

STORAGE NAME: h1687.cja.doc
DATE: April 13, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS**

BILL #: HB 1687
RELATING TO: Traffic Education and Awareness Programs
SPONSOR(S): Representative(s) Slosberg
TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 12 NAYS 0
 - (2) CRIMINAL JUSTICE APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill authorizes counties to impose by ordinance an additional \$3 surcharge on civil penalties. The funds are to be administered by the county or a designated local safety group and used to fund traffic education and awareness programs.

Because it is unknown how many counties will impose the surcharge, the bill's fiscal impact is also unknown.

The bill becomes effective October 1, 2001.

On April 4, 2001, the Committee on Transportation adopted two amendments to the bill. The amendments are traveling with the bill. See part VI. Amendments or Committee Substitute Changes, below for a description.

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 checked="" type="checkbox"/> | N/A <input 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:

Lower Taxes: The bill allows counties to impose a \$3 surcharge on civil penalties. However, this surcharge is not mandatory, and would be optional in each county.

B. PRESENT SITUATION:

Pursuant to s. 233.0612(3), F.S., each school district may provide students with programs and instruction at the appropriate grade levels in a number of specific areas, including traffic education programs and instruction.

Section 233.0625, F.S., authorizes the state to develop a kindergarten through grade 6 comprehensive traffic education program that provides specific early developmental skills in walking, bicycling, school bus safety, use of mass transit, and early motor vehicle safety awareness training. The program is centered in the bicycle and pedestrian program of the Department of Transportation, which may contract with a university in the State University System for a traffic skills development course.

C. EFFECT OF PROPOSED CHANGES:

The bill authorizes a county to adopt by ordinance a \$3 surcharge on each civil penalty to be collected by the clerk of the court. The revenues generated by the surcharge must be used to fund traffic education and awareness programs. The term "traffic education and awareness program" is not specifically defined in the Florida Statutes. Although the chapter 233, F.S., programs discussed above would be eligible for funding under the bill, it appears that any other type of program related to traffic education and awareness, whether federal, state, local or private, would also be eligible for funding. The ordinance must provide whether the funds would be received and administered by the county or by local safety groups.

D. SECTION-BY-SECTION ANALYSIS:

N/A.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See Fiscal Comments, below.

2. Expenditures:

Indeterminate. See Fiscal Comments, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person required to pay a civil penalty in a county which imposes the surcharge would be required to pay an additional \$3 to the clerk of the court. Because it is unknown how many counties will impose the surcharge, the fiscal impact to the private sector is unknown.

D. FISCAL COMMENTS:

To the extent that the \$3 surcharge is imposed by counties, additional revenues will be available for traffic education and awareness programs. These revenues could be used to fund federal, state, local or private programs. Because it is unknown how many counties will impose the surcharge, the fiscal impact is also unknown.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The title of the bill refers to "teenage driver education", but the body of the bill addresses "traffic education and awareness programs" and does not restrict program funding to driver education for teenagers. The sponsor has indicated he intends to offer a title amendment which clarifies that the bill is intended to fund all types of traffic education and awareness programs regardless of age.

The bill allows the \$3 surcharge to be imposed on every civil penalty collected by the clerk of the court. According to the Department of Highway Safety and Motor Vehicles over 3 million traffic citations are issued each year. In addition to traffic citations, there are numerous civil penalties for violations of laws other than traffic laws.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 4, 2001, the Committee on Transportation adopted two amendments to HB 1687:

Amendment 1: Amends the title, removing "teenage driver education" and adding in its place "traffic education and awareness programs".

Amendment 2: Specifies that county commissioners may require the clerk of court to collect an additional \$3 with each civil traffic penalty to fund traffic awareness education programs, notwithstanding s. 318.121, F.S., which preempts the addition of fees, fines, surcharges, or non-court costs to certain civil traffic penalties.

The bill was then reported favorably, with the amendments traveling with the bill.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

William C. Garner

Staff Director:

Phillip B. Miller

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

James P. DeBeaugrine

Staff Director:

James P. DeBeaugrine