



ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Thursday, January 21, 2016
9:00 AM – 11:00 AM
Reed Hall (102 HOB)**

**Steve Crisafulli
Speaker**

**Jose Oliva
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Thursday, January 21, 2016 09:00 am
End Date and Time: Thursday, January 21, 2016 11:00 am
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 299 Expressway Authorities by Nuñez
HB 435 Gold Star License Plates by Burgess
CS/HB 825 Central Florida Expressway Authority by Transportation & Ports Subcommittee, Miller
HB 4027 Traffic Infraction Detectors by Artiles

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Wednesday, January 20, 2016.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, January 20, 2016.

NOTICE FINALIZED on 01/19/2016 4:15PM by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 299 Expressway Authorities
SPONSOR(S): Nuñez
TIED BILLS: IDEN./SIM. BILLS: SB 574

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	11 Y, 0 N	Willson	Vickers
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Davis	Davis
3) Economic Affairs Committee		Willson <i>MW</i>	Pitts <i>JP</i>

SUMMARY ANALYSIS

The Miami-Dade County Expressway Authority (MDX) is an agency of the state created pursuant to the Florida Expressway Authority Act. Its board currently consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission, five of whom are appointed by the Governor, and a Department of Transportation (DOT) district secretary, who is an ex officio voting member.

Current law prohibits lobbyists from being appointed to and serving on MDX's board.

The bill changes the makeup of MDX's board to the following nine members: five Miami-Dade County Commission appointees, three gubernatorial appointees, and the DOT district secretary.

The bill prohibits a person from serving on MDX's board if that person has, in the previous four years, represented a client for compensation before any state or municipal governmental body, including any agency, quasi-governmental entity, body staffed by public employees, or entity that has its operations paid for by public dollars.

The bill prohibits a person from serving on MDX's board if that person has, in the previous four years, done business with or represented another person or entity doing business with, a state or municipal governmental agency or body.

The bill provides for termination of board members upon a finding of violation of ethical or financial disclosure requirements.

The bill does not appear to have a fiscal impact on state or local governments.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Miami-Dade County

Section 125.011(1), F.S. defines a county as:

[A]ny county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions shall include "board of county commissioners" of such county.

The local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe County,¹ Dade County,² and Hillsborough County.³ Of these, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under this constitutional provision.⁴ Therefore, Miami-Dade County is the only county that meets the definition in s. 125.011(1), F.S.

Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act), codified in part I of chapter 348, F.S.,⁵ authorizes any county or two or more contiguous counties within a single Department of Transportation (DOT) district to, by resolution adopted by the board of county commissioners, form an expressway authority, which shall be an agency of the state.⁶ MDX was created in 1994, when the Miami-Dade County Commission adopted ordinance 94-215.⁷ The Miami-Dade County Expressway Authority (MDX) is the only expressway authority created under the Act.⁸

MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

MDX's board consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission and five of whom are appointed by the Governor. The 13th member is DOT's district six secretary, who is an ex-officio voting member.⁹

¹ FLA. CONST. art. VIII, s. 6, n. 2.

² FLA. CONST. art. VIII, s. 6, n. 3.

³ FLA. CONST. art. VIII, s. 6, n. 4.

⁴ Florida Association of Counties, *Charter County Information*, <http://www.fl-counties.com/about-floridas-counties/charter-county-information> (last visited May 2, 2014).

⁵ Part I of ch. 348, F.S. is comprised of ss. 348.0001 through 348.0012, F.S.

⁶ S. 348.0003(1), F.S.

⁷ A copy of the ordinance is available at http://miamidade.fl.elaws.us/code/coor/coor_ptiii_ch2_artxviii/ (Last visited November 09, 2015).

⁸ While MDX is the only authority created pursuant to the Act, part V of ch. 348, F.S., creating the Osceola County Expressway Authority, contains numerous references to the Act.

⁹ S. 348.0003(2)(d), F.S.

In 2014, CS/CS/CS/SB 846¹⁰ applied several ethics provisions to MDX in addition to those currently required by the Code of Ethics. Specifically the bill:

- Required MDX's general counsel to serve as its ethics officer;
- Required the code of ethics policy to be reviewed and updated by the ethics officer and presented for board approval at least once every two years;
- Required that employees be adequately informed and trained on the code of ethics and continually participate in ongoing ethics education;
- Prohibited a lobbyist¹¹ from being appointed to or serving as a member of the authority;
- Prohibited a member or the executive director of the authority from personally representing another person or entity for compensation before the authority for a period of two years after vacation of his or her position;
- Prohibited a member or the executive director, after retirement or termination, from having an employment or contractual relationship with a business entity other than an agency, in connection with a contract in which the member or executive director personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member or employee of the authority;
- Prohibited board members, employees, and consultants who hold positions that may influence authority decisions from engaging in any relationship that may adversely affect their judgment in carrying out authority business;
- Required the general counsel to review an annual conflict of interest disclosure that includes any relationship that a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant or to a relative, or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest, and whether a relative is a registered lobbyist, and, if so, the names of such lobbyist's clients; interests in real property the board member, employee, or consultant has, or that an immediate family member has, if such real property is located in, or within ½-mile radius of, any actual or prospective authority roadway project; and
- Required the conflict of interest process to be outlined in the authority's code of ethics.¹²

Proposed Changes

The bill amends s. 348.0003(2)(d), F.S., revising the membership of MDX. The number of board members is reduced from thirteen to nine. Five members are appointed by the governing body of the county. Three members are appointed by the Governor. The ninth member is DOT's district six secretary.

The bill creates s. 348.0003(5)(a)2., F.S., providing that a person may not serve as a member of MDX's governing body if that person has, in the previous four years, represented a client for compensation before a municipal or state governmental body. This includes any agency, quasi-governmental entity, or body staffed by public employees, or entity that has its operations paid for by public dollars.

¹⁰ Ch. 2014-183, L.O.F.

¹¹ Section 112.3215, F.S., defines "lobbyist" as "a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017."

¹² Similar provisions were passed for the Central Florida Expressway Authority in CS/CS/SB 230 (Ch. 2014-195, L.O.F.)

The bill amends s. 348.0003(5)(a)3., F.S., providing that a person may not serve as a member of the governing body of MDX if that person has, in the previous four years, done business with or represented any person or entity doing business with, a state or municipal governmental agency.

The bill creates s. 348.0003(5)(l), F.S., providing that a finding of violation of s. 348.0003(5), F.S. or Ch. 112, F.S.,¹³ or failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements,¹⁴ results in immediate termination from MDX's governing body.

The bill is effective upon becoming a law.

B. SECTION DIRECTORY:

Section 1 Amends s. 348.0003, F.S., relating to expressway authority; formation; membership.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

¹³ Chapter 112, F.S., relates to public officers and employees.

¹⁴ Section 348.0003(4)(c), F.S., requires members of expressway authorities to file the detailed Form 6 financial disclosure form with the Commission on Ethics.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 41 through 48 of the bill contains language in s. 348.0003(2)(d), F.S., which appears to be an obsolete provision transitioning some nonvoting members of MDX to members being appointed by the Governor. This language may no longer be needed and could possibly be repealed.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to expressway authorities; amending s.
 3 348.0003, F.S.; revising qualifications for membership
 4 on the governing body of certain expressway
 5 authorities; providing for termination from an
 6 authority's governing body upon a finding of a
 7 violation of specified ethical conduct provisions or
 8 failure to comply with a notice of failure to comply
 9 with financial disclosure requirements; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (d) of subsection (2) and paragraph
 15 (a) of subsection (5) of section 348.0003, Florida Statutes, are
 16 amended, and paragraph (1) is added to subsection (5) of that
 17 section, to read:

18 348.0003 Expressway authority; formation; membership.—
 19 (2) The governing body of an authority shall consist of
 20 not fewer than five nor more than nine voting members. The
 21 district secretary of the affected department district shall
 22 serve as a nonvoting member of the governing body of each
 23 authority located within the district. Each member of the
 24 governing body must at all times during his or her term of
 25 office be a permanent resident of the county which he or she is
 26 appointed to represent.

