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# **Transportation & Highway Safety Subcommittee**

## **MEETING PACKET**

**Tuesday, March 4, 2014  
1:30 PM – 3:30 PM  
Sumner Hall (404 HOB)**

**Will Weatherford  
Speaker**

**Daniel Davis  
Chair**

**Committee Meeting Notice**  
**HOUSE OF REPRESENTATIVES**

**Transportation & Highway Safety Subcommittee**

**Start Date and Time:** Tuesday, March 04, 2014 01:30 pm  
**End Date and Time:** Tuesday, March 04, 2014 03:30 pm  
**Location:** Sumner Hall (404 HOB)  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 401 Underwriting, Cancellation Period, & Other Terms of Motor Vehicle Insurance Policies by Goodson

HB 469 Move Over Act by Raschein

HB 761 State Speed Zones by Caldwell

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Monday, March 3, 2014.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, March 3, 2014.

**NOTICE FINALIZED on 02/28/2014 12:16 by Manning.Karen**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 401 Underwriting, Cancellation Period, & Other Terms of Motor Vehicle Insurance Policies

**SPONSOR(S):** Goodson

**TIED BILLS:** IDEN./SIM. BILLS: SB 490

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	12 Y, 0 N	Reilly	Cooper
2) Transportation & Highway Safety Subcommittee		Davy <i>DRS</i>	Miller <i>P.M.</i>
3) Regulatory Affairs Committee			

### SUMMARY ANALYSIS

Every owner or registrant of a motor vehicle required to be licensed and registered in Florida must maintain security continuously throughout the registration or licensing period. Generally, the security requirement is satisfied through the purchase of a motor vehicle insurance policy. At a minimum, Florida motorists are required to maintain \$10,000 in Personal Injury Protection coverage (PIP, or no-fault insurance) and \$10,000 in Property Damage liability (PD) coverage. Drivers found guilty of or who have entered a plea of guilty or nolo contendere to a charge of driving under the influence (DUI) must purchase additional insurance or furnish a certificate of deposit. Specifically, such drivers must purchase Bodily Injury liability coverage of \$100,000 in the event of bodily injury to, or death of, one person in any crash, \$300,000 in the event of bodily injury to, or death of, two or more persons in a crash, and \$50,000 in PD coverage. In the alternative, these drivers may furnish a certificate of deposit of at least \$350,000. The higher levels of coverage must be carried for three years.

A person whose driving privilege has been suspended or revoked for DUI must secure "noncancelable coverage" to have their driving privileges reinstated. A noncancelable policy must be issued for at least six months and, as to minimum coverage requirements, cannot be canceled by the insured for any reason. The insurer, however, has 30 days in which to complete underwriting, and may cancel the policy during this time. Coverage is in effect during the underwriting period. When underwriting is completed, the insurer must notify the Department of Highway Safety and Motor Vehicles (DHSMV) that the policy is in full force and effect. Once in force, the policy cannot be canceled for the remainder of the policy period. It also cannot be modified for any reason, even to increase coverage or add an additional risk. For any change, the insured must purchase another noncancelable policy. When a second policy is purchased, the unearned premium from the initial policy is credited toward the second policy only if both policies were issued by the same insurer.

HB 401 increases the underwriting period from 30 to 60 days for the noncancelable coverage required to reinstate driving privileges revoked or suspended for DUI or failure to maintain required security. With this change, the underwriting period for all motor vehicle insurance policies in Florida will be 60 days. The bill also removes language prohibiting any modification to a noncancelable policy that is in force and requires insureds who seek changes to purchase another noncancelable policy. The bill permits modification of a noncancelable policy as long as the minimum coverages are maintained.

The DHSMV estimates that it will incur \$20,800 in programming costs in implementing the changes made by the bill. There is no fiscal impact on local government.

The bill is effective upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

Every owner or registrant of a motor vehicle<sup>1</sup> is required to be licensed and registered in Florida and must maintain security continuously throughout the registration or licensing period. Most motorists maintain the required security by purchasing a motor vehicle insurance policy.<sup>2</sup> At a minimum, motorists must purchase \$10,000 of PIP, no-fault motor vehicle insurance, and \$10,000 of PD coverage.<sup>3</sup> The insurer has 60 days for underwriting during which it may cancel a policy.<sup>4</sup>

After notice and an opportunity to be heard, DHSMV must suspend the registration and driver's license of any owner or registrant of a motor vehicle who fails to maintain a motor vehicle insurance policy providing the minimum required PIP and PD coverage.<sup>5</sup> A suspended driver license or registration may be reinstated by obtaining the minimum required motor vehicle insurance and paying DHSMV a nonrefundable reinstatement fee of \$150 for the first reinstatement, \$250 for the second reinstatement, and \$500 for each subsequent reinstatement during the three years following the first reinstatement. A person reinstating his or her insurance must secure noncancelable coverage as described in ss. 324.021(8), 324.023, and 627.7275(2), F.S., and present proof that the coverage is in force and maintain proof for two years.<sup>6</sup>

Every owner or operator who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of DUI under s. 316.193, F.S., must maintain a motor vehicle insurance policy that provides Bodily Injury liability coverage of \$100,000 in the event of bodily injury to, or death of, one person in a crash, \$300,000 of coverage in the event of bodily injury to, or death of, two or more persons in a crash, and \$50,000 in PD coverage. In the alternative, drivers may furnish a certificate of deposit of \$350,000 or more. The higher levels of coverage must be carried for three years.<sup>7</sup>

A person whose driving privileges have been suspended or revoked for DUI must secure "noncancelable coverage"<sup>8</sup> to have their driving privileges reinstated. A noncancelable policy must be issued for at least six months and, as to minimum coverage requirements, cannot be canceled by the insured for any reason. However, the insurer has 30 days in which to complete underwriting, and may cancel the policy during this time.<sup>9</sup> Coverage is in effect during the underwriting period. When underwriting is completed, the insurer must notify DHSMV that the policy is in full force and effect. Once in force, the policy cannot be canceled for the remainder of the policy period. It also cannot be modified for any reason, even to increase coverage or add an additional risk. For any change in coverage or risk, the insured must purchase another noncancelable policy. When a second policy is purchased, the

<sup>1</sup> Other than a school bus or limousine. *See* s. 627.733(1).

