

STORAGE NAME: h0471a.tr

DATE: April 11, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: House Bill 471

RELATING TO: Residential Traffic Calming Programs/Traffic Infraction Surcharge

SPONSOR(S): Rep. Gottlieb

TIED BILL(S): N/A

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 8 NAYS 2
 - (2) JUDICIARY
 - (3) COMMUNITY AFFAIRS
 - (4) FINANCE & TAXATION
 - (5) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
-

I. SUMMARY:

This bill allows municipalities to impose a surcharge on traffic infraction penalties and to use the revenues from the surcharge to fund traffic calming programs. The surcharge may not be levied on infractions occurring on public highways and interstate highways.

The bill has an indeterminate fiscal impact on local governments. See Fiscal Comments under part III. Fiscal Analysis & Economic Impact Statement below for details.

Note: Please see Part VI. Amendments or Committee Substitute Changes for the effect of an amendment adopted by the Committee on Transportation which is traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Currently, section 318.21, F.S., provides for the disposition of civil penalties collected for traffic violations by the county courts. Of the civil penalties, 56.4 percent is distributed to the municipality if the violation occurred within the municipal limits, or to the county if the traffic violation occurred in an unincorporated area. These revenues may be used for local criminal justice training, school crossing guard training or for any lawful purpose.

Traffic calming programs use techniques such as speed bumps, speed humps, speed tables, roundabouts, or other pavement designs or undulations to reduce traffic speeds. Although these techniques are not specifically authorized by current statutes, municipalities have operational jurisdiction over city streets within their respective municipal limits, and have employed traffic calming techniques to address local traffic concerns.

C. EFFECT OF PROPOSED CHANGES:

The bill authorizes a municipality to impose a surcharge on civil penalties for traffic infractions. The surcharge may be imposed by a majority vote of the governing board of the municipality approving an ordinance requiring public hearings. The bill does not limit the amount of the surcharge that may be levied.

The surcharge may not be levied on traffic infractions occurring on public highways or interstate highways. The term "public highway" is not defined by current law. The term "highway" is defined to include a way or place used for vehicular traffic, both public and private. Interstate highways are public roads and are part of the State Highway System. It appears that under the bill's provisions the surcharge may only be levied on traffic infractions occurring on private roads.

Revenues of the surcharge must be placed in a trust fund established by the municipality called the Community Traffic Safety Trust Fund. Trust funds moneys must be used solely to fund residential traffic calming programs. The Florida Constitution requires that trust funds be created by a separate bill. (see comments under subpart A. Constitutional Issues under part V., below).

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See D. Fiscal Comments, below.

2. Expenditures:

See D. Fiscal Comments, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

Because the number of municipalities which may vote to impose a surcharge is unknown, and further the amount of the surcharge is unlimited, the fiscal impact of the bill on local revenues and expenditures is unknown. To the extent that municipalities use the surcharge, additional funds will be generated to fund residential traffic calming programs.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Article III, Section 19, Subsection (f) of the Florida Constitution related to trust funds and state budgeting, planning and appropriations processes provides:

(1) No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only (emphasis added).

The bill authorizes municipalities to create Community Traffic Safety Trust Funds, for the purpose of depositing revenues from the surcharge authorized by the bill and expending these revenues on traffic calming programs. It would appear that this trust fund should be created by a separate bill as required by the Florida Constitution.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Transportation considered this bill on April 10, 2000, and adopted an amendment which is traveling with the bill. The amendment makes the following changes:

-Limits authority to impose a traffic calming program surcharge to those cities located in a county with a population of more than 1 million people.

-Requires a super majority (majority plus one) vote of the municipality's governing board to impose the surcharge.

-Provides that the maximum surcharge which may be imposed on a traffic citation is \$5.

-Clarifies that the surcharge cannot be imposed on citations occurring on state roads.

-Deletes provisions of the bill which create a trust fund and instead requires that surcharge revenues be separately accounted for by the municipality.

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VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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