27 (d) Notwithstanding any provision to the contrary in this
28 subsection, in any county as defined in s. 125.011(1), the
29 governing body of an authority shall consist of up to nine ~~13~~
30 members, and the following provisions of this paragraph shall
31 apply specifically to such authority. Except for the district
32 secretary of the department, the members must be residents of
33 the county. Five ~~Seven~~ voting members shall be appointed by the
34 governing body of the county. At the discretion of the governing
35 body of the county, up to two of the members appointed by the
36 governing body of the county may be elected officials residing
37 in the county. Three ~~Five~~ voting members of the authority shall
38 be appointed by the Governor. One member shall be the district
39 secretary of the department serving in the district that
40 contains such county. This member shall be an ex officio voting
41 member of the authority. If the governing body ~~board~~ of an
42 authority includes any member originally appointed by the
43 governing body of the county as a nonvoting member, when the
44 term of such member expires, that member shall be replaced by a
45 member appointed by the Governor until the governing body of the
46 authority is composed of five ~~seven~~ members appointed by the
47 governing body of the county and three ~~five~~ members appointed by
48 the Governor. Except as provided in subsection (5), the
49 qualifications, terms of office, and obligations and rights of
50 members of the authority shall be determined by resolution or
51 ordinance of the governing body of the county in a manner that
52 is consistent with subsections (3) and (4).

53 (5) In a county as defined in s. 125.011(1):
 54 (a)1. A lobbyist, as defined in s. 112.3215, may not be
 55 appointed or serve as a member of the governing body of an
 56 authority.
 57 2. A person may not be appointed to or serve as a member
 58 of the governing body of an authority if that person currently
 59 represents or has in the previous 4 years represented any client
 60 for compensation before any state or municipal governmental
 61 body, including any agency, quasi-governmental entity, or body
 62 staffed by public employees, or entity that has its operations
 63 paid for by public dollars.
 64 3. A person may not be appointed to or serve as a member
 65 of the governing body of an authority if that person currently
 66 represents or has in the previous 4 years represented any person
 67 or entity that is doing business, or in the previous 4 years has
 68 done business, with any state or municipal governmental agency
 69 or body.
 70 (1) A finding of a violation of this subsection or chapter
 71 112, or failure to comply within 90 days after receiving a
 72 notice of failure to comply with financial disclosure
 73 requirements, results in immediate termination from the
 74 governing body of the authority.
 75 Section 2. This act shall take effect upon becoming a law.



Amendment No.1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Nuñez offered the following:

Amendment

5 Remove lines 60-69 and insert:
6 for compensation before the authority.

7 3. A person may not be appointed to or serve as a member
 8 of the governing body of an authority if that person currently
 9 represents or has in the previous 4 years represented any person
 10 or entity that is doing business, or in the previous 4 years has
 11 done business, with the authority.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 435 Gold Star License Plates
SPONSOR(S): Burgess, Jr.
TIED BILLS: IDEN./SIM. BILLS: SB 88

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	8 Y, 0 N	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee		Whittaker	Pitts 

SUMMARY ANALYSIS

The Gold Star special license plate, created in 2007, was developed to honor the family members of service members who have been killed while serving in the Armed Forces of the United States. To qualify for a Gold Star license plate, the applicant must be directly related to a fallen service member as spouse, legal mother or father, or stepparent who is currently married to the mother or father of the fallen service member.¹

The bill expands the list of individuals who qualify for issuance of a Gold Star license plate to include the following family members of a fallen service member upon payment of the appropriate license tax and fees:

Parent through adoption	Child	Brother/Sister
Foster parent	Stepchild	Half-brother
Grandparent	Adopted child	Half-sister

Additionally, the bill removes the requirement that the stepparent must be currently married to the mother or father of the fallen service member.

The fiscal impact of the bill is indeterminate. The bill will have a negative, but likely insignificant fiscal impact to the Department of Highway Safety and Motor Vehicles (DHMSV) for each additional Gold Star plate that must be manufactured. The bill may have a positive, but likely insignificant fiscal impact to state trust funds due to revenues generated from the sales of additional Gold Star plates. See fiscal comments.

The bill provides an effective date of upon becoming a law.

¹ s. 320.0894, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

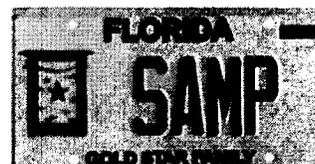
A. EFFECT OF PROPOSED CHANGES:

Present Situation

Gold Star License Plate

The Gold Star special license plate, created in 2007, was developed to honor the family members of service members who have been killed while serving in the Armed Forces of the United States. To qualify for a Gold Star license plate, the applicant must be directly related to a fallen service member as spouse, legal mother or father, or stepparent who is currently married to the mother or father of the fallen service member.²

The Gold Star plate bears a unique design that includes the symbol for a fallen service member: a gold star with blue fringe on a white background with a red border.³



A qualifying surviving spouse and a surviving parent, upon application, are issued the Gold Star license plate for one vehicle per household free of charge. Renewal decals are also issued free of charge. Other qualifying applicants, or additional household license plates, are subject to payment of the license tax and appropriate fees. Each initial application for a Gold Star license plate must include documented proof that the service member was killed while serving and proof of relationship to the service member.⁴

During fiscal year 2014-15, there were 51 Gold Star license plates issued and as of August 2015, there were 564 active registrations statewide.⁵

Proposed Change

The bill amends s. 320.0894(4)(a), F.S., expanding the list of individuals who qualify for issuance of a Gold Star license plate to include the following family members of a fallen service member upon payment of the appropriate license tax and fees:

Parent through adoption	Child	Brother/Sister
Foster parent	Step child	Half brother
Grandparent	Adopted child	Half sister

Additionally, the bill removes the requirement that the stepparent must be currently married to the mother or father of the fallen service member.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.0894, F.S., including certain individuals as qualified for issuance of a Gold Star license plate.

Section 2 Provides an effective date of upon becoming a law.

² s. 320.0894(4)(a)2., F.S.

³ s. 320.0894(1), F.S.

⁴ s. 320.0894(3)-(4), F.S.

⁵ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2016 House Bill 435, (November 25, 2015) (on file with the Economic Affairs Committee).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will have a positive, but likely insignificant fiscal impact to state trust funds. If a Gold Star plate is purchased to replace a plate prior to the original plate's scheduled ten year replacement date, the purchaser would have to pay \$28 to obtain the Gold Star plate. .

2. Expenditures:

The state will pay \$2.82 in manufacturing costs for each additional Gold Star license plate issued.⁶ A standard license plate costs \$1.57 to manufacture, so there will be a net cost of \$1.25 for each additional Gold Star plate manufactured.⁷ The cost to implement this bill will be absorbed within the DHSMV's existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Any newly eligible family member who chooses to purchase a Gold Star license plate will pay \$28 if the Gold Star plate replaces a plate prior to the original plate's scheduled ten year replacement date; otherwise, the same taxes and fees will apply as if he or she were issued a standard license plate.⁸

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

⁶ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2016 House Bill 435, (November 25, 2015) (on file with the Economic Affairs Committee).

⁷ Email from the DHSMV (Dec. 17, 2015)(on file with the Economic Affairs Committee)

⁸ License taxes vary based on type and weight of vehicle. *See* s. 320.08, F.S.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill expands the list of individuals who qualify for issuance of a Gold Star license plate. One of the individuals on the expanded list is the parent through adoption. It is unclear what distinction there may be between a parent through adoption and a legal mother or father who already qualify for the Gold Star license plate

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to Gold Star license plates; amending
 3 s. 320.0894, F.S.; revising qualifications for receipt
 4 of a Gold Star license plate to include certain
 5 relatives of a fallen servicemember; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (a) of subsection (4) of section
 11 320.0894, Florida Statutes, is amended to read:

12 320.0894 Motor vehicle license plates to Gold Star family
 13 members.—The department shall develop a special license plate
 14 honoring the family members of servicemembers who have been
 15 killed while serving in the Armed Forces of the United States.
 16 The license plate shall be officially designated as the Gold
 17 Star license plate and shall be developed and issued as provided
 18 in this section.

19 (4)(a)1.a. The Gold Star license plate shall be issued
 20 only to family members of a servicemember who resided in Florida
 21 at the time of the death of the servicemember.

