

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4177 Traffic Infraction Detectors

SPONSOR(S): Plakon and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1542

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee		Kiner	Tinker
2) Appropriations Committee			

SUMMARY ANALYSIS

HB 4177 repeals authorization to use traffic infraction detectors, commonly known as “red light cameras,” to enforce traffic safety laws, while retaining the state preemption to regulate the use of cameras for enforcing such laws.

Specifically, the bill repeals s. 316.008(8), F.S., authorizing local governments to install traffic infraction detectors, and s. 316.0083, F.S., which provides local ordinance requirements, installation, signage and notification-of-violation processes, as well as distribution requirements for fines collected by traffic infraction detector programs. The bill also repeals s. 316.0776, F.S., which provides engineering specifications for installation of traffic infraction detectors.

The bill repeals portions of other sections in ch. 316, F.S., in order to conform to the repealed sections described above, and it repeals two statutes that provided for the implementation of ch. 2010-80, L.O.F., relating to traffic infraction detectors, passed in 2010.

The bill leaves intact s. 316.0076, F.S., which was enacted in 2010 and expressly preempts to the state regulation of the use of cameras for enforcing the traffic safety provisions of ch. 316, F.S.

To the extent that the bill eliminates a potential fine, the bill has an indeterminate positive fiscal impact on motor vehicle owners and operators.

The bill will reduce revenues received by local governments that have implemented traffic infraction detector programs, will reduce one-time and/or recurring costs related to maintaining such programs, and will reduce expenses related to ongoing enforcement and legal challenges. The bill also has a significant negative fiscal impact on state revenue.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Traffic Infraction Detectors generally

Traffic infraction detectors, or “red light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal, and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases video cameras are used. Cameras record the license plate number, the date and time of day, the time elapsed since the beginning of the red signal, and the vehicle speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted Chapter 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S.¹ The law authorized the Department of Highway Safety and Motor Vehicles (“DHSMV”), counties, and municipalities to authorize officials to issue notices of violation of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver’s failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.²

Jurisdiction, Installation, and Awareness

Any traffic infraction detector installed on the highways, roads, and streets must meet requirements established by the Florida Department of Transportation (“DOT”) and must be tested at regular intervals according to procedures prescribed by DOT.³ Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with DOT standards, and on state roads within the incorporated area when permitted by DOT.⁴ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with DOT standards, and on state roads in unincorporated areas of the county when permitted by DOT.⁵ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of DOT, when permitted by DOT.

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.⁶ Such signage must meet the specifications for uniform signals and devices adopted by DOT pursuant to s. 316.0745, F.S.⁷

Notifications and Citations

If a traffic infraction detector identifies a person violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. A notification

¹ s. 316.0076, F.S.

² See generally s. 316.0083, F.S.

³ s. 316.0776, F.S.

⁴ s. 316.008(7), F.S.; s. 316.0776(1), F.S.

⁵ *Id.*

⁶ s. 316.0776(2), F.S.

⁷ *Id.*

must be issued to the registered owner of the vehicle within 30 days of the alleged infraction.⁸ The notice must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the vehicle owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.⁹ Violations may not be issued if the driver is making a right-hand turn "in a careful and prudent manner."¹⁰

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation ("UTC") to the owner.¹¹ A UTC must be mailed by certified mail, and must be issued no later than 60 days after the violation.¹² A UTC must also include the photograph and statements described above regarding review of the photographic or video evidence.¹³ The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.¹⁴

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the issuance date of a UTC to the violator.¹⁵

Exemptions

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- passed through the intersection at the direction of a law enforcement officer;
- was, at the time of the violation, in the care, custody, or control of another person; or
- received a UTC for the alleged violation issued by a law enforcement officer.¹⁶

To establish any of these exemptions, the registered owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.¹⁷ If the registered owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number of the driver.¹⁸ A UTC may be issued to the driver, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding the driver's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.¹⁹ Submission of a false affidavit is a second degree misdemeanor.

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the UTC, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.²⁰ If a person presents documentation from the appropriate governmental entity that a UTC was issued in error, the clerk of court may dismiss the UTC and may not charge for such service.²¹

⁸ s. 316.0083(1)(b), F.S.

