

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4027 Traffic Infraction Detectors

SPONSOR(S): Artiles

TIED BILLS: **IDEN./SIM. BILLS:** SB 168

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee	13 Y, 3 N	Johnson	Pitts
2) Appropriations Committee			

SUMMARY ANALYSIS

In 2010, the Legislature enacted the Mark Wandall Traffic Safety Act, authorizing the use of traffic infraction detectors, commonly known as red light cameras, and expressly preempting to the state the regulation and use of traffic infraction detectors.

The bill repeals and amends various provisions of law, removing authorization for the use of traffic infraction detectors, which are currently used to enforce specified provisions of traffic law by automatically photographic vehicles whose drivers run red lights.

The bill leaves intact the express preemption to the state the regulation of use of traffic infraction detectors; thereby, prohibiting the implementation of red light camera programs by local ordinance.

The bill has a negative fiscal impact on state general revenue and trusts and local revenue beginning on July 1, 2019. The total estimated negative fiscal impact on state and local governments is \$133.3 million recurring in fiscal year 2019-2020 and negative \$135 million in recurring in fiscal year 2020-2021.

The bill has an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Red Light Cameras Generally

Traffic infraction detectors,¹ more commonly known as “red light cameras,”² are used to document traffic law violations by automatically photographing vehicles whose drivers have failed to yield a red light. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, date and time of day, time elapsed since the beginning of the red signal, and the vehicle’s speed.

Red light cameras in Florida

In 2010, the Florida Legislature enacted CS/CS/HB 325,³ expressly preempting to the state the regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.,⁴ which is known as the Florida Uniform Traffic Control Law.⁵ The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.⁶

Jurisdiction, Installation, and Awareness

Every traffic infraction detector must meet requirements established by the Department of Transportation (DOT) and must be tested at regular intervals according to procedures prescribed by DOT.⁷ If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.⁸ Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.⁹

Municipalities may install or authorize the installation of traffic infraction detectors on streets and highways in accordance with the DOT standards, and on state roads within the incorporated area when permitted by DOT.¹⁰ 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.¹¹ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of DOT, when permitted by the DOT.¹²

Traffic Control Devices

¹ Section 316.003(87), F.S., defines “traffic infraction detector” as “[a] vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.”

² In this analysis, the terms “traffic infraction detector” and “red light camera” are used interchangeably.

³ Chapter 2010-80, L.O.F.

⁴ Section 316.0076, F.S.

⁵ Section 316.001, F.S.

⁶ Section 316.0083, F.S.

⁷ Section 316.0776, F.S.

⁸ Section 316.0776(2), F.S.

⁹ *Id.*

¹⁰ Section 316.008(8), F.S.; section. 316.0776(1), F.S.

¹¹ *Id.*

¹² Section 321.50, F.S. DHSMV is not currently administering a red-light camera program.

Section 316.0745(1), F.S., requires DOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state. Section 316.075(3)(a), F.S., provides that no traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal, but it does not specify the length of time that the yellow or red light must be exhibited.

Inspection of Traffic Control Signal Devices

DOT officials reported that it enters into traffic signal maintenance agreements with counties and municipalities, and these agreements are the mechanism for ensuring that jurisdictions comply with yellow light timing and other traffic signal standards.¹³ In addition, DOT staff conducts field tests and quality assurance reviews that encompass a number of issues, including yellow light interval timing.

Notifications and Citations

If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer. A notification of violation must be issued to the registered owner of the vehicle within 30 days of the alleged violation.¹⁴ The notification must be sent by first-class mail, and must include a statement that informs the owner of the right to review the photographic or video evidence, upon which the violation is based, as well as the time and place or Internet location where the evidence may be reviewed.¹⁵ Violations may not be issued if the driver is making a right-hand turn in a "careful and prudent manner,"¹⁶ or if the driver comes to a complete stop before making a permissible right turn.¹⁷

A person who has been issued a notice of violation for a red light camera violation may elect to receive a hearing within 60 days following the date of the notice of violation. No payment or fee may be required in order to receive the hearing. Further, if a person elects to receive a hearing, the person waives his or her right to challenge delivery of the notice of violation.¹⁸ If the notice of violation is upheld, the local hearing officer must require the petitioner to pay the \$158 penalty and may also require the petitioner to pay county or municipal costs, not to exceed \$250.¹⁹

If the registered owner of the vehicle does not pay the violation within 60 days following the date of notification, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.²⁰ The UTC must be mailed by certified mail.²¹ Like the notice of violation, the UTC must also include the photograph and statements described above regarding review of the photographic or video evidence.²² 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 to commit the violation.²³

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 five days after the issuance date of a UTC to the violator.²⁴

Penalties

Red light camera citations carry a \$158 penalty. When the \$158 penalty is the result of local government enforcement, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).²⁵ DOR subsequently distributes the penalty by depositing \$70 in the

¹³ "Florida Red Light Camera Programs" OPPAGA research memorandum, (January 31, 2014)

¹⁴ Section 316.0083(1)(b), F.S.

