



ROADS, BRIDGES & PORTS POLICY COMMITTEE

Meeting Packet

**Wednesday, January 13, 2010
9:00 A.M. – 12:00 P.M.
404 HOB**

LARRY CRETUL
Speaker

GARY AUBUCHON
Chair



The Florida House of Representatives
Roads, Bridges & Ports Policy Committee

Larry Cretul
Speaker

Gary Aubuchon
Chair

AGENDA

January 13, 2010
404 House Office Building
9:00 a.m. – Noon

- I. CALL TO ORDER AND WELCOME REMARKS**
- II. CONSIDERATION OF THE FOLLOWING BILLS:**
 - HB 263 Motor Vehicles by Llorente**
 - HB 289 Specialty License Plates by Brandenburg**
 - HB 321 Road Designations by Boyd**
 - HB 325 Uniform Traffic Control by Reagan**
 - HB 351 Specialty License Plates by Patterson**
 - HB 399 Motor Vehicles by Kelly**
- III. ADJOURNMENT**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 263

Motor Vehicles

SPONSOR(S): Llorente

TIED BILLS:

IDEN./SIM. BILLS: SB 842

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee		Brown <i>R-B</i>	Miller <i>PM</i>
2)	Transportation & Economic Development Appropriations Committee			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

HB 263 requires the Department of Highway Safety and Motor Vehicles to modify certain applications to allow a \$1 voluntary contribution to be made to Prevent Child Sexual Abuse. Specifically, the bill amends sections 320.02, 322.08, and 322.18, F.S., to require motor vehicle applications and renewals, as well as drivers' license applications and renewals, to include a \$1 check-off to Lauren's Kids, Inc., a non-profit 501(c)(3) organization, for the prevention of childhood sexual abuse.

DHSMV has certified that Lauren's Kids, Inc., has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

The bill has an effective date of October 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill amends section 320.02, F.S., to require motor vehicle applications and renewals to include a \$1 check-off to "Prevent Child Sexual Abuse." The money is paid to Lauren's Kids, Inc., a non-profit 501(c)(3) organization, for the prevention of childhood sexual abuse. DHSMV has provided notice that Lauren's Kids, Inc., has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

The bill amends section 322.08, F.S., to provide a similar \$1 check-off on drivers' license applications, and amends s. 322.18, F.S., to provide a \$1 check-off on drivers' license renewal applications.

About Drivers' License Check-offs

Section 322.081, F.S., provides the procedures an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a driver's license application. The check-off allows a person applying for or renewing a Florida driver's license to voluntarily contribute to one or more of the authorized organizations during the driver's license transaction. Before the organization is eligible, it must submit the following to the DHSMV at least 90 days before the convening of the regular session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

The DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.¹

Pursuant to s. 322.08(7), F.S., the driver's license application and renewal forms currently include the following seven voluntary contribution check-offs. (The eighth, for Prevent Blindness Florida, is authorized

¹ Section 322.081(4)(a), F.S.

in s. 322.18(9)(a), F.S.) The total revenue and revenue generated by each check-off in the last 5-year period are summarized in the chart below:²

Driver License Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected w/in last 5 years	Total Revenue Collected
Organ & Tissue Donor Education (\$1)	1995-423, L.O.F.	7/1/1995	\$402,603	\$1,091,209
Prevent Blindness Florida (\$1)	1995-333, L.O.F.	10/01/1995	\$2,092,878	\$3,208,017
Florida Council of the Blind (\$1)	1996-413, L.O.F.	6/5/1996	\$185,343	\$482,340
Hearing Research Institute (\$2)	2000-313, L.O.F.	10/1/2000	\$185,053	\$320,988
Juvenile Diabetes Foundation International (\$1)	2000-313, L.O.F.	10/1/2000	\$592,835	\$1,017,278
Children's Hearing Help Fund (\$1)	2005-68, L.O.F.	7/1/2005	\$260,763	\$260,763
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$150,047	\$150,047
Stop Heart Disease (\$1)	2009-100, L.O.F.	10/1/2009	\$0	\$0
Total			\$3,869,522	\$6,530,642

About Motor Vehicle Registration Check-offs

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures which an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to DHSMV at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle's registration and renewal application forms. Included in s. 320.02, F.S., are options for voluntary contributions to the following corporations, trust funds, and organizations as shown in the chart below. The chart includes three additional voluntary contributions relating to registrations authorized in other sections of law.³

² The charts in this analysis were prepared by Senate staff as part of Senate Interim Report 2010-131, *Review of the Requirements for Establishing Specialty License Plates and Registration and Driver's License Check-Offs*, October 2009.

³ Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

Registration Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected w/in last 5 years	Total Revenue Collected
*Save the Manatee TF (\$2 or \$5)	1984-338, L.O.F.	7/1/1985	\$478,310	\$3,191,012
Nongame Wildlife Trust Fund (\$1)	1984-194, L.O.F.	10/1/1984	\$210,421	\$19,244,868
*Marine Resources Conservation TF (\$5) Turtle Sticker is issued	1991-215, L.O.F.	7/1/1992	\$422,228	\$1,067,533
Organ & Tissue Donor Education (\$1)	95-423, L.O.F.	7/1/1995	\$284,239	\$586,143
Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2)	1995-333, L.O.F.	10/1/1995	\$253,237	\$649,751
Transportation Disadvantaged Trust Fund (\$1)	1994-306, L.O.F.	7/1/1994	\$155,605	\$362,242
Prevent Blindness Florida (\$1)	1997-300, L.O.F.	10/1/1997	\$567,325	\$968,679
Florida Mothers Against Drunk Driving, Inc. (unspecified \$)	1999-233, L.O.F.	7/1/1999	\$350,902	\$542,973
Southeastern Guide Dogs, Inc. (\$1)	2005-254, L.O.F.	7/1/2005	\$225,256	\$225,256
Miami Heart Research Institute, Inc. (\$1)	2006-44, L.O.F.	7/1/2006	\$98,465	\$98,465
Children's Hearing Help Fund (\$1)	2007-50, L.O.F.	10/1/2007	\$63,886	\$63,886
State Homes for Veterans Trust Fund (\$1)	2008-87, L.O.F.	10/1/2008	\$82,806	\$82,806
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$16,365	\$16,365
Florida Sheriffs Youth Ranches, Inc. (\$1)	2009-110, L.O.F.	7/1/2009	\$176	\$176
Total			\$3,209,221	\$27,100,155

B. SECTION DIRECTORY:

- Section 1** Amends s. 320.02, F.S., adding a voluntary contribution to Lauren's Kids, Inc., to applications for motor vehicle registration and renewal forms.
- Section 2** Amends s. 322.08, F.S., adding a voluntary contribution to Lauren's Kids, Inc., to drivers' license applications.
- Section 3** Amends s. 322.18, F.S., adding a voluntary contribution to Lauren's Kids, Inc., to drivers' license renewal applications.
- Section 4** Provides an effective date of October 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will require programming modifications to DHSMV's Driver License and Motor Vehicle Information Systems, the cost of which will be paid from the \$10,000 application fee submitted by Lauren's Kids, Inc.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists who decide to donate would pay an additional dollar for vehicle registrations and drivers' licenses.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

29 voluntary contribution of \$1 to Prevent Child Sexual Abuse. Such
 30 contributions shall be distributed quarterly by the department
 31 to Lauren's Kids, Inc., a corporation not for profit under s.
 32 501(c)(3) of the Internal Revenue Code. The funds shall be used
 33 by the organization for the prevention of childhood sexual
 34 abuse.

35

36 For the purpose of applying the service charge provided in s.
 37 215.20, contributions received under this subsection are not
 38 income of a revenue nature.

39 Section 2. Subsection (7) of section 322.08, Florida
 40 Statutes, is amended to read:

41 322.08 Application for license.--

42 (7) The application form for a driver's license or
 43 duplicate thereof shall include language permitting the
 44 following:

45 (a) A voluntary contribution of \$1 per applicant, which
 46 contribution shall be deposited into the Health Care Trust Fund
 47 for organ and tissue donor education and for maintaining the
 48 organ and tissue donor registry.

49 (b) A voluntary contribution of \$1 per applicant, which
 50 contribution shall be distributed to the Florida Council of the
 51 Blind.

52 (c) A voluntary contribution of \$2 per applicant, which
 53 shall be distributed to the Hearing Research Institute,
 54 Incorporated.

55 (d) A voluntary contribution of \$1 per applicant, which
 56 shall be distributed to the Juvenile Diabetes Foundation
 57 International.

