

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

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BILL: SB 666

INTRODUCER: Senator Brandes

SUBJECT: Noncriminal Traffic Infractions

DATE: February 6, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 666 reduces by 18 percent the civil penalty imposed for a noncriminal traffic infraction if the person elects to attend a driver improvement course, approved by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill removes language directing 18 percent of the civil penalty to be deposited in the State Courts Revenue Trust Fund.

As a result of the reduction of civil penalties, state revenues are estimated to be reduced by approximately \$3.6 million annually. This includes reductions in revenues of \$3.3 million that will no longer be deposited in the State Courts Revenue Trust Fund and of \$300,000 that will no longer be deposited in the General Revenue Fund.

The bill takes effect July 1, 2018.

**II. Present Situation:**

A person who commits a noncriminal traffic infraction and is issued a citation may elect to appear before a designated official, pay the citation, or enter into a payment plan with the clerk of court within 30 days after the citation is issued to avoid having his or her driver license suspended.<sup>1</sup> However, s. 318.14(9), F.S., allows a person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial vehicle for a noncriminal traffic infraction, in lieu of a court appearance, to elect to attend a basic driver improvement course approved by the DHSMV.

If the individual completes the course, adjudication is withheld, and no points may be assessed against the individual's license. Additionally, 18 percent of the civil penalty imposed is

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<sup>1</sup> Section 318.14, F.S.

deposited into the State Courts Revenue Trust Fund.<sup>2</sup> Prior to a law change in 2009, an individual who was assessed the civil penalty received an 18 percent discount on the penalty if he or she completed a driver improvement course.<sup>3</sup>

The option to elect to attend a driver improvement program is not available for violations of:

- Sections 316.183(2), 316.187, or 316.189, F.S., violating the posted speed limit when the driver exceeds the posted speed limit by 30 miles per hour or more;
- Section 320.0605, F.S., not carrying the vehicle's certificate of registration while the vehicle is in use;
- Section 320.07(3)(a) or (b), F.S., operating a motor vehicle with an expired registration;
- Section 322.065, F.S., operating a motor vehicle with a driver license expired for six months or less; and
- Section 322.15(1), F.S., operating a motor vehicle without carrying a driver license.

The option to elect driver improvement school is only available if the person has not made this election in the preceding 12 months, and individuals are limited to no more than five such elections in their lifetime.

According to the DHSMV, in 2016, approximately 253,000 people elected to attend a driver improvement course (of which, 17,279 did not attend).<sup>4</sup> The cost of driver improvement courses range from \$15 to \$40, depending on the provider.<sup>5</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 318.14, F.S., to reduce by 18 percent the civil penalty assessed, if the person elects a driver improvement course. The bill removes a provision that directs 18 percent of the civil penalty to be deposited in the State Courts Revenue Trust Fund.

**Section 2** amends s. 318.15, F.S., to require an individual, who elects but does not attend a driver improvement course within the time specified by the court, to pay the clerk of the court the reduced portion of the civil penalty and a processing fee of up to \$18.

**Section 3** provides the bill takes effect July 1, 2018.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

<sup>2</sup> The State Courts Revenue Trust Fund was established in 2009, to be used for funding the activities of the state courts system. See chs. 2009-7 and 2011-19, Laws of Florida

<sup>3</sup> See ch. 2009-6, Laws of Florida.

<sup>4</sup> DHSMV, *2017 Agency Legislative Bill Analysis: SB 488* (Mar. 13, 2017) (on file with the Senate Committee on Transportation).

<sup>5</sup> *Id.*

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The bill reduces state revenues by \$3.6 million annually. The Revenue Estimating Committee (REC) reviewed the bill on November 30, 2017, and estimated that the bill will reduce revenue to the State Court Revenue Trust Fund by \$3.3 million and the General Revenue Fund by \$300,000.<sup>6</sup> Given estimated expenditures for Fiscal Year 2018-19, the Office of the State Court Administrator estimates that the trust fund will have a cash balance of \$3.2 million on June 30, 2019, and therefore the fund cannot support the loss of an additional \$3.3 million in revenue without reducing expenditures.<sup>7</sup>

**B. Private Sector Impact:**

The bill may have a positive fiscal impact on individuals who elect to attend a driver improvement course by reducing their assessed penalty by 18 percent. The bill may also benefit providers of the driver improvement courses, as the bill incentivizes ticketed drivers to take a driver improvement course.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 318.14 and 318.15.

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<sup>6</sup> Office of Economic and Demographic Research, REC, *Article V Fees – HB 531 and SB 666* (Nov. 30, 2017), available at [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/\\_pdf/page147-148.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page147-148.pdf) (last visited Dec. 5, 2017).

<sup>7</sup> State Court System, Schedule I: Trust Funds Available, Fiscal Year 2018-2019.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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