<sup>2</sup> The required security may also be provided through self-insurance. *See* s. 627.733(3), F.S.

<sup>3</sup> Sections 627.736(1) and 324.022, F.S.

<sup>4</sup> Section 627.728(2)(c), F.S.

<sup>5</sup> Section 324.0221(2), F.S.

<sup>6</sup> Section 324.0221(3), F.S.

<sup>7</sup> Section 324.023, F.S.

<sup>8</sup> Through a motor vehicle insurance policy or self-insurance.

<sup>9</sup> Section 627.7275(2), F.S.

unearned premium from the initial policy is credited toward the second policy only if both policies were issued by the same insurer.<sup>10</sup>

### **Effect of Bill**

HB 401 increases the underwriting period from 30 to 60 days for the noncancelable coverage required to reinstate driving privileges revoked or suspended for DUI or failure to maintain required security. With this change, the underwriting period for all motor vehicle insurance policies in Florida will be 60 days. The bill also removes language that prohibits any modification to a noncancelable policy that is in force and requires insureds who seek changes to purchase another noncancelable policy. The bill permits modification of a noncancelable policy as long as the state-required minimum coverages for Bodily Injury liability, PD, and PIP are maintained. Thus, it eliminates the need for consumers to purchase multiple noncancelable policies with a duration of six months or longer whenever they seek any change to the policy.

### **B. SECTION DIRECTORY:**

Section 1. Amends s. 627.7275, F.S., relating to motor vehicle liability insurance.

Section 2. Provides for the bill to take effect upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

The DHSMV estimates that it will incur \$20,800 in programming costs to implement the changes made by the bill.<sup>11</sup>

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Allowing modification of noncancelable policies may provide an indeterminate economic benefit for consumers. The premiums for noncancelable policies are paid in full, up front. Currently, if a change is sought and a second policy is purchased, the consumer will immediately pay the entire premium on the second policy (or the balance due after the consumer is credited for the unearned premium on the first policy when both policies are purchased from the same insurer). Circumstances may arise that result in consumers purchasing noncancelable coverage for longer durations than they actually need. For example, if there are two months left on a noncancelable policy and the policyholder wants to add coverage for a new driver, such as a child who has just received his or her driver license, the

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<sup>10</sup> Section 627.7275(2)(b)

<sup>11</sup> DHSMV bill analysis of SB490. On file with the Transportation & Highway Safety Subcommittee staff.

policyholder must purchase a new, non-cancelable policy that is issued for six months, which is the minimum duration for a noncancelable policy.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Office of Insurance and Regulation (OIR) has pointed out that the language requires that the level of coverage shall not fall beneath the state-required levels for Bodily Injury liability, PD, and PIP coverage. While the language specifically references statutes for required levels of Bodily Injury liability and PD coverage, no reference is made to s. 627.736, F.S., containing the required levels of PIP coverage.<sup>12</sup> In addition, it does not appear that PIP minimum coverage levels apply specifically to non-concealable 6 month insurance policies.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1                   A bill to be entitled  
 2           An act relating to underwriting, cancellation period,  
 3           and other terms of motor vehicle insurance policies;  
 4           amending s. 627.7275, F.S.; revising requirements for  
 5           issuance, underwriting, and coverage of motor vehicle  
 6           insurance policies; providing an effective date.

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

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 10           Section 1. Section 627.7275, Florida Statutes, is amended  
 11   to read:

12           627.7275 Motor vehicle liability.—

13           (1) A motor vehicle insurance policy providing personal  
 14   injury protection as set forth in s. 627.736 may not be  
 15   delivered or issued for delivery in this state with respect to  
 16   any specifically insured or identified motor vehicle registered  
 17   or principally garaged in this state unless the policy also  
 18   provides coverage for property damage liability as required by  
 19   s. 324.022.

20           (2)(a) Insurers writing motor vehicle insurance in this  
 21   state shall make available, subject to the insurers' usual  
 22   underwriting restrictions:

23           1. Coverage under policies as described in subsection (1)  
 24   to any applicant for private passenger motor vehicle insurance  
 25   coverage who is seeking the coverage in order to reinstate the  
 26   applicant's driving privileges in this state when the driving



27 | privileges were revoked or suspended pursuant to s. 316.646 or  
 28 | s. 324.0221 due to the failure of the applicant to maintain  
 29 | required security.

30 |         2. Coverage under policies as described in subsection (1),  
 31 | which also provides liability coverage for bodily injury, death,  
 32 | and property damage arising out of the ownership, maintenance,  
 33 | or use of the motor vehicle in an amount not less than the  
 34 | limits described in s. 324.021(7) and conforms to the  
 35 | requirements of s. 324.151, to any applicant for private  
 36 | passenger motor vehicle insurance coverage who is seeking the  
 37 | coverage in order to reinstate the applicant's driving  
 38 | privileges in this state after such privileges were revoked or  
 39 | suspended under s. 316.193 or s. 322.26(2) for driving under the  
 40 | influence.

