

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1363 Traffic Enforcement
SPONSOR(S): Transportation & Modals Subcommittee, Busatta Cabrera
TIED BILLS: IDEN./SIM. **BILLS:** SB 1464

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	16 Y, 0 N, As CS	Hinshelwood	Hinshelwood
2) State Affairs Committee	20 Y, 0 N	Mwakyanjala	Williamson
3) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law. The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras), speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit, and school bus infraction detection systems.

Similar to current law for school zone speed detection systems, the bill adds certain requirements to the law that authorizes red light cameras. The bill requires a county or municipality to enact an ordinance in order to authorize the placement or installation of, or to authorize contracting with a vendor for the placement or installation of, one or more traffic infraction detectors. A county or municipality that operates traffic infraction detectors must annually report the results of all traffic infraction detectors within the county's or municipality's jurisdiction.

Before a county or municipality contracts or renews a contract to place or install traffic infraction detectors, the bill requires the county or municipality to approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body. The bill provides requirements for the public hearing on a proposed ordinance.

The bill establishes annual reporting requirements and provides that compliance or sufficiency of compliance with the reporting requirement may not be raised in a proceeding challenging specified traffic violations enforced by a traffic infraction detector. Additionally, the bill provides that a county or municipality that does not comply with the specified reporting requirements are suspended from operating traffic infraction detectors until such noncompliance is corrected.

Relating to the requirement under current law that each county and municipality submit to the Department of Highway Safety and Motor Vehicles (DHSMV) a traffic infraction detector report in order for DHSMV to compile its summary report on red light cameras, the bill specifies contents of the reports and requires DHSMV to publish each report submitted by a county or municipality on its website.

The bill also adds parameters around the use of all cameras for traffic enforcement, requiring that contracts be competitively bid and prohibiting the use of a camera or camera component that is constructed by a Chinese manufacturer or a domestic or international manufacturer that uses materials imported from China.

The bill may have an indeterminate negative fiscal impact, though likely insignificant, on the state, and will have an indeterminate negative fiscal impact on local governments that elect to enforce certain traffic infractions by use of a camera.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Use of Cameras for Traffic Enforcement

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.¹ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),² speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,³ and school bus infraction detection systems.⁴

School zone speed detection systems and school bus infraction detection systems are the two most recently authorized camera programs and were authorized in the 2023 Legislative Session.⁵

The law authorizing school zone speed detection systems contains the following provisions pertinent to this bill:

- Requires a county or municipality to enact an ordinance in order to authorize the placement or installation of a speed detection system.⁶ As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.⁷
- Requires a county or municipality to annually report the results of all school zone speed detection systems within the county's or municipality's jurisdiction by placing a specified report as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body.⁸ Before a county or municipality contracts or renews a contract to place or install a speed detection system in a school zone, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.⁹
 - Interested members of the public must be allowed to comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda.¹⁰
 - The report must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain, for the same period pertaining to the specified annual report to the Department of Highway Safety and Motor Vehicles

¹ S. 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

² Section 316.003(100), F.S., defines the term "traffic infraction detector" 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. Any notification under s. 316.0083(1)(b), F.S., 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. See also s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

³ Ss. 316.003(82), 316.008(9), 316.0776(3), and 316.1896, F.S.

⁴ Ss. 316.003(78) and 316.173, F.S.

⁵ Chs. 2023-174 and 2023-171, Laws of Fla.

⁶ S. 316.008(9)(c), F.S.

⁷ *Id.*

⁸ S. 316.0776(3)(c), F.S.

⁹ *Id.*

¹⁰ S. 316.0776(3)(c)1., F.S.

(DHSMV), the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to DHSMV that the county's or municipality's annual report was properly considered, including the date of the regular or special meeting at which the annual report was considered.¹¹

- The compliance or sufficiency of compliance with this reporting requirement may not be raised in a proceeding challenging a violation of s. 316.1895, F.S., or s. 316.183, F.S., enforced by a speed detection system in a school zone.¹²

The law that authorizes red light cameras contains the following provisions pertinent to this bill:

- Each county or municipality that operates a traffic infraction detector must submit a report by October 1, 2012, and annually thereafter, to DHSMV which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year.¹³ The information submitted by the counties and municipalities must include statistical data and information required by DHSMV in order for DHSMV to complete the report that DHSMV is required to compile.¹⁴
- On or before December 31, 2012, and annually thereafter, DHSMV must provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors, along with DHSMV's recommendations and any necessary legislation.¹⁵ The summary report must include a review of the information submitted to DHSMV by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.¹⁶

Procurement of Commodities and Contractual Services

Current law requires state agencies to contract for commodities or contractual services in excess of \$35,000 to be procured using a competitive solicitation¹⁷ process.¹⁸

State agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These methods include the following:

- Invitations to bid, used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results.¹⁹
- Requests for proposals, used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services.²⁰
- Invitations to negotiate, used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services, by an agency dealing with a limited number of vendors.²¹

¹¹ S. 316.0776(3)(c)2., F.S.