¹⁵ *Id.*

¹⁶ Section 316.0083(2), F.S.

¹⁷ Section 316.0083(1)(a), F.S.

¹⁸ *Id.*

¹⁹ Sections 316.0083(5)(e), and 318.18(22), F.S.

²⁰ Section 316.0083(1)(c), F.S.

²¹ *Id.*

²² *Id.*

²³ Section 316.0083(1)(e), F.S.

²⁴ Section 316.650(3)(c), F.S.

²⁵ Sections 318.18(15), and 316.0083(1)(b)3., F.S.

General Revenue Fund, \$10 in the Department of Health (DOH) Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁶

When the \$158 penalty is the result of enforcement by DHSMV, \$45 is retained by the local government and \$113 is deposited with DOR.²⁷ DOR subsequently distributes the penalty by depositing \$100 in the General Revenue Fund, \$10 in the DOH Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁸ DHSMV does not currently operate any red light cameras.

If a law enforcement officer cites a motorist for the same offense, the penalty 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.²⁹

Citations from traffic infraction detectors may not result in points assessed against the driver's driver license and may not be used for the purpose of setting motor vehicle insurance rates.³⁰

Proceeds retained by local government

As stated above, each time a \$158 red light violation penalty is collected the local government retains \$75 and remits \$83 to the state. In a survey of local governments that operate a red light camera program, the Office of Policy Analysis & Governmental Accountability (OPPAGA)³¹ reported that, over a three- year period:

- 49 percent of total money collected went to red light camera vendors.
- 78 percent of respondents reported excess revenue after payments to vendors and other program expenses. Excess revenue was allocated to:
 - general fund (76%)
 - public safety/police (14%)
 - road repair/maintenance (5%)
- 16 percent of respondents had difficulty generating sufficient revenue to make vendor payments and have accrued outstanding balances

Local governments must procure for the services of a red light camera vendor. The contract term generally ranges from three to five years.³² Local governments typically pay between \$4,250 and \$4,750 per camera, per month.³³

DHSMV – 2015 Red Light Camera Program Analysis

Florida law requires each county or municipality operating a red light camera program to annually self-report data to DHSMV, which shall include the following information:

- Red light camera program results over the preceding fiscal year;
- The procedures for enforcement; and
- Other statistical data and information required by DHSMV.³⁴

Based on this data covering the period between July 1, 2014 and June 30, 2015 (survey period), DHSMV submitted a summary report to the Governor and Legislature containing the following findings:

- 71 agencies responded that they had red light camera in operation during the survey period.³⁵

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 318.18(15), F.S.

³⁰ Section 322.27(3)(d)6., F.S.

³¹ "Florida Red Light Camera Programs." *OPPAGA Research Memorandum* (January 31, 2014)

³² *Id.*

³³ *Id.*

³⁴ Section 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

³⁵ Two jurisdictions did not respond to DHSMV's survey.

- During the survey period, the agencies issued a total of 963,039 Notices of Violation.
- Of the Notices of Violation issued, 630,369 paid the fine. (65.4%).
- 14,814 notices of violation were contested and dismissed (1.5%).
- Florida law states that “a notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.” Of the 71 agencies responding to the survey, 68 percent indicated that they issue Notices of Violation for a right-on-red violation, and 32 percent indicated that they did not issue Notices of Violation for a right-on-red violation. During the reporting period 253,744 (26.34%) Notices of Violation were issued for right hand turns.

Crash statistics

In its December 2015, Red Light Camera Report, DHSMV provided the following breakdown in the number of crashes at RLC intersections before and after the cameras were installed.³⁶

	Before RLC Installed	After RLC Installed	Percentage Change
Total Crashes	3,453	3,959	14.65%
Angle Crashes	815	814	-0.12%
Rear-End Crashes	835	920	10.18%
Non-Incapacitating Injuries	459	506	2.22%
Incapacitating Injuries	174	225	29.31%
Fatalities	16	18	
Crashes Involving Non-Motorists	185	216	16.75%
Fatal Crashes Involving Motorists	4	7	

Litigation

In October 2014, the Florida Fourth District Court of Appeal dismissed a red light camera citation after finding that the local government had delegated an impermissible measure of discretion and control over their red light camera program to a private third-party vendor.³⁷ Under the terms of the contract, the vendor decided which infractions would be reviewed by the City, obtained the information needed to fill out a citation, completed the citation, issued the citation, and transmitted the citation information to the court.³⁸ In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue a traffic citation.³⁹ The Florida Supreme Court declined to accept jurisdiction on the case.⁴⁰

The *Arem* decision may have an effect on the administration of red light camera programs throughout the state. Some jurisdictions have voted to suspend or terminate their red light camera programs since the decision was handed down.