41 |         (b) The policies described in paragraph (a) shall be  
 42 | issued for a period of at least 6 months and as to the minimum  
 43 | coverages required under this section shall not be cancelable by  
 44 | the insured for any reason or by the insurer after a period not  
 45 | to exceed 60 ~~30~~ days during which the insurer must complete  
 46 | underwriting of the policy. After the insurer has completed  
 47 | underwriting the policy within the 60-day ~~30-day~~ period, the  
 48 | insurer shall notify the Department of Highway Safety and Motor  
 49 | Vehicles that the policy is in full force and effect and the  
 50 | policy shall not be cancelable for the remainder of the policy  
 51 | period. A premium shall be collected and coverage shall be in  
 52 | effect for the 60-day ~~30-day~~ period during which the insurer is

53 completing the underwriting of the policy whether or not the  
 54 person's driver license, motor vehicle tag, and motor vehicle  
 55 registration are in effect. Once the noncancelable provisions of  
 56 the policy become effective, the coverages for bodily injury,  
 57 property damage, and personal injury protection shall not be  
 58 reduced below the state-required minimum limits as required by  
 59 s. 324.023 or s. 324.021 during the policy period ~~coverage or~~  
 60 ~~risk shall not be changed during the policy period and the~~  
 61 ~~premium shall be nonrefundable. If, during the pendency of the~~  
 62 ~~2-year proof of insurance period required under s. 324.0221 or~~  
 63 ~~during the 3-year proof of financial responsibility required~~  
 64 ~~under s. 324.131, whichever is applicable, the insured obtains~~  
 65 ~~additional coverage or coverage for an additional risk or~~  
 66 ~~changes territories, the insured must obtain a new 6-month~~  
 67 ~~noncancelable policy in accordance with the provisions of this~~  
 68 ~~section. However, if the insured must obtain a new 6-month~~  
 69 ~~policy and obtains the policy from the same insurer, the~~  
 70 ~~policyholder shall receive credit on the new policy for any~~  
 71 ~~premium paid on the previously issued policy.~~

72 (c) This subsection controls to the extent of any conflict  
 73 with any other section.

74 (d) An insurer issuing a policy subject to this section  
 75 may cancel the policy if, during the policy term, the named  
 76 insured or any other operator, who resides in the same household  
 77 or customarily operates an automobile insured under the policy,  
 78 has his or her driver's license suspended or revoked.

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79           (e) Nothing in this subsection requires an insurer to  
80 offer a policy of insurance to an applicant if such offer would  
81 be inconsistent with the insurer's underwriting guidelines and  
82 procedures.

83           Section 2. This act shall take effect upon becoming a law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 401 (2014)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Transportation & Highway  
2 Safety Subcommittee

3 Representative Goodson offered the following:

4

5 **Amendment**

6 Remove line 83 and insert:

7 Section 2. This act shall take effect July 1, 2014.

8



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 469 Move Over Act
SPONSOR(S): Raschein
TIED BILLS: IDEN./SIM. BILLS: SB 478

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) Transportation & Highway Safety Subcommittee, Thompson, J.A. Miller, P.M.

SUMMARY ANALYSIS

House Bill 469 amends the Move-Over Act to add utility service vehicles to the list of vehicles for which a driver must move over or slow down.

The Florida Move-Over Act relates to the operation of motor vehicles when approaching a parked "authorized emergency vehicle" or wrecker, on the roadside. The act requires that, where there are two or more lanes traveling in the same direction, drivers must merge into the lane farthest from an emergency vehicle or wrecker parked on the roadside when the emergency vehicle is making use of visual signals or the wrecker is displaying amber rotating or flashing lights and performing a recovery or loading on the roadside.

A violation of the Move-Over Act is a non-criminal traffic infraction punishable as a moving violation. Violators are subject to a \$30 penalty, court costs of up to \$124 depending on the jurisdiction, and imposition of three points against the violator's driver's license.

The bill amends the Move-Over Act so that it also applies to a "utility service vehicle" performing a task related to the provision of utility services on the roadside. Under the bill, where there are two or more lanes traveling in the same direction, drivers must merge into the lane farthest from a utility service vehicle that is performing a task related to the provision of utility services on the roadside.

The bill defines a utility service vehicle as a motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with an entity that provides electric, natural gas, water, wastewater, cable, telephone, or communications services.

The bill's fiscal impact is not expected to be significant.

The bill has an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

In 2002, the Legislature created the Florida Move-Over Act.<sup>1</sup> The act relates to the operation of motor vehicles when approaching a parked authorized emergency vehicle<sup>2</sup> or wrecker, on the roadside. Specifically, when approaching a parked emergency vehicle that is making use of visual signals, or a wrecker that is displaying amber rotating or flashing lights and performing a recovery or loading on the roadside, as soon as it is safe, unless otherwise directed by a law enforcement officer, drivers are required to:

- vacate the lane closest to the emergency vehicle or wrecker if driving on a highway with two or more lanes that travel in the direction of the emergency vehicle or wrecker.

If changing lanes cannot be safely accomplished or when travelling on a two lane road, drivers approaching an emergency vehicle or wrecker are required to:

- slow to a speed that is 20 mph less than the posted speed limit when the posted speed limit is 25 mph or greater; or
- travel at 5 mph when the posted speed limit is 20 mph or less.<sup>3</sup>

A violation of the Move-Over Act is a non-criminal traffic infraction punishable as a moving violation. Violators are subject to a \$30 penalty,<sup>4</sup> court costs of up to \$124 depending on the jurisdiction,<sup>5</sup> and imposition of three points against the violator's driver's license.<sup>6</sup>

DHSMV is required to provide an educational awareness campaign informing the motoring public about the Move-Over Act. Information must be provided in all newly printed driver's license educational materials after July 1, 2002.<sup>7</sup>

These requirements are in addition to those requiring that a motorist yield for a moving emergency vehicle. These requirements do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

##### Proposed Changes

The bill amends the Move-Over Act to add utility service vehicles to the list of vehicles for which a driver must move over or slow down.

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<sup>1</sup> s. 1, chapter 2002-217, Laws of Florida; codified as s. 316.126(1)(b), F.S.

