

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2414  
 SPONSOR: Senator Sebesta  
 SUBJECT: Uniform Traffic Control  
 DATE: March 19, 2004 REVISED: 03/23/04 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	<u>ATD</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	<u>RC</u>	_____

**I. Summary:**

This bill authorizes the Department of Transportation (FDOT) and Department of Highway Safety and Motor Vehicles (DHSMV) to institute and operate a photo speed detection system for active construction work zones. The bill specifies how the areas shall be marked with signage to notify drivers approaching the area, specifies the content of the citations that will be mailed to the offender, specifies a process for contesting citations, authorizes FDOT and DHSMV to set standards for the equipment and personnel to be used, maintains traditional law enforcement methods but prohibits the issuing of both a Uniform Traffic Citation by a law enforcement officer and a photo citation. The bill authorizes the cameras to only take pictures of the vehicle's license plate, not the driver, and only to be used for speed detection. The bill authorizes the fine for these photo citations to be \$100, plus court costs if the offender chooses to challenge the citation in traffic court. The bill authorizes FDOT and DHSMV to hire photo speed detection enforcement officers or to contract out the service. The bill specifies the county where the citation is issued shall receive 25% of the fine and FDOT will receive the remaining 75%. The cost of the program is to be paid for out of the fines collected.

This bill substantially amends the following sections of the Florida Statutes: ss. 316.003, 316.0745, 316.183, 316.640, 318.14, 318.18, and 318.21. The bill creates section 316.0795

**II. Present Situation:**

Current law prohibits unlawful speed in work zones and allows speeding fines to be doubled if an offender is caught speeding in a work zone when workers are present. There are many practical limitations on law enforcement while attempting to enforce speed limits in a construction zone. Typically, the roadway is obstructed by barricades, construction equipment, and construction workers making it difficult for law enforcement to effectively operate radar or

laser speed-detection systems safely. Pursuit and apprehension of violators is also often a dangerous situation for the violator, the law enforcement officer, construction workers, and the general motoring public.

Statistics provided by the Department of Highway Safety and Motor Vehicles showed the following crash statistics for work zones in recent years:

2000 – 21 fatal crashes in work zones with 22 fatalities  
2,045 crashes resulting in 2133 injuries  
2001 – 31 fatal crashes in work zones with 37 fatalities  
2,943 crashes resulting in 2986 injuries  
2002 - 54 fatal crashes in work zones with 72 fatalities  
3,672 crashes resulting in 3769 injuries

At an estimated cost per work zone crash of \$112,448, the FDOT has estimated that a loss of \$412,909,080 occurred in 2002 alone.

Section 316.003, F.S., provides definitions relating to State Uniform Traffic Control.

Section 316.0745, F.S., provides for uniformity in the implementation of traffic control devices.

Section 316.183, F.S., establishes the conditions of lawful speed on public highways.

Section 316.640, F.S., provides for enforcement of traffic laws by state, county, municipal and other law enforcement agencies.

Section 318.14, F.S., provides requirements for the disposition of noncriminal traffic infractions.

Section 318.18, F.S., establishes the monetary amount of civil penalties for traffic infractions.

Section 318.21, F.S., provides for the disposition of civil penalties received by county courts.

### III. Effect of Proposed Changes:

**Section 1** provides the popular name for the act shall be the “Active Construction Work Zone Safety Act.”

**Section 2** provides legislative findings and declares it is in the public interest and necessary for public safety to enforce traffic speed limits and reduce the number of violations in active construction work zones through the use of photo speed detection systems.

**Section 3** amends s. 316.03, F.S., to provide additional definitions. This bill combines the definitions of “work zone area” in s. 316.003(79), F.S., and the aggravating factors of s. 318.18(3)(d) “when workers are present...”, to define an “active work zone area”. “Photo Speed Detection System” is defined as a device or system that records an image of the rear of vehicles violating speed limits in active construction work zones.

