

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1465 CS

Speed Limit Enforcement on State Roads

SPONSOR(S): Altman

TIED BILLS:

IDEN./SIM. BILLS: CS/CS/SB 2020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>15 Y, 2 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u>16 Y, 0 N, w/CS</u>	<u>McAuliffe</u>	<u>Gordon</u>
3) <u>State Infrastructure Council</u>	<u>9 Y, 1 N, w/CS</u>	<u>Thompson</u>	<u>Havlicak</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1465 w/CS requires the Florida Department of Transportation (FDOT) to establish a pilot project of "enhanced penalty zones" in Brevard, Duval, and Palm Beach Counties where there is an increased risk of crashes or damage caused by crashes. FDOT would be authorized to establish speed limits within the zones. Current fines would be increased by \$50 for any person convicted of exceeding the speed limit in an enhanced penalty zone. FDOT, the Florida Department of Education and the Department of Highway Safety and Motor Vehicles (DHSMV) are directed to jointly study and identify by July 1, 2010, improvements to reduce Florida's traffic fatalities by one-third.

The fiscal impact incurred by FDOT, the Department of Education and DHSMV is indeterminate, but should not be significant. To the extent that the bill results in additional citations being issued, additional traffic penalties would be collected. These additional funds would primarily benefit certain nursing homes and trauma centers.

Provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility—To the extent that enhanced penalty zones will allow for more effective enforcement of the speed limit, the bill tends to increase personal accountability of drivers for failure to comply with the law.

B. EFFECT OF PROPOSED CHANGES:

Background

According to the National Highway Traffic Safety Administration (NHTSA), a crash is considered speed-related if the driver was charged with a speed-related offense or if an officer indicated racing, driving too fast for conditions, or exceeding the posted speed limit was a contributing factor in the crash. Based on DHSMV statistics, excessive speed was a contributing factor in 13.44 percent of all fatal crashes in 2004 making it the fourth overall contributing cause after careless driving, failure to yield right-of-way, and alcohol.

Section 316.183, F.S., requires all persons driving a vehicle on a highway to travel at no greater speed than is "reasonable and prudent" under the present conditions and as necessary to avoid actual and potential hazards, and to control the vehicle's speed "as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object." The maximum speed limit on all streets or highways is 30 m.p.h. in business or residence districts and 55 m.p.h. at all other locations. However, counties and municipalities may set a maximum speed limit of 20 or 25 m.p.h. on local roads if an investigation determines this is reasonable. The minimum speed limit on all Interstate highways is 40 m.p.h., except when the posted maximum speed limit is 70 m.p.h., the minimum speed limit is 50 m.p.h.

Section 316.187, F.S., provides FDOT the authority to establish reasonable and safe speed limits on any highway outside of a municipality or upon any state road within or outside of a municipality. The maximum allowable speed for limited access highways is 70 m.p.h. The maximum allowable speed limit on any other rural, four or more lane highway divided by a median strip is 65 miles per hour. The FDOT may set maximum and minimum speed limits for other roads under its authority as it deems safe and advisable, up to a maximum of 60 m.p.h.

Section 316.0745, F.S., directs FDOT to adopt a uniform system of traffic control devices, including regulatory speed signs, for use on the streets and highways of the state.

Section 318.18, F.S., relating to penalties for speeding, provides for moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	\$ 25
10-14 m.p.h.	\$100
15-19 m.p.h.	\$125
20-29 m.p.h.	\$150
30 m.p.h. and above	\$250

In posted construction zones, the fine for excessive speed is doubled if the violation occurs when construction workers are present or immediately adjacent to the roadway under construction. Revenue collected from fines is distributed between the state and local governments.

Speeding violations typically result in assessment of three points against the violator's driver's license, unless the infraction or offense is among those considered as more serious. For example, speeding in excess of 15 mph over the posted limit requires an assessment of four points, and speeding resulting in a crash requires an assessment of 6 points. Section 322.27, F.S., sets out the points system for traffic violations.

Effect of Proposed Changes

HB 1465 w/CS creates s. 316.1893, F.S., establishing the Legislature's intent to maximize public safety and prevent vehicular fatalities by prioritizing the enforcement of speeding laws on the segments of the state's highways in Brevard, Duval, and Palm Beach Counties that have the most dangerous incidence of fatalities. The bill provides for a pilot project which requires FDOT to establish enhanced penalty zones on state highways where there is a high incidence of fatal crashes by July 1, 2010, and grants FDOT authority to set maximum and minimum speed limits within the pilot project enhanced penalty zones. The bill also directs the FDOT to adopt a uniform system of traffic control devices for use in conjunction with enhanced penalty zones.

The bill also directs the DHSMV to annually publish the date, time, and number of citations issued both in and outside enhanced penalty zones in the pilot project counties, and to make available statistical information based on the traffic citations issued inside the enhanced penalty zones.

