

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.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1464

INTRODUCER: Fiscal Policy Committee and Senator Calatayud

SUBJECT: Traffic Enforcement

DATE: February 28, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	Favorable
3.	<u>Johnson</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1464 creates additional requirements governing the installation and use of traffic infraction detectors, commonly known as red light cameras. Specifically, the bill provides:

- A county or municipality must 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 installed on or after July 1, 2025.
- A county or municipality operating 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 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.
- The bill provides requirements for the public hearing on a proposed ordinance and the annual reporting relating to traffic infraction detectors.
- The compliance or sufficiency of compliance with the above 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.

The bill requires municipalities and counties operating traffic infraction detectors to report specified information to the Department of Highway Safety and Motor Vehicles (DHSMV). DHSMV must publish each of these reports on its website.

The bill prohibits counties or municipalities to use a contract procured with an governmental entity outside this state for any camera system used to detect traffic infractions.

The bill prohibits a governmental entity from knowingly entering into or renewing a contract for a camera to enforce traffic infractions where the contracting vendor is owned by the government of a foreign country of concern or a foreign country of concern has a controlling interest in the contracting vendor.

The bill will have an indeterminate, but likely insignificant, fiscal impact on the state. The bill will have an indeterminate negative fiscal impact on local governments that use cameras to enforce certain traffic infractions. See Section V, Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Camera Systems – Foreign Countries of Concern

Section 287.138, F.S., prohibits governmental entities¹ for contracting with entities of foreign countries of concern. That statute defines the term “foreign country of concern” to mean the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.²

That statute defines the term “controlling interest” to mean possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.³

Under s. 287.138, F.S., beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to personal identifying information unless the entity provides the governmental entity with a signed affidavit. The affidavit must provide that the entity is not owned by the

¹ Section 287.138(1)(d), F.S., defines the term “governmental entity” for purposes of s. 287.138, F.S., any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

² Section 287.138(1)(c), F.S.

³ Section 287.138(1)(a), F.S.

government of a foreign country of concern, is not owned by a foreign country of concern, and is not organized under the laws of or is headquartered in a foreign country of concern.⁴

Beginning July 1, 2025, a governmental entity may not extend or renew a contract with a foreign country of concern entity if continuing such a contract would grant the entity access to personal identifying information. An entity extending or renewing a contract with a governmental entity must provide a sworn affidavit that the entity is not owned by the government of a foreign country of concern, is not owned by a foreign country of concern, and is not organized under the laws of or is headquartered in a foreign country of concern.⁵

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.⁶ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),⁷ speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,⁸ and school bus infraction detection systems.⁹

The law authorizing speed detection systems in school zones, in its relevant parts:

- Requires a county or municipality to enact an ordinance in order to authorize the placement or installation of a speed detection system.¹⁰ As part of its public hearing on the 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.¹¹
- 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.¹² 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.¹³
 - 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

⁴ Section 287.138(4)(a), F.S.

⁵ Section 287.138(4)(b), F.S.

⁶ Section 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

⁷ Section 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

⁸ Section 316.1896, F.S.

⁹ Section 316.173, F.S.

¹⁰ Section 316.008(9)(c), F.S. Section 316.003(83), F.S., defines the term "speed detection system" to mean a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.

¹¹ *Id.*

¹² Section 316.0776(3)(c), F.S.

¹³ *Id.*

- policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda.¹⁴
- 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 time period pertaining to the specified annual report to the Department of Highway Safety and Motor Vehicles (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.¹⁵
 - 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.¹⁶

The statutes authorizing traffic infraction detectors,¹⁷ in its relevant parts, includes the following:

- 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.¹⁸ 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 the DHSMV is required to compile.¹⁹
- 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 the DHSMV's recommendations and any necessary legislation.²⁰ 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.²¹

¹⁴ Section 316.0776(3)(c)1., F.S.

¹⁵ Section 316.0776(3)(c)2., F.S.

¹⁶ Section 316.0776(3)(c)3., F.S.

¹⁷ 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.

¹⁸ Section 316.0083(4)(a), F.S.

¹⁹ *Id.*

²⁰ Section 316.0083(4)(b), F.S.

²¹ *Id.*

III. Effect of Proposed Changes:

Camera Systems – Contract Procurement

The bill provides that a contract awarded by a governmental entity outside this state or by a consortium or cooperative of governmental entities outside this state may not be used to procure contracts with manufacturers or vendors of school bus infraction detection systems²², speed detection systems, traffic infraction detectors, or any other camera system used for enforcing Florida’s Uniform Traffic Control Law. This provision applies to contracts entered into after July 1, 2025.

Prohibition on Contracting for Camera System Vendors of Foreign Countries of Concern

The bill defines the term “controlling interest” and “foreign country of concern” to have the same meaning as in s. 287.138(1), F.S.

The bill provides that on or after July 1, 2025, a governmental entity may not knowingly enter into or renew a contract with a contracting vendor of a school bus infraction detection system, speed detection system, traffic infraction detector, or any other camera system used to detect traffic violations if:

- The contracting vendor is owned by the government of a foreign country of concern; or
- The government of a foreign country of concern has a controlling interest in the contracting vendor.

Traffic Infraction Detectors - Transparency and Reporting

The bill requires a county or municipality that desires to have one or more traffic infraction detectors placed or installed after July 1, 2025, in an area where no traffic infraction detectors are currently placed or installed must 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 red light cameras. As part of its 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 the county or municipality must determine that the intersection at which the 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 by placing its annual report on red light cameras 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.

²² Section 316.003(78), F.S., defines the term “school bus infraction detection system” to mean a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates s. 316.172(1)(a) or (b), F.S.

At the meeting, 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 required 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 time period pertaining to the annual report to 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 the 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 in accordance with this provision, including the date of the regular or special meeting at which the annual report was considered.

The compliance or sufficiency of compliance with the provisions above may not be raised in a proceeding challenging a violation enforced by a traffic infraction detector.

A county or municipality that does not comply with the above, is suspended from operating traffic infraction detectors until it corrects such noncompliance.

The bill requires municipalities and counties to annually submit to DHSMV:

- The number of notices of violation issues, 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.
- A description of alternative safety countermeasures taken before and after the placement or installation of a red light camera.
- Statistical data and information required by DHSMV to complete its summary report.

The bill requires DHSMV to each report it receives regarding traffic infraction detectors submitted by a county or municipality on its website.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate, but likely insignificant, negative fiscal impact to the DHSMV to publish on its website each report on traffic infraction detectors submitted by a county or municipality.

The bill may have an indeterminate negative fiscal impact on counties and municipalities choosing to deploy traffic infraction detectors due to additional requirements and costs associated with the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:.

This bill substantially amends section 316.0083 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 316.0077 and 316.0078.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on February 27, 2024:

The committee substitute:

- Amends provisions relating to procurement of contracts with manufacturers or vendors of traffic enforcement camera systems.
- Provides a prohibition on contracting for traffic enforcement camera systems with vendors of foreign countries of concern.
- Amends the requirement that a county or municipality enact an ordinance to authorize placement or installation of red light cameras by applying this requirement only to a county or municipality that desires to install or place such cameras on or after July 1, 2025, in an area where no red light cameras are currently placed or installed.
- Makes technical and clarifying changes to the reporting requirements for red light cameras.

B. Amendments:

None.