

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 547 Noncriminal Traffic Infractions

**SPONSOR(S):** Grant, M.

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 488

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N	Johnson	Vickers
2) Justice Appropriations Subcommittee			
3) Government Accountability Committee			

### SUMMARY ANALYSIS

Prior to 2009, persons electing to attend a driver improvement course received an 18 percent discount on penalties related to noncriminal traffic infractions. In 2009, the Legislature eliminated the 18 percent penalty reduction and allocated the additional revenue to the State Courts Revenue Trust Fund.

The bill reinstates the 18 percent penalty reduction for attending a driver improvement course and removes the allocation of this revenue to the State Courts Revenue Trust Fund.

The bill is estimated to have a \$3.6 million negative fiscal impact to state government, with an approximate \$3.3 million impact to the State Courts Revenue Trust Fund and a \$300,000 impact to the General Revenue Fund.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

In general, Ch. 318, F.S., provides for the disposition of traffic infractions. Section 318.14, F.S., provides the procedures for processing noncriminal traffic infractions.

Section 318.14(9), F.S., provides that a person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for a noncriminal traffic infraction other than certain specified violations may, in lieu of a court appearance, elect to attend a basic driver improvement course.<sup>1</sup> If a driver improvement course is elected, adjudication is withheld and points<sup>2</sup> are not assessed against the person's driver license. However, a person may not elect to attend a driver improvement course if he or she elected to attend a driver improvement course in the preceding 12 months.

A person may not make more than five elections for a driver improvement course within his or her lifetime. If a person elects to attend a basic driver improvement course, 18 percent of the civil penalty imposed<sup>3</sup> is deposited in the State Courts Revenue Trust Fund. However, the 18 percent is not revenue for purposes of s. 28.36, F.S.,<sup>4</sup> and may not be used in establishing the budget of the clerk of the court under s. 28.36, F.S., or s. 28.35, F.S.<sup>5</sup>

Prior to 2009, s. 318.14(9), F.S., provided for an 18 percent reduction in the civil penalty for persons who elected to attend driver improvement school. In 2009, the statute was changed to remove the 18 percent reduction in fines and to allocate those funds to the State Courts Revenue Trust Fund.<sup>6</sup>

Section 318.15, F.S., relates to failure to comply with a civil penalty or failure to appear. Specifically s. 318.15(1)(b), F.S., provides that a person who elects to attend driver improvement school and has paid the civil penalty<sup>7</sup> who subsequently fails to attend the driver improvement school within the time specified by the court is deemed to have admitted the infraction and is adjudicated guilty. The clerk of the court notifies the Department of Highway Safety and Motor Vehicles (DHSMV) of the person's failure to attend driver improvement school and points are assessed on the person's driver license.

According to DHSMV, in 2016, approximately 253,000 people elected to attend a driver improvement course (of which, 17,279 did not ultimately attend).<sup>8</sup> The cost of driver improvement courses range from \$15 to \$40, depending on the provider.

##### **Proposed Changes**

The bill amends s. 318.14(9), F.S., providing a reduction of 18 percent on the civil penalty for a noncriminal traffic infraction if the person elects to attend driver improvement school. The bill also removes the provision that 18 percent of the civil penalty from those attending driver improvement schools is deposited into the State Courts Revenue Trust Fund. Therefore, the bill reduces the fine for

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<sup>1</sup> Driver improvement courses must be approved by the Department of Highway Safety and Motor Vehicles.

<sup>2</sup> Pointes are provided for in s. 322.27, F.S.

<sup>3</sup> The civil penalty is imposed under s. 318.18(3), F.S. The civil penalty imposed varies by violation.

<sup>4</sup> Section 28.36, F.S., provides budget procedures for court-related functions of the clerk of the court.

<sup>5</sup> Section 28.35, F.S., creates the Florida Clerk of Court Operations Corporation.

<sup>6</sup> Chapter 2009-7, L.O.F. The bill had an effective date of February 1, 2009.

<sup>7</sup> The civil penalty is provided for in s. 318.14(9), F.S.

<sup>8</sup> DHSMV, *2017 Agency Legislative Bill Analysis: HB 547* (on file with the House Transportation & Infrastructure Subcommittee).

those attending a driver improvement course and reduces the revenue provided to the State Courts Revenue Trust Fund.

The bill amends s. 318.15(1)(b), F.S., making conforming changes regarding the reduction in fines for those who elect to attend a driver improvement course.

**B. SECTION DIRECTORY:**

Section 1 amends s. 318.14, F.S., relating to non-criminal traffic infractions.

Section 2 amends s. 318.15, F.S., relating to failure to comply with a civil penalty or to appear.

Section 3 provides an effective date of July 1, 2017.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

On February 17, 2017, the Revenue Estimating Conference (REC) reviewed this bill. The REC developed the following **negative** recurring fiscal impact associated with this bill:

<b>Fiscal Year</b>	<b>General Revenue</b>	<b>State Courts Revenue Trust Fund</b>
2017-2018	\$300,000	\$3,300,000
2018-2019	\$300,000	\$3,200,000
2019-2020	\$300,000	\$3,200,000
2020-2021	\$300,000	\$3,200,000
2021-2022	\$300,000	\$3,200,000

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Persons electing to attend driver improvement school will see a reduction in fees associated with a traffic citation. However, these fees may be offset by the costs associated with attending a driver improvement school.

The bill may also positively impact providers of the driver improvement courses, as the bill further incentivizes electing to take a driver improvement course.

**D. FISCAL COMMENTS:**

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

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

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.