

By the Committees on Criminal Justice; Transportation; and
Senator Wise

591-2075-06

1 A bill to be entitled
2 An act relating to speed limit enforcement on
3 state roads; creating s. 316.1893, F.S.;
4 providing legislative intent; providing for
5 establishment by the Department of
6 Transportation of enhanced penalty zones on
7 state roads; authorizing the department to set
8 speed limits within those zones; directing the
9 department to adopt a uniform system of traffic
10 control devices to be used within the zones;
11 prohibiting operation of a vehicle at a speed
12 greater than that posted in the enhanced
13 penalty zone; directing the Department of
14 Highway Safety and Motor Vehicles to tabulate
15 citations issued within enhanced penalty zones
16 and make available certain information;
17 directing the Department of Transportation, the
18 Department of Highway Safety and Motor
19 Vehicles, and the Department of Education to
20 conduct a study and report to the Governor and
21 the Legislature for certain purposes; amending
22 s. 318.18, F.S.; providing for the notification
23 of the speed limit and of the doubling of fines
24 in a construction zone; providing penalties for
25 violation of posted speed in an enhanced
26 penalty zone; providing for disposition of
27 enhanced penalties; amending s. 318.21, F.S.;
28 correcting cross-references to conform to
29 changes made by the act; reenacting ss.
30 318.14(2), (5), and (9), 318.15(1)(a) and (2),
31 318.21(7), 402.40(4)(b), and 985.406(4)(b),

1 F.S., relating to noncriminal traffic
2 infraction procedures, failure to comply with
3 civil penalty or to appear, disposition of
4 civil penalties by county courts, child welfare
5 training, and juvenile justice training
6 academies, respectively, for the purpose of
7 incorporating the amendment made to s. 318.18,
8 F.S., in references thereto; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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

15 316.1893 Establishment of enhanced penalty zones;
16 designation.--

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

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

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

30 (4) The Department of Transportation shall adopt a
31 uniform system of traffic control devices for use in

1 conjunction with enhanced penalty zones pursuant to the
2 authority granted under s. 316.0745.

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

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

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

28 Section 3. Paragraph (d) of subsection (3) of section
29 318.18, Florida Statutes, is amended, paragraphs (e) and (f)
30 of that subsection are redesignated as paragraphs (f) and (g),
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1 respectively, and a new paragraph (e) is added to that
2 subsection, to read:

3 318.18 Amount of civil penalties.--The penalties
4 required for a noncriminal disposition pursuant to s. 318.14
5 are as follows:

6 (3)

7 (d) A person cited for exceeding the speed limit in a
8 posted construction zone, which posting must include
9 notification of the speed limit and the doubling of fines,
10 shall pay a fine double the amount listed in paragraph (b).
11 The fine shall be doubled for construction zone violations
12 only if construction personnel are present or operating
13 equipment on the road or immediately adjacent to the road
14 under construction.

15 (e) A person cited for exceeding the speed limit in an
16 enhanced penalty zone shall pay a fine amount of \$50 plus the
17 amount listed in paragraph (b). Notwithstanding paragraph (b),
18 a person cited for exceeding the speed limit by up to 5 m.p.h.
19 in a legally posted enhanced penalty zone shall pay a fine
20 amount of \$50. Fifty percent of the moneys received from the
21 enhanced fine imposed by this paragraph shall be remitted to
22 the Department of Revenue and deposited into the
23 Administrative Trust Fund of the Department of Health to
24 provide financial support to certified trauma centers to
25 assure the availability and accessibility of trauma services
26 throughout the state. Funds deposited into the Administrative
27 Trust Fund under this paragraph shall be allocated as follows:

28 1. Fifty percent shall be allocated equally among all
29 Level I, Level II, and pediatric trauma centers in recognition
30 of readiness costs for maintaining trauma services.
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1 2. Fifty percent shall be allocated among Level I,
2 Level II, and pediatric trauma centers based on each center's
3 relative volume of trauma cases as reported in the Department
4 of Health Trauma Registry. The remainder of the moneys
5 received from the enhanced fine imposed by this paragraph
6 shall be remitted for disposition under s. 318.21.

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

9 318.21 Disposition of civil penalties by county
10 courts.--All civil penalties received by a county court
11 pursuant to the provisions of this chapter shall be
12 distributed and paid monthly as follows:

13 (4) Of the additional fine assessed under s.
14 318.18(3)(f) ~~s. 318.18(3)(e)~~ for a violation of s. 316.1301,
15 40 percent must be remitted to the Department of Revenue for
16 deposit in the Grants and Donations Trust Fund of the Division
17 of Blind Services of the Department of Education, and 60
18 percent must be distributed pursuant to subsections (1) and
19 (2).

20 (5) Of the additional fine assessed under s.
21 318.18(3)(f) ~~s. 318.18(3)(e)~~ for a violation of s. 316.1303,
22 60 percent must be remitted to the Department of Revenue for
23 deposit in the endowment fund for the Florida Endowment
24 Foundation for Vocational Rehabilitation, and 40 percent must
25 be distributed pursuant to subsections (1) and (2) of this
26 section.

27 Section 5. For the purpose of incorporating the
28 amendment made by this act to section 318.18, Florida
29 Statutes, in references thereto, subsections (2), (5), and (9)
30 of section 318.14, Florida Statutes, are reenacted to read:
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1 318.14 Noncriminal traffic infractions; exception;
2 procedures.--

3 (2) Except as provided in s. 316.1001(2), any person
4 cited for an infraction under this section must sign and
5 accept a citation indicating a promise to appear. The officer
6 may indicate on the traffic citation the time and location of
7 the scheduled hearing and must indicate the applicable civil
8 penalty established in s. 318.18.