<sup>2</sup> For purposes of the Move Over Act, s. 316.003(1), F.S., defines "authorized emergency vehicles" as vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

<sup>3</sup> s. 316.126(1)(b), F.S.

<sup>4</sup> s. 318.18(2)(d), F.S.

<sup>5</sup> The Florida Court Clerks & Comptrollers Distribution Schedule of Court Related Filing Fees, Service Charges, Costs and Fines, Including Recording Schedule, Effective July 2013. Page 14, lines 14 – 23, delineate optional additions of up to \$26, and page 31, lines 1257 – 1269 delineate additional court costs of up to \$98. See the Florida Court Clerks & Comptrollers website at [https://www.flclerks.com/public\\_info.html](https://www.flclerks.com/public_info.html) (Last viewed 2/25/14).

<sup>6</sup> s. 322.27(3)(d)(7), F.S.

<sup>7</sup> s. 316.126(2), F.S.

Specifically, in addition to moving over or slowing down for emergency vehicles and wreckers, when approaching a utility service vehicle that is performing a task related to the provision of utility services on the roadside, unless otherwise directed by a law enforcement officer, drivers would be required to:

- vacate the lane closest to the utility service vehicle if driving on a highway with two or more lanes that travel in the direction of the utility service vehicle.

If changing lanes cannot be safely accomplished or when travelling on a two lane road, drivers approaching a utility service vehicle would be required to:

- slow to a speed that is 20 mph less than the posted speed limit when the posted speed limit is 25 mph or greater; or
- travel at 5 mph when the posted speed limit is 20 mph or less.

The bill defines utility service vehicle as:

a motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides electric, natural gas, water, wastewater, cable, telephone, or communications services.

The bill also makes several technical changes to superfluous and out of date language.

**B. SECTION DIRECTORY:**

Section 1: Amends s. 316.003, F.S., defining the term utility service vehicle.

Section 2: Amends s. 316.126, F.S., revising the Florida Move-Over Act.

Section 3: Provides an effective date of July 1, 2014.

**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:

See FISCAL COMMENTS section, below.



C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to DHSMV, "[t]here is an increased probability for the motoring public to be cited and receive a fine if the Move Over Law is expanded to include utility vehicles."<sup>8</sup> A violation of the Move-Over Act is a civil traffic infraction punishable as a moving violation. A driver who fails to move over for a utility service vehicle that is performing a task related to the provision of utility services on the roadside is subject to a fine of \$30 plus up to \$124 in court costs, depending on the jurisdiction, and an assessment of 3 points against his or her driver license.

D. FISCAL COMMENTS:

To the extent that this bill improves the safety of utility workers and utility vehicles by reducing the number or severity of highway crashes, utility service providers would benefit from reduced costs of worker injuries and fatalities, and of damages to utility vehicles and equipment. Utility service providers covered by the bill include both publically-owned and privately-owned providers.

According to DHSMV, it will not be directly impacted by the bill.<sup>9</sup>

DHSMV is currently required to provide an educational awareness campaign informing the motoring public about the Move-Over Act. The department is required to provide information in all printed driver's license educational materials. The bill will require the department to revise these materials to include Move-Over Act requirements concerning utility service vehicles. The fiscal impact of the revision is unknown at this time.

In addition, state and local governments will experience a positive fiscal impact from the fines that are generated by violations of the newly created Move-Over Act requirement for utility service vehicles. However, because the number of violations that will occur pursuant to the bill cannot be ascertained, the impact is indeterminate. These impacts are not expected to be significant.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions 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:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>8</sup> See DHSMV's agency bill analysis for HB 469. A copy of the agency bill analysis is on file with the Florida House of Representatives, Transportation & Highway Safety Subcommittee.

<sup>9</sup> Id.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled  
An act relating to the Move Over Act; amending s.  
316.003, F.S.; defining the term "utility service  
vehicle"; amending s. 316.126, F.S.; requiring a  
driver to move over for a utility service vehicle on  
the roadside under certain circumstances; making  
technical changes; providing an effective date.

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

Section 1. Subsection (92) is added to section 316.003,  
Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when  
used in this chapter, shall have the meanings respectively  
ascribed to them in this section, except where the context  
otherwise requires:

(92) UTILITY SERVICE VEHICLE.—A motor vehicle that bears  
an emblem that is visible from the roadway and clearly  
identifies that the vehicle belongs to or is under contract with  
a person, entity, cooperative, board, commission, district, or  
unit of local government that provides electric, natural gas,  
water, wastewater, cable, telephone, or communications services.

Section 2. Section 316.126, Florida Statutes, is amended  
to read:

316.126 Operation of vehicles and actions of pedestrians  
on approach of an authorized emergency or utility service

27 | vehicle.-

28 |       (1)(a) Upon the immediate approach of an authorized  
 29 | emergency vehicle, while en route to meet an existing emergency,  
 30 | the driver of every other vehicle shall, when such emergency  
 31 | vehicle is giving audible signals by siren, exhaust whistle, or  
 32 | other adequate device, or visible signals by the use of  
 33 | displayed blue or red lights, yield the right-of-way to the  
 34 | emergency vehicle and shall immediately proceed to a position  
 35 | parallel to, and as close as reasonable to the closest edge of  
 36 | the curb of the roadway, clear of any intersection and shall  
 37 | stop and remain in position until the authorized emergency  
 38 | vehicle has passed, unless otherwise directed by a ~~any~~ law  
 39 | enforcement officer.

40 |       (b) If ~~When~~ an authorized emergency vehicle displaying  
 41 | ~~making use of~~ any visual signals is parked on the roadside, a  
 42 | utility service vehicle is performing a task related to the  
 43 | provision of utility services on the roadside, or a wrecker  
 44 | displaying amber rotating or flashing lights is performing a  
 45 | recovery or loading on the roadside, the driver of every other  
 46 | vehicle, as soon as it is safe:

47 |       1. Shall vacate the lane closest to the emergency vehicle,  
 48 | utility service vehicle, or wrecker when driving on an  
 49 | interstate highway or other highway with two or more lanes  
 50 | traveling in the direction of the emergency vehicle, utility  
 51 | service vehicle, or wrecker, except when otherwise directed by a  
 52 | law enforcement officer. If such movement cannot be safely

53 | accomplished, the driver shall reduce speed as provided in  
 54 | subparagraph 2.

