

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4011 Red light cameras  
**SPONSOR(S):** Campbell  
**TIED BILLS:** IDEN./SIM. BILLS: HB 91

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee	10 Y, 8 N	Kiner	Creamer
2) Appropriations Committee			

### **SUMMARY ANALYSIS**

House Bill 4011 removes local government authorization to use traffic infraction detectors, better known as 'red light cameras.'

The bill leaves intact s. 316.0076, F.S., which expressly preempts to the state regulation of the use of cameras for enforcing the traffic safety provisions of Ch. 316, F.S. This means that local governments will not have the authority to implement red light camera programs by local ordinance.

To the extent that the bill eliminates a potential fine, the bill has an indeterminate positive fiscal impact on motor vehicle owners and operators.

However, the bill will reduce revenues received by local governments that have implemented red light camera programs, will reduce one-time and recurring costs related to maintaining such programs, and will reduce expenses related to ongoing enforcement and legal challenges.

The bill also has a significant negative fiscal impact on state revenue.

The bill is effective upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

###### **Red light cameras generally**

Red light cameras enforce traffic laws by automatically photographing vehicles running red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, the date and time of day, the time elapsed since the beginning of the red signal, and the vehicle's speed.

###### **Red light cameras in Florida**

In 2010, the Florida Legislature enacted Ch. 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.<sup>1</sup> The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.<sup>2</sup>

##### Jurisdiction, Installation, and Awareness

Every red light camera must meet requirements established by the Florida Department of Transportation (DOT) and must be tested at regular intervals according to procedures prescribed by DOT.<sup>3</sup> If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.<sup>4</sup> Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.<sup>5</sup>

##### Notifications and Citations

If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer. A notice of violation must be issued to the registered owner of the vehicle within 30 days of the alleged violation.<sup>6</sup> The notice must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the vehicle owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.<sup>7</sup> Violations may not be issued if the driver is making a right-hand turn in a "careful and prudent manner."<sup>8</sup>

If the registered owner of the vehicle does not pay the violation within 30 days of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.<sup>9</sup> The UTC must be mailed by certified mail, and must be issued no later than 60 days after the violation.<sup>10</sup> The UTC must also include the photograph and statements described above regarding

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<sup>1</sup> s. 316.0076, F.S.

<sup>2</sup> s. 316.0083, F.S.

<sup>3</sup> s. 316.0776, F.S.

<sup>4</sup> s. 316.0776(2), F.S.

<sup>5</sup> Id.

<sup>6</sup> s. 316.0083(1)(b), F.S.

<sup>7</sup> Id.

<sup>8</sup> s. 316.0083(2), F.S.

<sup>9</sup> s. 316.0083(1)(c), F.S.

<sup>10</sup> Id.

review of the photographic or video evidence.<sup>11</sup> The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.<sup>12</sup>

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.<sup>13</sup>

### Exemptions

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish:

- that the vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- that the vehicle passed through the intersection at the direction of a law enforcement officer;
- that the vehicle was, at the time of the violation, in the care, custody, or control of another person;
- that the driver received a UTC for the alleged violation issued by a law enforcement officer; or
- that the vehicle's owner was deceased on or before the date that the UTC was issued.<sup>14</sup>

To establish any of these exemptions, the registered owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.<sup>15</sup> If the registered owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number of the driver.<sup>16</sup> A UTC may be issued to the driver, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding the driver's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.<sup>17</sup> Submission of a false affidavit is a second degree misdemeanor.

If the vehicle is leased, the owner of the leased vehicle is not responsible for paying the UTC, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.<sup>18</sup> If a person presents documentation from the appropriate governmental entity that a UTC was issued in error, the clerk of court may dismiss the UTC and may not charge for such service.<sup>19</sup>

### Fines

Red light camera citations carry a \$158 fine. When the \$158 fine is the result of a local government's red light camera, \$75 is retained by the local government and \$83 is deposited with the Florida Department of Revenue (DOR).<sup>20</sup> DOR subsequently distributes the fine by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.<sup>21<sup>22</sup></sup>

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<sup>11</sup> Id.

<sup>12</sup> s. 316.0083(1)(e), F.S.

<sup>13</sup> s. 316.650(3)(c), F.S.