⁹ *Id.*

¹⁰ s. 316.0083(2), F.S.

¹¹ s. 316.0083(1)(c), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ s. 316.0083(1)(e), F.S.

¹⁵ s. 316.650(3)(c), F.S.

¹⁶ s. 316.0083(1)(d), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ s. 318.18(15), F.S.

Oversight and Accountability

Beginning in 2012, each county or municipality that operates a traffic infraction detector is required to submit an annual report to DHSMV containing the following:

- the results of using the traffic infraction detector;
- the procedures for enforcement; and
- statistical data and information required by DHSMV.²²

By December 31, 2012, and annually thereafter, DHSMV must submit a summary report to the Governor and Legislature which must contain:

- a review of the information, described above, received from the counties and municipalities;
- a description of the enhancement of the traffic safety and enforcement programs; and
- recommendations, including any necessary legislation.²³

Fines

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).²⁴ The Florida Department of Revenue ("DOR") subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁵

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.²⁶

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.²⁷

²² s. 316.0083(4), F.S.

²³ *Id.*

²⁴ s. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

²⁵ *Id.*

²⁶ s. 318.18(15), F.S.

²⁷ s. 322.27(3)(d)6., F.S.

Actual Revenue

In FY 2010 – 2011, there were 44 jurisdictions operating traffic infraction detector programs. The following chart details the state portion of the fines remitted from participating local governments to DOR as a result of traffic infraction detector programs in place for FY 2010 – 2011:²⁸

RED LIGHT CAMERA STATE PORTION COLLECTION		
JURISDICTION	COUNTY	Grand Total
COCOA BEACH	Brevard	\$385,369
PALM BAY	Brevard	\$175,213
FORT LAUDERDALE	Broward	\$534,412
HALLANDALE BEACH	Broward	\$93,126
HOLLYWOOD	Broward	\$382,547
PEMBROKE PINES	Broward	\$144,615
GREEN COVE SPRINGS	Clay	\$275,560
COLLIER COUNTY BOCC	Collier	\$487,459
PALM COAST	Flagler	\$180,442
HILLSBOROUGH COUNTY BOCC	Hillsborough	\$1,266,145
TEMPLE TERRACE	Hillsborough	\$182,932
CAMPBELLTON	Jackson	\$81,091
TALLAHASSEE	Leon	\$811,574
BRADENTON	Manatee	\$264,347
DUNNELLON	Marion	\$367,026
AVENTURA	Miami-Dade	\$1,153,866
HOMESTEAD	Miami-Dade	\$249,830
KEY BISCAYNE	Miami-Dade	\$16,683
MIAMI	Miami-Dade	\$1,115,769
MIAMI BEACH	Miami-Dade	\$416,743
MIAMI GARDENS	Miami-Dade	\$1,532,429
NORTH MIAMI FLORIDA	Miami-Dade	\$1,490,929
OPA LOCKA	Miami-Dade	\$305,657
WEST MIAMI	Miami-Dade	\$252,237
SURFSIDE	Miami-Dade	\$167,241
SWEETWATER	Miami-Dade	\$150,977
APOPKA	Orange	\$1,097,841
MAITLAND	Orange	\$62,665
OCOE	Orange	\$415,996
ORANGE COUNTY BOCC	Orange	\$233,645
ORLANDO	Orange	\$1,494,818
WINTER PARK	Orange	\$60,092
JUNO BEACH	Palm Beach	\$85,324
PALM SPRINGS	Palm Beach	\$328,265
WEST PALM BEACH	Palm Beach	\$175,034
PORT RICHEY	Pasco	\$677,861
KENNETH CITY	Pinellas	\$388,108
GULFPORT	Pinellas	\$54,033
SOUTH PASADENA	Pinellas	\$284,627
HAINES CITY	Polk	\$951,844
LAKELAND	Polk	\$595,027

²⁸ Data accurate as of February 6, 2012. The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed 2/6/2012).