¹² S. 316.0776(3)(c)3., F.S.

¹³ S. 316.0083(4)(a), F.S.

¹⁴ *Id.*

¹⁵ S. 316.0083(4)(b), F.S.

¹⁶ *Id.*

¹⁷ Section 287.012(6), F.S., defines "competitive solicitation" to mean the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

¹⁸ Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold provided in s. 287.017, F.S., to be competitively bid.

¹⁹ S. 287.057(1)(a), F.S.

²⁰ S. 287.057(1)(b), F.S.

²¹ S. 287.057(1)(c), F.S.

Current law provides exemptions from the competitive solicitation requirement in certain instances. In part, specific exemptions include commodities and contractual services only available from a single source, and certain Department of Transportation contracts.²²

Effect of the Bill

Similar to current law for school zone speed detection systems, the bill adds additional requirements to the law that authorizes red light cameras.

The bill requires a county or municipality to enact an ordinance in order to authorize the placement or installation of, or to authorize contracting with a vendor for the placement or installation of, one or more traffic infraction detectors to enforce s. 316.074(1), F.S., or s. 316.075(1)(c)1., F.S. As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each traffic infraction detector, and must determine that the intersection at which a traffic infraction detector is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.

The bill requires a county or municipality that operates one or more traffic infraction detectors to annually report the results of all traffic infraction detectors within the county's or municipality's jurisdiction as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body.

Before a county or municipality contracts or renews a contract to place or install one or more traffic infraction detectors, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body. Interested members of the public must be allowed to comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda. The report must include a written summary that must be read aloud at the regular or special meeting, and the summary must contain, for the preceding year, the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to DHSMV that the county's or municipality's annual report was considered, including the date of the regular or special meeting at which the annual report was considered. The compliance or sufficiency of compliance with this reporting requirement may not be raised in a proceeding challenging a violation of s. 316.074(1), F.S., or s. 316.075(1)(c)1., F.S., enforced by a traffic infraction detector.

Additionally, the bill provides that a county or municipality that does not comply with this reporting requirement is suspended from operating traffic infraction detectors until such noncompliance is corrected.

Relating to the requirement under current law that each county and municipality submit to DHSMV a traffic infraction detector report in order for DHSMV to compile its summary report on red light cameras, the bill requires:

- The report to include the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, the number that were paid, and the number in each of the preceding categories for which the notice of violation was issued for a right-hand turn violation.
- The report to include a description of alternative safety countermeasures taken before and after the placement or installation of a traffic infraction detector.
- DHSMV to publish each report submitted by a county or municipality on its website.

²² See s. 287.057(3), F.S.
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The bill adds the following parameters around the use of all cameras for traffic enforcement:

- *Competitive bidding*: The provisions of s. 287.057, F.S., which exempt the purchase of commodities or contractual services from competitive bidding requirements do not apply to contracts entered into with manufacturers or vendors of school bus infraction detection systems, speed detection systems, traffic infraction detectors, or any other camera systems used for enforcing ch. 316, F.S.²³
- *Manufacturing*: A school bus infraction detection system, speed detection system, traffic infraction detector, or any other camera system used for ch. 316, F.S., or any component thereof, which is constructed by a Chinese manufacturer or a domestic or international manufacturer that uses materials imported from China may not be used for traffic enforcement in Florida.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1 Creates s. 316.0077, F.S., relating camera systems; competitive bidding.

Section 2 Creates s. 316.0078, F.S., relating to use of camera systems constructed by Chinese manufacturers prohibited.

Section 3 Amends s. 316.0083, F.S., relating to Mark Wandall Traffic Safety Program; administration; report.

Section 4 Provides an effective of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate negative fiscal impact, though likely insignificant, on DHSMV because the department has to publish each red light camera report submitted by a county or municipality on its website.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminate. As to local governments that elect to enforce certain traffic infractions by use of a camera, the bill may add costs to local governments in order for them to do so.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²³ Ch. 316, F.S., relates to state uniform traffic control.
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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

On January 25, 2024, the Transportation & Modals Subcommittee considered one amendment, which was adopted, and reported favorably as a committee substitute. The amendment specified the content of red light camera reports that counties and municipalities must submit to DHSMV.

The analysis is drafted to the committee substitute as approved by the Transportation & Modals Subcommittee.