

STORAGE NAME: h0311a.tr.doc
DATE: April 11, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 311
RELATING TO: Traffic Control and Safety Programs
SPONSOR(S): Representative(s) Gottlieb, Greenstein, and Slosberg
TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 10 NAYS 2
 - (2) JUDICIAL OVERSIGHT
 - (3) FISCAL POLICY & RESOURCES
 - (4) COUNCIL FOR COMPETITIVE COMMERCE
 - (5)
-

I. SUMMARY:

Currently, the law makes various provisions for the distribution of civil penalties received from traffic offenses.

Under the bill's provisions, a county with a population of at least 1 million, or a municipality, is authorized to impose by ordinance up to a \$5 surcharge on the amount of civil penalties required under s. 318.18, F.S., for traffic infractions. The surcharge may be imposed for the purposes of funding residential traffic calming programs, crossing guards in school zones, and police monitoring in school zones, and the county court is required to place the funds in a local trust fund called the Community Traffic Safety Trust Fund. Traffic infractions occurring on interstate highways are not subject to the surcharge.

The bill has no fiscal impact on the state, and an indeterminate impact on local governments.

The bill takes effect upon becoming law.

On April 11, 2001, the Committee on Transportation adopted an amendment by Representative Gottlieb that is traveling with the bill. The bill was then reported favorably as amended. For an explanation of the amendment, see Section VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES, below.

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 checked="" type="checkbox"/> | N/A <input 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:

The bill does not support the principle of lower taxes because it authorizes certain counties and municipalities to impose up to a \$5 surcharge on civil penalties for traffic infractions not occurring on interstate highways.

B. PRESENT SITUATION:

Under current law, any person charged with a non-criminal traffic infraction may be required to pay a civil penalty within thirty days of receiving a citation. Civil penalties range from \$15 for violation of pedestrian regulations and certain bicycle regulations, up to \$250 for exceeding the speed limit by 30 m.p.h. or more.

County courts have jurisdiction over matters involving non-criminal traffic infractions, and all fines and forfeitures arising from offenses tried in the county court are collected and accounted for by the clerk of the court and deposited into a special trust account.

Section 318.21, F.S. provides for the disposition of civil penalties resulting from non-criminal traffic infractions by the county courts. Among other requirements, the county courts are required to pay 56.4 percent of penalties collected within cities, counties, or special improvement districts of the Seminole or Miccosukee Indian Tribes to those entities to fund local criminal justice training programs, school crossing guard training programs, and for any other lawful purpose. In addition, counties and municipalities are authorized in s. 318.21(12), F.S., to impose a surcharge on parking fines for the purpose of funding school crossing guard programs.

C. EFFECT OF PROPOSED CHANGES:

The bill authorizes a county with a population of at least one million or a municipality, by majority vote of the governing body, to impose by ordinance up to a \$5 surcharge on the amount of civil penalties required under s. 318.18, F.S., for traffic infractions. The surcharge may be imposed for the purposes of funding residential traffic calming programs, crossing guards in school zones, and police monitoring in school zones. Traffic infractions occurring on interstate highways are not subject to the surcharge.

Proceeds must be placed in a trust fund established by the governing body of the county or municipality called the Community Traffic Safety Trust Fund, and must be distributed quarterly to fund residential traffic calming programs, crossing guards in school zones, and police monitoring in school zones.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Municipalities and certain counties would be authorized through local ordinance to assess up to a \$5 surcharge on non-criminal traffic infractions. Because the number of local governments that will assess the surcharge is unknown, the fiscal impact on local revenues is unknown. To the extent that local governments impose the surcharge, additional funds will be available to them for traffic calming programs, crossing guards, and police monitoring in school zones.

2. Expenditures:

The bill does not require local governments to spend money. For the eligible counties and municipalities that assess the surcharge, some minor administrative costs may occur.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Some persons who commit non-criminal traffic infractions may be assessed a surcharge of up to \$5.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not affect the rule making authority of state agencies.

C. OTHER COMMENTS:

As written, the bill appears to authorize any municipality, but only counties with a population of 1 million or more, to assess the \$5 surcharge. If the purpose of the bill is to authorize only counties with a population of 1 million or more, and the municipalities within such counties, to assess the \$5 surcharge, then the bill should be amended.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 11, 2001, the Committee on Transportation adopted an amendment by Representative Gottlieb that is traveling with the bill. The amendment clarifies that the provisions of the bill apply only to counties with a population of 1 million or more, and municipalities within those counties. The bill was then reported favorably as amended.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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