GULF BREEZE	Santa Rosa	\$40,670
WINTER SPRINGS	Seminole	\$52,456
DAYTONA BEACH	Volusia	\$292,326
State Grand Total		\$19,774,851
\$70 General Revenue portion		\$16,665,620
\$10 Health Admin. Trust Fund		\$2,379,710
\$3 Brain & Spinal Cord Injury TF		\$728,276

In FY 2011 – 2012, there were 58 jurisdictions operating traffic infraction detector programs. The following chart details the state portion of the fines remitted from participating local governments to DOR as a result of traffic infraction detector programs in place for FY 2011 – 2012:²⁹

RED LIGHT CAMERA STATE PORTION COLLECTION		
JURISDICTION	COUNTY	Grand Total
COCOA BEACH	Brevard	\$144,586
PALM BAY	Brevard	\$105,493
DAVIE	Broward	\$161,700
FORT LAUDERDALE	Broward	\$505,153
HALLANDALE BEACH	Broward	\$78,103
HOLLYWOOD	Broward	\$892,084
MARGATE	Broward	\$96,446
PEMBROKE PINES	Broward	\$921,405
SUNRISE	Broward	\$159,328
GREEN COVE SPRINGS	Clay	\$381,385
COLLIER COUNTY BOCC	Collier	\$258,130
PALM COAST	Flagler	\$97,774
HILLSBOROUGH COUNTY BOCC	Hillsborough	\$833,065
TAMPA	Hillsborough	\$142,013
TEMPLE TERRACE	Hillsborough	\$179,280
CAMPBELLTON	Jackson	\$68,558
TALLAHASSEE	Leon	\$583,324
BRADENTON	Manatee	\$301,871
DUNNELLON	Marion	\$166,830
AVENTURA	Miami-Dade	\$577,265
CORAL GABLES	Miami-Dade	\$1,107,145
CUTLER BAY	Miami-Dade	\$86,320
EL PORTAL	Miami-Dade	\$29,382
FLORIDA CITY	Miami-Dade	\$160,684
HIALEAH GARDENS	Miami-Dade	\$32,287
HOMESTEAD	Miami-Dade	\$144,337
KEY BISCAYNE	Miami-Dade	\$31,868
MIAMI	Miami-Dade	\$1,847,912
MIAMI BEACH	Miami-Dade	\$158,115
MIAMI GARDENS	Miami-Dade	\$1,395,894
NORTH MIAMI FLORIDA	Miami-Dade	\$1,089,292
OPA LOCKA	Miami-Dade	\$176,596

²⁹ Data accurate as of February 6, 2012. The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed 2/6/2012).

SURFSIDE	Miami-Dade	\$100,595
SWEETWATER	Miami-Dade	\$0
WEST MIAMI	Miami-Dade	\$458,077
APOPKA	Orange	\$654,289
MAITLAND	Orange	\$310,918
OCOOE	Orange	\$191,458
ORANGE COUNTY BOCC	Orange	\$434,090
ORLANDO	Orange	\$809,333
WINTER PARK	Orange	\$130,559
BOYNTON BEACH	Palm Beach	\$390,577
JUNO BEACH	Palm Beach	\$234,524
PALM SPRINGS	Palm Beach	\$230,906
PALM BEACH COUNTY BOCC	Palm Beach	\$60,839
WEST PALM BEACH	Palm Beach	\$146,888
PORT RICHEY	Pasco	\$369,931
NEW PORT RICHEY	Pasco	\$502,648
GULFPORT	Pinellas	\$109,145
KENNETH CITY	Pinellas	\$330,672
SOUTH PASADENA	Pinellas	\$498,643
HAINES CITY	Polk	\$578,344
LAKELAND	Polk	\$251,026
GULF BREEZE	Santa Rosa	\$118,607
MILTON	Santa Rosa	\$65,653
WINTER SPRINGS	Seminole	\$62,582
DAYTONA BEACH	Volusia	\$1,059,329
HOLLY HILL	Volusia	\$145,997
State Grand Total		\$21,159,255
\$70 General Revenue portion		\$17,844,968
\$10 Health Admin. Trust Fund		\$2,549,341
\$3 Brain & Spinal Cord Injury TF		\$764,946

Litigation

Prior to the passage of Ch. 2010-80, L.O.F., some cities in Florida implemented traffic infraction enforcement programs of their own through local ordinances, notwithstanding concerns stated by the Attorney General's office. A 1997 Attorney General opinion concluded that nothing precludes the use of unmanned cameras to record violations of s. 316.075, F.S., but "a photographic record of a vehicle violating traffic control laws may not be used as the [sole] basis for issuing a citation for such violations."³⁰ A 2005 Attorney General opinion reached the same conclusion, stating that, "legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices" as collected from a photographic record from unmanned cameras monitoring intersections.³¹

In at least some cases, lawsuits were successful in attacking pre-2010 traffic infraction detector ordinances on the grounds that a camera cannot "observe" a driver's commission of a traffic infraction to the extent necessary to issue a citation. Other lawsuits were unsuccessful, on the grounds that the violation was merely a violation of a municipal ordinance, not a uniform traffic citation.

