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HB 1465, Engrossed 1

2006 Legislature

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 creating a pilot program for establishment by the
5 Department of Transportation of enhanced penalty zones on
6 state roads in certain counties; providing for future
7 review and repeal of the pilot program; authorizing the
8 department to set speed limits within enhanced penalty
9 zones; directing the department to adopt a uniform system
10 of traffic control devices to be used within the zones;
11 prohibiting operation of a vehicle at a speed greater than
12 that posted in the enhanced penalty zone; directing the
13 Department of Highway Safety and Motor Vehicles to
14 tabulate citations issued within enhanced penalty zones
15 and make available certain information; directing the
16 Department of Transportation, the Department of Highway
17 Safety and Motor Vehicles, and the Department of Education
18 to conduct a study and report to the Governor and the
19 Legislature for certain purposes; amending s. 318.18,
20 F.S.; specifying criteria for posting in a construction
21 zone; providing penalties for violation of posted speed in
22 an enhanced penalty zone; amending s. 318.21, F.S.;
23 correcting cross-references to conform to changes made by
24 the act; providing for disposition of fines collected;
25 reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and
26 (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S.,
27 relating to noncriminal traffic infraction procedures,

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28 failure to comply with civil penalty or to appear,
 29 disposition of civil penalties by county courts, child
 30 welfare training, and juvenile justice training academies,
 31 respectively, for the purpose of incorporating the
 32 amendment made to s. 318.18, F.S., in references thereto;
 33 providing an effective date.

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

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

39 316.1893 Establishment of enhanced penalty zones;
 40 designation.--

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

47 (2) No later than July 1, 2007, the Department of
 48 Transportation shall identify enhanced penalty zones on state
 49 roads in Brevard, Duval, and Palm Beach Counties as a pilot
 50 program in an effort to reduce speeding-related crashes on state
 51 roads. This pilot program shall stand repealed July 1, 2010,
 52 unless reviewed and saved from repeal through reenactment by the
 53 Legislature.

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

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

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

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

75 Section 2. The Department of Transportation, the
76 Department of Highway Safety and Motor Vehicles, and the
77 Department of Education shall jointly conduct a study of highway
78 safety and transportation issues as they relate to public
79 safety, including, but not limited to, engineering, enforcement,
80 and policy, to identify measurable improvements to reduce

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81 highway traffic fatalities by one-third of the 2005 traffic
82 death statistics. The results of the study shall be presented to
83 the Governor, the President of the Senate, and the Speaker of
84 the House of Representatives no later than July 1, 2007, for a
85 public hearing and development of legislative recommendations.

86 Section 3. Paragraph (d) of subsection (3) of section
87 318.18, Florida Statutes, is amended, paragraphs (e) and (f) of
88 that subsection are redesignated as paragraphs (f) and (g),
89 respectively, and a new paragraph (e) is added to that
90 subsection, to read:

91 318.18 Amount of civil penalties.--The penalties required
92 for a noncriminal disposition pursuant to s. 318.14 are as
93 follows:

94 (3)

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

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

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

111 318.21 Disposition of civil penalties by county
 112 courts.--All civil penalties received by a county court pursuant
 113 to the provisions of this chapter shall be distributed and paid
 114 monthly as follows:

115 (4) Of the additional fine assessed under s.
 116 318.18(3) (f)~~(e)~~ for a violation of s. 316.1301, 40 percent must
 117 be remitted to the Department of Revenue for deposit in the
 118 Grants and Donations Trust Fund of the Division of Blind
 119 Services of the Department of Education, and 60 percent must be
 120 distributed pursuant to subsections (1) and (2).

121 (5) Of the additional fine assessed under s.
 122 318.18(3) (f)~~(e)~~ for a violation of s. 316.1303, 60 percent must
 123 be remitted to the Department of Revenue for deposit in the
 124 endowment fund for the Florida Endowment Foundation for
 125 Vocational Rehabilitation, and 40 percent must be distributed
 126 pursuant to subsections (1) and (2) of this section.

