

Bill No. SB 2020

Barcode 864152

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Clary) 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 fatalities. Enforcement shall also be prioritized during the times that fatalities most often occur. The enforcement of these zones shall be in a way that maximizes public safety.

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

(3) The Department of Transportation, pursuant to the

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1 authority granted under s. 316.187, is authorized to set such
2 maximum and minimum speed limits for travel within enhanced
3 penalty zones as it deems safe and advisable.

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

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

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

21 Section 2. The Department of Transportation, the
22 Department of Highway Safety and Motor Vehicles, and the
23 Department of Education shall jointly conduct a study of
24 highway safety and transportation issues as they relate to
25 public safety, including, but not limited to, engineering,
26 enforcement, and policy, to identify measurable improvements
27 to reduce highway traffic fatalities by one-third of the 2005
28 traffic death statistics. The results of the study shall be
29 presented to the Governor, the President of the Senate, and
30 the Speaker of the House of Representatives no later than July
31 1, 2007, for a public hearing and development of legislative

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1 recommendations.

2 Section 3. Paragraph (d) of subsection (3) of section
3 318.18, Florida Statutes, is amended, paragraphs (e) and (f),
4 of that subsection are redesignated as paragraphs (f) and (g),
5 respectively, and a new paragraph (e) is added to that
6 subsection, to read:

7 318.18 Amount of civil penalties.--The penalties
8 required for a noncriminal disposition pursuant to s. 318.14
9 are as follows:

10 (3)

11 (d) A person cited for exceeding the speed limit in a
12 posted construction zone shall pay a fine double the amount
13 listed in paragraph (b). ~~The fine shall be doubled for~~
14 ~~construction zone violations only if construction personnel~~
15 ~~are present or operating equipment on the road or immediately~~
16 ~~adjacent to the road under construction.~~

17 (e) A person cited for exceeding the speed limit in an
18 enhanced penalty zone shall pay a fine amount of \$50 plus the
19 amount listed in paragraph (b). Notwithstanding paragraph (b),
20 a person cited for exceeding the speed limit by up to 5 m.p.h.
21 in a legally posted enhanced penalty zone shall pay a fine
22 amount of \$50.

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

25 318.21 Disposition of civil penalties by county
26 courts.--All civil penalties received by a county court
27 pursuant to the provisions of this chapter shall be
28 distributed and paid monthly as follows:

29 (4) Of the additional fine assessed under s.
30 318.18(3)(f)(e) for a violation of s. 316.1301, 40 percent
31 must be remitted to the Department of Revenue for deposit in

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1 the Grants and Donations Trust Fund of the Division of Blind
2 Services of the Department of Education, and 60 percent must
3 be distributed pursuant to subsections (1) and (2).

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

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

14 318.14 Noncriminal traffic infractions; exception;
15 procedures.--

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

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

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

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

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

31 (9) Any person who does not hold a commercial driver's

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1 license and who is cited for an infraction under this section
2 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
3 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
4 of a court appearance, elect to attend in the location of his
5 or her choice within this state a basic driver improvement
6 course approved by the Department of Highway Safety and Motor
7 Vehicles. In such a case, adjudication must be withheld;
8 points, as provided by s. 322.27, may not be assessed; and the
9 civil penalty that is imposed by s. 318.18(3) must be reduced
10 by 18 percent; however, a person may not make an election
11 under this subsection if the person has made an election under
12 this subsection in the preceding 12 months. A person may make
13 no more than five elections under this subsection. The
14 requirement for community service under s. 318.18(8) is not
15 waived by a plea of nolo contendere or by the withholding of
16 adjudication of guilt by a court.

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

22 318.15 Failure to comply with civil penalty or to
23 appear; penalty.--

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

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1 suspending the driver's license and privilege to drive of such
 2 person effective 20 days after the date the order of
 3 suspension is mailed in accordance with s. 322.251(1), (2),
 4 and (6). Any such suspension of the driving privilege which
 5 has not been reinstated, including a similar suspension
 6 imposed outside Florida, shall remain on the records of the
 7 department for a period of 7 years from the date imposed and
 8 shall be removed from the records after the expiration of 7
 9 years from the date it is imposed.

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

25 Section 7. For the purpose of incorporating the
 26 amendment made by this act to section 318.18, Florida
 27 Statutes, in a reference thereto, subsection (7) of section
 28 318.21, Florida Statutes, is reenacted to read:

29 318.21 Disposition of civil penalties by county
 30 courts.--All civil penalties received by a county court
 31 pursuant to the provisions of this chapter shall be

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1 distributed and paid monthly as follows:

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

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7 For speed exceeding the limit by:Fine:

- 8 1-5 m.p.h.\$.00
- 9 6-9 m.p.h.\$.25
- 10 10-14 m.p.h.\$ 3.00
- 11 15-19 m.p.h.\$ 4.00
- 12 20-29 m.p.h.\$ 5.00
- 13 30 m.p.h. and above.\$10.00

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15 The remaining amount must be distributed pursuant to
16 subsections (1) and (2).

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

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

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

- 31 985.406 Juvenile justice training academies

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1 established; Juvenile Justice Standards and Training
2 Commission created; Juvenile Justice Training Trust Fund
3 created.--

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

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

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

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

13 And the title is amended as follows:

14 Delete everything before the enacting clause

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16 and insert:

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A bill to be entitled

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An act relating to speed limit enforcement on

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state roads; creating s. 316.1893, F.S.;

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providing legislative intent; providing for

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establishment by the Department of

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Transportation of enhanced penalty zones on

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state roads; authorizing the department to set

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speed limits within those zones; directing the

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department to adopt a uniform system of traffic

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control devices to be used within the zones;

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prohibiting operation of a vehicle at a speed

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greater than that posted in the enhanced

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penalty zone; directing the Department of

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Highway Safety and Motor Vehicles to tabulate

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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.; removing a condition for an
8 increased penalty for violation of posted speed
9 in a construction zone; providing penalties for
10 violation of posted speed in an enhanced
11 penalty zone; amending s. 318.21, F.S.;

12 correcting cross-references to conform to
13 changes made by the act; 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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