Proposed Changes

In general, the bill prohibits the use of traffic infraction detectors as of July 1, 2019.

Definitions (Section 1)

Section 316.003(87), F.S., defines “traffic infraction detector” as a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 318.0083(1)(b), F.S., or traffic

³⁶ It should be noted that other factors may have contributed to the number of crashes.

³⁷ *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4th DCA October 15, 2014)

³⁸ *Id.*

³⁹ Sections 316.0083(1)(b)3., and 316.650(3)(c), F.S.

⁴⁰ Supreme Court of Florida, *City of Hollywood vs. Arem*, Case No. SC15-236. Order Issued April 13, 2015.

citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control signal device being violated.

Section 316.003(91), F.S., defines “local hearing officer” as the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), F.S., who is authorized to conduct hearings related to the notice of violation pursuant to s. 316.0083, F.S. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

The bill repeals ss. 316.003(87) and (91), F.S., repealing the definitions of “traffic infraction detector” and “local hearing officer.”

Powers of Local Authorities (Section 2)

Section 316.008(8), F.S., authorizes counties and municipalities to use traffic infraction detectors when a driver fails to stop at a traffic signal on streets or highways under its jurisdiction.⁴¹

The bill repeals s. 316.008(8), F.S., repealing the authorization for municipalities and counties to use traffic infraction detectors.

Mark Wandall Traffic Safety Program; administration; report. (Section 3)

Section 316.0083, F.S., creates the Mark Wandall Traffic Safety Program, authorizing the use of, and provides for the administration of traffic infraction detectors. More specifically the statute:

- Authorizes DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue traffic citations for specified provisions of traffic law relating to the obedience to traffic control signals and stopping a vehicle facing a steady red signal;
- Prohibits issuance of notices of violation for traffic citations for failing to stop while making rolling “right-on-red” turns in a “careful and prudent manner” and for failing to stop before crossing the stop line or other point at which a stop is required when making a “right-on-red” turn;
- Provides the process and requirements for issuance of notices of violation, sets forth specific information to be included in such notices; provided alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; providing penalty amounts and fine distributions; and prohibits certain individuals, manufacturers, or vendors from receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors;
- Provides the process and requirements for issuance of traffic citations; sets forth specific information to be included in such notices; provides for defenses to be established by affidavit, states requirements for information to be included in such affidavits, provides penalties for submission of false affidavits; provides for dismissal of citations and issuance notices of violation and traffic citations to the person designated in an affidavit as having care, custody, or control of the motor vehicle at the time of the violation; and provides for supplemental enforcement;
- Requires each county or municipality that operates traffic infraction detectors to provide a specified annual summary report to DHSMV regarding the use and operation of traffic infraction detectors, and requires DHSMV to prepare an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

The bill repeals s. 316.0083, F.S., repealing to the Mark Wandall Traffic Safety Program.

Distribution of Penalties Collected (Section 4)

⁴¹ Section 316.008(8)(a), F.S.
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Section 316.00831, F.S., provides for the distribution of penalties collected under the Mark Wandall Traffic Safety Program.

The bill repeals s. 316.00831, F.S., repealing the distribution of the penalties under the Mark Wandall Traffic Safety Program.

Transitional Implementation (section 5)

Section 316.07456, F.S., provides for transitional implementation for traffic infraction detectors.

The bill repeals s. 316.07456, F.S., repealing the transitional implementation for traffic infraction detectors.

Traffic infraction detectors; placement and implementation. (Section 6)

Section 316.0776, F.S., provides for the placement and installation of traffic infraction detectors.

The bill repeals s. 316.0776, F.S., repealing provisions relating to the placement and installation of traffic infraction detectors.

Failure to comply with civil penalty or to appear; penalty. (Section 7)

Section 318.15(3), F.S., requires the clerk of court to notify DHSMV of persons who were mailed notices of violation pursuant to the Mark Wandall Traffic Safety Program who fail to enter into, or comply with the terms of, a penalty payment plan, or order with the clerk to the local hearing officer of failed to appear at a scheduled hearing within 10 days after such failure.