22 b. Any family member, as defined in subparagraph 2., of a
 23 servicemember killed while serving may be issued a Gold Star
 24 license plate upon payment of the license tax and appropriate
 25 fees as provided in paragraph (3)(a) without regard to the state
 26 of residence of the servicemember.

27 2. To qualify for issuance of a Gold Star license plate,
 28 the applicant must be directly related to a fallen servicemember
 29 as spouse, legal mother or father, ~~or stepparent,~~ parent through
 30 adoption, foster parent, grandparent, child, stepchild, adopted
 31 child, brother, sister, half-brother, or half-sister ~~who is~~
 32 ~~currently married to the mother or father~~ of the fallen
 33 servicemember.

34 3. A servicemember is deemed to have been killed while in
 35 service as listed by the United States Department of Defense and
 36 may be verified from documentation directly from the Department
 37 of Defense or from its subordinate agencies, such as the Coast
 38 Guard, Reserve, or National Guard.

39 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 825 Central Florida Expressway Authority
SPONSOR(S): Miller
TIED BILLS: IDEN./SIM. BILLS: SB 1110

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	11 Y, 0 N, As CS	Willson	Vickers
2) Economic Affairs Committee		Willson <i>MW</i>	Pitts <i>JP</i>

SUMMARY ANALYSIS

The bill relates to the Central Florida Expressway Authority (CFX). In summary, the bill:

- Clarifies that authority members from Seminole, Lake, and Osceola Counties must be a county commission member, chair, or county mayor from their respective counties.
- Provides that the terms of the authority members appointed by the Governor must end on December 31 of the last year of service.
- Removes an obsolete provision regarding the term ending dates of the board members of the former Orlando-Orange County Expressway Authority (OOCEA).
- Removes a requirement that one of the authority members serve as the authority's secretary.
- Removes a provision that requires title to the former OOCEA system be transferred to the state upon the performance and termination of a lease-purchase agreement.

The bill does not appear to have a significant fiscal impact on state or local government.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Orlando Orange County Expressway Authority (OOCEA), was created in part III of Ch. 348, F.S.,¹ and served Orange County. It was authorized to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.²

In 2014, CS/CS/SB 230 changed OOCEA to the Central Florida Expressway Authority (CFX).³ In summary, the bill:

- Created CFX and provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of OOCEA to CFX.
- Provided for the composition of the governing body of CFX and the appointment of its officers.
- Provided ethics and accountability requirements of CFX board members and employees.
- Provided that the area served by CFX is within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.
- Removed the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Required that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removed the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Extends the terms of lease-purchase agreements between the Central Florida Expressway System and the state from 40 to 99 years.
- Provided for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of the Osceola County Expressway Authority Act⁴ when the Osceola County Expressway System is transferred to CFX.

Section 348.757, F.S., authorizes CFX to enter into a lease-purchase agreement with DOT for the former OOCEA system.⁵ The agreement must provide for the leasing of the former OOCEA system, by CFX, as lessor, to DOT, as lessee, as well as prescribe the term of such lease and rentals to be paid. Upon the completion of the faithful performance and termination of the lease-purchase agreement, CFX must transfer title to the system to the state.

In 2012, the OOCEA and DOT agreed, pursuant to a Memorandum of Understanding (MOU), to jointly undertake construction of a beltway around the Orlando metropolitan area called the Wekiva Parkway (Parkway).⁶ An Interlocal Agreement was approved in 2014 that included specific terms and conditions governing the project that are consistent with the MOU. The agreement called for the OOCEA to independently finance, build, own, and manage sections of the Parkway located primarily in Orange

¹ Part III of Ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

² s. 348.754(2)(n), F.S.

³ Ch. 2014-171, Laws of Fla.

⁴ Part V of Ch. 348, F.S.

⁵ s. 348.757(1), F.S.

⁶ See Metroplan Orlando website, *The Wekiva Parkway Project is Preparing to Move Forward* (June 30, 2012), available at <http://www.metroplanorlando.com/news/press-releases/wekiva-parkway-project-moves-forward/>. (last visited December 10, 2015).

County, and for DOT to be responsible for the remaining portions of the Parkway in Lake and Seminole Counties.⁷ As part of the agreement, the OOCEA agreed to repay long-term debt owed to DOT.

To ensure that funds would be available for the DOT portion of the Wekiva Parkway, the 2012 Legislature required the OOCEA to repay DOT for the operation and maintenance of the expressway system in accordance with the lease-purchase agreement. A repayment schedule was established for the OOCEA to reimburse DOT for all costs of the expressway system which were paid, advanced, or reimbursed to the OOCEA by DOT.⁸

Additionally, the 2012 Legislature provided for the expressway system to remain the property of the former OOCEA upon termination of the lease-purchase agreement.⁹ This provision superseded an earlier statutory provision, which required title to the expressway system to be transferred to the state upon termination of the lease-purchase agreement.¹⁰

CFX currently owns and operates 105 centerline miles of roadway in Orange County, including:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 5 miles of the John Land Apopka Expressway (SR 414).

Proposed Changes

The bill amends s. 348.753(3), F.S., providing that the individual appointed by the respective Seminole, Lake, and Osceola boards of county commissioners *must* be a county commissioner or county mayor.¹¹ The bill also provides that members appointed by the Governor have their terms end on December 31 of his or her last year of service. The bill also removes an obsolete provision related to term expiration for past board members.

The bill amends s. 348.753(4)(a), F.S., removing the requirement that one of the members of the board serve as the authority's secretary.

The bill amends s. 348.757(2), F.S., removing the provision that, upon completion and termination of the lease-purchase agreement, title in fee simple absolute of the former OOCEA system is transferred by the authority to the state. This language has been superseded by the repayment and transfer provisions enacted by the 2012 Legislature in Ch. 2012-128, Laws of Florida, and the Interlocal Agreement between DOT and CFX regarding the Wekiva Parkway.

The bill has an effective date of July 1, 2016.

B. SECTION DIRECTORY:

- | | |
|-----------|--|
| Section 1 | Amends s. 348.753, F.S., relating to the governing body of the Central Florida Expressway Authority. |
| Section 2 | Amends s. 348.757, F.S., relating to a lease-purchase agreement. |
| Section 3 | Provides an effective date. |

⁷ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, p. 4, available at <http://www.ftc.state.fl.us/reports/TAMO.shtml> (last visited December 10, 2015).

⁸ s. 101, Ch. 2012-174, Laws of Fla. See also s. 348.7546, F.S.

⁹ s. 348.757(9), F.S.; Ch. 2012-174, Laws of Fla.

¹⁰ s. 348.757(2), F.S.

¹¹ Currently, s. 348.753(3), F.S., provides that appointees *may* be a county commission member or chair.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

To the extent that any extensions, additions, or improvements to the expressway system in Lake County impact those portions of the Wekiva Parkway for which the DOT is responsible, the financial feasibility of those portions may be negatively impacted.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities of counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 12, 2016, the Transportation & Ports Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. In summary, the amendment:

- Removed a provision repealing a requirement that CFX obtain the Secretary of DOT's consent prior to the construction of any extensions, additions, or improvements to the expressway system in Lake County. The provision will remain in statute.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A bill to be entitled
 An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; revising provisions for the membership and organization of the governing body of the authority; specifying the date that the terms of certain members end; amending s. 348.757, F.S.; removing a provision that requires title to the former Orlando-Orange County Expressway System be transferred to the state; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) and paragraph (a) of subsection (4) of section 348.753, Florida Statutes, are amended to read:
 348.753 Central Florida Expressway Authority.—

(3) The governing body of the authority shall consist of nine members. The chairs of the boards of the county commissions of Seminole, Lake, and Osceola Counties shall each appoint one member from his or her respective county, who must ~~may~~ be a commission member or chair or a county mayor. The Mayor of Orange County shall appoint a member from the Orange County Commission. The Governor shall appoint three citizen members, each of whom must be a citizen of either Orange County, Seminole County, Lake County, or Osceola County. The ~~eighth member must be the Mayor of Orange County and. The ninth member must be the~~

27 Mayor of the City of Orlando shall also serve as members. The
 28 executive director of the Florida Turnpike Enterprise shall
 29 serve as a nonvoting advisor to the governing body of the
 30 authority. Each member appointed by the Governor shall serve for
 31 4 years, with the member's term ending on December 31 of his or
 32 her last year of service. Each county-appointed member shall
 33 serve for 2 years. ~~The terms of standing board members expire~~
 34 ~~June 20, 2014~~. Each appointed member shall hold office until his
 35 or her successor has been appointed and has qualified. A vacancy
 36 occurring during a term must be filled only for the balance of
 37 the unexpired term. Each appointed member of the authority must
 38 ~~shall~~ be a person of outstanding reputation for integrity,
 39 responsibility, and business ability, but, except as provided in
 40 this subsection, a person who is an officer or employee of a
 41 municipality or county may not be an appointed member of the
 42 authority. Any member of the authority is eligible for
 43 reappointment.

