

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 666

INTRODUCER: Senator Brandes

SUBJECT: Noncriminal Traffic Infractions

DATE: December 1, 2017

REVISED: 12/05/17

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|----------------|------------|------------------|
| 1. | <u>Jones</u> | <u>Miller</u> | <u>TR</u> | <u>Favorable</u> |
| 2. | <u></u> | <u></u> | <u>ACJ</u> | <u></u> |
| 3. | <u></u> | <u></u> | <u>AP</u> | <u></u> |

I. Summary:

SB 666 provides that a person who elects and attends a driver improvement course, approved by the Department of Highway Safety and Motor Vehicles (DHSMV), after receiving a noncriminal traffic infraction citation will have the penalty assessed reduced by 18 percent. The bill removes language indicating that the 18 percent is deposited in the State Courts Revenue Trust Fund.

Due to the loss of fees deposited in the State Courts Revenue Trust Fund, the bill is estimated to have a negative impact to the state of approximately \$3.6 million annually. This recurring impact is based on a \$3.3 million impact to the State Courts Revenue Trust Fund and a \$300,000 impact to 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, must 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.¹ However, s. 318.14(9), F.S., provides that any 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 may, in lieu of a court appearance, 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

¹ Section 318.14, F.S.

deposited into the State Courts Revenue Trust Fund². Prior to a law change in 2009, the individual who was assessed the civil penalty³ received an 18 percent discount on the penalty if he or she completed a driver improvement course.⁴

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).⁵ The cost of driver improvement courses range from \$15 to \$40, depending on the provider.⁶

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 318.14(9), F.S., providing that if a person elects a driver improvement course, the civil penalty assessed will be reduced by 18 percent. The bill removes a provision that the 18 percent is deposited in the State Courts Revenue Trust Fund.

Section 2 requires 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 penalty.

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

² 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

³ Civil penalties, court costs, and service charges for various noncriminal traffic infractions can be viewed in the Florida Court Clerks & Comptrollers' *2017 Distribution of Court-Related Filing Fees, Service Charges, Costs and Fines, including a Fee Schedule for Recording – Effective July 1, 2017*, available at http://www.flclerks.com/resource/resmgr/public_documents_/2017_Distribution_Schedule_7.xls (last visited Nov. 30, 2017).

⁴ See ch. 2009-6, Laws of Florida

⁵ DHSMV, *2017 Agency Legislative Bill Analysis: SB 488* (Mar. 13, 2017) (on file with the Senate Committee on Transportation).

⁶ *Id.*

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

The Revenue Estimating Committee (REC) reviewed the bill on November 30, 2017.⁷ The REC estimates that the bill will result in a negative recurring loss to the state of approximately \$3.6 million each fiscal year, with the General Revenue Fund being negatively impacted by \$300,000, and the State Courts Revenue Trust Fund being negatively impacted by \$3.3 million.

B. Private Sector Impact:

The bill may have a positive fiscal impact on individuals who elect to attend a driver improvement course to receive an 18 percent discount off the assessed penalty. The bill may also positively impact providers of the driver improvement courses, as the bill further incentivizes electing to take a driver improvement course.

C. Government Sector Impact:

The Office of the State Courts Administrator estimates the bill will leave a minimal amount of funding in the State Courts Revenue Trust Fund by June 30, 2019.⁸ Without alternative revenue sources, clerks of court may be forced to reduce local expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁷ 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 (last visited Dec. 5, 2017).

⁸ Office of the State Courts Administrator, *2018 Judicial Impact Statement – SB 666* (Dec. 5, 2017) (on file with the Senate Committee on Transportation).

VIII. Statutes Affected:

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

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.

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