55 |         2. Shall slow to a speed that is 20 miles per hour less  
 56 | than the posted speed limit when the posted speed limit is 25  
 57 | miles per hour or greater; or travel at 5 miles per hour when  
 58 | the posted speed limit is 20 miles per hour or less, when  
 59 | driving on a two-lane road, except when otherwise directed by a  
 60 | law enforcement officer.

61 |         (c) The Department of Highway Safety and Motor Vehicles  
 62 | shall provide an educational awareness campaign informing the  
 63 | motoring public about the Move Over Act. The department shall  
 64 | provide information about the Move Over Act in all newly printed  
 65 | driver ~~driver's~~ license educational materials ~~after July 1,~~  
 66 | ~~2002.~~

67 |  
 68 | ~~This section does not relieve the driver of an authorized~~  
 69 | ~~emergency vehicle from the duty to drive with due regard for the~~  
 70 | ~~safety of all persons using the highway.~~

71 |         (2) Every pedestrian using the road right-of-way shall  
 72 | yield the right-of-way until the authorized emergency vehicle  
 73 | has passed, unless otherwise directed by a law enforcement ~~any~~  
 74 | ~~police~~ officer.

75 |         (3) An ~~Any~~ authorized emergency vehicle, when en route to  
 76 | meet an existing emergency, shall warn all other vehicular  
 77 | traffic along the emergency route by an audible signal, siren,  
 78 | exhaust whistle, or other adequate device or by a visible signal

79 | by the use of displayed blue or red lights. While en route to  
 80 | such emergency, the emergency vehicle shall otherwise proceed in  
 81 | a manner consistent with the laws regulating vehicular traffic  
 82 | upon the highways of this state.

83 |       (4) This section does not ~~Nothing herein contained shall~~  
 84 | diminish or enlarge any rules of evidence or liability in any  
 85 | case involving the operation of an emergency vehicle.

86 |       (5) This section does ~~shall~~ not ~~operate to~~ relieve the  
 87 | driver of an authorized emergency vehicle from the duty to drive  
 88 | with due regard for the safety of all persons using the highway.

89 |       (6) A violation of this section is a noncriminal traffic  
 90 | infraction, punishable pursuant to chapter 318 as either a  
 91 | moving violation for infractions of subsection (1) or subsection  
 92 | (3), or as a pedestrian violation for infractions of subsection  
 93 | (2).

94 |       Section 3. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway  
 2 Safety Subcommittee  
 3 Representative Raschein offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (92) and (93) are added to section  
316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when  
used in this chapter, shall have the meanings respectively  
ascribed to them in this section, except where the context  
otherwise requires:

(92) SANITATION VEHICLE.—A motor vehicle that bears an  
emblem that is visible from the roadway and clearly identifies  
that the vehicle belongs to or is under contract with a person,  
entity, cooperative, board, commission, district, or unit of



Amendment No. 1

17 local government that provides garbage, trash, refuse, or  
18 recycling collection.

19 (93) UTILITY SERVICE VEHICLE.—A motor vehicle that bears  
20 an emblem that is visible from the roadway and clearly  
21 identifies that the vehicle belongs to or is under contract with  
22 a person, entity, cooperative, board, commission, district, or  
23 unit of local government that provides electric, natural gas,  
24 water, wastewater, cable, telephone, or communications services.

25 Section 2. Section 316.126, Florida Statutes, is amended  
26 to read:

27 316.126 Operation of vehicles and actions of pedestrians  
28 on approach of an authorized emergency, sanitation, or utility  
29 service vehicle.—

30 (1)(a) Upon the immediate approach of an authorized  
31 emergency vehicle, while en route to meet an existing emergency,  
32 the driver of every other vehicle shall, when such emergency  
33 vehicle is giving audible signals by siren, exhaust whistle, or  
34 other adequate device, or visible signals by the use of  
35 displayed blue or red lights, yield the right-of-way to the  
36 emergency vehicle and shall immediately proceed to a position  
37 parallel to, and as close as reasonable to the closest edge of  
38 the curb of the roadway, clear of any intersection and shall  
39 stop and remain in position until the authorized emergency  
40 vehicle has passed, unless otherwise directed by a any law  
41 enforcement officer.





Amendment No. 1

42 (b) ~~If~~ ~~When~~ an authorized emergency vehicle displaying  
43 ~~making use of~~ any visual signals is parked on the roadside, a  
44 sanitation vehicle is performing a task related to the provision  
45 of sanitation services on the roadside, a utility service  
46 vehicle is performing a task related to the provision of utility  
47 services on the roadside, or a wrecker displaying amber rotating  
48 or flashing lights is performing a recovery or loading on the  
49 roadside, the driver of every other vehicle, as soon as it is  
50 safe:

51 1. Shall vacate the lane closest to the emergency vehicle,  
52 sanitation vehicle, utility service vehicle, or wrecker when  
53 driving on an interstate highway or other highway with two or  
54 more lanes traveling in the direction of the emergency vehicle,  
55 sanitation vehicle, utility service vehicle, or wrecker, except  
56 when otherwise directed by a law enforcement officer. If such  
57 movement cannot be safely accomplished, the driver shall reduce  
58 speed as provided in subparagraph 2.

59 2. Shall slow to a speed that is 20 miles per hour less  
60 than the posted speed limit when the posted speed limit is 25  
61 miles per hour or greater; or travel at 5 miles per hour when  
62 the posted speed limit is 20 miles per hour or less, when  
63 driving on a two-lane road, except when otherwise directed by a  
64 law enforcement officer.