<sup>14</sup> s. 316.0083(1)(d), F.S.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> s. 318.18(15), F.S.

<sup>20</sup> s. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

<sup>21</sup> Id.

<sup>22</sup> DHSMV is also authorized in s. 316.0083, F.S., to install its own traffic infraction detectors, although it has not done so. If DHSMV were to install its own traffic infraction detectors, the fine amount would still be \$158, with \$100 remitted to DOR for deposit into the General Revenue Fund, \$10 remitted to DOR for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3

**STORAGE NAME:** h4011a.EAC

**DATE:** 2/14/2013

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.<sup>23</sup>

Red light camera citations may not result in points assessed against the driver's driver license and may not be used for the purpose of setting motor vehicle insurance rates.<sup>24</sup>

### Actual Revenue

In FY 2011 – 2012, there were 71 jurisdictions operating red light camera programs throughout the state. The following chart details the state portion of the fines remitted from participating local governments to DOR as a result of red light camera programs in place for FY 2011 – 2012.<sup>25</sup>

JURISDICTION	COUNTY	Grand Total	JURISDICTION	COUNTY	Grand Total
COCOA BEACH	Brevard	\$295,480	OPA LOCKA	Miami-Dade	\$183,154
PALM BAY	Brevard	\$204,097	SURFSIDE	Miami-Dade	\$365,199
CORAL SPRINGS	Broward	\$228,748	SWEETWATER	Miami-Dade	\$0
DAVIE	Broward	\$392,104	WEST MIAMI	Miami-Dade	\$808,088
FORT LAUDERDALE	Broward	\$1,036,479	APOPKA	Orange	\$1,614,350
HALLANDALE BEACH	Broward	\$172,115	EDGEWOOD	Orange	\$182,635
HOLLYWOOD	Broward	\$1,832,972	MAITLAND	Orange	\$1,008,782
MARGATE	Broward	\$492,273	OCOEE	Orange	\$511,921
PEMBROKE PINES	Broward	\$1,420,484	ORANGE COUNTY BOCC	Orange	\$844,691
SUNRISE	Broward	\$459,652	ORLANDO	Orange	\$1,548,697
WEST PARK	Broward	\$27,058	WINTER PARK	Orange	\$537,508
GREEN COVE SPRINGS	Clay	\$750,237	KISSIMMEE	Osceola	\$106,987
COLLIER COUNTY BOCC	Collier	\$718,033	BOCA RATON	Palm Beach	\$324,708
PALM COAST	Flagler	\$208,828	BOYNTON BEACH	Palm Beach	\$908,059
BROOKSVILLE	Hernando	\$7,470	JUNO BEACH	Palm Beach	\$493,197
CLEWISTON	Hendry	\$73,123	PALM SPRINGS	Palm Beach	\$606,149
HILLSBOROUGH BOCC	Hillsborough	\$1,726,702	PALM BEACH COUNTY BOCC	Palm Beach	\$294,318
TAMPA	Hillsborough	\$2,361,542	WEST PALM BEACH	Palm Beach	\$283,091
TEMPLE TERRACE	Hillsborough	\$422,968	NEW PORT RICHEY	Pasco	\$1,001,561
CAMPBELLTON	Jackson	\$109,892	PORT RICHEY	Pasco	\$723,926

remitted to DOR for deposit into the Brain and Spinal Cord Injury Trust Fund. The remaining \$45 would be retained by the local government where the violation occurred.

<sup>23</sup> s. 318.18(15), F.S.

<sup>24</sup> s. 322.27(3)(d)6., F.S.

<sup>25</sup> The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed on 1/29/2013).

