

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1240

SPONSOR: Comprehensive Planning, Local and Military Affairs Committee and Senator Sebesta

SUBJECT: Traffic Violations/Civil Penalties

DATE: March 13, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bowman	Yeatman	CA	Favorable/CS
2.	_____	_____	FT	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute (CS) provides that any revenue from civil traffic penalties that a municipality or county collects that exceeds 25% of its total actual annual revenue for the prior fiscal year must be deposited into the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Rehabilitation Trust Fund.

This CS creates an undesignated section of Florida Statutes.

II. Present Situation:

Municipalities and counties are authorized to collect certain civil penalties assessed for traffic violations. Section 318.21, F.S., provides that all civil penalties received by a county court for traffic infractions are distributed pursuant to a scheme that divides the revenue as follows:

- \$1 is paid into the Child Welfare Training Trust Fund
- \$1 is paid into the Juvenile Justice Training Trust Fund

Of the remaining revenue:

- 5.6% is paid into the General Revenue Fund of the State
- 7.2 % is deposited into the Emergency Medical Services Trust Fund
- 5.1% is deposited into the Additional Court Cost Clearing Trust Fund

- 8.2% is deposited into the Brain and Spinal Cord Injury Rehabilitation Trust Fund
- 2% is deposited into the endowment fund of the Florida Endowment Foundation
- .5% is paid to the clerk of the court to for administrative costs
- 56.4% shall be paid to the municipality or the county where the violation occurs
- 15% is deposited into the County Article V Trust Fund.

The revenue received by the county or municipality (the 56.4%) shall be used to fund local criminal justice training; to fund school crossing guards, and for any other lawful purpose.

For most local governments, the revenue they receive from the collection of civil traffic fines is a very small percentage of their total revenue. However, four local governments generate revenue from fine collections that exceed 10% of their total revenue. According to information provided by the Legislative Committee on Intergovernmental Relations based on the Uniform Chart of Accounts, the local governments whose fine revenue exceeds 10% of their total revenue include:

- Lawtey--53%
- Waldo--35%
- Melbourne Beach--16%
- Midway--11%

These figures are based on 1998 fiscal year data.

The AAA Auto Club South has designated the municipalities of Lawtey and Waldo as speed traps and contends that the frequency of speed ticketing in these two municipalities has discouraged tourism both to the area and to Florida in general.

III. Effect of Proposed Changes:

If a local government's collection of civil traffic penalties exceeds 25% of its total actual annual revenue for the prior fiscal year, any revenue above the 25% must be sent to the Department of Highway Safety and Motor Vehicles to be distributed as follows:

- 50% of the excess must be deposited into the Highway Safety Operating Trust Fund
- 50% must be deposited into the Brain and Spinal Cord Injury Rehabilitation Trust Fund

The effective date of the bill is July 1, 2001.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, section 18(b) of the Florida Constitution provides that:

Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend or repeal any general law if the anticipated effect of doing so would be to reduce the authority the municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.

If the authority of local governments to collect traffic fines is considered revenue-raising authority, the bill initially falls under subsection (b) of section 18 of Article VII, Florida Constitution. However, the fiscal impact of the bill, as discussed below, is well below the measure of significance adopted as the policy of the House and Senate for the evaluation of mandates in a memorandum issued on March 21, 1991. The term insignificant is defined in the memorandum as an amount not greater than the average statewide population for the applicable year times ten cents. Subsection (d) of Article VII, section 18, specifically exempts from the application of the mandate section laws having insignificant fiscal impact:

Laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

Therefore, it appears that the provisions in this bill would be exempt from Article VII, section 18, Florida Constitution, as having insignificant fiscal impact.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The municipalities of Lawtey and Waldo will potentially lose civil traffic violation revenue to the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Rehabilitation Trust Fund. Based on 1998 data, Lawtey would lose approximately \$158,516 to the designated state trust funds, and Waldo would lose approximately \$112,276.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.