65 (c) The Department of Highway Safety and Motor Vehicles  
66 shall provide an educational awareness campaign informing the  
67 motoring public about the Move Over Act. The department shall



Amendment No. 1

68 provide information about the Move Over Act in all newly printed  
69 driver ~~driver's~~ license educational materials ~~after July 1,~~  
70 2002.

71  
72 This section does not relieve the driver of an authorized  
73 emergency vehicle from the duty to drive with due regard for the  
74 safety of all persons using the highway.

75 (2) Every pedestrian using the road right-of-way shall  
76 yield the right-of-way until the authorized emergency vehicle  
77 has passed, unless otherwise directed by a law enforcement ~~any~~  
78 ~~police~~ officer.

79 (3) An ~~Any~~ authorized emergency vehicle, when en route to  
80 meet an existing emergency, shall warn all other vehicular  
81 traffic along the emergency route by an audible signal, siren,  
82 exhaust whistle, or other adequate device or by a visible signal  
83 by the use of displayed blue or red lights. While en route to  
84 such emergency, the emergency vehicle shall otherwise proceed in  
85 a manner consistent with the laws regulating vehicular traffic  
86 upon the highways of this state.

87 (4) This section does not ~~Nothing herein contained shall~~  
88 diminish or enlarge any rules of evidence or liability in any  
89 case involving the operation of an emergency vehicle.

90 (5) This section does ~~shall~~ not ~~operate to~~ relieve the  
91 driver of an authorized emergency vehicle from the duty to drive  
92 with due regard for the safety of all persons using the highway.



Amendment No. 1

93 (6) A violation of this section is a noncriminal traffic  
94 infraction, punishable pursuant to chapter 318 as either a  
95 moving violation for infractions of subsection (1) or subsection  
96 (3), or as a pedestrian violation for infractions of subsection  
97 (2).

98 Section 3. This act shall take effect July 1, 2014.  
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101

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102

**T I T L E A M E N D M E N T**

103

Remove everything before the enacting clause and insert:

104

An act relating to the Move Over Act; amending s. 316.003, F.S.;

105

defining the term "utility service vehicle"; defining the term

106

"sanitation vehicle"; amending s. 316.126, F.S.; requiring a

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driver to move over for a utility service vehicle on the

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roadside under certain circumstances; requiring a driver to move

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over for a utility service vehicle on the roadside performing a

110

task related to the provision of utility services; making

111

technical changes; providing an effective date



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 761 State Speed Zones  
**SPONSOR(S):** Caldwell  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 392

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>JAS</i>	Miller <i>P.M.</i>
2) Economic Affairs Committee			

### SUMMARY ANALYSIS

The Department of Transportation (DOT) has long been charged with posting maximum and minimum speed limits on state and federal highways in Florida, subject at various times to national speed limits. DOT determines speed limits based on an engineering study and traffic investigation, and the speed limit becomes effective when appropriate signs are erected.

The bill raises the maximum allowable speed limit on certain highways and authorizes, but does not require, DOT to increase the speed limit on certain roadway types. The new maximum allowable limits would be:

- 75 mph on limited access highways,
- 70 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 65 mph on other roadways under DOT jurisdiction.

The bill also directs DOT to determine the minimum speed limit on certain highways and makes technical and conforming changes.

Depending on the impacts of this bill on the number of motorists that exceed the legal speed limit, there may be an indeterminate fiscal impact on state and local governments due to changes in traffic ticket revenue.

The bill has an effective date of July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### **Speed Limit History and Current Law**

The Department of Transportation (DOT) has long been charged with posting maximum and minimum speed limits on state and federal highways in Florida, subject at various times to national speed limits. Prior to 1974, state law authorized DOT to set maximum and minimum speed limits for travel on roadways under its authority, not to exceed 70 mph, with discretion for certain highways outside of a city or state roads connecting links or extensions thereof within a city.<sup>1</sup>

In 1974, a National Maximum Speed Limit (NMSL), designed chiefly to conserve fuel, took effect, establishing a national maximum speed limit of 55 mph. In 1987, Congress allowed states to set speed limits of up to 65 mph on interstate roads in areas with fewer than 50,000 people ("rural interstates"). In 1995, Congress repealed the NMSL, allowing states to set their own speed limits on their roads. Most states have since increased the speed limits on some or all of their roads.<sup>2</sup>

Since 1996, the authorized maximum speed limits on state highways in Florida have been as follows:

- 70 mph on limited access highways,
- 65 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 60 mph on other roadways under DOT jurisdiction.<sup>3</sup>

Section 316.187(1), F.S. provide that if DOT determines, based on an engineering and traffic investigation, that the speed limit is higher or lower than what is reasonable or safe, DOT may determine a reasonable and safe speed limit which takes effect when appropriate signs giving notice of the speed limit are erected.

Section 316.187(2)(c), F.S., sets minimum speeds on state roads. The minimum on all highways that are a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 mph, except that if the posted speed limit is 70 mph, the minimum speed is 50 mph.

##### **Intent of Speed Limits**

DOT notes that the "primary intent for establishing a speed zone is to improve vehicular and pedestrian safety by reducing the probability and severity of crashes."

"The "statutory" or allowable speed limits mandated by state statutes prevail on the types of roads and/or locations identified within state, municipality, and county jurisdictions. Such speed limits may be altered upward or downward by speed zoning thus creating specific or altered speed limits or restrictions for prescribed segments of highways roads and residential streets. Statutory limitations however, establish maximum speed limits for state, county, and city road systems."<sup>4</sup>

##### **Establishment of Speed Limits/Speed Differential/85<sup>th</sup> Percentile Rule**

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<sup>1</sup> Ch. 71-135, L.O.F.

