

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: SB 1464

INTRODUCER: Senator Calatayud

SUBJECT: Traffic Enforcement

DATE: February 26, 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>	Pre-meeting

I. Summary:

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.
- 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 the Department of Highway Safety and Motor Vehicles (DHSMV) to publish each traffic infraction detector report submitted by a county or municipality on its website.

The bill also adds parameters around the use of all cameras for traffic enforcement such that contracts must be competitively bid, and a camera or camera component 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 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:

Procurement of Commodities and Contractual Services

Section 287.057, F.S., and Rule 60 A, F.A.C., require agencies¹ to acquire commodities and contractual services, in excess of \$35,000, by competitive sealed bids, request for proposals or by competitive negotiations, unless specifically exempted.² Specific exemptions include, but are not limited to, when is an immediate danger to public health safety and welfare, commodities and contractual services only available from a single source, and certain Department of Transportation contracts.³

Chinese Manufacturers of Traffic Cameras

Section 287.138, F.S., prohibits governmental entities for contracting with entities of foreign countries of concern. The People's Republic of China is listed as a foreign county of concern.⁴

Under s. 287.138, F.S., beginning January 1, 2024, a governmental entity⁵ 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 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.⁶

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

¹ For purposes of ch. 287, F.S., the term "agency" is defined to mean any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges. See s. 287.012(1), F.S.

² Florida Department of Transportation (FDOT), *Doing Business with FDOT*, <https://www.fdot.gov/procurement/doingbusiness.shtm> (last visited February 7, 2024).

³ Section 287.057(3), F.S.

⁴ Section 287.138(1)(c), F.S., 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.

⁵ 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.

⁶ Section 287.135(4)(a), F.S.

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.⁷

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.⁸ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),⁹ speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,¹⁰ and school bus infraction detection systems.¹¹

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.¹² 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.¹³
- 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.¹⁴ 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.¹⁵
 - 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.¹⁶
 - 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

⁷ Section 287.138(4)(b), F.S.

⁸ Section 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

⁹ Section 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

¹⁰ Section 316.1896, F.S.

¹¹ Section 316.173, F.S.

¹² 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.

¹³ *Id.*

¹⁴ Section 316.0776(3)(c), F.S.

¹⁵ *Id.*

¹⁶ Section 316.0776(3)(c)1., F.S.

- 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 the 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.¹⁷
- 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.¹⁸

The statutes authorizing traffic infraction detectors,¹⁹ 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 the DHSMV which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year.²⁰ The information submitted by the counties and municipalities must include statistical data and information required by the DHSMV in order for the DHSMV to complete the report that the DHSMV is required to compile.²¹
- On or before December 31, 2012, and annually thereafter, the 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.²² The summary report must include a review of the information submitted to the DHSMV by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.²³

III. Effect of Proposed Changes:

Camera Systems – Competitive Bidding

The bill provides that the provisions of s. 287.057, F.S., which exempt the purchase of commodities or contractual services from competitive bidding requirements, does 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 system used for Florida's Uniform Traffic Control Law which are regulated under s. 316.0076, F.S., relating to the regulation and use of cameras.

¹⁷ Section 316.0776(3)(c)2., F.S.

¹⁸ Section 316.0776(3)(c)3., F.S.

¹⁹ 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.

²⁰ Section 316.0083(4)(a), F.S.

²¹ *Id.*

²² Section 316.0083(4)(b), F.S.

²³ *Id.*

Use of Camera Systems Constructed by Chinese Manufacturers

The bill provides that a school bus infraction detection system, speed detection system, traffic infraction detector or any other camera system used for enforcing Florida's Uniform Traffic Control Law, which is constructed by a Chinese manufacturer or a domestic or international manufacturer that uses materials from China may not be used for traffic enforcement in this state.

Traffic Infraction Detectors - Transparency and Reporting

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 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 red light camera, 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 with 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.

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, and the summary must contain, for the preceding year, the number of notices of violation issued, the number that were consisted, 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 the 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 the DHSMV to post each report it receives regarding traffic infraction detectors submitted by a municipality or county 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 Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.