

STORAGE NAME: h0859.tr
DATE: March 17, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 859

RELATING TO: Civil Penalties/Traffic Violations

SPONSOR(S): Representative Ball

TIED BILL(S):

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

- (1) TRANSPORTATION
 - (2) COMMUNITY AFFAIRS
 - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (4) GENERAL APPROPRIATIONS
 - (5)
-

I. SUMMARY:

Current law provides for the disposition of civil penalties by the county courts of which 56.4 percent is distributed to the municipality or county in which the traffic violation occurred. County courts must also distribute two-thirds of any fine or forfeitures associated with any traffic violation to the municipality in which the violation occurred with the remaining funds being distributed to the county.

This bill provides that a municipality or county receiving an 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 effected by the proposed changes if the bill were enacted. These cities are Lawtey and Waldo, whose annual local government financial report for fiscal year 1997-1998 shows revenue of 59 and 35 percent, respectively, from fines and forfeitures.

The bill has an effective date of July 1, 2000.

The bill has an indeterminate fiscal impact on the 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.

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 the county courts. Of the 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 forfeitures associated with any traffic violation to the municipality in which the violation occurred. The remainder the funds are to be distributed to the county.

C. EFFECT OF PROPOSED CHANGES:

The 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 would be 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. The annual revenue from judgements and forfeitures in the 1997-1998 fiscal year for these two cities were as follows:

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

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

D. SECTION-BY-SECTION ANALYSIS:

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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:

N/A

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:

N/A

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

N/A

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

In order to provide for better implementation, this bill should be amended to provide for the county courts to pay the revenue in excess of 25 percent to the Department of Highway Safety and Motor Vehicles. The department would then be required to pay 50 percent to the Highway Safety Operating Trust Fund and 50 percent to the Brain and Spinal Cord Injury Rehabilitation Trust Fund.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

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