

1 justice training academies, respectively, for
2 the purpose of incorporating the amendment made
3 to s. 318.18, F.S., in references thereto;
4 providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Section 316.1893, Florida Statutes, is
9 created to read:

10 316.1893 Establishment of enhanced penalty zones;
11 designation.--

12 (1) No later than July 1, 2007, the Department of
13 Transportation shall identify enhanced penalty zones on state
14 highways where there is an increased risk of crashes or damage
15 to people or property caused by crashes. Factors for
16 consideration to identify enhanced penalty zones shall
17 include:

18 (a) High incidence of crashes.

19 (b) High volume of pedestrian or vehicular traffic.

20 (c) Increased volume of pedestrian or vehicular
21 traffic during certain times.

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

26 (3) The Department of Transportation, pursuant to the
27 authority granted under s. 316.0745, shall adopt a uniform
28 system of traffic control devices for use inside all enhanced
29 penalty zones.

30 (4) Permanent and portable signs designating enhanced
31 penalty zones and enhanced penalty zone speed limits shall be

1 uniform in size and color. The Department of Transportation
2 shall establish adequate standards for such permanent and
3 portable signs.

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

11 Section 2. The Department of Transportation and the
12 Department of Highway Safety and Motor Vehicles shall jointly
13 conduct a study of highway safety and transportation issues as
14 they relate to public safety, including, but not limited to,
15 engineering, enforcement, and policy, to identify measurable
16 improvements to reduce highway traffic fatalities by one-third
17 of the 2005 traffic death statistics. The results of the study
18 shall be presented to the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives no
20 later than November 1, 2006, for a public hearing and
21 development of legislative recommendations.

22 Section 3. Paragraphs (e) and (f) of subsection (3) of
23 section 318.18, Florida Statutes, are redesignated as
24 paragraphs (f) and (g), respectively, and a new paragraph (e)
25 is added to that subsection to read:

26 318.18 Amount of civil penalties.--The penalties
27 required for a noncriminal disposition pursuant to s. 318.14
28 are as follows:

29 (3)

30 (e) Notwithstanding paragraph (b), a person cited for
31 exceeding the speed limit by up to 5 m.p.h. in a legally

1 posted enhanced penalty zone will be fined \$50. A person
2 exceeding the speed limit in an enhanced penalty zone shall
3 pay a fine double the amount listed in paragraph (b).

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

6 318.21 Disposition of civil penalties by county
7 courts.--All civil penalties received by a county court
8 pursuant to the provisions of this chapter shall be
9 distributed and paid monthly as follows:

10 (4) Of the additional fine assessed under s.
11 318.18(3)(~~f~~)(~~e~~) for a violation of s. 316.1301, 40 percent
12 must be remitted to the Department of Revenue for deposit in
13 the Grants and Donations Trust Fund of the Division of Blind
14 Services of the Department of Education, and 60 percent must
15 be distributed pursuant to subsections (1) and (2).

16 (5) Of the additional fine assessed under s.
17 318.18(3)(~~f~~)(~~e~~) for a violation of s. 316.1303, 60 percent
18 must be remitted to the Department of Revenue for deposit in
19 the endowment fund for the Florida Endowment Foundation for
20 Vocational Rehabilitation, and 40 percent must be distributed
21 pursuant to subsections (1) and (2) of this section.

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

26 318.14 Noncriminal traffic infractions; exception;
27 procedures.--

28 (2) Except as provided in s. 316.1001(2), any person
29 cited for an infraction under this section must sign and
30 accept a citation indicating a promise to appear. The officer
31 may indicate on the traffic citation the time and location of

1 | the scheduled hearing and must indicate the applicable civil
2 | penalty established in s. 318.18.

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

1 to certified trauma centers to assure the availability and
2 accessibility of trauma services throughout the state. Funds
3 deposited into the Administrative Trust Fund under this
4 section shall be allocated as follows:

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

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

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

29 Section 6. For the purpose of incorporating the
30 amendment made by this act to section 318.18, Florida
31 Statutes, in references thereto, paragraph (a) of subsection

1 (1) and subsection (2) of section 318.15, Florida Statutes,
2 are reenacted to read:

3 318.15 Failure to comply with civil penalty or to
4 appear; penalty.--

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

22 (2) After suspension of the driver's license and
23 privilege to drive of a person under subsection (1), the
24 license and privilege may not be reinstated until the person
25 complies with all obligations and penalties imposed on him or
26 her under s. 318.18 and presents to a driver license office a
27 certificate of compliance issued by the court, together with a
28 nonrefundable service charge of up to \$47.50 imposed under s.
29 322.29, or presents a certificate of compliance and pays the
30 aforementioned service charge of up to \$47.50 to the clerk of
31 the court or tax collector clearing such suspension. Of the

1 charge collected by the clerk of the court or the tax
2 collector, \$10 shall be remitted to the Department of Revenue
3 to be deposited into the Highway Safety Operating Trust Fund.
4 Such person shall also be in compliance with requirements of
5 chapter 322 prior to reinstatement.

6 Section 7. For the purpose of incorporating the
7 amendment made by this act to section 318.18, Florida
8 Statutes, in a reference thereto, subsection (7) of section
9 318.21, Florida Statutes, is reenacted to read:

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

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

19 For speed exceeding the limit by:	Fine:
20 1-5 m.p.h.....	\$.00
21 6-9 m.p.h.....	\$.25
22 10-14 m.p.h.....	\$ 3.00
23 15-19 m.p.h.....	\$ 4.00
24 20-29 m.p.h.....	\$ 5.00
25 30 m.p.h. and above.....	\$10.00

26
27 The remaining amount must be distributed pursuant to
28 subsections (1) and (2).

29 Section 8. For the purpose of incorporating the
30 amendment made by this act to section 318.18, Florida
31

1 Statutes, in a reference thereto, paragraph (b) of subsection
2 (4) of section 402.40, Florida Statutes, is reenacted to read:
3 402.40 Child welfare training.--

4 (4) CHILD WELFARE TRAINING TRUST FUND.--

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

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

13 985.406 Juvenile justice training academies
14 established; Juvenile Justice Standards and Training
15 Commission created; Juvenile Justice Training Trust Fund
16 created.--

17 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

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

22 Section 10. This act shall take effect July 1, 2006.
23
24
25
26
27
28
29
30
31