Prepared By: The Professional Staff of the Transportation Committee

BILL:	SB 1716
INTRODUCER:	Senator Garcia
SUBJECT:	Disposition of Traffic Infractions
DATE:	January 24, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE		ACTION
1.	Davis	Buford	TR		**Pre-meeting**
2.			CM		
3.			BC		
4.					
5.					
6.					

I. Summary:

Senate Bill 1716 authorizes a county or municipality, by majority vote of the governing board of the respective county or municipality, to impose a surcharge on school zone traffic violations for the sole purpose of funding school crossing guard programs.

This bill substantially amends section 318.21 of the Florida Statutes.

II. Present Situation:

School Crossing Guards
Section 316.75, F.S., requires the Department of Transportation (FDOT) to adopt uniform guidelines for the training of school crossing guards. Each local governmental entity administering a school crossing guard program shall provide a training program for school crossing guards according to the uniform guidelines. Successful completion of the training program shall be required of each school guard except:

1. A person who received equivalent training during employment as a law enforcement officer.
2. A person who receives less than $5,000 in annual compensation in a county with a population of less than 75,000.
3. A student who serves in a school patrol

Speeding in a Designated School Zone
Current law states that a school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an

urbanized area.[1] Current law also specifies when school zone speed limits are enforced. "Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session."[2]

Section 316.1895(10), F.S., provides a person may not drive a vehicle on a roadway designated as a school zone at a speed greater than that posted in the school zone. Violation of the established speed limits must be cited as a moving violations, punishable as provided in ch. 318, F.S.

Section 318.18(3), F.S., provides the following fines, in addition to court costs, for moving violations involving unlawful speed:

For speed exceeding the limit by:	Fine
1-5 mph	Warning
6-9 mph	$25
10-14 mph	$100
15-19 mph	$150
20-29 mph	$175
30 mph and above	$250

In addition, s. 318.18(3)(c), F.S., provides that a person cited for exceeding the speed limit by up to 5 mph in a legally posted school zone will be fined $50. A person exceeding the speed limit in a school zone or designated school crossing must pay a fine double the amounts listed above.

Additional Surcharges
Section 318.21, F.S., provides for the disposition of civil penalties by county courts. Currently, s. 318.21(11), F.S., provides that local governments may elect to impose a surcharge on parking fines within their jurisdictions, in order to fund school crossing guard programs. The surcharge must be authorized by an ordinance requiring public hearings. The governing body may set aside funds from the surcharge to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the program.

The proceeds of the surcharge must be placed in the School Crossing Guard Trust Fund established by the governing body, and distributed quarterly to fund the school crossing guard programs provided in s. 318.21(3), F.S.

III. Effect of Proposed Changes:

This bill authorizes a county or municipality, by majority vote of the governing board of the respective county or municipality, to impose a surcharge on school zone traffic violations for the sole purpose of funding school crossing guard programs. The surcharge must be authorized by ordinance requiring public hearings. The governing body may set aside funds from the surcharge

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[1] s. 316.1895(5), F.S.

[2] *Id.*

to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill could increase the penalties paid by drivers who commit school zone traffic violations in counties or municipalities that vote to impose a surcharge for such violations.

B. Private Sector Impact:

The bill could increase the penalties paid by drivers who commit school zone traffic violations in counties or municipalities that vote to impose a surcharge.

C. Government Sector Impact:

A county or municipality authorizing the imposition of a surcharge on school zone traffic violations may see an indeterminate increase of funding to school crossing guard programs.

According to the Department of Highway Safety and Motor Vehicles, there were 29,161 speeding in a school zone violations during calendar year 2011.[3]

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill uses the phrase "school zone traffic violations." There appears to be only one such violation, unlawful speed in a school zone (s. 316.1895, F.S.), punishable by the increased fines

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[3] Oral conversation with DHSMV staff on 1/25/12.

found in s. 318.18, F.S. Clarification may be needed to specify the surcharge applies to violations of s. 316.1895, F.S.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.