³⁰ Attorney General Opinion AGO 97-06.

³¹ Attorney General Opinion AGO 2005-41.

A lawsuit filed in the 15th Judicial Circuit argues that as a result of ch. 2010-80 L.O.F., the ‘burden of proof’ has been unconstitutionally shifted from the state to the motorist, because the statute provides that “if the state is able to prove that a vehicle registered to the Petitioner was involved in the commission of a red light camera violation, [the owner] is presumed to be guilty.”³² The suit further asserts that “the State is not required to prove the identity of the driver who committed the red light camera violation.”³³ In the Motion to Dismiss, the state and city of West Palm Beach, among other defenses, argued that the law affords adequate due process to violators by creating a ‘rebuttable presumption’ that the owner was also the operator. The burden-shifting created by this rebuttable presumption, the state argued, is appropriate in “noncriminal situations... [that] contemplate reasonable notice and an opportunity to hear and be heard.”³⁴ This Motion for Summary Judgment was granted, and the Florida Fourth District Court of Appeal denied to certify the case for immediate review by the Florida Supreme Court.

Impact on Red Light Running Fatalities:

Insurance Institute for Highway Safety (“IIHS”) Analysis

In February 2011, the IIHS published an analysis titled, “Effects of Red Light Camera Enforcement on Fatal Crashes in Large US Cities.”³⁵ For the analysis, IIHS researchers studied fourteen cities with red light camera programs (“RLCs”) and forty-eight cities without RLCs. For the RLC group, IIHS researchers looked at two time periods: 1992-1996, before the installation of red light cameras, and 2004-2008, after the installation of red light cameras. Using these “before” and “after” time periods, researchers “compared the citywide per capita rate of fatal red light running crashes and the citywide per capita rate of all fatal crashes at signalized intersections.”³⁶ Researches then compared rate changes for both the RLC cities and the non-RLC cities. Based on the results, the IIHS analysis concluded that the “average annual rate of fatal red light running crashes declined for both groups, but the decline was larger for cities with red light camera enforcement programs,” than those without, 35 percent versus 14 percent, respectively.³⁷ Further, “[a]fter controlling for population density and land area, the rate of fatal red light running crashes during 2004-2008 for cities with camera programs was an estimated 24 percent lower than what would have been expected without cameras.”³⁸

Florida Public Health Review of IIHS Analysis

In a January 2012 study, University of South Florida researchers argued that the February 2011 IIHS analysis (mentioned above) was “logically flawed” and violated “basic scientific methods.”³⁹ Specifically, the USF study argued that the IIHS analysis actually found that RLCs had a 25 percent higher red light running fatality rate during the “after” period than non-RLCs.⁴⁰ In addition, USF researchers pointed out, but did not limit their concerns to, the following regarding the IIHS analysis:

- It analyzed city-wide data, not specific to camera sites.

³² Action for Declaratory Judgment, *Salvatore Altamari vs. State of Florida; City of West Palm Beach*, 2010 CA 022083, (15th Cir.)

³³ *Id.* at 2.

³⁴ Defendant State of Florida’s Motion to Dismiss, *Salvatore Altamari vs. State of Florida; City of West Palm Beach*, 2010 CA 022083, (15th Cir.)