44 (4) (a) The authority shall elect one of its members as
 45 chair of the authority. The authority shall also elect one of
 46 its members as vice chair, ~~one of its members as secretary,~~ and
 47 one of its members as treasurer. The chair, vice chair,
 48 ~~secretary,~~ and treasurer shall hold such offices at the will of
 49 the authority. Five members of the authority constitute a
 50 quorum, and the vote of five members is necessary for any action
 51 taken by the authority. A vacancy in the authority does not
 52 impair the right of a quorum of the authority to exercise all of

53 the rights and perform all of the duties of the authority.

54 Section 2. Subsection (2) of section 348.757, Florida
 55 Statutes, is amended to read:

56 348.757 Lease-purchase agreement.—

57 (2) The lease-purchase agreement must provide for the
 58 leasing of the former Orlando-Orange County Expressway System,
 59 by the authority, as lessor, to the department, as lessee, and
 60 must prescribe the term of such lease and the rentals to be
 61 paid, ~~and must provide that upon the completion of the faithful~~
 62 ~~performance and the termination of the lease-purchase agreement,~~
 63 ~~title in fee simple absolute to the former Orlando-Orange County~~
 64 ~~Expressway System as then constituted shall be transferred in~~
 65 ~~accordance with law by the authority, to the state and the~~
 66 ~~authority shall deliver to the department such deeds and~~
 67 ~~conveyances as shall be necessary or convenient to vest title in~~
 68 ~~fee simple absolute in the state.~~

69 Section 3. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4027 Traffic Infraction Detectors
SPONSOR(S): Artiles
TIED BILLS: IDEN./SIM. BILLS: SB 168

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee		Johnson <i>AS</i>	Pitts <i>JP</i>
2) Appropriations Committee			

SUMMARY ANALYSIS

In 2010, the Legislature enacted the Mark Wandall Traffic Safety Act, authorizing the use of traffic infraction detectors, commonly known as red light cameras, and expressly preempting to the state the regulation and use of traffic infraction detectors.

The bill repeals and amends various provisions of law, removing authorization for the use of traffic infraction detectors, which are currently used to enforce specified provisions of traffic law by automatically photographic vehicles whose drivers run red lights.

The bill leaves intact the express preemption to the state the regulation of use of traffic infraction detectors; thereby, prohibiting the implementation of red light camera programs by local ordinance.

The bill has a negative fiscal impact on state general revenue and trusts and local revenue beginning on July 1, 2019. The total estimated negative fiscal impact on state and local governments is \$133.3 million recurring in fiscal year 2019-2020 and negative \$135 million in recurring in fiscal year 2020-2021.

The bill has an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Red Light Cameras Generally

Traffic infraction detectors,¹ more commonly known as “red light cameras,”² are used to document traffic law violations by automatically photographing vehicles whose drivers have failed to yield a red light. 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, date and time of day, 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 CS/CS/HB 325,³ expressly preempting to the state the regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.,⁴ which is known as the Florida Uniform Traffic Control Law.⁵ The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.⁶

Jurisdiction, Installation, and Awareness

Every traffic infraction detector must meet requirements established by the Department of Transportation (DOT) and must be tested at regular intervals according to procedures prescribed by DOT.⁷ 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.⁸ Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.⁹

Municipalities may install or authorize the installation of traffic infraction detectors on streets and highways in accordance with the DOT standards, and on state roads within the incorporated area when permitted by DOT.¹⁰ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with DOT standards, and on state roads in unincorporated areas of the county when permitted by DOT.¹¹ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of DOT, when permitted by the DOT.¹²

¹ Section 316.003(87), F.S., defines “traffic infraction detector” as “[a] vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.”

² In this analysis, the terms “traffic infraction detector” and “red light camera” are used interchangeably.

³ Chapter 2010-80, L.O.F.

⁴ Section 316.0076, F.S.

⁵ Section 316.001, F.S.

⁶ Section 316.0083, F.S.

⁷ Section 316.0776, F.S.

⁸ Section 316.0776(2), F.S.

⁹ *Id.*

¹⁰ Section 316.008(8), F.S.; section. 316.0776(1), F.S.

¹¹ *Id.*

¹² Section 321.50, F.S. DHSMV is not currently administering a red-light camera program.

Traffic Control Devices

Section 316.0745(1), F.S., requires DOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state. Section 316.075(3)(a), F.S., provides that no traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal, but it does not specify the length of time that the yellow or red light must be exhibited.

Inspection of Traffic Control Signal Devices

DOT officials reported that it enters into traffic signal maintenance agreements with counties and municipalities, and these agreements are the mechanism for ensuring that jurisdictions comply with yellow light timing and other traffic signal standards.¹³ In addition, DOT staff conducts field tests and quality assurance reviews that encompass a number of issues, including yellow light interval timing.

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 notification of violation must be issued to the registered owner of the vehicle within 30 days of the alleged violation.¹⁴ The notification must be sent by first-class mail, and must include a statement that informs the owner of the right to review the photographic or video evidence, upon which the violation is based, as well as the time and place or Internet location where the evidence may be reviewed.¹⁵ Violations may not be issued if the driver is making a right-hand turn in a "careful and prudent manner,"¹⁶ or if the driver comes to a complete stop before making a permissible right turn.¹⁷

A person who has been issued a notice of violation for a red light camera violation may elect to receive a hearing within 60 days following the date of the notice of violation. No payment or fee may be required in order to receive the hearing. Further, if a person elects to receive a hearing, the person waives his or her right to challenge delivery of the notice of violation.¹⁸ If the notice of violation is upheld, the local hearing officer must require the petitioner to pay the \$158 penalty and may also require the petitioner to pay county or municipal costs, not to exceed \$250.¹⁹

If the registered owner of the vehicle does not pay the violation within 60 days following the date of notification, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.²⁰ The UTC must be mailed by certified mail.²¹ Like the notice of violation, the UTC must also include the photograph and statements described above regarding review of the photographic or video evidence.²² 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.²³

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.²⁴

Penalties

¹³ "Florida Red Light Camera Programs" OPPAGA research memorandum, (January 31, 2014)

¹⁴ Section 316.0083(1)(b), F.S.

¹⁵ *Id.*

¹⁶ Section 316.0083(2), F.S.

¹⁷ Section 316.0083(1)(a), F.S.

¹⁸ *Id.*

¹⁹ Sections 316.0083(5)(e), and 318.18(22), F.S.

²⁰ Section 316.0083(1)(c), F.S.

²¹ *Id.*

²² *Id.*

²³ Section 316.0083(1)(e), F.S.

²⁴ Section 316.650(3)(c), F.S.

Red light camera citations carry a \$158 penalty. When the \$158 penalty is the result of local government enforcement, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).²⁵ DOR subsequently distributes the penalty by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health (DOH) Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁶

When the \$158 penalty is the result of enforcement by DHSMV, \$45 is retained by the local government and \$113 is deposited with DOR.²⁷ DOR subsequently distributes the penalty by depositing \$100 in the General Revenue Fund, \$10 in the DOH Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁸ DHSMV does not currently operate any red light cameras.