127 (15) Of the additional fine assessed under s. 318.18(3) (e)
 128 for a violation of s. 316.1893, 50 percent of the moneys
 129 received from the fines shall be appropriated to the Agency for
 130 Health Care Administration as general revenue to provide an
 131 enhanced Medicaid payment to nursing homes that serve Medicaid
 132 recipients with brain and spinal cord injuries. The remaining 50
 133 percent of the moneys received from the enhanced fine imposed
 134 under s. 318.18(3) (e) shall be remitted to the Department of

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135 Revenue and deposited into the Department of Health
136 Administrative Trust Fund to provide financial support to
137 certified trauma centers in the counties where enhanced penalty
138 zones are established to ensure the availability and
139 accessibility of trauma services. Funds deposited into the
140 Administrative Trust Fund under this subsection shall be
141 allocated as follows:

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

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

149 Section 5. For the purpose of incorporating the amendment
150 made by this act to section 318.18, Florida Statutes, in
151 references thereto, subsections (2), (5), and (9) of section
152 318.14, Florida Statutes, are reenacted to read:

153 318.14 Noncriminal traffic infractions; exception;
154 procedures.--

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

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161 (5) Any person electing to appear before the designated
162 official or who is required so to appear shall be deemed to have
163 waived his or her right to the civil penalty provisions of s.
164 318.18. The official, after a hearing, shall make a
165 determination as to whether an infraction has been committed. If
166 the commission of an infraction has been proven, the official
167 may impose a civil penalty not to exceed \$500, except that in
168 cases involving unlawful speed in a school zone or involving
169 unlawful speed in a construction zone, the civil penalty may not
170 exceed \$1,000; or require attendance at a driver improvement
171 school, or both. If the person is required to appear before the
172 designated official pursuant to s. 318.19(1) and is found to
173 have committed the infraction, the designated official shall
174 impose a civil penalty of \$1,000 in addition to any other
175 penalties and the person's driver's license shall be suspended
176 for 6 months. If the person is required to appear before the
177 designated official pursuant to s. 318.19(2) and is found to
178 have committed the infraction, the designated official shall
179 impose a civil penalty of \$500 in addition to any other
180 penalties and the person's driver's license shall be suspended
181 for 3 months. If the official determines that no infraction has
182 been committed, no costs or penalties shall be imposed and any
183 costs or penalties that have been paid shall be returned. Moneys
184 received from the mandatory civil penalties imposed pursuant to
185 this subsection upon persons required to appear before a
186 designated official pursuant to s. 318.19(1) or (2) shall be
187 remitted to the Department of Revenue and deposited into the

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188 Department of Health Administrative Trust Fund to provide
189 financial support to certified trauma centers to assure the
190 availability and accessibility of trauma services throughout the
191 state. Funds deposited into the Administrative Trust Fund under
192 this section shall be allocated as follows:

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

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

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

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215 | nolo contendere or by the withholding of adjudication of guilt
216 | by a court.

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

222 | 318.15 Failure to comply with civil penalty or to appear;
223 | penalty.--

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

240 | (2) After suspension of the driver's license and privilege
241 | to drive of a person under subsection (1), the license and

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242 | privilege may not be reinstated until the person complies with
 243 | all obligations and penalties imposed on him or her under s.
 244 | 318.18 and presents to a driver license office a certificate of
 245 | compliance issued by the court, together with a nonrefundable
 246 | service charge of up to \$47.50 imposed under s. 322.29, or
 247 | presents a certificate of compliance and pays the aforementioned
 248 | service charge of up to \$47.50 to the clerk of the court or tax
 249 | collector clearing such suspension. Of the charge collected by
 250 | the clerk of the court or the tax collector, \$10 shall be
 251 | remitted to the Department of Revenue to be deposited into the
 252 | Highway Safety Operating Trust Fund. Such person shall also be
 253 | in compliance with requirements of chapter 322 prior to
 254 | reinstatement.

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

259 | 318.21 Disposition of civil penalties by county
 260 | courts.--All civil penalties received by a county court pursuant
 261 | to the provisions of this chapter shall be distributed and paid
 262 | monthly as follows:

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

267 For speed exceeding the limit by:	Fine:
268 1-5 m.p.h.	\$.00

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269	6-9 m.p.h.	\$.25
270	10-14 m.p.h.	\$ 3.00
271	15-19 m.p.h.	\$ 4.00
272	20-29 m.p.h.	\$ 5.00
273	30 m.p.h. and above.	\$10.00

274
 275 The remaining amount must be distributed pursuant to subsections
 276 (1) and (2).

277 Section 8. For the purpose of incorporating the amendment
 278 made by this act to section 318.18, Florida Statutes, in a
 279 reference thereto, paragraph (b) of subsection (4) of section
 280 402.40, Florida Statutes, is reenacted to read:

281 402.40 Child welfare training.--

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

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

286 Section 9. For the purpose of incorporating the amendment
 287 made by this act to section 318.18, Florida Statutes, in a
 288 reference thereto, paragraph (b) of subsection (4) of section
 289 985.406, Florida Statutes, is reenacted to read:

290 985.406 Juvenile justice training academies established;
 291 Juvenile Justice Standards and Training Commission created;
 292 Juvenile Justice Training Trust Fund created.--

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

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

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