GROVELAND	Lake	\$88,810	GULFPORT	Pinellas	\$197,872
TALLAHASSEE	Leon	\$1,080,328	KENNETH CITY	Pinellas	\$607,311
BRADENTON	Manatee	\$637,108	ST PETERSBURG	Pinellas	\$1,308,787
DUNNELLON	Marion	\$373,251	SOUTH PASADENA	Pinellas	\$928,416
AVENTURA	Miami-Dade	\$1,201,757	HAINES CITY	Polk	\$1,317,708
CORAL GABLES	Miami-Dade	\$1,387,416	LAKELAND	Polk	\$523,028
CUTLER BAY	Miami-Dade	\$262,114	GULF BREEZE	Santa Rosa	\$291,994
DORAL	Miami-Dade	\$776,804	MILTON	Santa Rosa	\$160,024
EL PORTAL	Miami-Dade	\$63,548	SARASOTA	Sarasota	\$540,247
FLORIDA CITY	Miami-Dade	\$783,024	WINTER SPRINGS	Seminole	\$67,645
HIALEAH GARDENS	Miami-Dade	\$186,357	DAYTONA BEACH	Volusia	\$1,429,509
HOMESTEAD	Miami-Dade	\$332,581	HOLLY HILL	Volusia	\$275,643
KEY BISCAYNE	Miami-Dade	\$99,010			
MEDLEY	Miami-Dade	\$85,241	<b>Grand Total</b>		<b>\$51,065,841</b>
MIAMI	Miami-Dade	\$4,882,060			
MIAMI BEACH	Miami-Dade	\$300,875	<b>\$70 General Revenue portion</b>		<b>\$43,070,985</b>
MIAMI GARDENS	Miami-Dade	\$2,617,654	<b>\$10 Health Admin. Trust Fund</b>		<b>\$6,143,495</b>
MIAMI SPRINGS	Miami-Dade	\$270,954	<b>\$3 Brain &amp; Spinal Cord Injury TF</b>		<b>\$1,851,361</b>
NORTH MIAMI FLORIDA	Miami-Dade	\$2,701,489			

From July 2012 through December 2012, there were 77 jurisdictions operating red light camera programs throughout the state. According to the latest DOR revenue numbers, the state portion of the fines collected in FY 2012 – 2013 (through December 2012) is \$29,411,205. Of the total, \$24,803,762 was distributed to the General Revenue Fund; \$3,521,278 was distributed to the Health Administration Trust Fund; and \$1,063,031 was distributed to the Brain & Spinal Cord Injury Trust Fund.<sup>26</sup>

#### Litigation

Prior to passage of Ch. 2010-80, L.O.F., some cities in Florida implemented red light camera programs of their own through local ordinances, notwithstanding concerns stated by the Florida Attorney General's office. A 1997 Attorney General opinion concluded that nothing precludes the use of unmanned cameras to record violations of s. 316.075, F.S., but "a photographic record of a vehicle violating traffic control laws may not be used as the [sole] basis for issuing a citation for such violations."<sup>27</sup> A 2005 Attorney General opinion reached the same conclusion, stating that, "legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices" as collected from a photographic record from unmanned cameras monitoring intersections.<sup>28</sup>

In at least some cases, lawsuits were successful in attacking pre-2010 red light camera ordinances on the grounds that a camera cannot "observe" a driver's commission of a traffic infraction to the extent necessary to issue a citation. Other lawsuits were unsuccessful, on the grounds that the violation was merely a violation of a municipal ordinance, not a uniform traffic citation.

A lawsuit filed in the 15<sup>th</sup> Judicial Circuit argues that as a result of Ch. 2010-80 L.O.F., the "burden of proof" has been unconstitutionally shifted from the state to the motorist, because the statute provides that "if the state is able to prove that a vehicle registered to the Petitioner was involved in the

<sup>26</sup> The number of total jurisdictions is calculated based on current Department of Revenue (DOR) totals. DOR makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed 1/29/2013).

<sup>27</sup> Attorney General Opinion AGO 97-06.

<sup>28</sup> Attorney General Opinion AGO 2005-41.

commission of a red light camera violation, [the owner] is presumed to be guilty.”<sup>29</sup> The suit further asserts that “the State is not required to prove the identity of the driver who committed the red light camera violation.”<sup>30</sup> In a Motion for Summary Judgment (Motion), the state and city of West Palm Beach, among other defenses, argued that the law affords adequate due process to violators by creating a ‘rebuttable presumption’ that the owner was also the operator. The burden-shifting created by this rebuttable presumption, the state argued, is appropriate in “noncriminal situations... [that] contemplate reasonable notice and an opportunity to hear and be heard.”<sup>31</sup> The Motion was granted, and the Florida Fourth District Court of Appeal denied to certify the case for immediate review by the Florida Supreme Court.