<sup>2</sup> A listing of state speed limits is available at: [http://www.ghsa.org/html/stateinfo/laws/speedlimit\\_laws.html](http://www.ghsa.org/html/stateinfo/laws/speedlimit_laws.html) (Last visited February 13, 2014).

<sup>3</sup> S. 316.187(2), F.S.

<sup>4</sup> DOT Traffic Engineering & Operations Office Topic No. 750-010-002, *Speed Zoning for Highways, Roads & Streets*. Available at: [http://www.dot.state.fl.us/trafficoperations/speedzone/Speed\\_Zone\\_Manual.shtm](http://www.dot.state.fl.us/trafficoperations/speedzone/Speed_Zone_Manual.shtm) (Last visited February 25, 2014).

The 85<sup>th</sup> percentile rule is used by all states to establish speed limits. The Institute of Transportation Engineers reports:

“The most widely accepted method by state and local agencies is to set the limit at or below the speed at which 85 percent of the traffic is moving. ... Studies have shown crash rates are lowest at around the 85<sup>th</sup> percentile speed. Drivers traveling significantly faster OR slower than this speed are at a greater risk for being in a crash. It is not high speeds alone that relate to crash risk; it is the variation of speed within the traffic stream.”

“Large variations in speed within the traffic stream create more conflicts and passing maneuvers.”

“According to a Federal Highway Administration study, all states and most local agencies use the 85<sup>th</sup> percentile speed of free flowing traffic as the basic factor in establishing speed limits.

“Radar, laser and other methods are used to collect speed data from random vehicles on a given roadway. This speed is subject to revision based upon such factors as: crash experience, roadway geometrics, parking, pedestrians, curves, adjacent development and engineering judgment. This practice is in accordance with the MUTCD.<sup>5</sup>

“In the final analysis, it is the judgment of the traffic engineer that determines which, if any, of the factors in the speed study warrant an adjustment of the 85<sup>th</sup> percentile speeds. After all variables are considered and a speed limit is established, traffic should flow at a safe and efficient level.”<sup>6</sup>

DOT adheres to the 85<sup>th</sup> percentile rule when establishing speed limits on state highways, subject to the statutory maximum limits, and advises:

“It is common traffic engineering knowledge that about 85% of all drivers travel at reasonably safe speeds for the various roadway conditions they encounter, regardless of speed limit signs.”

“Based on this knowledge, a traffic engineering study is conducted to establish speed limits on the state highway. The Department uses the “85<sup>th</sup> percentile” method of determining appropriate and safe posted speed limits in conjunction with the maximum statute-based speeds. This method is based on extensive nationally accepted studies and observations. By measuring the speed of hundreds of vehicles at various points along the roadway, traffic engineers are able to use data to determine a reasonable and safe maximum speed to post for all vehicles to travel.”<sup>7</sup>

Once the 85<sup>th</sup> percentile speed is identified and revised based on factors such as roadway conditions, crash experience, and applied engineering judgment, a maximum limit is established. Because vehicle speed differential; *i.e.*, large variations in speed within the traffic stream, have a clearly established impact on crash risk, an appropriate minimum allowable speed may also be set. DOT then periodically

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<sup>5</sup> The Manual on Uniform Traffic Control Devices, which is a uniform system of traffic control devices for use on the streets and highways of the state adopted by DOT pursuant to s. 316.0745, F.S. Per s. 316.0745(3), F.S., “All official traffic control signals or official traffic control devices purchased and installed in this state by any public body or official shall conform with the manual and specifications published by the Department of Transportation...”

<sup>6</sup> Institute of Traffic Engineers, *Speed Zoning Information, A Case of “Majority Rule,”* on file in the House Transportation & Highway Safety Subcommittee.

<sup>7</sup> DOT website, *Frequently Asked Questions – Speed Limits*. Last visited February 10, 2014:

<http://www.dot.state.fl.us/trafficoperations/faqs/speedlimitfaq.shtm>.

reviews maximum speed limits on state roads for a variety of reasons, such as a request for review from a citizen or an effort to study the effects of a prior increase in the limit.

### Speed/Safety Relationship

Noting a disparity in findings among various studies of aggregate data relating to the relationship between increased speed and vehicle crashes, the National Cooperative Highway Research Program (NCHRP), a branch of the National Academy of Science, analyzed the results of several studies of specific locations before and after an increase in the posted speed limit.<sup>8</sup> Results of the NCHRP study are encapsulated in the following table:

Increase in Speed Limit (mph)	Change in Avg Actual Speed	Change in Total Crash	Change in Probability of Fatal Injury	Total Change in Fatal Injury Count
55 to 65	+3 mph	+3.3%	+24%	+28%
65 to 75	+3 mph	+0.64%	+12%	+13%

Similarly, the Federal Highway Administration notes that “the effects of speed on safety are complex and only partially known.”<sup>9</sup> However:

“There is clear and convincing evidence that crash severity increases with individual vehicle speed. This finding is supported by theory and statistical analysis.

“A vehicle’s kinetic energy is proportional to its velocity squared. When a crash occurs, all or part of the kinetic energy is dissipated, primarily through friction and mass deformation. As kinetic energy increases exponentially with speed, so does the potential for mass deformation, including humans that are inside and outside of the vehicle. Analysis of crash statistics have shown that the probability of being injured in a crash increases as the change in speed at impact increases, particularly when this change in speed occurs over a short time duration.”<sup>10</sup>

In 2008 researchers from Purdue University determined that raising the speed limit from 65 mph to 70 mph on Interstate 65 in Indiana did not increase the probability of fatalities or severe injuries.<sup>11</sup> The researchers pointed out that it is still an open question of whether this finding would hold true if speed limits were increased further to 75 or 80 mph. However this same research paper indicated that higher speed limits were found to be associated with higher accident severities for some non-interstate highways; and suggested that future speed limit changes need to be carefully assessed on a case-by-case basis, particularly for non-interstate highways. The paper also noted that research has not been able to completely separate the effects of speed limit changes from a number of other variables including:

- speed enforcement;
- vehicle miles traveled;
- vehicle occupancy;
- seat belt usage;
- alcohol use;
- proportions of passenger cars, minivans, pickup trucks and sport utility vehicles;
- vehicle safety features, such as air bags and antilock brakes;

<sup>8</sup> National Cooperative Highway Research Program, Research Results Digest 303, “Safety Impacts and Other Implications of Raised Speed Limits on High-Speed Roads,” on file in the House Transportation & Highway Safety Subcommittee.

