

By the Committees on Government Efficiency Appropriations;
Criminal Justice; Transportation; and Senators Wise and Crist

593-2286-06

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

1 318.21(7), 402.40(4)(b), and 985.406(4)(b),
2 F.S., relating to noncriminal traffic
3 infraction procedures, failure to comply with
4 civil penalty or to appear, disposition of
5 civil penalties by county courts, child welfare
6 training, and juvenile justice training
7 academies, respectively, for the purpose of
8 incorporating the amendment made to s. 318.18,
9 F.S., in references thereto; providing an
10 effective date.

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

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

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

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

25 (2) No later than July 1, 2007, the Department of
26 Transportation shall identify enhanced penalty zones on state
27 roads in Brevard, Duval, and St. Johns Counties as a pilot
28 program in an effort to reduce speed-related crashes on state
29 roads. This pilot program shall stand repealed July 1, 2009,
30 unless reviewed and saved from repeal through reenactment by
31 the Legislature.

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

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

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

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

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

1 1, 2007, for a public hearing and development of legislative
2 recommendations.

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

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

11 (3)

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

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

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

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

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

9 (5) Of the additional fine assessed under s.
10 318.18(3)(~~f~~)(~~e~~) for a violation of s. 316.1303, 60 percent
11 must be remitted to the Department of Revenue for deposit in
12 the endowment fund for the Florida Endowment Foundation for
13 Vocational Rehabilitation, and 40 percent must be distributed
14 pursuant to subsections (1) and (2) of this section.

15 (15) Of the additional fine assessed under s.
16 318.18(3)(e) for a violation of s. 316.1893, 50 percent of the
17 moneys received from the fines shall be appropriated to the
18 Agency for Health Care Administration as general revenue to
19 provide an enhanced Medicaid payment to nursing homes that
20 serve Medicaid recipients with brain and spinal cord injuries.
21 The remaining 50 percent of the moneys received from the
22 enhanced fine imposed under s. 318.18(3)(e) shall be remitted
23 to the Department of Revenue and deposited into the Department
24 of Health Administrative Trust Fund to provide financial
25 support to certified trauma centers in Brevard, Duval, and St.
26 Johns Counties to ensure the availability and accessibility of
27 trauma services. Funds deposited into the Administrative Trust
28 Fund under this subsection shall be allocated as follows:

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

1 (b) 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.

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

9 318.14 Noncriminal traffic infractions; exception;
10 procedures.--

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

17 (5) Any person electing to appear before the
18 designated official or who is required so to appear shall be
19 deemed to have waived his or her right to the civil penalty
20 provisions of s. 318.18. The official, after a hearing, shall
21 make a determination as to whether an infraction has been
22 committed. If the commission of an infraction has been proven,
23 the official may impose a civil penalty not to exceed \$500,
24 except that in cases involving unlawful speed in a school zone
25 or involving unlawful speed in a construction zone, the civil
26 penalty may not exceed \$1,000; or require attendance at a
27 driver improvement school, or both. If the person is required
28 to appear before the designated official pursuant to s.
29 318.19(1) and is found to have committed the infraction, the
30 designated official shall impose a civil penalty of \$1,000 in
31 addition to any other penalties and the person's driver's

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

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

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

26 (9) Any person who does not hold a commercial driver's
27 license and who is cited for an infraction under this section
28 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
29 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
30 of a court appearance, elect to attend in the location of his
31 or her choice within this state a basic driver improvement

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

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

17 318.15 Failure to comply with civil penalty or to
18 appear; penalty.--

19 (1)(a) If a person fails to comply with the civil
20 penalties provided in s. 318.18 within the time period
21 specified in s. 318.14(4), fails to attend driver improvement
22 school, or fails to appear at a scheduled hearing, the clerk
23 of the court shall notify the Division of Driver Licenses of
24 the Department of Highway Safety and Motor Vehicles of such
25 failure within 10 days after such failure. Upon receipt of
26 such notice, the department shall immediately issue an order
27 suspending the driver's license and privilege to drive of such
28 person effective 20 days after the date the order of
29 suspension is mailed in accordance with s. 322.251(1), (2),
30 and (6). Any such suspension of the driving privilege which
31 has not been reinstated, including a similar suspension

1 imposed outside Florida, shall remain on the records of the
2 department for a period of 7 years from the date imposed and
3 shall be removed from the records after the expiration of 7
4 years from the date it is imposed.

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

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

24 318.21 Disposition of civil penalties by county
25 courts.--All civil penalties received by a county court
26 pursuant to the provisions of this chapter shall be
27 distributed and paid monthly as follows:

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

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

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.--

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

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

6
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 CS/CS/SB 2020

10 The Committee Substitute narrowed the requirement for the
11 Florida Department of Transportation to establish enhanced
12 penalty zones on state highways throughout the state, to a
13 pilot program in Brevard, Duval, and St. Johns Counties.

14 The Committee Substitute requires that 50 percent of the funds
15 received from the enhanced penalty zone fines must provide an
16 enhanced Medicaid payment to nursing homes that serve Medicaid
17 patients with brain and spinal cord injuries. The remaining 50
18 percent of funds received are to be deposited into the
19 Department of Health Administrative Trust Fund to provide
20 financial support to certified trauma centers in Brevard,
21 Duval, and St. Johns Counties.