

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 531 Noncriminal Traffic Infractions
SPONSOR(S): Grant, M.
TIED BILLS: **IDEN./SIM. BILLS:** SB 666

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	12 Y, 0 N	Roth	Vickers
2) Justice Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Prior to 2009, persons electing to attend a driver improvement course received an 18 percent reduction on penalties related to noncriminal traffic infractions. In 2009, the Legislature eliminated the 18 percent penalty reduction and allocated the additional revenue to the State Courts Revenue Trust Fund.

The bill reinstates the 18 percent penalty reduction for attending a driver improvement course and removes the allocation of this revenue to the State Courts Revenue Trust Fund.

The bill is estimated to have a \$3.6 million negative fiscal impact to state government, with an approximate \$3.3 million impact to the State Courts Revenue Trust Fund and a \$300,000 impact to the General Revenue Fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In general, Ch. 318, F.S., provides for the disposition of traffic infractions. Specifically, s. 318.14, F.S., provides the procedures for processing noncriminal traffic infractions. A person who commits a noncriminal traffic infraction and is issued a citation, must elect to appear before a designated official, pay the citation, or enter into a payment plan with the clerk of court within 30 days after the citation is issued to avoid having his or her driver license suspended.¹

Section 318.14(9), F.S., provides that a person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for a noncriminal traffic infraction may, in lieu of a court appearance, elect to attend a basic driver improvement course.² If a driver improvement course is completed, adjudication is withheld and points³ are not assessed against the person's driver license. However, a person may not elect to attend a driver improvement course if he or she elected to attend a driver improvement course in the preceding 12 months.

Similarly, the option to elect to attend a driver improvement program is not available for citations related to:

- Violating the posted speed limit when the driver exceeds the posted speed limit by 30 miles per hour or more;
- Not carrying the vehicle's certificate of registration while the vehicle is in use;
- Operating a motor vehicle with an expired registration;
- Operating a motor vehicle with a driver license expired for six months or less; and
- Operating a motor vehicle without carrying a driver license.⁴

A person may not make more than five elections for a driver improvement course within his or her lifetime.⁵ If a person completes a basic driver improvement course, 18 percent of the civil penalty imposed⁶ is deposited in the State Courts Revenue Trust Fund. However, the 18 percent is not revenue for purposes of s. 28.36, F.S.,⁷ and may not be used in establishing the budget of the clerk of the court under s. 28.36, F.S., or s. 28.35, F.S.⁸

Prior to 2009, s. 318.14(9), F.S., provided for an 18 percent reduction in the civil penalty for persons who completed driver improvement school. In 2009, the statute was changed to remove the 18 percent reduction in fines and to allocate those funds to the State Courts Revenue Trust Fund.⁹

Section 318.15, F.S., relates to failure to comply with a civil penalty or failure to appear. Specifically s. 318.15(1)(b), F.S., provides that a person who elects to attend driver improvement school and has paid the civil penalty¹⁰ who subsequently fails to attend the driver improvement school within the time specified by the court is deemed to have admitted the infraction and is adjudicated guilty. In such a

¹ Section 318.14, F.S.

² Driver improvement courses must be approved by the Department of Highway Safety and Motor Vehicles.

³ Points are provided for in s. 322.27, F.S.

⁴ Section 318.14(9), F.S.

⁵ Section 318.14(9), F.S.

⁶ The civil penalty is imposed under s. 318.18(3), F.S. The civil penalty imposed varies by violation.

⁷ Section 28.36, F.S., provides budget procedures for court-related functions of the clerk of the court.

⁸ Section 28.35, F.S., creates the Florida Clerk of Court Operations Corporation.

⁹ Chapter 2009-7, L.O.F. The bill had an effective date of February 1, 2009.

¹⁰ The civil penalty is provided for in s. 318.14(9), F.S.

case, the clerk of the court notifies the Department of Highway Safety and Motor Vehicles (DHSMV) of the person's failure to attend driver improvement school and points are assessed on the person's driver license.

The cost of driver improvement courses range from \$15 to \$40, depending on the provider.¹¹ From 2008 to 2017, there has been a decrease in the number of individuals who have opted to attend a driver improvement course.¹²

**Number of Individuals Electing to Attend
Driver Improvement Courses 2008-2017**

Calendar Year	Individuals Electing Driver Improvement Course	Elected But Did Not Attend
2008	479,116	-
2009	397,707	-
2010	347,458	42
2011	301,421	395
2012	271,256	404
2013	255,315	621
2014	260,131	839
2015	239,960	2,097
2016	221,884	8,386
2017	201,576	24,040
Total	2,975,824	36,824

Proposed Changes

The bill amends s. 318.14(9), F.S., providing a reduction of 18 percent on the civil penalty for a noncriminal traffic infraction if the person elects to attend driver improvement school. The bill also removes the provision that 18 percent of the civil penalty from those attending driver improvement schools is deposited into the State Courts Revenue Trust Fund. Therefore, the bill reduces the fine for those attending a driver improvement course and reduces the revenue provided to the State Courts Revenue Trust Fund.

The bill amends s. 318.15(1)(b), F.S., making conforming changes regarding the reduction in fines for those who elect to attend a driver improvement course.

B. SECTION DIRECTORY:

Section 1: Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exception; procedures.

Section 2: Amends s. 318.15, F.S., relating to failure to comply with civil penalty or to appear; penalty.

Section 3: Provides an effective date of July 1, 2018.

¹¹ DHSMV, 2017 Agency Legislative Bill Analysis: HB 547 (on file with the House Transportation & Infrastructure Subcommittee).

¹² Email from Kevin Jacobs, Deputy Legislative Affairs Director, DHSMV, RE: HB 531 (December 7, 2017).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

On November 30, 2017, the Revenue Estimating Conference (REC) reviewed this bill.¹³ The REC developed the following negative recurring fiscal impact associated with this bill:

Fiscal Year	General Revenue	State Courts Revenue Trust Fund
2018-2019	\$300,000	\$3,300,000
2019-2020	\$300,000	\$3,300,000
2020-2021	\$300,000	\$3,300,000
2021-2022	\$300,000	\$3,300,000
2022-2023	\$300,000	\$3,300,000

According to the State Courts Administrator, the courts will be directly impacted by the passage of the bill, resulting in the loss of funding to the State Courts Revenue Trust Fund.¹⁴

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

A loss of funding to the State Courts Revenue Trust Fund will negatively impact funding to the Clerks of Court offices.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons electing to attend driver improvement school will see a reduction in fees associated with a traffic citation. However, these fees may be offset by the costs associated with attending a driver improvement school.

The bill may also positively impact providers of the driver improvement courses, as the bill further incentivizes individuals to elect to take a driver improvement course.

D. FISCAL COMMENTS:

None.

¹³ Revenue Estimating Conference, Analysis of 2018 House Bill 531, p. 148 (November 30, 2017).

¹⁴ Office of the State Court Administrator, *2017 Judicial Impact Statement for HB 531* (December 14, 2017) (on file with the House Transportation & Infrastructure Subcommittee).

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