<sup>9</sup> Federal Highway Administration, *Speed Concepts: Informational Guide*, Chapter 3, September 2009:

[http://safety.fhwa.dot.gov/speedmgt/ref\\_mats/fhwasa10001/](http://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwasa10001/). Last visited February 10, 2014.

<sup>10</sup> *Id.*

<sup>11</sup> *Analysis of the Effect of Speed Limit Increases on Accident-Injury Severities*, Nataliya V. Malyshkina, Fred Mannering School of Civil Engineering, Purdue University, Transportation Research Record: Journal of the Transportation Research Board No. 2083, available at: [http://safety.fhwa.dot.gov/speedmgt/ref\\_mats/fhwasa09028/59.htm](http://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwasa09028/59.htm). Last visited February 24, 2014.



- speed limits on other roads; and
- driver expectations, adjustments and adaptation to risk.

**Speed/Fuel Use Relationship**

A study by the Fuels, Engines and Emissions Research Center of the Oak Ridge National Laboratory,<sup>12</sup> conducted on 74 vehicles, model years 2003 to 2012, including “various sizes of sedans, wagons, and SUVs, as well as pickup trucks, minivans and a few “muscle cars” and sports cars,” showed the following general negative effect of increased speed on fuel economy:

Speed Increase	Percent average mpg decrease for a given 10 mph increase in speed
50 to 60 mph	12.4%
60 to 70 mph	14.0%
70 to 80 mph	15.4%
All three increments	13.9%

**Proposed Changes**

The bill amends s. 316.183(2), F.S., eliminating the statutorily specified minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes and authorizing DOT to determine the safe and advisable minimum speed limit on all such highways. The bill gives DOT the discretion to set minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes.

The bill amends s. 316.187(2), F.S., increasing by five miles per hour the existing authorized maximum allowable speed limits on Florida’s state highways as follows:

- 75 mph on limited access highways,
- 70 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 65 mph on other roadways under DOT jurisdiction.

Based on the provisions of s. 316.187(1), F.S., DOT would still determine a reasonable and safe speed limit on a particular highway segment after an engineering study and traffic investigation; and post appropriate speed limit signage.

The bill has an effect date of July 1, 2014.

**B. SECTION DIRECTORY:**

- Section 1 Amends s. 316.183, F.S., relating to unlawful speed.
- Section 2 Amends s. 316.187, F.S., relating to the establishment of speed zones.
- Section 3 Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

<sup>12</sup> “ORNL researchers quantify the effect of increasing highway speed on fuel economy, 18 January 2013.” On file in the House Transportation & Highway Safety Subcommittee.

Depending on the impacts of this bill on the number of motorists that exceed the legal speed limit, there may be an indeterminate fiscal impact on state and local governments due to changes in traffic ticket revenue.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Depending on the impacts of this bill on the number of motorists that exceed the legal speed limit, there may be an indeterminate fiscal impact on state and local governments due to changes in traffic ticket revenue.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. To the extent that speed limits on some highway segments are increased, drivers would see shorter travel times and increased mobility. These benefits must be balanced with the risks of increased personal injury or deaths, property damage, and litigation costs which might be associated with increased crash severity. Increased fuel consumption by individual travelers choosing to travel at higher speeds on any roadways upon which the speed limit may be increased could also be expected.

D. FISCAL COMMENTS:

DOT advises it expects an "indeterminate insignificant" fiscal impact and reports "[a]ny increases to speed limits would involve engineering study costs and speed limit signage change including fabrication and installation costs, on a case by case basis."<sup>13</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1 A bill to be entitled  
 2 An act relating to state speed zones; amending s.  
 3 316.183, F.S.; conforming a provision to changes made  
 4 by the act; making technical changes; amending s.  
 5 316.187, F.S.; raising the maximum allowable speed  
 6 limit on certain highways; increasing the maximum  
 7 allowable speed limit on roadways under the  
 8 jurisdiction of the Department of Transportation;  
 9 providing an effective date.

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

Section 1. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The Department of Transportation shall determine the safe and advisable minimum speed limit on all highways that are ~~comprise~~ a part of the National System of

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2014

27 Interstate and Defense Highways and have at least ~~not fewer than~~  
 28 four lanes ~~is 40 miles per hour, except that when the posted~~  
 29 ~~speed limit is 70 miles per hour, the minimum speed limit is 50~~  
 30 ~~miles per hour.~~

31 Section 2. Subsection (2) of section 316.187, Florida  
 32 Statutes, is amended to read:

33 316.187 Establishment of state speed zones.—

34 (2)(a) The maximum allowable speed limit on limited access  
 35 highways is 75 ~~70~~ miles per hour.

36 (b) The maximum allowable speed limit on any other highway  
 37 that ~~which~~ is outside an urban area of 5,000 or more persons and  
 38 that ~~which~~ has at least four lanes divided by a median strip is  
 39 70 ~~65~~ miles per hour.

40 (c) The Department of Transportation is authorized to set  
 41 such maximum and minimum speed limits for travel over other  
 42 roadways under its authority as it deems safe and advisable, not  
 43 to exceed as a maximum limit 65 ~~60~~ miles per hour.

44 Section 3. This act shall take effect July 1, 2014.