

Bill No. CS for CS for SB 2020

Barcode 504058

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Government Efficiency Appropriations (Posey)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

316.1893 Establishment of enhanced penalty zones;
designation.--

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

(2) No later than July 1, 2007, the Department of
Transportation shall identify enhanced penalty zones on state
roads in Brevard, Duval, and St. Johns Counties as a pilot

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1 program in an effort to reduce speed-related crashes on state
2 roads. This pilot program shall stand repealed July 1, 2009,
3 unless reviewed and saved from repeal through reenactment by
4 the Legislature.

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

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

13 (5) A person may not drive a vehicle on a roadway
14 designated as an enhanced penalty zone at a speed greater than
15 that posted in the enhanced penalty zone in accordance with
16 this section. A person who violates the speed limit within a
17 legally posted enhanced penalty zone established under this
18 section commits a moving violation, punishable as provided in
19 chapter 318.

20 (6) The Department of Highway Safety and Motor
21 Vehicles shall annually publish the date, time, and number of
22 citations issued both in and outside enhanced penalty zones
23 and shall make available statistical information based thereon
24 as to the number and circumstances of traffic citations inside
25 an enhanced penalty zone.

26 Section 2. The Department of Transportation, the
27 Department of Highway Safety and Motor Vehicles, and the
28 Department of Education shall jointly conduct a study of
29 highway safety and transportation issues as they relate to
30 public safety, including, but not limited to, engineering,
31 enforcement, and policy, to identify measurable improvements

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1 to reduce highway traffic fatalities by one-third of the 2005
 2 traffic death statistics. The results of the study shall be
 3 presented to the Governor, the President of the Senate, and
 4 the Speaker of the House of Representatives no later than July
 5 1, 2007, for a public hearing and development of legislative
 6 recommendations.

7 Section 3. Paragraph (d) of subsection (3) of section
 8 318.18, Florida Statutes, is amended, paragraphs (e) and (f)
 9 of that subsection are redesignated as paragraphs (f) and (g),
 10 respectively, and a new paragraph (e) is added to that
 11 subsection, to read:

12 318.18 Amount of civil penalties.--The penalties
 13 required for a noncriminal disposition pursuant to s. 318.14
 14 are as follows:

15 (3)

16 (d) A person cited for exceeding the speed limit in a
 17 posted construction zone, which posting must include
 18 notification of the speed limit and the doubling of fines,
 19 shall pay a fine double the amount listed in paragraph (b).
 20 The fine shall be doubled for construction zone violations
 21 only if construction personnel are present or operating
 22 equipment on the road or immediately adjacent to the road
 23 under construction.

24 (e) A person cited for exceeding the speed limit in an
 25 enhanced penalty zone shall pay a fine amount of \$50 plus the
 26 amount listed in paragraph (b). Notwithstanding paragraph (b),
 27 a person cited for exceeding the speed limit by up to 5 m.p.h.
 28 in a legally posted enhanced penalty zone shall pay a fine
 29 amount of \$50.

30 Section 4. Subsections (4) and (5) of section 318.21,
 31 Florida Statutes, are amended, and subsection (15) is added to

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1 that section, to read:

2 318.21 Disposition of civil penalties by county
3 courts.--All civil penalties received by a county court
4 pursuant to the provisions of this chapter shall be
5 distributed and paid monthly as follows:

6 (4) Of the additional fine assessed under s.
7 318.18(3)(~~f~~)(~~e~~) for a violation of s. 316.1301, 40 percent
8 must be remitted to the Department of Revenue for deposit in
9 the Grants and Donations Trust Fund of the Division of Blind
10 Services of the Department of Education, and 60 percent must
11 be distributed pursuant to subsections (1) and (2).

12 (5) Of the additional fine assessed under s.
13 318.18(3)(~~f~~)(~~e~~) for a violation of s. 316.1303, 60 percent
14 must be remitted to the Department of Revenue for deposit in
15 the endowment fund for the Florida Endowment Foundation for
16 Vocational Rehabilitation, and 40 percent must be distributed
17 pursuant to subsections (1) and (2) of this section.

