

STORAGE NAME: h1811z.ca  
DATE: May 22, 2000

**\*\*FAILED TO PASS THE LEGISLATURE\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
FINAL ANALYSIS**

**BILL #:** HB 1811  
**RELATING TO:** Disposition of Traffic Fines  
**SPONSOR(S):** Representative Rubio  
**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS (PRC) YEAS 8 NAYS 0
  - (2) JUDICIARY (CJC) (W/D)
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

This bill revises current law relating to county court dispositions of civil traffic penalties.

This bill provides that a county is not required to allocate funds collected from moving traffic violations, but is permitted to allocate those funds to local law enforcement automation programs, under certain circumstances.

The fiscal impacts of the bill are unclear. Current funding of programs by counties participating in an intergovernmental radio communication program approved by the Department of Management Services (DMS) would not change. However, non-participating counties, under the bill, are given the discretion, under certain circumstances to use the funds for automation.

**The Committee on Community Affairs adopted an amendment that is traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section, this amendment provides that the moving traffic violation fees must be distributed to fund local law enforcement automation if the county is non-participating, or, alternatively, if a municipality has been declared in a state of financial emergency for five years and provides its own radio-communication program.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Currently, Subsection 10, s. 318.21, F.S., provides that from each fine collected for a moving traffic violation, \$12.50 is allocated to fund county participation in an intergovernmental radio communication program. Alternatively, if the county does not participate in the program, funds must apply to local law enforcement automation.

C. EFFECT OF PROPOSED CHANGES:

This bill recognizes that a municipality or special district may maintain its own radio communication program. A county, in its discretion, may transfer collected fines to fund local law enforcement automation where a county is non-participating or where the city or special district provides its own program.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1** -- Amends s. 318.21, F.S.; provides that a county must allocate funds collected from moving traffic violations to an intergovernmental radio communication program approved by DMS; if the county does not participate in the program, or if a city or special district unilaterally provides a radio communication program, funds collected from moving traffic violations may fund local law enforcement automation.

**Section 2** -- Provides for an effective date July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

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2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact. Although monies are involved, in authorizing greater county discretion in shifting funds specific to a certain fine, this bill should not significantly impact fiscal resources.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

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**C. OTHER COMMENTS:**

A Florida Department of Law Enforcement representative states that this bill does not impose any foreseeable fiscal impact on the Department.

A person representing the interests of both the City of Miami and Miami-Dade County has expressed the following:

As many people are aware, the City of Miami has been in a state of financial emergency for the past several years. The City of Miami, while being in a state of emergency, has also had a gubernatorially appointed financial oversight board in place. This oversight board continues to be in place, and will be for the foreseeable future.

Although the City has continued to work its way out of financial disaster, they have yet to fully satisfy the various financial rating agencies (Moody's). Thus, their bond rating has not improved, which obviously costs the taxpayers a lot of money, and also affects other governments, to some extent, around the state.

In an attempt to assist the City, the Legislature last year passed a local option parking surcharge law that did assist the City in raising several millions of dollars of recurring revenue to help their situation. The rating agencies indicated that the City was doing a better job, but they are not yet fully satisfied and, therefore, the City must continue to find additional revenue from an ongoing perspective, as well as allowing flexibility for the future should there be a need for cash flow (increased revenue).

One of the ways that the City believes it can help the situation is through this legislation. The legislation allows the City to retain \$12.50 of each traffic fine from citations written within the City limits that otherwise gets diverted to the County for telecommunication and automation related purposes. By retaining this \$12.50, the City will be able to fund needed repairs and changes on an ongoing basis to its own telecommunication system, while allowing it to then use other general revenues for other City needs.

An assistant county attorney for Miami-Dade County has been contacted regarding the county's position; at this time, the position has not been expressed.

A representative with the Department of Management Services expresses that they are not taking a position on this bill; they do not necessarily see a statewide fiscal impact.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

The Committee on Community Affairs met on April 12, 2000 and adopted an amendment. This amendment provides that the moving traffic violation fees must be distributed to fund local law enforcement automation if the county is non-participating, or, alternatively, if a municipality has been declared in a state of financial emergency for five years and provides its own radio-communication program. Applicability of this bill, it appears, would most likely include municipalities within Miami-Dade County.

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VII. SIGNATURES:

**COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

Staff Director:

Cindy M. Brown, J.D.

Joan Highsmith-Smith

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

Staff Director:

Cindy M. Brown, J.D.

Joan Highsmith-Smith