state
54 roads in Brevard, Duval, and St. Johns Counties as a pilot
55 program in an effort to reduce speed-related crashes on state
56 roads. This pilot program shall stand repealed July 1, 2009,
57 unless reviewed and saved from repeal through reenactment by the
58 Legislature.

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

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

67 (5) A person may not drive a vehicle on a roadway
68 designated as an enhanced penalty zone at a speed greater than
69 that posted in the enhanced penalty zone in accordance with this
70 section. A person who violates the speed limit within a legally
71 posted enhanced penalty zone established under this section
72 commits a moving violation, punishable as provided in chapter
73 318.

74 (6) The Department of Highway Safety and Motor Vehicles
75 shall annually publish the date, time, and number of citations
76 issued both in and outside enhanced penalty zones and shall make
77 available statistical information based thereon as to the number
78 and circumstances of traffic citations inside an enhanced
79 penalty zone.

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80 Section 2. The Department of Transportation, the
81 Department of Highway Safety and Motor Vehicles, and the
82 Department of Education shall jointly conduct a study of highway
83 safety and transportation issues as they relate to public
84 safety, including, but not limited to, engineering, enforcement,
85 and policy, to identify measurable improvements to reduce
86 highway traffic fatalities by one-third of the 2005 traffic
87 death statistics. The results of the study shall be presented to
88 the Governor, the President of the Senate, and the Speaker of
89 the House of Representatives no later than July 1, 2007, for a
90 public hearing and development of legislative recommendations.

91 Section 3. Paragraph (d) of subsection (3) of section
92 318.18, Florida Statutes, is amended, paragraphs (e) and (f) of
93 that subsection are redesignated as paragraphs (f) and (g),
94 respectively, and a new paragraph (e) is added to that
95 subsection, to read:

96 318.18 Amount of civil penalties.--The penalties required
97 for a noncriminal disposition pursuant to s. 318.14 are as
98 follows:

99 (3)

100 (d) A person cited for exceeding the speed limit in a
101 posted construction zone, which posting must include
102 notification of the speed limit and the doubling of fines, shall
103 pay a fine double the amount listed in paragraph (b). The fine
104 shall be doubled for construction zone violations only if
105 construction personnel are present or operating equipment on the
106 road or immediately adjacent to the road under construction.

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107 (e) A person cited for exceeding the speed limit in an
108 enhanced penalty zone shall pay a fine amount of \$50 plus the
109 amount listed in paragraph (b). Notwithstanding paragraph (b), a
110 person cited for exceeding the speed limit by up to 5 m.p.h. in
111 a legally posted enhanced penalty zone shall pay a fine amount
112 of \$50.

113 Section 4. Subsections (4) and (5) of section 318.21,
114 Florida Statutes, are amended, and subsection (15) is added to
115 that section, to read:

116 318.21 Disposition of civil penalties by county
117 courts.--All civil penalties received by a county court pursuant
118 to the provisions of this chapter shall be distributed and paid
119 monthly as follows:

120 (4) Of the additional fine assessed under s.
121 318.18(3) (f) ~~(e)~~ for a violation of s. 316.1301, 40 percent must
122 be remitted to the Department of Revenue for deposit in the
123 Grants and Donations Trust Fund of the Division of Blind
124 Services of the Department of Education, and 60 percent must be
125 distributed pursuant to subsections (1) and (2).

126 (5) Of the additional fine assessed under s.
127 318.18(3) (f) ~~(e)~~ for a violation of s. 316.1303, 60 percent must
128 be remitted to the Department of Revenue for deposit in the
129 endowment fund for the Florida Endowment Foundation for
130 Vocational Rehabilitation, and 40 percent must be distributed
131 pursuant to subsections (1) and (2) of this section.

132 (15) Of the additional fine assessed under s. 318.18(3) (e)
133 for a violation of s. 316.1893, 50 percent of the moneys
134 received from the fines shall be appropriated to the Agency for

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135 Health Care Administration as general revenue to provide an
136 enhanced Medicaid payment to nursing homes that serve Medicaid
137 recipients with brain and spinal cord injuries. The remaining 50
138 percent of the moneys received from the enhanced fine imposed
139 under s. 318.18(3)(e) shall be remitted to the Department of
140 Revenue and deposited into the Department of Health
141 Administrative Trust Fund to provide financial support to
142 certified trauma centers in Brevard, Duval, and St. Johns
143 Counties to ensure the availability and accessibility of trauma
144 services. Funds deposited into the Administrative Trust Fund
145 under this subsection shall be allocated as follows:

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

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

153 Section 5. For the purpose of incorporating the amendment
154 made by this act to section 318.18, Florida Statutes, in
155 references thereto, subsections (2), (5), and (9) of section
156 318.14, Florida Statutes, are reenacted to read:

157 318.14 Noncriminal traffic infractions; exception;
158 procedures.--

159 (2) Except as provided in s. 316.1001(2), any person cited
160 for an infraction under this section must sign and accept a
161 citation indicating a promise to appear. The officer may
162 indicate on the traffic citation the time and location of the

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163 | scheduled hearing and must indicate the applicable civil penalty
164 | established in s. 318.18.