#### Impact on Red Light Running Crashes and Fatalities:

##### *Insurance Institute for Highway Safety (IIHS) Analysis*

In February 2011, the IIHS published an analysis titled, ‘Effects of Red Light Camera Enforcement on Fatal Crashes in Large US Cities.’<sup>32</sup> For the analysis, IIHS researchers studied 14 cities with red light camera programs (“RLCs”) and forty-eight cities without RLCs. For the RLC group, IIHS researchers looked at two time periods: 1992-1996, before the installation of red light cameras, and 2004-2008, after the installation of red light cameras. Using these ‘before’ and ‘after’ time periods, researchers “compared the citywide per capita rate of fatal red light running crashes and the citywide per capita rate of all fatal crashes at signalized intersections.”<sup>33</sup> Researchers then compared rate changes for both the RLC cities and the non-RLC cities. Based on the results, the IIHS analysis concluded that the “average annual rate of fatal red light running crashes declined for both groups, but the decline was larger for cities with red light camera enforcement programs,” than those without, 35 percent versus 14 percent, respectively.<sup>34</sup> Further, “[a]fter controlling for population density and land area, the rate of fatal red light running crashes during 2004-2008 for RLC cities was an estimated 24 percent lower than what would have been expected without cameras.”<sup>35</sup>

##### *Florida Public Health Review of IIHS Analysis*

In a January 2012 study, University of South Florida researchers argued that the February 2011 IIHS analysis (mentioned above) was “logically flawed” and violated “basic scientific methods.”<sup>36</sup> Specifically, the USF study argued that the IIHS analysis actually found that RLCs had a 25 percent higher red light running fatality rate during the ‘after’ period than non-RLCs.<sup>37</sup> In addition, USF researchers pointed out, but did not limit their concerns to, the following regarding the IIHS analysis:

- It analyzed city-wide data, not specific to camera sites.
- It excluded variables known to be associated with traffic fatalities, such as changes in public policy or engineering improvements made during or between the periods.
- It expressed its findings as a “percentage change in the rate of red light running fatalities,” instead of a “change in the number of fatalities.” In other words, USF researchers argued the

<sup>29</sup> Action for Declaratory Judgment, *Salvatore Altimari vs. State of Florida; City of West Palm Beach*, 2010 CA 022083, (15<sup>th</sup> Cir.)

<sup>30</sup> Id at 2.

<sup>31</sup> Defendant State of Florida’s Motion to Dismiss, *Salvatore Altimari vs. State of Florida; City of West Palm Beach*, 2010 CA 022083, (15<sup>th</sup> Cir.)

<sup>32</sup> “Effects of Red Light Camera Enforcement on Fatal Crashes in Large US Cities.” Wen Hu, Anne T. McCartt and Eric R. Teoh. Insurance Institute for Highway Safety, February 2011. The IIHS press release on this analysis may be viewed at <http://www.iihs.org/news/rss/pr020111.html> (Last viewed on 1/28/2013). The IIHS study is on file with the Economic Affairs Committee.

<sup>33</sup> Id.

<sup>34</sup> Id.

<sup>35</sup> Id.

<sup>36</sup> “Counterpoint: The Insurance Institute for Highway Safety Study Actually Found Cities Using Red Light Cameras Had Higher Red Light Running Fatality Rates.” Barbara Langland-Orban, PhD, Etienne E. Pracht, PhD, and John T. Large, PhD. *Florida Public Health Review*, 2012, Volume 9. This study may be viewed at <http://health.usf.edu/publichealth/fphr/current.htm> (Last viewed on 1/28/2013).

<sup>37</sup> Id.

results of the IIHS analysis are misleading because certain variables – namely those relating to population – are reported multiple times. For example, population is a denominator, “fatalities per 100,000,” as well as a numerator, “population per square mile.”

