

House Bill No. 1465

An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; authorizing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

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

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 speeding-related crashes. Enforcement shall also be prioritized during the times that speeding-related crashes most often occur. The enforcement of these zones shall be in a way that maximizes public safety.

(2) No later than July 1, 2007, the Department of Transportation shall identify enhanced penalty zones on state roads in Brevard, Duval, and Palm Beach Counties as a pilot program in an effort to reduce speeding-related crashes on state roads. This pilot program shall stand repealed July 1, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) The Department of Transportation, pursuant to the authority granted under s. 316.187, is authorized to set such maximum and minimum

speed limits for travel within enhanced penalty zones as it deems safe and advisable.

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

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

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

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

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

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

(3)

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

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

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

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

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

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

(15) Of the additional fine assessed under s. 318.18(3)(e) for a violation of s. 316.1893, 50 percent of the moneys received from the fines shall be appropriated to the Agency for Health Care Administration as general revenue to provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries. The remaining 50 percent of the moneys received from the enhanced fine imposed under s. 318.18(3)(e) shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers in the counties where enhanced penalty zones are established to ensure the availability and accessibility of trauma services. Funds deposited into the Administrative Trust Fund under this subsection shall be allocated as follows:

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

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

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

318.14 Noncriminal traffic infractions; exception; procedures.—

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

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his or her right to the

civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500, except that in cases involving unlawful speed in a school zone or involving unlawful speed in a construction zone, the civil penalty may not exceed \$1,000; or require attendance at a driver improvement school, or both. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official shall impose a civil penalty of \$1,000 in addition to any other penalties and the person's driver's license shall be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction, the designated official shall impose a civil penalty of \$500 in addition to any other penalties and the person's driver's license shall be suspended for 3 months. If the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties that have been paid shall be returned. Moneys received from the mandatory civil penalties imposed pursuant to this subsection upon persons required to appear before a designated official pursuant to s. 318.19(1) or (2) shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:

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

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

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

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

318.15 Failure to comply with civil penalty or to appear; penalty.—

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

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

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

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

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

For speed exceeding the limit by:	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.—

(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.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.