18 (15) Of the additional fine assessed under s.
19 318.18(3)(e) for a violation of s. 316.1893, 50 percent of the
20 moneys received from the fines shall be appropriated to the
21 Agency for Health Care Administration as general revenue to
22 provide an enhanced Medicaid payment to nursing homes that
23 serve Medicaid recipients with brain and spinal cord injuries.
24 The remaining 50 percent of the moneys received from the
25 enhanced fine imposed under s. 318.18(3)(e) shall be remitted
26 to the Department of Revenue and deposited into the Department
27 of Health Administrative Trust Fund to provide financial
28 support to certified trauma centers in Brevard, Duval, and St.
29 Johns Counties to ensure the availability and accessibility of
30 trauma services. Funds deposited into the Administrative Trust
31 Fund under this subsection shall be allocated as follows:

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

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

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

12 318.14 Noncriminal traffic infractions; exception;
13 procedures.--

14 (2) Except as provided in s. 316.1001(2), any person
15 cited for an infraction under this section must sign and
16 accept a citation indicating a promise to appear. The officer
17 may indicate on the traffic citation the time and location of
18 the scheduled hearing and must indicate the applicable civil
19 penalty established in s. 318.18.

20 (5) Any person electing to appear before the
21 designated official or who is required so to appear shall be
22 deemed to have waived his or her right to the civil penalty
23 provisions of s. 318.18. The official, after a hearing, shall
24 make a determination as to whether an infraction has been
25 committed. If the commission of an infraction has been proven,
26 the official may impose a civil penalty not to exceed \$500,
27 except that in cases involving unlawful speed in a school zone
28 or involving unlawful speed in a construction zone, the civil
29 penalty may not exceed \$1,000; or require attendance at a
30 driver improvement school, or both. If the person is required
31 to appear before the designated official pursuant to s.

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1 318.19(1) and is found to have committed the infraction, the
2 designated official shall impose a civil penalty of \$1,000 in
3 addition to any other penalties and the person's driver's
4 license shall be suspended for 6 months. If the person is
5 required to appear before the designated official pursuant to
6 s. 318.19(2) and is found to have committed the infraction,
7 the designated official shall impose a civil penalty of \$500
8 in addition to any other penalties and the person's driver's
9 license shall be suspended for 3 months. If the official
10 determines that no infraction has been committed, no costs or
11 penalties shall be imposed and any costs or penalties that
12 have been paid shall be returned. Moneys received from the
13 mandatory civil penalties imposed pursuant to this subsection
14 upon persons required to appear before a designated official
15 pursuant to s. 318.19(1) or (2) shall be remitted to the
16 Department of Revenue and deposited into the Department of
17 Health Administrative Trust Fund to provide financial support
18 to certified trauma centers to assure the availability and
19 accessibility of trauma services throughout the state. Funds
20 deposited into the Administrative Trust Fund under this
21 section shall be allocated as follows:

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

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

29 (9) Any person who does not hold a commercial driver's
30 license and who is cited for an infraction under this section
31 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),

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1 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
 2 of a court appearance, elect to attend in the location of his
 3 or her choice within this state a basic driver improvement
 4 course approved by the Department of Highway Safety and Motor
 5 Vehicles. In such a case, adjudication must be withheld;
 6 points, as provided by s. 322.27, may not be assessed; and the
 7 civil penalty that is imposed by s. 318.18(3) must be reduced
 8 by 18 percent; however, a person may not make an election
 9 under this subsection if the person has made an election under
 10 this subsection in the preceding 12 months. A person may make
 11 no more than five elections under this subsection. The
 12 requirement for community service under s. 318.18(8) is not
 13 waived by a plea of nolo contendere or by the withholding of
 14 adjudication of guilt by a court.

15 Section 6. For the purpose of incorporating the
 16 amendment made by this act to section 318.18, Florida
 17 Statutes, in references thereto, paragraph (a) of subsection
 18 (1) and subsection (2) of section 318.15, Florida Statutes,
 19 are reenacted to read:

20 318.15 Failure to comply with civil penalty or to
 21 appear; penalty.--

22 (1)(a) If a person fails to comply with the civil
 23 penalties provided in s. 318.18 within the time period
 24 specified in s. 318.14(4), fails to attend driver improvement
 25 school, or fails to appear at a scheduled hearing, the clerk
 26 of the court shall notify the Division of Driver Licenses of
 27 the Department of Highway Safety and Motor Vehicles of such
 28 failure within 10 days after such failure. Upon receipt of
 29 such notice, the department shall immediately issue an order
 30 suspending the driver's license and privilege to drive of such
 31 person effective 20 days after the date the order of

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1 suspension is mailed in accordance with s. 322.251(1), (2),
2 and (6). Any such suspension of the driving privilege which
3 has not been reinstated, including a similar suspension
4 imposed outside Florida, shall remain on the records of the
5 department for a period of 7 years from the date imposed and
6 shall be removed from the records after the expiration of 7
7 years from the date it is imposed.