- It was biased in its selection of both RLCs and non-RLCs. Specifically, USF researchers argued “the authors of the IIHS study ignored the fact that the non-RLCs had substantially fewer red light running related fatalities in the ‘before’ period . . . [o]f even greater impact, 23 [percent] of the non-RLCs had two or fewer (including zero) red light running related accidents.” Essentially, USF researchers argued that the non-RLCs had very little room to reduce the total number – or percentage rate – of accidents during the ‘after’ period.<sup>38</sup>

#### *DHSMV – 2012 Red Light Camera Program Analysis*

Florida law requires each county or municipality operating a red light camera program to annually self-report data to DHSMV containing the following:

- red light camera program results over the preceding fiscal year;
- the procedures for enforcement; and
- other statistical data and information required by DHSMV.<sup>39</sup>

Based on this data covering the period between July 1, 2011 and June 30, 2012 (survey period), DHSMV submitted a summary report to the Governor and Legislature containing the following findings:

- 73 agencies reported that there are 404 intersections across the state with red light cameras installed.
- Historical traffic crash data was the most important factor considered when selecting red light camera locations (roughly 56 percent); however, roughly 44 percent did not consider historical traffic crash data as the most important factor. The next most important factors were video evidence of a red light violation, law enforcement officer observations, citizen complaints, and historical traffic citation data.
- During the survey period, the agencies issued a total of 999,929 Notices of Violation.
- The number of Notices of Violation challenged was 20,064. Of those violations challenged, 14,065 were dismissed (nearly 70 percent), with 950 challenges pending at the time of the summary report.
- A Uniform Traffic Citation (UTC) is issued when a Notice of Violation is not paid within 30 days, and 66 agencies issued 265,783 UTCs for red light camera violations.
- About 70 percent of Notices of Violation (and UTCs) were issued and reviewed by sworn agency employees.
- Florida law states that “a notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.” Of the 73 agencies, 45 issue Notices of Violation and UTCs for right-on-red violations, but only 16 agencies have a policy defining ‘careful and prudent.’
- Effect on Crashes - the most common outcome was a decrease in rear-end (41 percent) and side-impact (44 percent) crashes. About 56 percent of agencies reported decreases in the total number of crashes at red light camera intersections. Note that 11 percent of agencies reported an increase in side-impact crashes and 22 percent reported an increase in rear-end crashes.
- Agencies also reported that traffic safety improved throughout their jurisdictions as there were fewer drivers running red lights, and in general, drivers were more cautious when approaching all intersections.<sup>40</sup>

Since its inception, Florida’s red light camera program has been the topic of much debate – particularly with regard to the impact that red light cameras have on accidents. As stated in the report, there was a

<sup>38</sup> Id.

<sup>39</sup> s. 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

<sup>40</sup> See the Department of Highway Safety and Motor Vehicles’ “Red Light Camera Program Analysis” on its website at <http://www.flhsmv.gov/html/safety.html> (Last viewed on 1/28/13).

decrease in both rear-end and side-impact crashes in most cases; however, it must be noted that 30 percent of the agencies did not submit crash data. Further, 44 percent of the agencies did not consider historical traffic crash data as the most important factor when deciding on camera placement. Instead, these agencies may have considered video evidence of red light violations, law enforcement officer observations, citizen complaints, or historical traffic citation data as the most important factor.

To be clear, however, while there was a requirement that agencies self-report data to DHSMV, there was no clear statutory requirement that this data include crash statistics.

### Effect of Proposed Changes

HB 4011 removes local government authorization to install and maintain red light cameras. To accomplish this, HB 4011 amends, repeals, or deletes the following sections of Florida law:

- amends s. 316.003(87), F.S., to revise the definition of ‘traffic infraction detector’ to remove a reference to notices of violation;
- repeals s. 316.008(8), F.S., which authorizes local governments to install red light cameras, and s. 321.50, F.S., which authorizes DHSMV to install red light cameras;
- repeals s. 316.0083, F.S., which details ordinance requirements, installation and notification processes, and fine distributions related to red light cameras;
- repeals s. 316.0776, F.S., which provides engineering specifications for installation of red light cameras;
- repeals portions of ss. 316.640 and 316.650, F.S., authorizing ‘traffic infraction enforcement officers’ to enforce s. 316.0083, F.S.;
- repeals a portion of s. 318.14, F.S., which provides distribution requirements for fines collected from traffic infraction detector programs;
- repeals portions of s. 318.18, F.S., which provide (i) distribution requirements for fines collected from traffic infraction detector programs, (ii) an exemption process for those motor vehicle owners who have successfully appealed a violation from a traffic infraction detector, and (iii) a provision that individuals may not receive commissions or per-ticket fees from the installation of traffic infraction detector programs; and
- repeals a sentence from s. 316.27(3)(d)6., F.S., providing that points are not placed on the license of a person receiving a violation from a traffic infraction detector;
- repeals s. 316.00831, F.S., which authorizes local governments to retain traffic infraction detector fines until such time as the Florida Department of Revenue creates a specific accounting process for receiving such remittances; and
- repeals s. 316.07456, F.S., which provides a ‘transitional implementation’ period during which red light cameras installed prior to the passage of the 2010 law are permitted to operate.

