

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 264

INTRODUCER: Senators Bradley and Brandes

SUBJECT: Traffic Enforcement Agencies and Traffic Citations

DATE: March 4, 2015

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<b>Favorable</b>
3.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<b>Pre-meeting</b>

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**I. Summary:**

SB 264 prohibits a traffic enforcement agency from establishing a traffic citation quota, and creates a reporting requirement for counties and municipalities under certain circumstances.

**II. Present Situation:**

Under current law, an “agency of the state” is prohibited from establishing a traffic citation quota.<sup>1</sup> These agencies are listed as:<sup>2</sup>

- Florida Highway Patrol;
- Fish and Wildlife Conservation Commission’s Division of Law Enforcement;
- Agents, inspectors, and officers of the Department of Law Enforcement;
- University police officers;
- Florida College System police officers;
- School safety officers;
- Police officers and parking enforcement specialists employed by an airport authority; and
- Department of Agriculture and Consumer Service’s Office of Agricultural Law Enforcement.

The Department of Transportation, county sheriff’s offices, and police departments of chartered municipalities are defined as traffic enforcement agencies of the state,<sup>3</sup> but are not *explicitly* prohibited in statute from establishing traffic citation quotas.

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<sup>1</sup> Section 316.640(1)(a)2., F.S.

<sup>2</sup> Section 316.640(1), F.S.

<sup>3</sup> Section 316.640(8), F.S.

## Traffic Citation Quotas

The term “traffic citation quota” is not defined in statute. However, it is commonly defined as any establishment of a predetermined or specified number of traffic citations a traffic enforcement officer must issue within a specified time. In some instances, quotas have been used as a way to measure an officer’s performance. The prohibition of a traffic citation quota can also include the prohibition of any evaluation, promotion, compensation, or discipline based on a specific number of citations issued.<sup>4</sup>

According to correspondence with the Florida’s Police Chiefs Association,<sup>5</sup> issuing traffic citations is only part of a traffic enforcement officer’s enumerated duties; performance is more effectively measured by shifting an officer’s focus to “stopping the errant driving behavior” versus a focus on issuing traffic citations. An officer’s performance evaluation, when assessing matters dealing with traffic safety, also includes:<sup>6</sup>

- Providing for the safe and convenient flow of traffic and pedestrians;
- Investigating traffic crashes;
- Providing first aid;
- Conducting DUI investigations;
- Promoting vehicular and pedestrian safety; and
- Reporting unsafe road conditions.

## City of Waldo Police Department

In 2012, the National Motorists Association reported that the City of Waldo was voted as one of the worst speed traps in the nation.<sup>7</sup> Additionally, in 2014, multiple Waldo police officers disclosed they were required to meet traffic citation quotas. It was reported that traffic citations accounted for almost 50 percent of the city’s entire revenue, and more than 60 percent of the police department’s budget.<sup>8</sup> The city has since disbanded its police force.

### III. Effect of Proposed Changes:

**Section 1** explicitly prohibits a traffic enforcement agency from establishing traffic citation quotas. It clarifies that any state, county, or municipal agency or governmental entity vested with the powers to enforce traffic laws is a traffic enforcement agency.

**Section 2** requires a county or municipality to submit a report to the Legislative Auditing Committee if the county or municipality’s total revenue from traffic citations exceeds 50 percent

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<sup>4</sup> See La. R.S. 40:2401.1., TENN. CODE ANN. s. 39-16-516., and TEX. TRANSP. CODE ANN. s. 720.002.

<sup>5</sup> Email from Chief Railey to Amy Mercer, Executive Director, Florida Police Chiefs Association (Jan. 29, 2015) (on file with the Senate Transportation Committee).

<sup>6</sup> *Id.*

<sup>7</sup> National Motorists Association, *Nationwide Poll Reveals Top U.S. and Canadian Speed Traps* (Aug. 2012), <http://www.motorists.org/other/August%202012%20News%20Release--FINAL.pdf> (last visited Feb. 20, 2015)

<sup>8</sup> Yahoo News, *Infamous speed trap town investigated over tickets* (Sept. 2014), <http://news.yahoo.com/waldo-suspends-2-police-chiefs-quota-claims-082259586.html> (last visited Feb. 20, 2015). The Gainesville Sun, *Waldo may inspire statewide traffic-ticket policy change* (Dec. 2014), <http://www.gainesville.com/article/20110730/ARTICLES/110739996/> (last visited Feb. 20, 2015).

of the expense to operate the county's or municipality's law enforcement agency in the same fiscal year. If required, the report must be submitted within six months after the end of the fiscal year and must detail:

- The total revenue from traffic citations of the county or municipality; and
- The total expenses for law enforcement of the county or municipality.

**Section 3** provides that the bill takes effect July 1, 2015.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

This bill requires a county or municipality to submit a report under certain circumstances. Because the bill requires a county or municipality to take an action that would require the expenditure of funds, it may be considered a mandate under art. VII, s. 18(a) of the Florida Constitution. However, because it is likely that the fiscal impact on counties and municipalities is insignificant, the bill may be exempt under art. VII, s. 18(d) of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

The bill may have a minimal, negative fiscal impact on a county or a municipality that is required to submit a report.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.640 and 316.660.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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