

# 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 1554

SPONSOR: Criminal Justice Committee and Senator Silver

SUBJECT: Civil Penalties

DATE: March 5, 2002                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/2 amendments</u>
2.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill provides that if a municipality maintains an independent radio communication program which can communicate with the county’s system, or if the mutual aid channels are compatible, certain civil traffic penalties collected within the territorial jurisdiction of the municipality must be distributed to the municipality in which the violation occurred.

The bill amends s. 318.1451, F.S., to provide that the Department of Highway Safety and Motor Vehicles or the court may prepare a traffic school reference guide listing the approved course providers and the corresponding telephone numbers.

This bill amends sections 318.1451 and 318.21 of the Florida Statutes.

## II. Present Situation:

### Disposition of Traffic Infraction Proceeds

Chapter 318, F.S., governs the disposition of traffic infraction proceeds. Section 318.21, F.S., provides for the disposition of civil penalties collected by the county court due to traffic infractions. Section 318.21(10), F.S., provides that \$12.50 of the penalties collected for a moving violation is paid to fund that county’s participation in an intergovernmental radio program approved by the Department of Management Services. If the county does not participate in such a program, the \$12.50 is used to fund local law enforcement automation, and must be distributed to the municipality or special improvement district in which the violation occurred or the county if the violation occurred in an unincorporated area. (s. 318.21(10), F.S., amended effective March 2, 2002, and renumbered as s. 318.21(9), F.S., ch. 2001-122, L.O.F.)

**DMS Intergovernmental Radio Communication Program**

The State Technology Office within the Department of Management Services (department) administers an intergovernmental radio communication program. The department has defined an intergovernmental radio communication program as a cooperative venture that includes the participation of two or more local agencies, or one or more local agencies and one or more state agencies. A local program is approved by the State Technology Office when:

- The program includes the sharing of support facilities (e.g. towers, shelters, microwave) by participating entities;
- The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities; or
- The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.

According to information provided by the department, 64 of Florida's counties participate in the program.

**Driver Improvement Schools**

The Department of Highway Safety and Motor Vehicles approves the courses of driver improvement schools. s. 318.1451(1), F.S. The department and the courts are required to direct people inquiring about driver improvement schools to the local telephone directory. s. 318.1451(5), F.S.

**III. Effect of Proposed Changes:**

**Section 1** amends s. 318.1451(5), F.S., to provide that the Department of Highway Safety and Motor Vehicles or the court may prepare a traffic school reference guide listing the approved course providers and the corresponding telephone numbers.

**Section 2** amends s. 318.21(9), F.S., as amended by ch. 2001-122, L.O.F., to provide that if a county is not participating in an intergovernmental radio communications program approved by the Department of Management Services, or if the municipality maintains a radio communication program independent of the county but which can communicate with the county's system, or if the mutual aid channels are compatible, funds collected within the territorial jurisdiction of the municipality may be distributed to the municipality in which the violation occurred.

The bill further provides that if a municipality maintains an independent radio communication program, funds collected from violations which occur within the municipality must be distributed to that municipality to fund local law enforcement automation. Under current law, such funds would be distributed to the county in which the municipality is located. In addition, the provision that such funds must be used to fund local law enforcement automation is changed to "may" be used to fund law enforcement.

Preliminary estimates indicate that 24 municipalities would benefit from this change.

**Section 3** provides that this bill takes effect on July 1, 2002.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

This bill's fiscal impact on counties and municipalities is indeterminate. If a municipality maintains a radio communication program independent of the county, funds collected within the territorial jurisdiction of the municipality will be distributed to the municipality rather than the county. This could result in a shift of funds to municipalities that currently go to the counties. During 2000, approximately 2.2 million traffic citations for moving violations were issued in Florida. If \$12.50 were collected from each citation, there would be approximately \$27.5 million generated under s. 318.21(10), F.S.

However, the amount collected is not known and the amount that would be shifted from counties to municipalities is not known.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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