If a law enforcement officer cites a motorist for the same offense, the penalty 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.²⁹

Citations from traffic infraction detectors 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.³⁰

Proceeds retained by local government

As stated above, each time a \$158 red light violation penalty is collected the local government retains \$75 and remits \$83 to the state. In a survey of local governments that operate a red light camera program, the Office of Policy Analysis & Governmental Accountability (OPPAGA)³¹ reported that, over a three- year period:

- 49 percent of total money collected went to red light camera vendors.
- 78 percent of respondents reported excess revenue after payments to vendors and other program expenses. Excess revenue was allocated to:
 - general fund (76%)
 - public safety/police (14%)
 - road repair/maintenance (5%)
- 16 percent of respondents had difficulty generating sufficient revenue to make vendor payments and have accrued outstanding balances

Local governments must procure for the services of a red light camera vendor. The contract term generally ranges from three to five years.³² Local governments typically pay between \$4,250 and \$4,750 per camera, per month.³³

DHSMV – 2015 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, which shall include the following information:

- Red light camera program results over the preceding fiscal year;
- The procedures for enforcement; and
- Other statistical data and information required by DHSMV.³⁴

²⁵ Sections 318.18(15), and 316.0083(1)(b)3., F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 318.18(15), F.S.

³⁰ Section 322.27(3)(d)6., F.S.

³¹ "Florida Red Light Camera Programs." *OPPAGA Research Memorandum* (January 31, 2014)

³² *Id.*

³³ *Id.*

³⁴ Section 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

Based on this data covering the period between July 1, 2014 and June 30, 2015 (survey period), DHSMV submitted a summary report to the Governor and Legislature containing the following findings:

- 71 agencies responded that they had red light camera in operation during the survey period.³⁵
- During the survey period, the agencies issued a total of 963,039 Notices of Violation.
- Of the Notices of Violation issued, 630,369 paid the fine. (65.4%).
- 14,814 notices of violation were contested and dismissed (1.5%).
- 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 71 agencies responding to the survey, 68 percent indicated that they issue Notices of Violation for a right-on-red violation, and 32 percent indicated that they did not issue Notices of Violation for a right-on-red violation. During the reporting period 253,744 (26.34%) Notices of Violation were issued for right hand turns.

Crash statistics

In its December 2015, Red Light Camera Report, DHSMV provided the following breakdown in the number of crashes at RLC intersections before and after the cameras were installed:³⁶

	Before RLC Installed	After RLC Installed	Percentage Change
Total Crashes	3,453	3,959	14.65%
Angle Crashes	815	814	-0.12%
Rear-End Crashes	835	920	10.18%
Non-Incapacitating Injuries	459	506	2.22%
Incapacitating Injuries	174	225	29.31%
Fatalities	16	18	
Crashes Involving Non-Motorists	185	216	16.75%
Fatal Crashes Involving Motorists	4	7	

Litigation

In October 2014, the Florida Fourth District Court of Appeal dismissed a red light camera citation after finding that the local government had delegated an impermissible measure of discretion and control over their red light camera program to a private third-party vendor.³⁷ Under the terms of the contract, the vendor decided which infractions would be reviewed by the City, obtained the information needed to fill out a citation, completed the citation, issued the citation, and transmitted the citation information to the court.³⁸ In Florida, only traffic infraction enforcement officers and sworn law enforcement officers are authorized to issue a traffic citation.³⁹ The Florida Supreme Court declined to accept jurisdiction on the case.⁴⁰

The *Arem* decision may have an effect on the administration of red light camera programs throughout the state. Some jurisdictions have voted to suspend or terminate their red light camera programs since the decision was handed down.

Proposed Changes

³⁵ Two jurisdictions did not respond to DHSMV’s survey.

³⁶ It should be noted that other factors may have contributed to the number of crashes.

³⁷ *City of Hollywood v. Arem*, 39 Fla. L. Weekly D2175 (Fla. 4th DCA October 15, 2014)

³⁸ *Id.*

³⁹ Sections 316.0083(1)(b)3., and 316.650(3)(c), F.S.

⁴⁰ Supreme Court of Florida, *City of Hollywood vs. Arem*, Case No. SC15-236. Order Issued April 13, 2015.

In general, the bill prohibits the use of traffic infraction detectors as of July 1, 2019.

Definitions (Section 1)

Section 316.003(87), F.S., defines “traffic infraction detector” as a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 318.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control signal device being violated.

Section 316.003(91), F.S., defines “local hearing officer” as the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), F.S., who is authorized to conduct hearings related to the notice of violation pursuant to s. 316.0083, F.S. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

The bill repeals ss. 316.003(87) and (91), F.S., repealing the definitions of “traffic infraction detector” and “local hearing officer.”

Powers of Local Authorities (Section 2)

Section 316.008(8), F.S., authorizes counties and municipalities to use traffic infraction detectors when a driver fails to stop at a traffic signal on streets or highways under its jurisdiction.⁴¹

The bill repeals s. 316.008(8), F.S., repealing the authorization for municipalities and counties to use traffic infraction detectors.

Mark Wandall Traffic Safety Program; administration; report. (Section 3)

Section 316.0083, F.S., creates the Mark Wandall Traffic Safety Program, authorizing the use of, and provides for the administration of traffic infraction detectors. More specifically the statute:

- Authorizes DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue traffic citations for specified provisions of traffic law relating to the obedience to traffic control signals and stopping a vehicle facing a steady red signal;
- Prohibits issuance of notices of violation for traffic citations for failing to stop while making rolling “right-on-red” turns in a “careful and prudent manner” and for failing to stop before crossing the stop line or other point at which a stop is required when making a “right-on-red” turn;
- Provides the process and requirements for issuance of notices of violation, sets forth specific information to be included in such notices; provided alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; providing penalty amounts and fine distributions; and prohibits certain individuals, manufacturers, or vendors from receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors;
- Provides the process and requirements for issuance of traffic citations; sets forth specific information to be included in such notices; provides for defenses to be established by affidavit, states requirements for information to be included in such affidavits, provides penalties for submission of false affidavits; provides for dismissal of citations and issuance notices of violation and traffic citations to the person designated in an affidavit as having care, custody, or control of the motor vehicle at the time of the violation; and provides for supplemental enforcement;

⁴¹ Section 316.008(8)(a), F.S.

- Requires each county or municipality that operates traffic infraction detectors to provide a specified annual summary report to DHSMV regarding the use and operation of traffic infraction detectors, and requires DHSMV to prepare an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

The bill repeals s. 316.0083, F.S., repealing to the Mark Wandall Traffic Safety Program.

Distribution of Penalties Collected (Section 4)

Section 316.00831, F.S., provides for the distribution of penalties collected under the Mark Wandall Traffic Safety Program.

The bill repeals s. 316.00831, F.S., repealing the distribution of the penalties under the Mark Wandall Traffic Safety Program.

Transitional Implementation (section 5)

Section 316.07456, F.S., provides for transitional implementation for traffic infraction detectors.

The bill repeals s. 316.07456, F.S., repealing the transitional implementation for traffic infraction detectors.

Traffic infraction detectors; placement and implementation. (Section 6)

Section 316.0776, F.S., provides for the placement and installation of traffic infraction detectors.

The bill repeals s. 316.0776, F.S., repealing provisions relating to the placement and installation of traffic infraction detectors.

Failure to comply with civil penalty or to appear; penalty. (Section 7)

Section 318.15(3), F.S., requires the clerk of court to notify DHSMV of persons who were mailed notices of violation pursuant to the Mark Wandall Traffic Safety Program who fail to enter into, or comply with the terms of, a penalty payment plan, or order with the clerk to the local hearing officer of failed to appear at a scheduled hearing within 10 days after such failure.

Upon receiving the notice, DHSMV, or its authorized agent is prohibited from issuing a license plate or revalidation sticker for any motor vehicle owned or coowned by that person until the assessed amount has been fully paid.

After the issuance of the license plate or revalidation sticker is withheld, the person may challenge the withholding of the license plate or revalidation sticker only on the basis that the outstanding fines and civil penalties have been paid.

The bill repeals s. 318.15(3), F.S., relating to withholding vehicle registration for failure to pay penalties associated with the Mark Wandall Traffic Safety Program.

Authorization to use traffic infraction detectors (Section 8)

Section 321.50, F.S., authorizes DHMSV to use traffic infraction detectors on state roads under the original jurisdiction of DOT, when permitted by DOT.

The bill repeals s. 321.50, F.S., repealing the authorization for DHSMV to install traffic infraction detectors on state roads.

Enforcement of Traffic Laws (Section 10)

In general, s. 316.640, F.S., vests the enforcement of the state's traffic laws to various entities. Section 316.640(1), F.S., provides that various state agencies may enforce the state's traffic laws under various circumstances.

