

STORAGE NAME: h0859.ca

DATE: March 31, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 859

RELATING TO: Civil Penalties/Traffic Violations

SPONSOR(S): Representative Ball

TIED BILL(S): None

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

- (1) TRANSPORTATION (EDC) YEAS 8 NAYS 2
 - (2) COMMUNITY AFFAIRS (PRC)
 - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (FRC)
 - (4) GENERAL APPROPRIATIONS (FRC)
 - (5)
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I. SUMMARY:

This bill provides that a municipality or county receiving in excess of 25 percent of its total annual revenue for the prior fiscal year from civil penalties assessed from traffic violations is to be distributed each month to the following:

- 50 percent to the Highway Safety Operating Trust Fund; and
- 50 percent to the Brain and Spinal Cord Injury Rehabilitation Trust Fund.

Only two cities could be affected by the proposed changes in the bill. These cities are Lawtey and Waldo, with annual local government financial reports for fiscal year 1997-1998 showing revenues of 59 and 35 percent, respectively, from fines and forfeitures.

This bill has an indeterminate fiscal impact on state and local government due to the uncertainty of the amount of revenue for each county or municipality that will be generated from civil penalties assessed from traffic violations in the upcoming fiscal years.

The Committee on Transportation adopted one strike-everything amendment that is traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section the amendment requires county courts to pay revenue in excess of 25 percent to the Department of Highway Safety and Motor Vehicles. The Department would then be required to distribute 50 percent to the Highway Safety Operating Trust Fund and 50 percent to the Brain and Spinal Cord Injury Rehabilitation Trust Fund. The amendment also deletes language excluding grant revenue from the percentage calculation.

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"/> |

B. PRESENT SITUATION:

Currently, section 318.21, F.S., provides for the disposition of civil penalties collected for traffic violations by county courts. Of civil penalties, 56.4 percent is distributed to the municipality or county in which the traffic violation occurred.

Furthermore, county courts must distribute two-thirds of any fine or forfeiture associated with any traffic violation to the municipality in which the violation occurred. Remaining funds are distributed to the county.

C. EFFECT OF PROPOSED CHANGES:

This bill provides that if any municipality or county receives an excess of 25 percent of its total annual revenue for the prior fiscal year from civil penalties assessed from traffic violations, the excess amount is disbursed each month to the following:

- 50 percent to the Highway Safety Operating Trust Fund; and
- 50 percent to the Brain and Spinal Cord Injury Rehabilitation Trust Fund.

According to a compilation of reports of the 1997-1998 fiscal year to the Comptroller, there are only two cities which could be affected by the proposed changes-- Lawtey and Waldo. Annual revenue from judgments and forfeitures in the 1997-1998 fiscal year for these two cities are as follows:

- 53 percent for Lawtey; and
- 35 percent for Waldo.

Aside from two other cities, which show 15 and 11 percent in 1997-1998 annual revenue from civil penalties, the rest of Florida cities' percentage of revenue from judgments and forfeitures fell below 10 percent.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Provides that if any municipality or county receives, in excess of 25 percent of its total annual revenue for the prior fiscal year, from civil penalties assessed from traffic violations, the excess amount is disbursed each month to the following: 50 percent to the Highway Safety Operating Trust Fund; 50 percent to the Brain and Spinal Cord Injury Rehabilitation Trust Fund. This section exempts grant revenue from this calculation.

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

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does have a fiscal impact on revenues with limited applicability. As applied, it only impacts two municipalities, Waldo and Lawtey. It is uncertain what the fiscal impacts might be on other counties and cities in future years, if the applicability is expanded.

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

NONE

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At the Committee on Transportation meeting March 28, 2000, an amendment was adopted. This strike-everything amendment requires county courts to pay revenue in excess of 25 percent to the Department of Highway Safety and Motor Vehicles. The Department would then be required to distribute 50 percent to the Highway Safety Operating Trust Fund and 50 percent to the Brain and Spinal Cord Injury Rehabilitation Trust Fund. The amendment also deletes language excluding grant revenue from the percentage calculation.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Jennifer L. Sexton-Bartelme

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Cindy M. Brown, J.D.

Staff Director:

Joan Highsmith-Smith