9 (5) Any person electing to appear before the
10 designated official or who is required so to appear shall be
11 deemed to have waived his or her right to the civil penalty
12 provisions of s. 318.18. The official, after a hearing, shall
13 make a determination as to whether an infraction has been
14 committed. If the commission of an infraction has been proven,
15 the official may impose a civil penalty not to exceed \$500,
16 except that in cases involving unlawful speed in a school zone
17 or involving unlawful speed in a construction zone, the civil
18 penalty may not exceed \$1,000; or require attendance at a
19 driver improvement school, or both. If the person is required
20 to appear before the designated official pursuant to s.
21 318.19(1) and is found to have committed the infraction, the
22 designated official shall impose a civil penalty of \$1,000 in
23 addition to any other penalties and the person's driver's
24 license shall be suspended for 6 months. If the person is
25 required to appear before the designated official pursuant to
26 s. 318.19(2) and is found to have committed the infraction,
27 the designated official shall impose a civil penalty of \$500
28 in addition to any other penalties and the person's driver's
29 license shall be suspended for 3 months. If the official
30 determines that no infraction has been committed, no costs or
31 penalties shall be imposed and any costs or penalties that

1 have been paid shall be returned. Moneys received from the
2 mandatory civil penalties imposed pursuant to this subsection
3 upon persons required to appear before a designated official
4 pursuant to s. 318.19(1) or (2) shall be remitted to the
5 Department of Revenue and deposited into the Department of
6 Health Administrative Trust Fund to provide financial support
7 to certified trauma centers to assure the availability and
8 accessibility of trauma services throughout the state. Funds
9 deposited into the Administrative Trust Fund under this
10 section shall be allocated as follows:

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

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

18 (9) Any person who does not hold a commercial driver's
19 license and who is cited for an infraction under this section
20 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
21 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
22 of a court appearance, elect to attend in the location of his
23 or her choice within this state a basic driver improvement
24 course approved by the Department of Highway Safety and Motor
25 Vehicles. In such a case, adjudication must be withheld;
26 points, as provided by s. 322.27, may not be assessed; and the
27 civil penalty that is imposed by s. 318.18(3) must be reduced
28 by 18 percent; however, a person may not make an election
29 under this subsection if the person has made an election under
30 this subsection in the preceding 12 months. A person may make
31 no more than five elections under this subsection. The

1 requirement for community service under s. 318.18(8) is not
2 waived by a plea of nolo contendere or by the withholding of
3 adjudication of guilt by a court.

4 Section 6. For the purpose of incorporating the
5 amendment made by this act to section 318.18, Florida
6 Statutes, in references thereto, paragraph (a) of subsection
7 (1) and subsection (2) of section 318.15, Florida Statutes,
8 are reenacted to read:

9 318.15 Failure to comply with civil penalty or to
10 appear; penalty.--

11 (1)(a) If a person fails to comply with the civil
12 penalties provided in s. 318.18 within the time period
13 specified in s. 318.14(4), fails to attend driver improvement
14 school, or fails to appear at a scheduled hearing, the clerk
15 of the court shall notify the Division of Driver Licenses of
16 the Department of Highway Safety and Motor Vehicles of such
17 failure within 10 days after such failure. Upon receipt of
18 such notice, the department shall immediately issue an order
19 suspending the driver's license and privilege to drive of such
20 person effective 20 days after the date the order of
21 suspension is mailed in accordance with s. 322.251(1), (2),
22 and (6). Any such suspension of the driving privilege which
23 has not been reinstated, including a similar suspension
24 imposed outside Florida, shall remain on the records of the
25 department for a period of 7 years from the date imposed and
26 shall be removed from the records after the expiration of 7
27 years from the date it is imposed.

28 (2) After suspension of the driver's license and
29 privilege to drive of a person under subsection (1), the
30 license and privilege may not be reinstated until the person
31 complies with all obligations and penalties imposed on him or

1 her under s. 318.18 and presents to a driver license office a
2 certificate of compliance issued by the court, together with a
3 nonrefundable service charge of up to \$47.50 imposed under s.
4 322.29, or presents a certificate of compliance and pays the
5 aforementioned service charge of up to \$47.50 to the clerk of
6 the court or tax collector clearing such suspension. Of the
7 charge collected by the clerk of the court or the tax
8 collector, \$10 shall be remitted to the Department of Revenue
9 to be deposited into the Highway Safety Operating Trust Fund.
10 Such person shall also be in compliance with requirements of
11 chapter 322 prior to reinstatement.

12 Section 7. For the purpose of incorporating the
13 amendment made by this act to section 318.18, Florida
14 Statutes, in a reference thereto, subsection (7) of section
15 318.21, Florida Statutes, is reenacted to read:

16 318.21 Disposition of civil penalties by county
17 courts.--All civil penalties received by a county court
18 pursuant to the provisions of this chapter shall be
19 distributed and paid monthly as follows:

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

24		
25	For speed exceeding the limit by:	Fine:
26	1-5 m.p.h.....	\$.00
27	6-9 m.p.h.....	\$.25
28	10-14 m.p.h.....	\$ 3.00
29	15-19 m.p.h.....	\$ 4.00
30	20-29 m.p.h.....	\$ 5.00
31	30 m.p.h. and above.....	\$10.00

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

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

402.40 Child welfare training.--

(4) CHILD WELFARE TRAINING TRUST FUND.--

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

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

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

(4) JUVENILE JUSTICE TRAINING TRUST FUND.--

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 2020

Reinstates statutory language which was removed in the original committee substitute which states that fines in construction zones would be doubled only if construction workers are present or operating equipment nearby. Language is also added which requires the posting of the speed limit in construction zones and tells of the doubling of fines if workers are present or nearby when a motorist is ticketed for speeding.