Section 316.640(1)(b)3., F.S., provides that for the purpose of enforcing the Mark Wandall Traffic Safety Program, DHSMV may designate employees as traffic infraction enforcement officers and provides minimum requirement for these officers. The statute also provides that the traffic infraction enforcement officers must be physically located in the state.

Section 316.640(5)(a), F.S. provides that any sheriff's department or municipal police department may employ traffic infraction enforcement officers. Included in this paragraph is the authorization for traffic infraction enforcement officers to issue traffic citations under the Mark Wandall Traffic Safety Program.

The bill repeals s. 316.640(1)(b)3., F.S., repealing DHSMV's authority to designate employees as traffic infraction enforcement officers.

The bill amends s. 316.640(5)(2), F.S., removing the ability for traffic enforcement officers to issue traffic citations under the Mark Wandall Traffic Safety Program.

Traffic Citations (Section 11)

Section 316.650(3)(c), F.S., provides that if a traffic citation is issued under the Mark Wandall Traffic Safety Program, the traffic infraction enforcement officer is required to provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the date of the issuance of the traffic citation to the violator. If a hearing is requested, the traffic infraction enforcement officer shall provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

The bill repeals s. 316.650(3)(c), F.S., regarding traffic citations issued under the Mark Wandall Traffic Safety Program.

Amount of Penalties (Section 14)

Section 318.18(15) and (22), F.S., provide for the amount of penalties for violations relating to traffic infraction detectors and the distribution of such penalties.

Section 318.18(15)(a)2., F.S., provides for distribution of the penalty for a violation enforced by DHSMV's traffic infraction enforcement officers. Section 318.18(15)(a)3., F.S., provides the penalties for violations enforced by a county's or municipality's traffic infraction enforcement officer. Section 318.18(15)(c), F.S., authorizes the clerk of court or the clerk to the local hearing officer to dismiss the case if the notice of violation was issued in error.

Section 318.18(15)(d), F.S., provides that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of traffic infraction detectors.

Section 318.18(22), F.S. provides that in addition to the penalty prescribed in the Mark Wandall Traffic Safety Program which are upheld, the local hearing officer may also order the payment of county or municipal costs, not to exceed \$250.

The bill amends s. 318.18(15), F.S., removing "when issued by a law enforcement officer" to provisions relating to the penalties for failing to stop at a traffic signal. The bill also removes provisions for the distribution of penalties, commission or per ticket fees or payment on the number of violations. The bill also repeals s. 318.18(22), F.S., relating to the payment of county and municipal costs.

Authority of DHSMV to suspend or revoke driver license or identification card (Section 16)

Section 322.27(3), F.S., provides the point system for the evaluation of convictions for motor vehicle violations. Section 322.27(3)(d)6., F.S., provides that the points for the violation of a traffic control signal is 4 points. However, the sub-paragraph provides that no points are imposed for a violation for failing to stop at a traffic control signal when enforced by a traffic infraction enforcement officer. Additionally, a violation where a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

The bill repeals the provision of s. 322.27(3)(d)6., F.S., repealing provisions regarding points and insurance rates regarding convictions regarding traffic infraction detectors.

Cross-references (Sections 9, 11, 12, 13, and 15)

The bill amends ss. 28.37(5), 316.650(3)(a), 318.121, 318.14(2), and 320.03(8) F.S. conforming cross-references.

Effective Date (Section 17)

The bill has an effective date of July 1, 2019.

B. SECTION DIRECTORY:

- Section 1 Repeals s. 316.003(87) and (91), F.S., providing the definition for “traffic infraction detector” and “local hearing officer.”
- Section 2 Repeals s. 316.008(8), F.S., relating to the powers of local authorities to use traffic infraction detectors.
- Section 3 Repeals s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.
- Section 4 Repeals s. 316.00831, F.S., relating to the distribution of penalties collected under s. 316.0083(1)(b), F.S.
- Section 5 Repeals s. 316.07456, F.S., relating to transitional implementation.
- Section 6 Repeals s. 316.0776, F.S., relating to traffic infraction detectors; placement and installation.
- Section 7 Repeals s. 318.15(3), F.S., relating to failure to comply with civil penalty or appear; penalty as it relates to traffic infraction detectors.
- Section 8 Repeals s. 321.50, F.S., relating to the authorization to use traffic infraction detectors.
- Section 9 Amends s. 28.37, F.S., relating to fines, fees, service charges, and costs remitted to the state to conform a cross-reference.
- Section 10 Amends s. 316.640, F.S., relating to enforcement.
- Section 11 Amends s. 316.650, F.S., relating to traffic citations to conform a cross-reference.
- Section 12 Amends s. 318.121, F.S., relating to the preemption of additional fees, fines, surcharges, and costs to conform a cross-reference.
- Section 13 Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exceptions; procedures to conform a cross-reference.
- Section 14 Amends s. 318.18, F.S., relating to the amount of penalties.

- Section 15 Amends s. 320.03, F.S., relating to registration; duties of tax collectors; International Registration Plan.
- Section 16 Amends s. 322.27, F.S., relating to the authority of the department to suspend or revoke driver license or identification card.
- Section 17 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

On October 16, 2015, the Revenue Estimating Conference reviewed the bill. The consensus estimate is that there will be the following **negative** recurring fiscal impact to state government revenues following the effective date of July 1, 2019:

Fiscal Year	General Revenue	Trust Funds	Total
2019-2020	\$56.8 million	\$10.8 million	\$67.6 million
2020-2021	\$57.5 million	\$11 million	\$68.5 million

2. Expenditures:

DOR will no longer incur the expenses associated with processing the payments from municipalities and counties and distributing the monies to the appropriate funds. However, these expenses are likely minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On October 16, 2015 the Revenue Estimating Conference reviewed the bill. The consensus estimate is that the will be the following **negative** recurring fiscal impact to local government revenues following the effective date of July 1, 2019:

Fiscal Year	Revenue
2019-2020	\$65.7 million
2020-2021	\$66.5 million

2. Expenditures:

Municipalities and counties will no longer incur the expenses associated with traffic infraction detectors. However, these entities may incur some expenses associated with removing existing traffic infraction detectors.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The possibility of a \$158 fine for the violation of a traffic infraction detector would be eliminated.

According to DHSMV, according to its 2015 survey, 71 jurisdictions responded that they operated traffic infraction detectors during the survey period. Each of these jurisdictions has a unique contract with a vendor to provide some, if not all, of the following services: installation, maintenance, monitoring, and

citation issuance. The value of these contracts and the specific stakeholders are not clear, but the impact will be significant.⁴²

D. FISCAL COMMENTS:

The bill does not go into effect until July 1, 2019. Therefore, any fiscal impact related to the bill will not take place before July 1, 2019.

According to DHSMV, passage of the bill would eliminate the need for the Annual Survey, Annual Red Light Camera Report, the vendor approval process for the issuance of the Notices of Violation. This would also alleviate the work load related to handling red light camera disputes and for granting access and registration stops; therefore, freeing up resources to focus on other projects and areas.⁴³

The bill will also eliminate the need for hearings to dispute the issuance of red light camera notices of violation.⁴⁴

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill diminishes their authority to raise revenue by repealing the authorization for traffic infraction detectors; however, an exception may apply since specific authority for traffic infraction detectors did not exist on February 1, 1989. Additionally, the bill also repeals the authority for DHSMV to install traffic infraction detectors.

2. Other:

Municipalities or counties may have contracts that provide for the use of traffic infraction detectors beyond July 1, 2019. To the extent that these contracts do not contain provisions regarding the termination of the contract upon the repeal of the authorization for traffic infraction detectors, there may be an impairment of contracts argument.

B. RULE-MAKING AUTHORITY:

While not in its rules, DHSMV indicates that the bill will require it to implement some procedure changes.⁴⁵

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

⁴² DHSMV bill analysis of HB 4027. On file with the Economic Affairs Committee.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

27 registration and renewal of license plates, and points
 28 assessed for certain violations, to conform provisions
 29 to changes made by the act; providing an effective
 30 date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Subsections (87) and (91) of section 316.003,
 35 Florida Statutes, are repealed.

