

# 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.)

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Prepared By: Criminal Justice Committee

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BILL: CS/CS/SB 2020

INTRODUCER: Criminal Justice Committee, Transportation Committee, and Senator Wise

SUBJECT: Highway Speed Limits/Penalty Zones

DATE: March 30, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
3.	_____	_____	<u>GE</u>	_____
4.	_____	_____	<u>TA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The bill requires the Florida Department of Transportation (FDOT) to establish “enhanced penalty zones” on state highways 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. Fifty percent of the enhanced fines would be used to support trauma centers. Additionally, signs must be posted in construction zones notifying motorists of the speed limit and of the doubling of fines if ticketed for speeding when construction workers are present. FDOT and the Department of Highway Safety and Motor Vehicles (DHSMV) are directed to jointly study and identify by July 1, 2007, improvements to reduce Florida’s traffic fatalities by one-third.

This bill creates section 316.1893, and substantially amends sections 318.18 and 318.21 of the Florida Statutes.

## II. Present Situation:

### Florida Crash Statistics

In 2004 (the latest year for which comprehensive data are available), there were 252,902 traffic crashes in Florida involving 376,111 drivers. These crashes resulted in 3,257 fatalities in 2,936 separate fatal crashes translating into 1.7 deaths for each 100 million vehicle miles traveled. DHSMV categorizes the location of crashes in one of three area types: business areas, residential areas, and open country. Sixty percent of all fatal crashes occurred in open country or residential areas.

**Excessive Speed as Cause in Crashes**

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 that 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.

**Contributing Causes of Drivers in Crashes<sup>1</sup>**

Contributing Cause	Number	%
Careless Driving	946	25.48
Failed/Yield Right-of-Way	508	13.69
Alcohol-Under Influence	404	10.88
Exceeded Safe Speed Limit	293	7.89
Exceeded Stated Speed Limit	206	5.55
Drove Left of Center	146	3.93
Disregarded Traffic Signal	96	2.59
Alcohol & Drugs-Under Influence	89	2.4
Disregarded Stop Sign	74	1.99
Improper Turn	71	1.91
Improper Lane Change	69	1.86
Drugs-Under Influence	62	1.67
Driving Wrong Side/Way	60	1.62
Improper Passing	39	1.05
Failed to Maintain Equipment	37	1
Driver Distraction	17	0.46
Obstructing Traffic	16	0.43
Disregard Other Traffic Control	10	0.27
Improper Backing	9	0.24
Followed Too Closely	9	0.24
Fleeing Police	5	0.13
Improper Load	4	0.11
Vehicle Modified	4	0.11

<sup>1</sup>This table lists contributing causes reported by the investigating officer for drivers in traffic crashes. There can be up to three contributing causes per driver.

**The Effects of Excessive Speed in Crashes**

Excessive speed affects the outcome of a crash since crash severity increases with the speed of the vehicle at impact. Inversely, the effectiveness of restraint devices like air bags and safety belts, and vehicular construction features such as crumple zones and side member beams decline as impact speed increases. The probability of death, disfigurement, or debilitating injury grows with higher speed at impact. Such consequences double for every 10 miles per hour (m.p.h.) over 50 m.p.h. a vehicle travels.

**Speed Management**

The United States Department of Transportation’s (USDOT) Policy and Implementation Strategy promotes the concept that federal, state, and local governments should have balanced programs

that use the most cost-effective strategies for decreasing crash risks from speeding. These strategies include:

- Ensuring posted speed limits are reasonable and appropriate for conditions;
- Providing public information and education on the risks associated with speeding;
- Understanding who speeds, where, when, and why;
- Using a variety of techniques and technologies beyond enforcement for speed management; and
- Targeting enforcement where speeding presents the most serious hazard and accompanying it with public information and education.

The USDOT policy states:

“...[E]nforcement should focus on the types of drivers and situations where speeding has a significant impact on public safety. Speed enforcement must be complemented by focused public information and education campaigns. Research shows that compliance with, and support for, traffic laws can be increased through aggressive, targeted enforcement combined with a vigorous public information and education program.”

### **Speed Limits**

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.

### **Current Penalties for Moving Violations Involving Unlawful Speed**

Section 318.18, F.S., relating to penalties for speeding, provides for moving violations involving unlawful speed and 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.

**III. Effect of Proposed Changes:**

*Section 1* of the bill creates s. 316.1893, F.S., establishing the Legislature’s intent to prevent traffic fatalities by prioritizing enforcement of speeding laws on the most dangerous sections of the state’s highways.

FDOT is required to establish enhanced penalty zones on state highways where there is a high incidence of fatal crashes by July 1, 2008, and is granted authority to set maximum and minimum speed limits within the enhanced penalty zones “as it deems safe and advisable.” Signs designating enhanced penalty zones are to be uniform in size and color based on standards developed by FDOT.

Drivers in violation of the maximum speed limit posted in an enhanced penalty zone commit a moving violation, punishable as provided in s. 318.18, F.S.

DHSMV is required to annually publish data and statistical information on citations issued in and outside of the enhanced penalty zones.

*Section 2* directs FDOT, DHSMV, and the Department of Education 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 the Governor, President of the Senate, and the Speaker of the House of Representatives by July 1, 2007.

*Section 3* Language is added to s. 318.18(3)(d), F.S., which will require that signs must be posted in construction zones notifying motorists of the speed limit and of the doubling of fines for speeding if construction workers are present or are nearby operating equipment. This section adds a new paragraph (e) to s. 318.18(3), F.S., to establish the enhanced penalties ascribed to the zones created in Section 1. The bill provides a \$50 increase in fines for persons cited for exceeding the speed limit in an enhanced penalty zone. Fines will be assessed as follows:

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

Fifty percent of the enhanced penalty fines will be deposited in the Department of Health Administrative Trust fund to provide financial support to certified trauma centers.

**Section 4** updates an obsolete reference.

**Section 5** reenacts subsections (2), (5), and (9) of s. 318.14, F.S., to incorporate the amendment made by this bill.

**Section 6** reenacts paragraph (a) of subsection (1) and subsection (2) of s. 318.15, F.S., to incorporate the amendment made by this bill.

**Section 7** reenacts subsection (7) of s. 318.21, F.S., to incorporate the amendment made by this bill.

**Section 8** reenacts paragraph (b) of subsection (4) of s. 402.40, F.S., to incorporate the amendment made by this bill.

**Section 9** reenacts paragraph (b) of subsection (4) of s. 985.406, F.S., to incorporate the amendment made by this bill.

**Section 10** establishes an effective date of July 1, 2006.

**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:**

Indeterminate.

**C. Government Sector Impact:**

The DHSMV stated the fiscal impact of the bill would be indeterminate, but recommended an appropriation for the purpose of conducting a statewide public information campaign to make all drivers aware of these significant changes in Florida's traffic laws.

The fiscal impact to the FDOT relating to establishing enhanced penalty zones is unknown due to the indeterminate number of zones to be designated. Each zone would require an engineering analysis for length, signage, and sign installation. FDOT indicated the cost of conducting the study required by Section 2 of the bill would be approximately \$500,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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

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