

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 421 Traffic Enforcement Agencies and Traffic Citations

SPONSOR(S): Local Government Affairs Subcommittee and Rodrigues

TIED BILLS: **IDEN./SIM. BILLS:** SB 264

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
2) Local Government Affairs Subcommittee	12 Y, 0 N, As CS	Zaborske	Miller
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill clarifies that any agency or governmental entity vested with the powers to enforce traffic laws of the state, including any county or municipal agency or entity, is a traffic enforcement agency and prohibits a traffic enforcement agency from establishing a traffic citation quota.

The bill further requires a county or municipality to submit a report to the Legislative Auditing Committee if the total revenue from traffic citations received in a fiscal year exceeds 33 percent of the total expenses incurred to operate that county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- Total revenue from traffic citations of the city or municipality; and
- Total expenses for law enforcement of the city or municipality.

The bill has a minimal indeterminate fiscal impact on state expenditures and local revenues or expenditures.

The bill will become effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law prohibits an agency of the state from establishing a traffic citation quota.¹ These state agencies include:²

- 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
- The Office of Agricultural Law Enforcement.

Current law also provides that if an agency of the state violates the traffic citation quota prohibition, a violation is not subject to the penalties provided in ch. 318, F.S.³

The Department of Transportation, county sheriff's offices, and police departments of chartered municipalities are defined as traffic enforcement agencies of the state,⁴ but are not explicitly prohibited in statute from establishing traffic citation quotas.

The term "Traffic Citation Quota" is not defined in statute. However, it commonly is defined as any establishment of a predetermined or specified number of traffic citations a traffic enforcement officer must issue in a specified time. 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.⁵

City of Waldo Police Department

In 2012, the National Motorists Association reported the City of Waldo was voted as one of the worst speed traps in the nation.⁶ This past year, multiple Waldo police officers disclosed they were required to meet traffic citation quotas. It was reported that the revenue from the traffic citations accounted for over one-third of the city's entire revenue. The city has since disbanded its police force,⁷ and it appears it is not the only Florida police force decommissioned.⁸

¹ S. 316.640(1)(a)2., F.S.

² S. 316.640(1), F.S.

³ S. 316.640(1)(a)2., F.S. It is unclear what this language means. It may be intended to make citations issued pursuant to a quota system not subject to the fines in ch. 318, F.S., because that chapter does not provide penalties for officials that violate any law when issuing traffic citations, but as worded its meaning is uncertain. See ch. 318, F.S. (the "Florida Uniform Disposition of Traffic Infractions Act" sets forth the system for the disposition of traffic infractions, including the fees, fines surcharges and costs that may be assessed for civil traffic penalties, as well as the relevant procedures and allocation of monies collected pursuant to ch. 318).

⁴ S. 316.640(8), F.S.

⁵ See La. R.S. 40:2401.1., TENN. CODE ANN. S. 39-16-516., and TEX. TRANSP. CODE ANN. S. 720.002.

⁶ National Motorists Association, *Nationwide Poll Reveals Top U.S. and Canadian Speed Traps* (Aug. 2012), available at <http://www.motorists.org/other/August%202012%20News%20Release--FINAL.pdf> (last visited 03/09/15).

⁷ CBS News, *Florida Town Infamous for Speed Traps Disbanding Police Force* (Oct. 2014), available at <http://www.cbsnews.com/news/florida-town-infamous-for-speed-traps-disbanding-police-force/> (last visited 03/09/2015).

⁸ The police department of the City of Hampton reportedly was decommissioned after the "Joint Legislative Auditing Committee learned that Hampton had received hundreds of thousands of dollars from tickets written by officers patrolling a short distance on U.S. 301" and that much of the revenue was misspent. Arek Sarkissian, *Bill would toughen state ban on traffic ticket quotas*, The Gainesville Sun, January 15, 2015, available at <http://www.gainesville.com/article/20150115/articles/150119807> (last visited 03/09/15).

Effect of Proposed Changes

The bill amends s. 316.640, F.S., by prohibiting a traffic enforcement agency from establishing traffic citation quotas. It clarifies that any agency or governmental entity vested with the powers to enforce traffic laws under the state, county, or municipality is a traffic enforcement agency, thereby clarifying that all traffic enforcement agencies may not establish traffic citation quotas.

Even if a traffic citation is issued as part of a prohibited traffic quota program, the citation appears to remain subject to the penalties provided in ch. 318, F.S.

The bill amends s. 316.660, F.S., by adding a requirement that a county or municipality submit a report to the Legislative Auditing Committee if the total revenue from traffic citations that a county or municipality receives in a fiscal year exceeds 33 percent of the total expenses incurred to operate the county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- Total revenue from traffic citations of the city or municipality; and
- Total expenses for law enforcement of the city or municipality.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.640, F.S., designating counties and municipalities as traffic enforcement agencies for purposes of the section and prohibiting them from establishing traffic citation quotas.

Section 2: Amends s. 316.660, F.S., requiring a county or municipality to submit a report of its traffic citation revenue and its expenses for operating a law enforcement agency during a fiscal year to the Legislative Auditing Committee under certain circumstances.

Section 3: Provides an effective date of July 1, 2015.

II. 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:

If any counties or municipalities currently have traffic quotas, there may be a reduction in revenues from traffic citations after elimination of the quota requirement.

2. Expenditures:

The bill will have an indeterminate minimal fiscal impact on the expenditures of counties and municipalities because they must calculate what percentage of their total expenses to operate their law enforcement agency in a fiscal year is derived from traffic citation revenues in the same fiscal

year and, depending on the calculation, may also be required to submit a report to the Legislative Auditing Committee.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require municipalities or counties to spend funds or to take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenues in the aggregate; or reduce the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes rulemaking nor requires implementation through executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2015, the Local Government Affairs Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment lowers the percentage from 50 percent to 33 percent to trigger reporting by a county or municipality to the Legislative Auditing Committee. This analysis is drafted to the committee substitute as passed by the Local Government Affairs Subcommittee.