8 (2) After suspension of the driver's license and
9 privilege to drive of a person under subsection (1), the
10 license and privilege may not be reinstated until the person
11 complies with all obligations and penalties imposed on him or
12 her under s. 318.18 and presents to a driver license office a
13 certificate of compliance issued by the court, together with a
14 nonrefundable service charge of up to \$47.50 imposed under s.
15 322.29, or presents a certificate of compliance and pays the
16 aforementioned service charge of up to \$47.50 to the clerk of
17 the court or tax collector clearing such suspension. Of the
18 charge collected by the clerk of the court or the tax
19 collector, \$10 shall be remitted to the Department of Revenue
20 to be deposited into the Highway Safety Operating Trust Fund.
21 Such person shall also be in compliance with requirements of
22 chapter 322 prior to reinstatement.

23 Section 7. For the purpose of incorporating the
24 amendment made by this act to section 318.18, Florida
25 Statutes, in a reference thereto, subsection (7) of section
26 318.21, Florida Statutes, is reenacted to read:

27 318.21 Disposition of civil penalties by county
28 courts.--All civil penalties received by a county court
29 pursuant to the provisions of this chapter shall be
30 distributed and paid monthly as follows:

31 (7) For fines assessed under s. 318.18(3) for unlawful

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1 speed, the following amounts must be remitted to the
2 Department of Revenue for deposit in the Nongame Wildlife
3 Trust Fund:

4	5 For speed exceeding the limit by:	6 Fine:
6	1-5 m.p.h.....	\$.00
7	6-9 m.p.h.....	\$.25
8	10-14 m.p.h.....	\$ 3.00
9	15-19 m.p.h.....	\$ 4.00
10	20-29 m.p.h.....	\$ 5.00
11	30 m.p.h. and above.....	\$10.00

12
13 The remaining amount must be distributed pursuant to
14 subsections (1) and (2).

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

19 402.40 Child welfare training.--
20 (4) CHILD WELFARE TRAINING TRUST FUND.--
21 (b) One dollar from every noncriminal traffic
22 infraction collected pursuant to s. 318.14(10)(b) or s. 318.18
23 shall be deposited into the Child Welfare Training Trust Fund.

24 Section 9. For the purpose of incorporating the
25 amendment made by this act to section 318.18, Florida
26 Statutes, in a reference thereto, paragraph (b) of subsection
27 (4) of section 985.406, Florida Statutes, is reenacted to
28 read:

29 985.406 Juvenile justice training academies
30 established; Juvenile Justice Standards and Training
31 Commission created; Juvenile Justice Training Trust Fund

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1 created.--

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

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

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

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15

A bill to be entitled

16

An act relating to speed limit enforcement on
17 state roads; creating s. 316.1893, F.S.;
18 providing legislative intent; creating a pilot
19 program for establishment by the Department of
20 Transportation of enhanced penalty zones on
21 state roads in certain counties; providing for
22 future review and repeal of the pilot program;
23 authorizing the department to set speed limits
24 within enhanced penalty zones; directing the
25 department to adopt a uniform system of traffic
26 control devices to be used within the zones;
27 prohibiting operation of a vehicle at a speed
28 greater than that posted in the enhanced
29 penalty zone; directing the Department of
30 Highway Safety and Motor Vehicles to tabulate
31 citations issued within enhanced penalty zones

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1 and make available certain information;
2 directing the Department of Transportation, the
3 Department of Highway Safety and Motor
4 Vehicles, and the Department of Education to
5 conduct a study and report to the Governor and
6 the Legislature for certain purposes; amending
7 s. 318.18, F.S.; specifying criteria for
8 posting in a construction zone; providing
9 penalties for violation of posted speed in an
10 enhanced penalty zone; amending s. 318.21,
11 F.S.; correcting cross-references to conform to
12 changes made by the act; providing for
13 disposition of fines collected; reenacting ss.
14 318.14(2), (5), and (9), 318.15(1)(a) and (2),
15 318.21(7), 402.40(4)(b), and 985.406(4)(b),
16 F.S., relating to noncriminal traffic
17 infraction procedures, failure to comply with
18 civil penalty or to appear, disposition of
19 civil penalties by county courts, child welfare
20 training, and juvenile justice training
21 academies, respectively, for the purpose of
22 incorporating the amendment made to s. 318.18,
23 F.S., in references thereto; providing an
24 effective date.

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