**Section 4** amends s. 316.0745, F.S., to require photo speed detection systems to meet requirements of FDOT and DHSMV.

**Section 5** creates s. 316.0795, F.S., to allow FDOT and DHSMV to develop a system of photo speed detection cameras for use in active construction work zones. The bill requires the active work zone area to be posted by warning signs, conforming to FDOT standards, notifying motorists that a photo detection system is in use. Upon the recording of a violation, a photo speed detection officer or other authorized entity will mail a citation to the registered owner of the vehicle. The bill states that the photo detection system does not preclude law enforcement officers from traditional speed enforcement methods but prohibits the issuance of both a photo speeding citation and a uniform traffic citation issued by a law enforcement officer. An offender may only be issued one or the other.

**Section 6** requires the FDOT and DHSMV to submit an annual report to the Governor, the President of the Senate and the Speaker of the House on or before December 1, 2006 describing the performance of the photo speed detection system including recommendation for any beneficial change to the system.

**Section 7** amends s. 316.183, F.S., to allow the enforcement of unlawful speed in active construction speed zones.

**Section 8** amends s. 316.640, F.S., to authorize FDOT and DHSMV to hire and train photo speed detection enforcement officers who will not be authorized to carry firearms or have arrest powers. The bill also authorizes FDOT and DHSMV and expressway authorities to employ independent contractors for these positions, but these contractors must meet DHSMV and FDOT training and qualification standards.

**Section 9** amends s. 318.14, F.S., to specify an operator or registered owner who violates this section may not receive a conviction for the offense, nor shall it be made part of their driving record, nor be used for setting motor vehicle insurance rates, or have points assessed against their driver's license. The bill allows the owner of the vehicle to submit an affidavit within 20 days after the receipt of the citation establishing the vehicle was not in the owner's care, custody, or control. The affidavit must provide the name, address, and, if known the driver's license number, of the other person responsible for the care, custody, or control of the vehicle at the time the violation was committed. If the vehicle was stolen, the owner may submit a copy of the police report and will not be held liable for the citation. The bill allows for the issuance of a citation to the person alleged to have been in the actual care, custody or control of the vehicle at the time offense was committed. The bill allows offenders who wish to contest the citation to do so before any judge authorized to preside over traffic infraction hearings. The judge is authorized to impose the \$100 civil penalty plus court costs if the violator is found guilty.

**Section 10** amends s. 318.18, F.S., to provide for a \$100 civil fine for speed limit violations caught by the photo speed detection system. The double fines authorized in s. 318.18(3)(d), F.S. do not apply.

**Section 11** amends s. 318.21 to authorize 25% of the fines collected to go the county where the offense was committed and the remaining 75% to go into State Transportation Trust Fund. The

bill specifies the money that is not needed to maintain the photo detection enforcement system shall be used for any valid transportation purpose.

**Section 12** provides an effective date of July 1, 2004.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Violators will pay a fine of \$100.

C. Government Sector Impact:

The counties where the offenses occur will receive 25% of the collected fines. The bill does not specify what the counties must do with the money. Figures provided by the Florida Transportation Builders' Association to FDOT by one possible vendor gave the following estimates for the cost of the camera systems:

1 year contract - \$20,000 per unit per month with a minimum of ten units. Each unit ordered over ten units is \$7,500.

2 year contract – \$12,500 per unit per month with a minimum of ten units. Each unit ordered over ten units is \$7,500.

3 year contract – \$10,000 per unit per month with a minimum of ten units. Each unit ordered over ten units is \$7,500.

The costs from this particular vendor include the equipment, maintenance, support, communication links, processing of citations, customer service, and scheduling of court hearings. Their estimates assume 1,250 violations per month, or 40 per day, with a fine of \$100 per citation. The revenue generated would be \$125,000 per unit per month. If a one year contract for 5 units was entered into, the total revenue would be \$625,000 per month. With FDOT receiving 75% of the revenue, this would amount to \$468,750 per

month and \$5,625,000 per year. The cost to administer the program for one year is \$1,200,000. FDOT would receive \$4,425,000 in new revenue. The counties where the citations were written would receive \$1,875,000 in new revenue. If the program works as intended, the cumulative cost of crash investigations and extended work schedules due to the injury and or death of motorists and/or construction workers in these active construction work zones will decrease.

These figures are estimates. Exact revenue projections are indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Transportation: The amendment clarifies a violation of s. 316.0795, F.S., is a non-criminal traffic infraction, not a moving violation.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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