³⁵ “Effects of Red Light Camera Enforcement on Fatal Crashes in Large US Cities.” Wen Hu, Anne T. McCartt and Eric R. Teoh. Insurance Institute for Highway Safety, February 2011. The IIHS press release on this analysis may be viewed at <http://www.iihs.org/news/rss/pr020111.html> (Last viewed on 2/15/2012). The IIHS study is on file with the Economic Affairs Committee.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ “Counterpoint: The Insurance Institute for Highway Safety Study Actually Found Cities Using Red Light Cameras Had Higher Red Light Running Fatality Rates.” Barbara Langland-Orban, PhD, Etienne E. Pracht, PhD, and John T. Large, PhD. *Florida Public Health Review*, 2012, Volume 9. This study may be viewed at <http://health.usf.edu/publichealth/fphr/current.htm> (Last viewed on 2/15/2012).

⁴⁰ *Id.*

- It excluded variables known to be associated with traffic fatalities, such as changes in public policy or engineering improvements made during or between the periods.
- It expressed its findings as a ‘percentage change in the rate of red light running fatalities,’ instead of a ‘change in the number of fatalities.’ In other words, USF researchers argued the results of the IIHS analysis are misleading because certain variables – namely those relating to population – are reported multiple times. For example, population is a denominator, “fatalities per 100,000,” as well as a numerator, “population per square mile.”
- It was biased in its selection of both RLCs and non-RLCs. Specifically, USF researchers argued “the authors of the IIHS study ignored the fact that the non-RLCs had substantially fewer red light running related fatalities in the ‘before’ period . . . [o]f even greater impact, 23 [percent] of the non-RLCs had two or fewer (including zero) red light running related accidents.” Essentially, USF researchers argued that the non-RLCs had very little room to reduce the total number – or percentage rate – of accidents during the “after” period.⁴¹

Proposed Changes

HB 4177 repeals portions of Chapter 316, F.S., created by Ch. 2010-80, L.O.F. The bill repeals s. 316.008(8), F.S., which authorizes local governments to install traffic infraction detectors, and s. 321.50, F.S., which authorizes DHSMV to install traffic infraction detectors. The bill repeals s. 316.0083, F.S., which details ordinance requirements, installation and notification processes, and fine distributions related to traffic infraction detectors. The bill also repeals s. 316.0776, F.S., which provides engineering specifications for installation of traffic infraction detectors.

In order to conform to these repealed sections, HB 4177 also:

- repeals portions of ss. 316.640 and 316.650, F.S., authorizing “traffic infraction enforcement officers” to enforce s. 316.0083, F.S.;
- repeals a sentence from the definition of “traffic infraction detector,” at s. 316.003(87), F.S., dealing with notifications of violations;
- repeals a portion of s. 318.14, F.S., which provides distribution requirements for fines collected from traffic infraction detector programs;
- repeals portions of s. 318.18, F.S., which provide (i) distribution requirements for fines collected from traffic infraction detector programs, (ii) an exemption process for those motor vehicle owners who have successfully appealed a violation from a traffic infraction detector, and (iii) a provision that individuals may not receive commissions or per-ticket fees from the installation of traffic infraction detector programs; and
- repeals a sentence from s. 316.27(3)(d)6., F.S., providing that points are not placed on the license of a person receiving a violation from a traffic infraction detector.

The bill repeals two additional statutes relating to the implementation of ch. 2010-80, L.O.F. It repeals s. 316.00831, F.S., which authorizes local governments to retain traffic infraction detector fines until such time as DOR creates a specific accounting process for receiving such remittances,⁴² and repeals s. 316.07456, F.S., which provides a “transitional implementation” period during which traffic infraction detectors installed prior to the passage of the 2010 law are permitted to operate, and allowed such non-compliant operation only until July 1, 2011.

HB 4177 leaves intact s. 316.0076, F.S., which expressly preempts to the state regulation of the use of cameras for enforcing provisions of ch. 316, F.S.

Effective Date

The bill is effective upon becoming a law.

⁴¹ *Id.*

⁴² The Department of Revenue notified local governments and HSMV that it was prepared to accept remittances from traffic infraction detectors as of August 1, 2010.