HB 4011 leaves intact s. 316.0076, F.S., which expressly preempts to the state regulation of the use of cameras for enforcing provisions of Ch. 316, F.S. This means that local governments will not have the authority to implement red light camera programs by local ordinance.

### *Effective Date*

The bill is effective upon becoming a law.

## B. SECTION DIRECTORY:

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|------------|--|
| Section 1: | amends s. 316.003(87), F.S., to revise the definition of ‘traffic infraction detector’;  |
| Section 2: | amends s. 316.008(8), F.S., to remove local government authority to employ traffic infraction detectors;   |
| Section 3: | amends s. 28.37(2), F.S., to remove a reference to s. 316.0083, F.S., in conjunction with fines, fees, service charges, and other costs that are remitted to various trust funds by the Clerks of Court; |
| Section 4: | amends s. 316.640, F.S., to remove DHSMV’s authority to designate employees as traffic infraction enforcement officers;  |

Section 5: amends s. 316.650, F.S., to references to s. 316.0083, F.S., and traffic infraction detectors;

Section 6: amends s. 318.14, F.S., to remove a reference to s. 316.0083, F.S.;

Section 7: amends s. 318.18, F.S., to remove language relating to the distribution of fine amounts collected from violations issued as a result of evidence captured by a traffic infraction detector;

Section 8: amends s. 322.27, F.S., to remove language that prohibits points from being issued as a result of a violation/citation issued as a result of evidence captured by a traffic infraction detector;

Section 9: repeals ss. 316.0083, F.S., 316.00831, F.S., 321.50, F.S.;

Section 10: repeals s. 316.07456, F.S.;

Section 11: repeals s. 316.0776, F.S.; and

Section 12: provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

In FY 2011 – 2012, the state portion of the fines collected from traffic infraction detector violations resulted in \$51,065,842, distributed as follows: \$43,070,985 to the General Revenue Fund; \$6,143,495 to the Department of Health Administrative Trust Fund; and \$1,851,361 to the Brain and Spinal Cord Injury Program Trust Fund.

So far in FY 2012 – 2013, the state portion of the fines collected from traffic infraction detector violations has resulted in \$29,411,204, distributed as follows: \$24,803,763 to the General Revenue Fund; \$3,521,278 to the Department of Health Administrative Trust Fund; and \$1,063,031 to the Brain and Spinal Cord Injury Program Trust Fund.

The bill would eliminate the amount going into these funds. Revenue from fines levied as a result of a law enforcement officer's citation, as opposed to a traffic infraction detector, would continue to be distributed to these funds.

#### **2. Expenditures:**

Any expenditures using the revenues noted above would have to be eliminated or funded using another source of revenue.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

Current law requires \$83 out of each \$158 traffic infraction detector fine (approximately 52.5 percent) to be remitted to the Florida Department of Revenue. Local governments retain \$75 of the \$158 (approximately 47.5 percent). The bill would eliminate the source of this revenue.

#### **2. Expenditures:**

It is likely that in each jurisdiction, some percentage of the revenue raised was used to recover initial costs of implementing the program and on monthly maintenance or other program costs.

For those local governments that have implemented red light camera programs as a result of the 2010 legislation, HB 4011 would eliminate the revenues currently expected by those governments, but would also reduce expenses related to ongoing enforcement and legal challenges.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill removes the possibility of motor vehicle operators being issued a \$158 fine for violating a traffic infraction detector.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise total aggregate revenues over February 1, 1989, levels; or reduce the percentage of a state tax shared with cities or counties.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

The bill neither requires nor impacts DHSMV's rulemaking authority.

However, the Department of Health may have to amend Ch. 64J-2.019, F.A.C., to remove existing references to the traffic infraction detector program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**