HB 1465 w/CS directs FDOT, the Department of Education and DHSMV to jointly conduct a study of highway safety and transportation issues to identify measures to reduce highway traffic fatalities by one-third of the 2005 traffic fatality statistic. Results of the study must be presented to Governor, President of the Senate, and the Speaker of the House of Representatives by July 1, 2007.

The bill amends s. 318.18, F.S., to increase fines for persons cited for exceeding the speed limit in an enhanced penalty zone by \$50. The fines will be assessed as follows:

For speed exceeding the limit by:	Fine:	Enhanced Penalty Zone Fine:	Posted Construction Zone Fine:
1-5 m.p.h.	Warning	\$50	Warning
6-9 m.p.h.	\$ 25	\$75	\$50
10-14 m.p.h.	\$100	\$150	\$200
15-19 m.p.h.	\$125	\$175	\$250
20-29 m.p.h.	\$150	\$200	\$300
30 m.p.h. and above	\$250	\$300	\$500

The bill also amends s. 318.21, F.S., to provide for the allocation of 50 percent of the funds received from the \$50 fine imposed by the bill to be appropriated to the Agency for Health Care Administration to provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries. The bill provides the remaining 50 percent of the funds will 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. These funds are to be allocated as follows:

- 50 percent are to be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services; and
- 50 percent are to be allocated among all 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.

The bill amends s. 318.21, F.S., to correct cross references relating to the distribution and monthly payment of civil penalties by county courts. The bill reenacts certain provisions of ss. 318.14, 318.15, 318.21, 402.40, and 985.406, F.S. for the purpose of incorporating the amendment made by this bill to s. 318.18, F.S.

C. SECTION DIRECTORY:

Section 1. Creates s. 316.1893, F.S., relating to establishment of enhanced penalty zones.

Section 2. Directs the DHSMV, DOT and Department of Education to conduct a study of highway safety and transportation issues and report to the Governor and the Legislature no later than July 1, 2007.

Section 3. Amends s. 318.18, F.S., provides penalties for a violation of posted speed in an enhanced penalty zone.

Section 4. Amends s. 318.21, F.S., to correct cross-references to conform changes made by the act, and providing for the allocation of the funds received from the enhanced fine.

Section 5. Reenacting s. 318.14(2), (5), and (9), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 6. Reenacting s. 318.15(1) (a) and (2), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 7. Reenacting s. 318.21(7), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 8. Reenacting s. 402.40(4) (b), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S., and

Section 9. Reenacting s. 985.406(4) (b), F.S., for the purpose of incorporating the amendment made by this bill to section 318.18, F.S.

Section 10. Providing the bill will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS section, below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS section, below.

D. FISCAL COMMENTS:

Establishing "enhanced penalty zones" may result in the issuance of an increased number of citations, and the assessment of additional traffic penalties and court costs within pilot project counties. However, because it is impossible to forecast how many additional violations will occur and be cited, the fiscal impact on state and local governments is unknown. Also, signage and enforcement efforts could have a deterrent effect on drivers who speed, thereby reducing the number of speeding citations issued.

To the extent that the bill results in additional citations being issued, additional traffic penalties would be collected. These additional funds would primarily benefit certain nursing homes, and benefit trauma centers in the counties where enhanced penalty zones are established.

To the extent that the bill could prevent vehicular fatalities by prioritizing enforcement on segments of highways that have a high incidence of fatalities, crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs.

The fiscal impact to the FDOT relating to establishing enhanced penalty zones in the three pilot project counties is unknown due to the indeterminate number of zones to be designated, however it is not expected to be significant.

The fiscal impact to the FDOT, Department of Education, and DHSMV to jointly study and identify improvements to reduce Florida's traffic fatalities by one-third is unknown, but likely insignificant.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 28, 2006** the Transportation Committee amended HB 1465 to provide for the allocation of 50 percent of the moneys received from the enhanced fine imposed by the bill to 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.

The committee then voted 15-2 to report the bill favorably with committee substitute.

At the April 11, 2006 meeting, the Transportation & Economic Development Appropriations Committee approved HB 1465 w/CS with three amendments. The first amendment narrowed the requirement for FDOT to establish enhanced penalty zones on state highways throughout the state, to a pilot project in only Brevard, Duval and St. Johns Counties. The second amendment provided speed limit signs in construction zones must include notification that the fines are double the normal speeding fine, and restores the provision in current law that fines are doubled only if construction personnel are present. The third amendment clarified that 50 percent of the funds received from fines must provide an enhanced Medicaid payment to nursing homes that serve Medicaid recipients with brain and spinal cord injuries.

On **April 18, 2006**, the State Infrastructure Council amended HB 1465 w/CS to make the following changes:

- Clarified the language relating to speeding-related crashes.
- Replaced St. Johns County with Palm Beach County as one of the three named counties where enhanced penalty zones will be identified by FDOT.
- Changed the repeal date of the pilot program to July 1, 2010.
- Added clarifying language regarding financial support to certified trauma centers in the counties where enhanced penalty zones are established.

The council then voted 9-1 to report the bill favorably with council substitute.