36 Section 2. Subsection (8) of section 316.008, Florida
 37 Statutes, is repealed.

38 Section 3. Section 316.0083, Florida Statutes, is
 39 repealed.

40 Section 4. Section 316.00831, Florida Statutes, is
 41 repealed.

42 Section 5. Section 316.07456, Florida Statutes, is
 43 repealed.

44 Section 6. Section 316.0776, Florida Statutes, is
 45 repealed.

46 Section 7. Subsection (3) of section 318.15, Florida
 47 Statutes, is repealed.

48 Section 8. Section 321.50, Florida Statutes, is repealed.

49 Section 9. Subsection (5) of section 28.37, Florida
 50 Statutes, is amended to read:

51 28.37 Fines, fees, service charges, and costs remitted to
 52 the state.-

53 (5) Ten percent of all court-related fines collected by
 54 the clerk, except for penalties or fines distributed to counties
 55 or municipalities under ~~s. 316.0083(1)(b)3.~~ ~~or~~ s. 318.18(15)(a),
 56 shall be deposited into the clerk's Public Records Modernization
 57 Trust Fund to be used exclusively for additional clerk court-
 58 related operational needs and program enhancements.

59 Section 10. Paragraph (b) of subsection (1) and paragraph
 60 (a) of subsection (5) of section 316.640, Florida Statutes, are
 61 amended to read:

62 316.640 Enforcement.—The enforcement of the traffic laws
 63 of this state is vested as follows:

64 (1) STATE.—

65 (b)1. The Department of Transportation has authority to
 66 enforce on all the streets and highways of this state all laws
 67 applicable within its authority.

68 2.a. The Department of Transportation shall develop
 69 training and qualifications standards for toll enforcement
 70 officers whose sole authority is to enforce the payment of tolls
 71 pursuant to s. 316.1001. Nothing in this subparagraph shall be
 72 construed to permit the carrying of firearms or other weapons,
 73 nor shall a toll enforcement officer have arrest authority.

74 b. For the purpose of enforcing s. 316.1001, governmental
 75 entities, as defined in s. 334.03, which own or operate a toll
 76 facility may employ independent contractors or designate
 77 employees as toll enforcement officers; however, any such toll
 78 enforcement officer must successfully meet the training and

79 | qualifications standards for toll enforcement officers
 80 | established by the Department of Transportation.

81 | ~~3. For the purpose of enforcing s. 316.0083, the~~
 82 | ~~department may designate employees as traffic infraction~~
 83 | ~~enforcement officers. A traffic infraction enforcement officer~~
 84 | ~~must successfully complete instruction in traffic enforcement~~
 85 | ~~procedures and court presentation through the Selective Traffic~~
 86 | ~~Enforcement Program as approved by the Division of Criminal~~
 87 | ~~Justice Standards and Training of the Department of Law~~
 88 | ~~Enforcement, or through a similar program, but may not~~
 89 | ~~necessarily otherwise meet the uniform minimum standards~~
 90 | ~~established by the Criminal Justice Standards and Training~~
 91 | ~~Commission for law enforcement officers or auxiliary law~~
 92 | ~~enforcement officers under s. 943.13. This subparagraph does not~~
 93 | ~~authorize the carrying of firearms or other weapons by a traffic~~
 94 | ~~infraction enforcement officer and does not authorize a traffic~~
 95 | ~~infraction enforcement officer to make arrests. The department's~~
 96 | ~~traffic infraction enforcement officers must be physically~~
 97 | ~~located in the state.~~

98 | (5)(a) Any sheriff's department or police department of a
 99 | municipality may employ, as a traffic infraction enforcement
 100 | officer, any individual who successfully completes instruction
 101 | in traffic enforcement procedures and court presentation through
 102 | the Selective Traffic Enforcement Program as approved by the
 103 | Division of Criminal Justice Standards and Training of the
 104 | Department of Law Enforcement, or through a similar program, but

105 | who does not necessarily otherwise meet the uniform minimum
 106 | standards established by the Criminal Justice Standards and
 107 | Training Commission for law enforcement officers or auxiliary
 108 | law enforcement officers under s. 943.13. Any such traffic
 109 | infraction enforcement officer who observes the commission of a
 110 | traffic infraction or, in the case of a parking infraction, who
 111 | observes an illegally parked vehicle may issue a traffic
 112 | citation for the infraction when, based upon personal
 113 | investigation, he or she has reasonable and probable grounds to
 114 | believe that an offense has been committed which constitutes a
 115 | noncriminal traffic infraction as defined in s. 318.14. ~~In~~
 116 | ~~addition, any such traffic infraction enforcement officer may~~
 117 | ~~issue a traffic citation under s. 316.0083. For purposes of~~
 118 | ~~enforcing s. 316.0083, any sheriff's department or police~~
 119 | ~~department of a municipality may designate employees as traffic~~
 120 | ~~infraction enforcement officers.~~ The traffic infraction
 121 | enforcement officers must be physically located in the county of
 122 | the respective sheriff's or police department.

123 | Section 11. Paragraphs (a) and (c) of subsection (3) of
 124 | section 316.650, Florida Statutes, are amended to read:

125 | 316.650 Traffic citations.—

126 | (3)(a) Except for a traffic citation issued pursuant to s.
 127 | 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
 128 | issuing a traffic citation to an alleged violator of any
 129 | provision of the motor vehicle laws of this state or of any
 130 | traffic ordinance of any municipality or town, shall deposit the

131 original traffic citation or, in the case of a traffic
 132 enforcement agency that has an automated citation issuance
 133 system, the chief administrative officer shall provide by an
 134 electronic transmission a replica of the citation data to a
 135 court having jurisdiction over the alleged offense or with its
 136 traffic violations bureau within 5 days after issuance to the
 137 violator.

138 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
 139 ~~traffic infraction enforcement officer shall provide by~~
 140 ~~electronic transmission a replica of the traffic citation data~~
 141 ~~to the court having jurisdiction over the alleged offense or its~~
 142 ~~traffic violations bureau within 5 days after the date of~~
 143 ~~issuance of the traffic citation to the violator. If a hearing~~
 144 ~~is requested, the traffic infraction enforcement officer shall~~
 145 ~~provide a replica of the traffic notice of violation data to the~~
 146 ~~clerk for the local hearing officer having jurisdiction over the~~
 147 ~~alleged offense within 14 days.~~

148 Section 12. Section 318.121, Florida Statutes, is amended
 149 to read:

150 318.121 Preemption of additional fees, fines, surcharges,
 151 and costs.—Notwithstanding any general or special law, or
 152 municipal or county ordinance, additional fees, fines,
 153 surcharges, or costs other than the court costs and surcharges
 154 assessed under s. 318.18(11), (13), (18), and (19), ~~and (22)~~ may
 155 not be added to the civil traffic penalties assessed under this
 156 chapter.

157 Section 13. Subsection (2) of section 318.14, Florida
 158 Statutes, is amended to read:

159 318.14 Noncriminal traffic infractions; exception;
 160 procedures.—

161 (2) Except as provided in s. 316.1001(2) ~~ss. 316.1001(2)~~
 162 ~~and 316.0083~~, any person cited for a violation requiring a
 163 mandatory hearing listed in s. 318.19 or any other criminal
 164 traffic violation listed in chapter 316 must sign and accept a
 165 citation indicating a promise to appear. The officer may
 166 indicate on the traffic citation the time and location of the
 167 scheduled hearing and must indicate the applicable civil penalty
 168 established in s. 318.18. For all other infractions under this
 169 section, except for infractions under s. 316.1001, the officer
 170 must certify by electronic, electronic facsimile, or written
 171 signature that the citation was delivered to the person cited.
 172 This certification is prima facie evidence that the person cited
 173 was served with the citation.

174 Section 14. Subsections (15) and (22) of section 318.18,
 175 Florida Statutes, are amended to read:

176 318.18 Amount of penalties.—The penalties required for a
 177 noncriminal disposition pursuant to s. 318.14 or a criminal
 178 offense listed in s. 318.17 are as follows:

179 (15) ~~(a)1.~~ One hundred and fifty-eight dollars for a
 180 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 181 has failed to stop at a traffic signal ~~and when enforced by a~~
 182 ~~law enforcement officer~~. Sixty dollars shall be distributed as

183 provided in s. 318.21, \$30 shall be distributed to the General
 184 Revenue Fund, \$3 shall be remitted to the Department of Revenue
 185 for deposit into the Brain and Spinal Cord Injury Trust Fund,
 186 and the remaining \$65 shall be remitted to the Department of
 187 Revenue for deposit into the Emergency Medical Services Trust
 188 Fund of the Department of Health.