Upon receiving the notice, DHSMV, or its authorized agent is prohibited from issuing a license plate or revalidation sticker for any motor vehicle owned or coowned by that person until the assessed amount has been fully paid.

After the issuance of the license plate or revalidation sticker is withheld, the person may challenge the withholding of the license plate or revalidation sticker only on the basis that the outstanding fines and civil penalties have been paid.

The bill repeals s. 318.15(3), F.S., relating to withholding vehicle registration for failure to pay penalties associated with the Mark Wandall Traffic Safety Program.

Authorization to use traffic infraction detectors (Section 8)

Section 321.50, F.S., authorizes DHMSV to use traffic infraction detectors on state roads under the original jurisdiction of DOT, when permitted by DOT.

The bill repeals s. 321.50, F.S., repealing the authorization for DHSMV to install traffic infraction detectors on state roads.

Enforcement of Traffic Laws (Section 10)

In general, s. 316.640, F.S., vests the enforcement of the state's traffic laws to various entities. Section 316.640(1), F.S., provides that various state agencies may enforce the state's traffic laws under various circumstances.

Section 316.640(1)(b)3., F.S., provides that for the purpose of enforcing the Mark Wandall Traffic Safety Program, DHSMV may designate employees as traffic infraction enforcement officers and provides minimum requirement for these officers. The statute also provides that the traffic infraction enforcement officers must be physically located in the state.

Section 316.640(5)(a), F.S. provides that any sheriff's department or municipal police department may employ traffic infraction enforcement officers. Included in this paragraph is the authorization for traffic infraction enforcement officers to issue traffic citations under the Mark Wandall Traffic Safety Program.

The bill repeals s. 316.640(1)(b)3., F.S., repealing DHSMV's authority to designate employees as traffic infraction enforcement officers.

The bill amends s. 316.640(5)(2), F.S., removing the ability for traffic enforcement officers to issue traffic citations under the Mark Wandall Traffic Safety Program.

Traffic Citations (Section 11)

Section 316.650(3)(c), F.S., provides that if a traffic citation is issued under the Mark Wandall Traffic Safety Program, the traffic infraction enforcement officer is required to provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the date of the issuance of the traffic citation to the violator. If a hearing is requested, the traffic infraction enforcement officer shall provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

The bill repeals s. 316.650(3)(c), F.S., regarding traffic citations issued under the Mark Wandall Traffic Safety Program.

Amount of Penalties (Section 14)

Section 318.18(15) and (22), F.S., provide for the amount of penalties for violations relating to traffic infraction detectors and the distribution of such penalties.

Section 318.18(15)(a)2., F.S., provides for distribution of the penalty for a violation enforced by DHSMV's traffic infraction enforcement officers. Section 318.18(15)(a)3., F.S., provides the penalties for violations enforced by a county's or municipality's traffic infraction enforcement officer. Section 318.18(15)(c), F.S., authorizes the clerk of court or the clerk to the local hearing officer to dismiss the case if the notice of violation was issued in error.

Section 318.18(15)(d), F.S., provides that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of traffic infraction detectors.

Section 318.18(22), F.S. provides that in addition to the penalty prescribed in the Mark Wandall Traffic Safety Program which are upheld, the local hearing officer may also order the payment of county or municipal costs, not to exceed \$250.

The bill amends s. 318.18(15), F.S., removing "when issued by a law enforcement officer" to provisions relating to the penalties for failing to stop at a traffic signal. The bill also removes provisions for the distribution of penalties, commission or per ticket fees or payment on the number of violations. The bill also repeals s. 318.18(22), F.S., relating to the payment of county and municipal costs.

Authority of DHSMV to suspend or revoke driver license or identification card (Section 16)

Section 322.27(3), F.S., provides the point system for the evaluation of convictions for motor vehicle violations. Section 322.27(3)(d)6., F.S., provides that the points for the violation of a traffic control signal is 4 points. However, the sub-paragraph provides that no points are imposed for a violation for failing to stop at a traffic control signal when enforced by a traffic infraction enforcement officer. Additionally, a violation where a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

The bill repeals the provision of s. 322.27(3)(d)6., F.S., repealing provisions regarding points and insurance rates regarding convictions regarding traffic infraction detectors.

Cross-references (Sections 9, 11, 12, 13, and 15)

The bill amends ss. 28.37(5), 316.650(3)(a), 318.121, 318.14(2), and 320.03(8) F.S. conforming cross-references.

Effective Date (Section 17)

The bill has an effective date of July 1, 2019.

B. SECTION DIRECTORY:

- Section 1 Repeals s. 316.003(87) and (91), F.S., providing the definition for “traffic infraction detector” and “local hearing officer.”
- Section 2 Repeals s. 316.008(8), F.S., relating to the powers of local authorities to use traffic infraction detectors.
- Section 3 Repeals s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.
- Section 4 Repeals s. 316.00831, F.S., relating to the distribution of penalties collected under s. 316.0083(1)(b), F.S.
- Section 5 Repeals s. 316.07456, F.S., relating to transitional implementation.
- Section 6 Repeals s. 316.0776, F.S., relating to traffic infraction detectors; placement and installation.
- Section 7 Repeals s. 318.15(3), F.S., relating to failure to comply with civil penalty or appear; penalty as it relates to traffic infraction detectors.
- Section 8 Repeals s. 321.50, F.S., relating to the authorization to use traffic infraction detectors.
- Section 9 Amends s. 28.37, F.S., relating to fines, fees, service charges, and costs remitted to the state to conform a cross-reference.
- Section 10 Amends s. 316.640, F.S., relating to enforcement.
- Section 11 Amends s. 316.650, F.S., relating to traffic citations to conform a cross-reference.
- Section 12 Amends s. 318.121, F.S., relating to the preemption of additional fees, fines, surcharges, and costs to conform a cross-reference.
- Section 13 Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exceptions; procedures to conform a cross-reference.
- Section 14 Amends s. 318.18, F.S., relating to the amount of penalties.
- Section 15 Amends s. 320.03, F.S., relating to registration; duties of tax collectors; International Registration Plan.
- Section 16 Amends s. 322.27, F.S., relating to the authority of the department to suspend or revoke driver license or identification card.
- Section 17 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:

On October 16, 2015, the Revenue Estimating Conference reviewed the bill. The consensus estimate is that there will be the following **negative** recurring fiscal impact to state government revenues following the effective date of July 1, 2019:

Fiscal Year	General Revenue	Trust Funds	Total
2019-2020	\$56.8 million	\$10.8 million	\$67.6 million
2020-2021	\$57.5 million	\$11 million	\$68.5 million

2. Expenditures:

DOR will no longer incur the expenses associated with processing the payments from municipalities and counties and distributing the monies to the appropriate funds. However, these expenses are likely minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On October 16, 2015, the Revenue Estimating Conference reviewed the bill. The consensus estimate is that there will be the following **negative** recurring fiscal impact to local government revenues following the effective date of July 1, 2019:

Fiscal Year	Revenue
2019-2020	\$65.7 million
2020-2021	\$66.5 million

2. Expenditures:

Municipalities and counties will no longer incur the expenses associated with traffic infraction detectors. However, these entities may incur some expenses associated with removing existing traffic infraction detectors.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The possibility of a \$158 fine for the violation of a traffic infraction detector would be eliminated.

According to DHSMV, according to its 2015 survey, 71 jurisdictions responded that they operated traffic infraction detectors during the survey period. Each of these jurisdictions has a unique contract with a vendor to provide some, if not all, of the following services: installation, maintenance, monitoring, and citation issuance. The value of these contracts and the specific stakeholders are not clear, but the impact will be significant.⁴²

D. FISCAL COMMENTS:

The bill does not go into effect until July 1, 2019. Therefore, any fiscal impact related to the bill will not take place before July 1, 2019.

According to DHSMV, passage of the bill would eliminate the need for the Annual Survey, Annual Red Light Camera Report, the vendor approval process for the issuance of the Notices of Violation. This would also alleviate the work load related to handling red light camera disputes and for granting access and registration stops; therefore, freeing up resources to focus on other projects and areas.⁴³

The bill will also eliminate the need for hearings to dispute the issuance of red light camera notices of violation.⁴⁴

⁴² DHSMV bill analysis of HB 4027. On file with the Economic Affairs Committee.

⁴³ *Id.*

⁴⁴ *Id.*

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill diminishes their authority to raise revenue by repealing the authorization for traffic infraction detectors; however, an exception may apply since specific authority for traffic infraction detectors did not exist on February 1, 1989. Additionally, the bill also repeals the authority for DHSMV to install traffic infraction detectors.

2. Other:

Municipalities or counties may have contracts that provide for the use of traffic infraction detectors beyond July 1, 2019. To the extent that these contracts do not contain provisions regarding the termination of the contract upon the repeal of the authorization for traffic infraction detectors, there may be an impairment of contracts argument.

B. RULE-MAKING AUTHORITY:

While not in its rules, DHSMV indicates that the bill will require it to implement some procedure changes.⁴⁵

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

⁴⁵ *Id.*