

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

**BILL:** CS/SB 1716

**INTRODUCER:** Transportation Committee and Senator Garcia

**SUBJECT:** Disposition of Traffic Infractions

**DATE:** January 30, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Fav/CS
2.	_____	_____	CM	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Senate Bill 1716 authorizes a county or municipality or a county government operating a school crossing guard program in the exercise of its municipal responsibilities, by majority vote of the governing board of the respective county or municipality, to impose a surcharge on speeding within a school zone 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.<sup>1</sup> 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.”<sup>2</sup>

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:

<b>For speed exceeding the limit by:</b>	<b>Fine</b>
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)(a), 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.

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<sup>1</sup> s. 316.1895(5), F.S.

<sup>2</sup> *Id.*

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.<sup>3</sup>

Section 318.21(11)(c), F.S., provides that a county government operating a school crossing guard program in the exercise of its municipal responsibilities, may elect to impose a countywide 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 jurisdictions to fund the school crossing guard programs based on each jurisdiction's percentage of the school crossing guards in the county school district.

### **III. Effect of Proposed Changes:**

This bill authorizes a county or municipality or a county government operating a school crossing guard program in the exercise of its municipal responsibilities, by majority vote of the governing board of the respective county or municipality, to impose a surcharge on speeding within a school zone 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 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 speeding violations within a school zone in counties or municipalities that vote to impose a surcharge for such violations.

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<sup>3</sup> Section 318.21(11)(b), F.S.

**B. Private Sector Impact:**

The bill could increase the penalties paid by drivers who commit speeding violations within a school zone 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 speeding violations within a school zone 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.<sup>4</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation Committee on January 26, 2012:**

The CS specifies the optional surcharge applies to “violations of s. 316.1895, F.S.,” relating to unlawful speed in a school zone, which replaced “school zone traffic violations.” Also, the CS authorizes a county government operating a school crossing guard program in the exercise of its municipal responsibilities, by majority vote of the governing board, to impose a surcharge on speeding violations within a school zone for the sole purpose of funding school crossing guard programs

**B. Amendments:**

None.

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

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<sup>4</sup> Oral conversation with DHSMV staff on 1/25/12.