165 | (5) Any person electing to appear before the designated
166 | official or who is required so to appear shall be deemed to have
167 | waived his or her right to the civil penalty provisions of s.
168 | 318.18. The official, after a hearing, shall make a
169 | determination as to whether an infraction has been committed. If
170 | the commission of an infraction has been proven, the official
171 | may impose a civil penalty not to exceed \$500, except that in
172 | cases involving unlawful speed in a school zone or involving
173 | unlawful speed in a construction zone, the civil penalty may not
174 | exceed \$1,000; or require attendance at a driver improvement
175 | school, or both. If the person is required to appear before the
176 | designated official pursuant to s. 318.19(1) and is found to
177 | have committed the infraction, the designated official shall
178 | impose a civil penalty of \$1,000 in addition to any other
179 | penalties and the person's driver's license shall be suspended
180 | for 6 months. If the person is required to appear before the
181 | designated official pursuant to s. 318.19(2) and is found to
182 | have committed the infraction, the designated official shall
183 | impose a civil penalty of \$500 in addition to any other
184 | penalties and the person's driver's license shall be suspended
185 | for 3 months. If the official determines that no infraction has
186 | been committed, no costs or penalties shall be imposed and any
187 | costs or penalties that have been paid shall be returned. Moneys
188 | received from the mandatory civil penalties imposed pursuant to
189 | this subsection upon persons required to appear before a
190 | designated official pursuant to s. 318.19(1) or (2) shall be

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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191 | remitted to the Department of Revenue and deposited into the
192 | Department of Health Administrative Trust Fund to provide
193 | financial support to certified trauma centers to assure the
194 | availability and accessibility of trauma services throughout the
195 | state. Funds deposited into the Administrative Trust Fund under
196 | this section shall be allocated as follows:

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

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

204 | (9) Any person who does not hold a commercial driver's
205 | license and who is cited for an infraction under this section
206 | other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
207 | s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
208 | of a court appearance, elect to attend in the location of his or
209 | her choice within this state a basic driver improvement course
210 | approved by the Department of Highway Safety and Motor Vehicles.
211 | In such a case, adjudication must be withheld; points, as
212 | provided by s. 322.27, may not be assessed; and the civil
213 | penalty that is imposed by s. 318.18(3) must be reduced by 18
214 | percent; however, a person may not make an election under this
215 | subsection if the person has made an election under this
216 | subsection in the preceding 12 months. A person may make no more
217 | than five elections under this subsection. The requirement for
218 | community service under s. 318.18(8) is not waived by a plea of

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219 nolo contendere or by the withholding of adjudication of guilt
220 by a court.

221 Section 6. For the purpose of incorporating the amendment
222 made by this act to section 318.18, Florida Statutes, in
223 references thereto, paragraph (a) of subsection (1) and
224 subsection (2) of section 318.15, Florida Statutes, are
225 reenacted to read:

226 318.15 Failure to comply with civil penalty or to appear;
227 penalty.--

228 (1)(a) If a person fails to comply with the civil
229 penalties provided in s. 318.18 within the time period specified
230 in s. 318.14(4), fails to attend driver improvement school, or
231 fails to appear at a scheduled hearing, the clerk of the court
232 shall notify the Division of Driver Licenses of the Department
233 of Highway Safety and Motor Vehicles of such failure within 10
234 days after such failure. Upon receipt of such notice, the
235 department shall immediately issue an order suspending the
236 driver's license and privilege to drive of such person effective
237 20 days after the date the order of suspension is mailed in
238 accordance with s. 322.251(1), (2), and (6). Any such suspension
239 of the driving privilege which has not been reinstated,
240 including a similar suspension imposed outside Florida, shall
241 remain on the records of the department for a period of 7 years
242 from the date imposed and shall be removed from the records
243 after the expiration of 7 years from the date it is imposed.

244 (2) After suspension of the driver's license and privilege
245 to drive of a person under subsection (1), the license and
246 privilege may not be reinstated until the person complies with

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247 | all obligations and penalties imposed on him or her under s.
 248 | 318.18 and presents to a driver license office a certificate of
 249 | compliance issued by the court, together with a nonrefundable
 250 | service charge of up to \$47.50 imposed under s. 322.29, or
 251 | presents a certificate of compliance and pays the aforementioned
 252 | service charge of up to \$47.50 to the clerk of the court or tax
 253 | collector clearing such suspension. Of the charge collected by
 254 | the clerk of the court or the tax collector, \$10 shall be
 255 | remitted to the Department of Revenue to be deposited into the
 256 | Highway Safety Operating Trust Fund. Such person shall also be
 257 | in compliance with requirements of chapter 322 prior to
 258 | reinstatement.

259 | Section 7. For the purpose of incorporating the amendment
 260 | made by this act to section 318.18, Florida Statutes, in a
 261 | reference thereto, subsection (7) of section 318.21, Florida
 262 | Statutes, is reenacted to read:

263 | 318.21 Disposition of civil penalties by county
 264 | courts.--All civil penalties received by a county court pursuant
 265 | to the provisions of this chapter shall be distributed and paid
 266 | monthly as follows:

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

| | |
|---|---------|
| 271 For speed exceeding the limit by: | Fine: |
| 272 1-5 m.p.h. | \$.00 |
| 273 6-9 m.p.h. | \$.25 |
| 274 10-14 m.p.h. | \$ 3.00 |

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| 275 | 15-19 m.p.h. | \$ 4.00 |
| 276 | 20-29 m.p.h. | \$ 5.00 |
| 277 | 30 m.p.h. and above. | \$10.00 |

278

279 The remaining amount must be distributed pursuant to subsections
280 (1) and (2).

281 Section 8. For the purpose of incorporating the amendment
282 made by this act to section 318.18, Florida Statutes, in a
283 reference thereto, paragraph (b) of subsection (4) of section
284 402.40, Florida Statutes, is reenacted to read:

285 402.40 Child welfare training.--

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

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

290 Section 9. For the purpose of incorporating the amendment
291 made by this act to section 318.18, Florida Statutes, in a
292 reference thereto, paragraph (b) of subsection (4) of section
293 985.406, Florida Statutes, is reenacted to read:

294 985.406 Juvenile justice training academies established;
295 Juvenile Justice Standards and Training Commission created;
296 Juvenile Justice Training Trust Fund created.--

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

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

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