189 ~~2. One hundred and fifty-eight dollars for a violation of~~
 190 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 191 ~~stop at a traffic signal and when enforced by the department's~~
 192 ~~traffic infraction enforcement officer. One hundred dollars~~
 193 ~~shall be remitted to the Department of Revenue for deposit into~~
 194 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
 195 ~~for any violations occurring in any unincorporated areas of the~~
 196 ~~county or to the municipality for any violations occurring in~~
 197 ~~the incorporated boundaries of the municipality in which the~~
 198 ~~infraction occurred, \$10 shall be remitted to the Department of~~
 199 ~~Revenue for deposit into the Department of Health Emergency~~
 200 ~~Medical Services Trust Fund for distribution as provided in s.~~
 201 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
 202 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
 203 ~~Fund.~~

204 ~~3. One hundred and fifty-eight dollars for a violation of~~
 205 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 206 ~~stop at a traffic signal and when enforced by a county's or~~
 207 ~~municipality's traffic infraction enforcement officer. Seventy-~~
 208 ~~five dollars shall be distributed to the county or municipality~~

209 ~~issuing the traffic citation, \$70 shall be remitted to the~~
 210 ~~Department of Revenue for deposit into the General Revenue Fund,~~
 211 ~~\$10 shall be remitted to the Department of Revenue for deposit~~
 212 ~~into the Department of Health Emergency Medical Services Trust~~
 213 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~
 214 ~~shall be remitted to the Department of Revenue for deposit into~~
 215 ~~the Brain and Spinal Cord Injury Trust Fund.~~

216 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord
 217 Injury Trust Fund pursuant to this subsection shall be
 218 distributed quarterly to the Miami Project to Cure Paralysis and
 219 shall be used for brain and spinal cord research.

220 ~~(c)~~ ~~If a person who is mailed a notice of violation or~~
 221 ~~cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
 222 ~~enforced by a traffic infraction enforcement officer under s.~~
 223 ~~316.0083, presents documentation from the appropriate~~
 224 ~~governmental entity that the notice of violation or traffic~~
 225 ~~citation was in error, the clerk of court or clerk to the local~~
 226 ~~hearing officer may dismiss the case. The clerk of court or~~
 227 ~~clerk to the local hearing officer may not charge for this~~
 228 ~~service.~~

229 ~~(d)~~ ~~An individual may not receive a commission or per-~~
 230 ~~ticket fee from any revenue collected from violations detected~~
 231 ~~through the use of a traffic infraction detector. A manufacturer~~
 232 ~~or vendor may not receive a fee or remuneration based upon the~~
 233 ~~number of violations detected through the use of a traffic~~
 234 ~~infraction detector.~~

235 ~~(e)~~ Funds deposited into the Department of Health
 236 Emergency Medical Services Trust Fund under this subsection
 237 shall be distributed as provided in s. 395.4036(1).

238 ~~(22) In addition to the penalty prescribed under s.~~
 239 ~~316.0083 for violations enforced under s. 316.0083 which are~~
 240 ~~upheld, the local hearing officer may also order the payment of~~
 241 ~~county or municipal costs, not to exceed \$250.~~

242 Section 15. Subsection (8) of section 320.03, Florida
 243 Statutes, is amended to read:

244 320.03 Registration; duties of tax collectors;
 245 International Registration Plan.—

246 (8) If the applicant's name appears on the list referred
 247 to in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
 248 713.78(13), a license plate or revalidation sticker may not be
 249 issued until that person's name no longer appears on the list or
 250 until the person presents a receipt from the governmental entity
 251 or the clerk of court that provided the data showing that the
 252 fines outstanding have been paid. This subsection does not apply
 253 to the owner of a leased vehicle if the vehicle is registered in
 254 the name of the lessee of the vehicle. The tax collector and the
 255 clerk of the court are each entitled to receive monthly, as
 256 costs for implementing and administering this subsection, 10
 257 percent of the civil penalties and fines recovered from such
 258 persons. As used in this subsection, the term "civil penalties
 259 and fines" does not include a wrecker operator's lien as
 260 described in s. 713.78(13). If the tax collector has private tag

261 agents, such tag agents are entitled to receive a pro rata share
 262 of the amount paid to the tax collector, based upon the
 263 percentage of license plates and revalidation stickers issued by
 264 the tag agent compared to the total issued within the county.
 265 The authority of any private agent to issue license plates shall
 266 be revoked, after notice and a hearing as provided in chapter
 267 120, if he or she issues any license plate or revalidation
 268 sticker contrary to the provisions of this subsection. This
 269 section applies only to the annual renewal in the owner's birth
 270 month of a motor vehicle registration and does not apply to the
 271 transfer of a registration of a motor vehicle sold by a motor
 272 vehicle dealer licensed under this chapter, except for the
 273 transfer of registrations which includes the annual renewals.
 274 This section does not affect the issuance of the title to a
 275 motor vehicle, notwithstanding s. 319.23(8)(b).

276 Section 16. Paragraph (d) of subsection (3) of section
 277 322.27, Florida Statutes, is amended to read:

278 322.27 Authority of department to suspend or revoke driver
 279 license or identification card.—

280 (3) There is established a point system for evaluation of
 281 convictions of violations of motor vehicle laws or ordinances,
 282 and violations of applicable provisions of s. 403.413(6)(b) when
 283 such violations involve the use of motor vehicles, for the
 284 determination of the continuing qualification of any person to
 285 operate a motor vehicle. The department is authorized to suspend
 286 the license of any person upon showing of its records or other

287 | good and sufficient evidence that the licensee has been
 288 | convicted of violation of motor vehicle laws or ordinances, or
 289 | applicable provisions of s. 403.413(6)(b), amounting to 12 or
 290 | more points as determined by the point system. The suspension
 291 | shall be for a period of not more than 1 year.

292 | (d) The point system shall have as its basic element a
 293 | graduated scale of points assigning relative values to
 294 | convictions of the following violations:

- 295 | 1. Reckless driving, willful and wanton—4 points.
- 296 | 2. Leaving the scene of a crash resulting in property
 297 | damage of more than \$50—6 points.
- 298 | 3. Unlawful speed, or unlawful use of a wireless
 299 | communications device, resulting in a crash—6 points.
- 300 | 4. Passing a stopped school bus—4 points.
- 301 | 5. Unlawful speed:
 - 302 | a. Not in excess of 15 miles per hour of lawful or posted
 303 | speed—3 points.
 - 304 | b. In excess of 15 miles per hour of lawful or posted
 305 | speed—4 points.
- 306 | 6. A violation of a traffic control signal device as
 307 | provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 308 | ~~However, no points shall be imposed for a violation of s.~~
 309 | ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 310 | ~~stop at a traffic signal and when enforced by a traffic~~
 311 | ~~infraction enforcement officer. In addition, a violation of s.~~
 312 | ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~

313 ~~stop at a traffic signal and when enforced by a traffic~~
 314 ~~infraction enforcement officer may not be used for purposes of~~
 315 ~~setting motor vehicle insurance rates.~~

316 7. All other moving violations (including parking on a
 317 highway outside the limits of a municipality)-3 points. However,
 318 no points shall be imposed for a violation of s. 316.0741 or s.
 319 316.2065(11); and points shall be imposed for a violation of s.
 320 316.1001 only when imposed by the court after a hearing pursuant
 321 to s. 318.14(5).

322 8. Any moving violation covered in this paragraph,
 323 excluding unlawful speed and unlawful use of a wireless
 324 communications device, resulting in a crash-4 points.

325 9. Any conviction under s. 403.413(6)(b)-3 points.

326 10. Any conviction under s. 316.0775(2)-4 points.

327 11. A moving violation covered in this paragraph which is
 328 committed in conjunction with the unlawful use of a wireless
 329 communications device within a school safety zone-2 points, in
 330 addition to the points assigned for the moving violation.

331 Section 17. This act shall take effect July 1, 2019.