B. SECTION DIRECTORY:

- Section 1** amends s. 316.003, F.S.; revising the definition of "traffic infraction detector" to remove requirements for issuance of notifications and citations;
- Section 2** repeals s. 316.008(8), F.S., relating to the installation and use of traffic infraction detectors by local governments to enforce specified provisions when a driver fails to stop at a traffic signal;
- Section 3** repeals s. 316.0083, F.S., relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal;
- Section 4** repeals s. 316.00831, F.S., removing provisions that authorize the DHSMV, a county, or a municipality to retain traffic infraction detector program fines until the Department of Revenue is capable of receiving such fines;
- Section 5** repeals s. 316.07456, F.S., relating to transitional implementation of traffic infraction detectors;
- Section 6** amends s. 316.0776, F.S., relating to placement and installation of traffic infraction detectors;
- Section 7** repeals s. 321.50, F.S., relating to the DHSMV authorization to install traffic infraction detectors;
- Section 8** amends s. 316.640, F.S., to remove certain traffic infraction detector enforcement provisions;
- Section 9** amends 316.650, F.S., to remove certain traffic infraction detector enforcement provisions;
- Section 10** amends s. 318.14, F.S., removing a reference to traffic infraction detector enforcement;
- Section 11** amends s. 318.18, F.S., removing references to traffic infraction detector enforcement and procedures for disposition of citations or penalties;
- Section 12** amends s. 322.27, F.S., removing references to traffic infraction detector penalties;
- Section 13** provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

As indicated in the body of the analysis, in FY 2010 – 2011, the state portion of the fines collected from traffic infraction detector violations resulted in \$19,774,851, distributed as follows: \$16,665,620 to the General Revenue Fund; \$2,379,710 to the Department of Health Administrative Trust Fund; and \$728,276 to the Brain and Spinal Cord Injury Program Trust Fund.

So far in FY 2011 – 2012, the state portion of the fines collected from traffic infraction detector violations have resulted in \$21,159,255, distributed as follows: \$17,844,968 to the General Revenue Fund; \$2,549,341 to the Department of Health Administrative Trust Fund; and \$764,946 to the Brain and Spinal Cord Injury Program Trust Fund.

The bill's repeal of fines levied by traffic infraction detectors would eliminate the amount going into these funds. Revenue from fines levied as a result of a law enforcement officer's citation, as opposed to a traffic infraction detector, would continue to be distributed to these funds.

2. Expenditures:

Any expenditures using the revenues noted above would have to be eliminated or funded using another source of revenue.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Current law requires \$83 out of each \$158 traffic infraction fine (approximately 52.5 percent) to be remitted to the Department of Revenue. Local governments retain \$75 of the \$158 (approximately 47.5 percent). For FY 2010 – 2011, approximately \$17,868,841 was retained by local governments that operated traffic infraction detectors. So far in FY 2011 – 2012, approximately \$19,119,808 has been retained by local governments that operate traffic infraction detectors. The bill would eliminate the source of this revenue.

2. Expenditures:

It is likely that in each jurisdiction, some percentage of the revenue raised was used to recover initial costs of implementing the program and on monthly maintenance or other program costs.

For those local governments that have implemented traffic infraction detector programs as a result of the 2010 legislation, HB 4177 would eliminate the revenues currently expected by those governments, but would also reduce expenses related to ongoing enforcement and legal challenges.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes the possibility of private motor vehicle operators being issued a \$158 fine for violating a red light camera ordinance.

D. FISCAL COMMENTS:

On December 20, 2011, the Revenue Estimating Conference did its annual update on red light camera revenue for state and local governments. The conference found the following:

FY 2012-13 Red Light Camera Revenues (Millions)	
Forecast State HSMV Revenues	
Locally Collected by Counties & Cities (Remitted to DOR)	Amount
General Revenue	\$76.4
Department of Health TF	\$10.9
Brain & Spinal Cord Injury TF	\$3.3
Subtotal State Share	\$90.6
Clerks of Court Collected for UTC (Remitted to DOR)	
General Revenue	\$8.5
Department of Health TF	\$1.2
Brain & Spinal Cord Injury TF	\$.4

Subtotal State Share	\$10.1
TOTAL State Share	\$100.7
Locally Collected by Counties and Cities	
Local Retained Share	\$81.9
Clerks of Court	
Local Retained Share	\$9.1
TOTAL Local Share	\$91.0

*An additional \$12.9 million is distributed to various Article V funds.

The bill would eliminate the above sources of revenue.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise total aggregate revenues over February 1, 1989, levels; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Health has determined that ch. 64J-2.019, F.A.C., would need to be amended by the administrative rulemaking process to remove existing references to the traffic infraction detector program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES