

**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 Transportation

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BILL: SB 178

INTRODUCER: Senator Artiles and others

SUBJECT: Traffic Infraction Detectors

DATE: February 7, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Unfavorable</b>
2.			CA	
3.			ATD	
4.			AP	

**I. Summary:**

SB 178 repeals and amends various provisions of law effective July 1, 2020, to remove authorization for the use of traffic infraction detectors, commonly known as “red light cameras,” which are currently used to enforce specified provisions of traffic law by automatically photographing vehicles whose drivers run red lights. The bill leaves intact the express preemption to the state of regulation of the use of red light cameras, thereby prohibiting implementation of red light camera programs by local ordinance.

The Revenue Estimating Conference (REC) has estimated that the bill will reduce state and local government revenues by increasing annual amounts over the next five years. In Fiscal Year 2017-2018, the estimated reductions will be \$4.5 million, increasing to \$156.3 million in Fiscal Year 2021-2022.<sup>1</sup>

**II. Present 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, or fail to yield at, red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red. In some cases, video cameras are used. These video cameras and accompanying sensors record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

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<sup>1</sup> See the “Fiscal Impact Statement” section below for further details.

## Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted ch. 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.<sup>2</sup> The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to authorize officials to issue notices of violations 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.<sup>3</sup>

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with Department of Transportation (DOT) standards, and on state roads within the incorporated area when permitted by DOT.<sup>4</sup> 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.<sup>5</sup> DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of DOT, when permitted by DOT.<sup>6</sup>

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.<sup>7</sup> Such signage must meet the specifications for uniform signals and devices adopted by DOT pursuant to s. 316.0745, F.S.<sup>8</sup>

### *Notifications and Citations*

If a traffic infraction detector identifies a vehicle 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. Notices of violation and traffic citations may not be issued for failure to stop if the driver is making a right-hand turn "in a careful and prudent manner" at an intersection where right-hand turns are permissible,<sup>9</sup> and may not be issued if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right but failed to stop before crossing over the stop line.<sup>10</sup>

A notification must be issued to the registered owner of a vehicle within 30 days of an alleged violation,<sup>11</sup> notifying the alleged violator that he or she must pay the required penalty to the county or municipality,<sup>12</sup> furnish an affidavit setting forth an authorized defense (see below), or

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<sup>2</sup> Section 316.0076, F.S.

<sup>3</sup> *See generally* s. 316.0083, F.S.

<sup>4</sup> Section 316.008(8), F.S. and s. 316.0776(1), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 321.50, F.S. DHSMV has not undertaken any effort to install or authorize traffic infraction detectors.

<sup>7</sup> Section 316.0776(2), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 316.0083(1)(a) and (2), F.S.

<sup>10</sup> Section 316.0083(1)(a), F.S.

<sup>11</sup> Notifications of violation must be sent by first-class mail, and mailing of the notifications of violation constitutes notice.

<sup>12</sup> However, payment or a fee may not be required before any hearing requested by the alleged violator.

Section 316.0083(1)(b)1.c., F.S.

request a hearing within 60 days of the date of the notification to avoid issuance of a uniform traffic citation. The notification must include notice that the owner has the right to review the photographic or electronic images or the streaming video evidence, which constitute(s) a rebuttable presumption against the vehicle owner, and must state the time and place, or the Internet location, where the evidence may be examined and observed.<sup>13</sup> The notification must also direct the alleged violator to a website that provides information on the right to request a hearing and on all related court costs, and a form to request a hearing.<sup>14</sup>

If the registered owner of the vehicle does not submit payment, request a hearing, or submit an affidavit setting forth an authorized defense within 60 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation<sup>15</sup> to the registered owner (first name on registration in cases of joint registration).<sup>16</sup> The citation must also include the statements described above regarding review of the photographic or video evidence.<sup>17</sup> The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and create a rebuttable presumption the vehicle was used in a violation.<sup>18</sup> 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 the citation to the violator, or, if a hearing is requested, to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.<sup>19</sup>

### *Defenses*

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; or
- Was, at the time of the violation, in the care, custody, or control of another person.

Additional defenses are available if a law enforcement officer issues a uniform traffic citation for the alleged violation or if the owner was deceased on or before the date the uniform traffic citation was issued.<sup>20</sup>

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity within 30 days after the date of issuance of the uniform traffic citation 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 uniform traffic citation, if issued.<sup>21</sup> If the owner submits an affidavit that another driver was

<sup>13</sup>Section 316.0083(1)(b)1.b., F.S.

<sup>14</sup> Section 316.0083(1)(b)1.c., F.S.

<sup>15</sup> Citations must be sent by certified mail, and delivery constitutes notification. Section. 316.0083(1)(c)1.a. and b., F.S.

<sup>16</sup> Section 316.0083(1)(c)1.c., F.S.

<sup>17</sup> Section 316.0083(1)(c)2., F.S.

<sup>18</sup> Section 316.0083(1)(e), F.S.

<sup>19</sup> Section 316.650(3)(c), F.S.

<sup>20</sup> Section 316.0083(1)(d), F.S.

<sup>21</sup> Section 316.0083(1)(d)2., F.S.

behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the other driver.<sup>22</sup> Upon receipt of an affidavit and required documentation, the appropriate governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.<sup>23</sup> A notice of violation may then be issued to the person identified in the affidavit as having care, custody or control of the vehicle at the time of the alleged violation, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.<sup>24</sup> Submission of a false affidavit is a second degree misdemeanor.<sup>25</sup>

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.<sup>26</sup> If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.<sup>27</sup>

### ***Penalties***

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).<sup>28</sup> DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Emergency Services Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.<sup>29</sup>

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 Emergency Services 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.<sup>30</sup>

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points being assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.<sup>31</sup> However, the clerk of the court is required to notify the DHSMV of persons who were mailed a notice of violation but failed to pay the penalty, comply with the terms of a payment plan or order, or failed to appear at a hearing. In such cases, the DHSMV is prohibited from issuing a license plate or revalidation sticker for any

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<sup>22</sup> Section 316.0083(1)(d)2.a., F.S.

<sup>23</sup> Section 316.0083(1)(d)2., F.S.

<sup>24</sup> Section 316.0083(1)(d)3., F.S.

<sup>25</sup> Section 316.0083(1)(d)5., F.S.

<sup>26</sup> Section 316.0083(1)(d)3., F.S.

<sup>27</sup> Section 318.18(15)(c), F.S.

<sup>28</sup> Section 318.18(15)(a)3., F.S., s. 316.0083(1)(b)3.b., F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Section 318.18(15)(a)1., F.S.

<sup>31</sup> Section 322.27(3)(d)6., F.S.

vehicle owned or co-owned by such persons until the amounts assessed have been paid. Challengers are authorized solely on the grounds that the outstanding fines have been paid.<sup>32</sup>

### ***Actual State Revenues***

According to the DOR website, from July 2014 through June 2015, 83 jurisdictions operated red light camera programs throughout the state; from July 2015 through June 2016, 68 jurisdictions; and from July 2016 through October 2016, 59 jurisdictions. DOR reports the *state* portion of the fines collected, and their distribution, for the time periods indicated is as follows:<sup>33</sup>

Time Period	Total	General Revenue	Health Admin. TF	Brain & Spinal CI TF
7/2014 – 6/2015	\$54,114,033	\$45,644,880	\$6,514,765	\$1,954,389
7/2015 – 6/2016	\$59,986,371	\$50,535,262	\$7,287,991	\$2,163,118
7/2016 – 10/2016	\$18,752,037	\$15,871,848	\$2,198,834	\$681,355

### ***Use of Proceeds Retained by Local Government***

The Office of Program Policy Analysis & Governmental Accountability (OPPAGA) conducted a survey of jurisdictions operating a red light camera program for the period from July 1, 2012, through June 30, 2013. OPPAGA concluded that, of the jurisdictions responding, almost 50% of the fines collected were spent on payments to red light camera vendors with whom the jurisdictions contract. Excess revenue after payments to vendors and other program expenses were reported by a majority (78%) of the survey respondents. Seventy-six percent of the respondents allocate these funds to a general revenue fund. Respondents allocated 14% to other uses, including public safety and police, and 5% was allocated to road repair and maintenance and other municipal services.<sup>34</sup>

### ***Impact of Red Light Cameras and Other Countermeasures on Crashes and Fatalities***

Research reveals numerous studies of the impact of red light cameras on crashes and fatalities, and the studies are contradictory. OPPAGA cited “many” studies reviewing red light camera safety effectiveness which “concluded that there is no well-accepted consensus on whether red light cameras are effective at improving public safety because of wide variation in research techniques and considerations.”<sup>35</sup>

However, a number of countermeasures, including red light cameras, are recognized by the Federal Highway Administration (FHWA) as tools for significant reduction in red light camera violations. Those measures include:

- Intersection engineering improvements, such as modifying traffic signal timing, improving signing and marking, improving sight lines, modifying grades and/or grade separation, adjusting the prevailing speeds, changes in surface treatments, altering lane configuration,

<sup>32</sup> Section 318.15(3), F.S.

<sup>33</sup> See *Red Light Camera State Portion Collection Report by Jurisdiction*, available by scrolling down on the DOR website at: <http://dor.myflorida.com/dor/taxes/distributions.html>. (Last visited January 30, 2017).

<sup>34</sup> See OPPAGA’s research memorandum, *Florida Red Light Camera Programs*, February 7, 2014, at p. 6. (Copy on file in the Senate Transportation Committee.)

<sup>35</sup> *Id.*

and replacing the traffic signal with some other form of traffic control device or intersection type;

- Education campaigns to assist motorists and the general public in understanding the safety issues inherent to red light running;
- Traditional enforcement by law enforcement officers specifically targeting red light running violators at problem locations; and
- Red light camera systems.

According to the FHWA, once a problem at an intersection is documented, an engineering study should be undertaken that considers each of the possible solutions and results in selection of the most appropriate measure given the individual characteristics at a particular intersection.<sup>36</sup> However, OPPAGA noted that most of its survey respondents cited traffic crash data as the most important factor in camera placement decisions, followed by law enforcement observations.<sup>37</sup> Based on OPPAGA's survey results indicating that most (56%) of the responding jurisdictions did not implement countermeasures prior to installing red light cameras,<sup>38</sup> placement decisions in Florida do not appear to be based on engineering studies that identify the most appropriate solution to reducing crashes and fatalities caused by red light violations.

### ***Judicial Decisions***

The Fourth District Court of Appeal (DCA) in October of 2014 dismissed a red light camera citation, holding that the city had improperly delegated its police powers when it contractually outsourced its statutory obligations to a red light camera vendor.<sup>39</sup> In that case, the city's contract with the vendor provided that the vendor was responsible for:

- Deciding which cases are sent to the city's traffic infraction enforcement officer to review;
- Initially determining who is subject to prosecution for a red light violation;
- Obtaining the information necessary for completion of the citation;
- Creating the actual citation;
- Issuing the citation to the registered vehicle owner; and
- Eventually transmitting the traffic citation data to the court.

Given the circumstances, the court found that the contractual process was not the equivalent of a traffic infraction enforcement officer issuing the citation,<sup>40</sup> "especially when it is the third-party vendor that controls what information is, or is not, made available for the officer's consideration." On April 13, 2015, the Florida Supreme Court declined to accept jurisdiction in denying the city's petition for review.<sup>41</sup>

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<sup>36</sup> See the Federal Highway Administration *Red Light Camera Systems Operational Guidelines* (2005) at p. 8, available at: <http://safety.fhwa.dot.gov/intersection/conventional/signalized/rlr/fhwasa05002/fhwasa05002.pdf>. (Last visited January 31, 2017.)

<sup>37</sup> *Supra* note 34 at 3.

<sup>38</sup> *Supra* note 34 at 6.

<sup>39</sup> *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4<sup>th</sup> DCA).

<sup>40</sup> In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue traffic citations. Sections 316.0083(1)(b)3. and 316.650(3)(c), F.S.

<sup>41</sup> *City of Hollywood v. Arem*, Case No. SC 15-236 (Fla. 2015).

However, in July of 2016, the Third DCA, on different contractual provisions and processes, reached a different conclusion.<sup>42</sup> The court held that the review of red light camera images authorized by Florida law does allow a city's vendor, as its agent, to review and sort red light camera images to forward to a police officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- These ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward "close calls" to law enforcement for review;
- The police officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The officer's decision that probable cause exists and the citation should be issued are supported by the responsible officer's full, professional review which does not merely acquiesce to any decision by the vendor.<sup>43</sup>

Distinguishing the circumstances presented from the *Arem* case, the Third DCA certified the following questions to the Florida Supreme Court as having great public importance:

- Does the review of red light camera images authorized by section 316.0083(1)(a), F.S. (2014), allow a municipality's vendor, as its agent, to sort images to forward to the law enforcement officer, where the controlling contract and city guidelines limit the vendor to deciding whether the images contain certain easy-to-identify characteristics and where only the law enforcement officer makes the determinations whether probable cause exists and whether to issue a notice of violation and citation?
- Is it an illegal delegation of police power for the vendor to print and mail the notices and citation, through a totally automated process without human involvement, after the law enforcement officer makes the determinations that probable cause exists and to issue a notice of violation and citation?
- Does the fact that the citation data is electronically transmitted to the Clerk of the Court from the vendor's server via a totally automated process without human involvement violation s. 316.650(3)(c), F.S. (2014), when it is the law enforcement officer who affirmatively authorizes the transmission process?

To date, the Florida Supreme Court has not issued an opinion in response.

### **III. Effect of Proposed Changes:**

The bill repeals authorization for the use of red light cameras in Florida and leaves in place the express preemption to the state of regulation of the use of such cameras. Because the preemption provisions of s. 316.0076, F.S., remain in statute, local governments will have no authority to implement red light camera programs.

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<sup>42</sup> See also *City of Oldsmar and Pamela Jo Bondi, Attorney General vs. Trinh*, Case No. 2D15-4898, (Fla. 2<sup>nd</sup> DCA), in which the Second District Court of Appeal certifies conflict with the Fourth District in the *Arem* case.

<sup>43</sup> *State of Florida, by and through the City of Aventura, et. Al. vs. Jiminez*, Case Nos. 3D15-2303 & 3D15-2271. Opinion filed July 27, 2016.

**Section 1** of the bill amends s. 316.003, F.S., to repeal the current subsection (35) definition of “local hearing officer,” currently defined to mean 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), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083. Authorization of a charter county, noncharter county, or municipality to use a currently appointed code enforcement board or special magistrate to serve as the local hearing officer, as well as authorization of the Department of Highway Safety and Motor Vehicles to enter into interlocal agreements to use a county or municipal local hearing officer, is likewise removed.

This section of the bill also amends s. 316.003, F.S., to repeal the current subsection (87) definition of “traffic infraction detector,” currently defined to mean 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. Also removed is the requirement to include in any notice of violation or traffic citation issued by the use of a traffic infraction detector a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

**Section 2** amends s. 316.008, F.S., to repeal the current subsection (8) authorization of counties or municipalities to install, or authorize the installation of, and use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal.

**Section 3** repeals s. 316.0083, F.S., the “Mark Wandall Traffic Safety Program,” which currently:

- 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 obedience to traffic control signals and stopping a vehicle facing a steady red signal;
- Prohibits issuance of notices of violation or 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; provides alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; provides 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 of 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, Senate President, and House Speaker; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

**Section 4** repeals s. 316.00831, F.S., which currently provides for retention by a county or municipality and subsequent remission to the Department of Revenue, as appropriate, of penalties collected for notices of violation during the interim between passage of the Mark Wandall Safety Program in 2010 and DOR's notification of its ability to receive and distribute the retained funds.

**Section 5** repeals s. 316.07456, F.S., which currently requires deployed traffic infraction detectors to meet specifications published by DOT and be tested at regular intervals according to DOT specifications; requires DOT to establish such specifications on or before December 31, 2010; and provides that any detectors in operation before July 1, 2011, are not required to meet the DOT specifications until July 1, 2011.

**Section 6** repeals s. 316.0776, F.S., which currently provides permitting, placement, and installation standards for traffic infraction detectors; and for signage, public announcement, and public awareness campaigns under certain conditions.

**Section 7** amends s. 318.15, F.S., to repeal provision in current subsection (3) for withholding of a license plate or revalidation sticker for any motor vehicle owned or co-owned by a person who failed to pay the penalty, comply with the terms of a payment plan or order, or failed to appear at a hearing; as well as authorization to challenge the withholding solely on the basis that the outstanding fines and civil penalties have been paid.

**Section 8** repeals s. 321.50, F.S., which currently authorizes DHSMV to use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal on state roads under DOT jurisdiction when permitted by DOT.

**Sections 9 through 12, 15, 16, 18, and 20** amend ss. 28.37(5), 316.003(55), 316.545(2)(b), 316.613(2)(a), 318.121, 318.14(2), 320.03(8), and 655.960(1), F.S., respectively, to remove and correct cross references to conform to changes made by the act.

**Section 13** amends s. 316.640(1)(b) and (5)(a), F.S., to remove DHSMV authorization to designate employees as traffic infraction enforcement officers; instruction and training requirements for such officers; provisions relating to such officers carrying firearms or other weapons and making arrests; the requirement that such officers be physically located in the state.; authorization of such officers to issue traffic citations under the Mark Wandall Traffic Safety Program; and authorization of any sheriff's department or police department of a municipality to designate employees as traffic infraction officers.

**Section 14** amends s. 316.650(3)(a) and (c), F.S., to remove a cross reference to conform to changes made by the act and to remove requirements relating to provision of replicas of traffic citations and notices of violation issued under the Mark Wandall Traffic Safety Program.

**Section 17** amends s. 318.18(15) and (22), F.S., to remove penalty amounts for red light violations enforced by a traffic infraction enforcement officer; distribution requirements for fines collected from traffic infraction detector programs; provisions for dismissal of notices of violation or traffic citations issued in error; the prohibition against certain individuals manufacturers, or vendors receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors; and authorization of local hearing officers to order payment of county or municipal costs, not to exceed \$250.

**Section 19** amends s. 322.27(3)(d), F.S., to remove prohibitions against imposition of driver license points for red light violations enforced by a traffic infraction enforcement officer and against using red light violations enforced by a traffic infraction enforcement officer to set motor vehicle insurance rates.

**Section 21** provides the act takes effect July 1, 2020.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Some local governments apparently anticipated the possible repeal of authority to implement red light camera programs and made provision for termination of vendor contracts in the event of repeal, while others did not. Some vendors may raise impairment of contract claims.

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

A. Tax/Fee Issues:

The REC has estimated that the bill will reduce state and local government revenues by increasing annual amounts over the next five years. While the bill does not repeal authorization for the red light camera program until July 1, 2020, the REC expects that, due to the 2020 repeal, some local governments will not renew contracts that are due to

expire before July 1, 2020. The “Cash” columns in the table below show each year’s expected reductions.<sup>44</sup>

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
17-18	(1.9)	(62.6)	(0.4)	(12.0)	(2.2)	(72.6)	(4.5)	(147.2)
18-19	(4.5)	(63.6)	(0.9)	(12.2)	(5.2)	(73.8)	(10.6)	(149.6)
19-20	(6.6)	(64.6)	(1.3)	(12.4)	(7.7)	(75.0)	(15.6)	(152.0)
20-21	(55.8)	(65.6)	(10.7)	(12.5)	(64.7)	(76.1)	(131.2)	(154.2)
21-22	(66.5)	(66.5)	(12.7)	(12.7)	(77.1)	(77.1)	(156.3)	(156.3)

**B. Private Sector Impact:**

The possible imposition of a \$158 fine (and potential court costs) for red light violations detected by red light cameras is eliminated.

**C. Government Sector Impact:**

According to the DHSMV review of last year’s similar legislation, that agency would no longer be required to conduct the annual red light camera report and the vendor approval process, and would experience a workload reduction related to handling red light camera disputes and vehicle registration stops.<sup>45</sup>

The FDOT reports no fiscal impact, as the general use permit issued for red light cameras on state roads is a no-fee permit.<sup>46</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 28.37, 316.003, 316.008, 318.121, 318.14, 318.15, 318.18, 316.545, 316.613, 316.640, 316.650, 320.03, 322.27, and 655.960.

<sup>44</sup> See the January 27, 2017, Revenue Estimating Conference analysis of HB 6007 and SB 178 available at: [http://edr.state.fl.us/content/conferences/revenueimpact/archives/2017/\\_pdf/Impact0127.pdf](http://edr.state.fl.us/content/conferences/revenueimpact/archives/2017/_pdf/Impact0127.pdf). (Last visited January 30, 2017.)

<sup>45</sup> Copy on file in the Senate Transportation Committee.

<sup>46</sup> Telephone conversation with the FDOT staff February 1, 2017.

This bill repeals the following sections of the Florida Statutes: 316.0083, 316.00831, 316.07456, 316.0776, and 321.50.

**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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