58 (e) A voluntary contribution of \$1 per applicant, which
 59 shall be distributed to the Children's Hearing Help Fund.

60 (f) A voluntary contribution of \$1 per applicant, which
 61 shall be distributed to Family First, a nonprofit organization.

62 (g) A voluntary contribution of \$1 per applicant, to Stop
 63 Heart Disease, which shall be distributed to the Florida Heart
 64 Research Institute, a nonprofit organization.

65 (h) A voluntary contribution of \$1 per applicant to
 66 Prevent Child Sexual Abuse, which shall be distributed quarterly
 67 to Lauren's Kids, Inc., a nonprofit organization.

68
 69 A statement providing an explanation of the purpose of the trust
 70 funds shall also be included. For the purpose of applying the
 71 service charge provided in s. 215.20, contributions received
 72 under paragraphs (b)-(h) ~~(b), (c), (d), (e), (f), and (g)~~ and
 73 under s. 322.18(9) are not income of a revenue nature.

74 Section 3. Paragraph (c) is added to subsection (9) of
 75 section 322.18, Florida Statutes, to read:

76 322.18 Original applications, licenses, and renewals;
 77 expiration of licenses; delinquent licenses.--

78 (9)

79 (c) The application form for a renewal issuance or renewal
 80 extension shall include language permitting a voluntary
 81 contribution of \$1 per applicant to Prevent Child Sexual Abuse.

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82 | Such contributions shall be distributed quarterly to Lauren's
83 | Kids, Inc., a nonprofit organization.

84 | Section 4. This act shall take effect October 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 289 Specialty License Plates
SPONSOR(S): Brandenburg and others
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Roads, Bridges & Ports Policy Committee, Brown, Miller.

SUMMARY ANALYSIS

HB 289 provides for the creation of a "Fraternal Order of Police" license plate. The annual use fee of \$25 per tag shall be distributed to the Florida State Lodge Fraternal Order of Police Memorial Foundation.

In order to purchase the Fraternal Order of Police license plate, a person must submit a notarized letter from the Florida State Lodge of the Fraternal Order of Police showing that he or she qualifies for the use of the Fraternal Order of Police law enforcement emblem by being a member in good standing.

Specialty license plates must be specifically authorized pursuant to Florida Statutes. Section 320.08053, F.S., establishes requirements that organizations must meet to create a new specialty license plate, including a scientific survey performed by an independent sampling firm.

The Florida State Lodge Fraternal Order of Police Memorial Foundation has been approved by DHSMV and the Auditor General to pursue legislation for the "Fraternal Order of Police" specialty license plate, and is not affected by the 2008 legislation limiting future specialty plates.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.

The Legislature has authorized 114 specialty license plates. Sales of specialty license plates generated over \$37 million in annual use fee revenues during the 2009 Fiscal Year (July 2008-June 2009). Since the program's inception, the DHSMV has collected annual use fees for the plates totaling more than \$435.8 million. As of September 15, 2009, there were 1,472,826 of the state's 16.5 million registered vehicles displaying a valid specialty plate. This represents approximately 8.9% of all vehicle plates.

Under s. 320.08053, F.S., an organization may seek legislative authorization for a new specialty licensed plate by meeting a number of requirements.

An organization is first required to submit to the DHSMV the following:

- A request for the plate describing it in general terms.
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 30,000 vehicle owners intend to purchase the plate at the increased cost.
- An application fee of \$60,000 defraying the DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates.
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the next regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue legislative action.

In 2008 the Legislature passed SB 1992, which included a moratorium on the issuance of specialty plates by DHSMV.¹ The moratorium is effective from October 1, 2008 to July 1, 2011, but contains an exception "for [any] specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008."²

Effect of Proposed Changes

This bill amends ss. 320.08056 and 320.08058, F.S.; authorizing the DHSMV to develop and issue a "Fraternal Order of Police" license plate upon payment of the appropriate license taxes and a \$25 special use fee.

To purchase the Fraternal Order of Police license plate, a person must submit a notarized letter from the Florida State Lodge of the Fraternal Order of Police showing that he or she qualifies for the use of the Fraternal Order of Police law enforcement emblem by being a member in good standing.

Annual use fees collected from the sale of this license plate shall be distributed to the Florida State Lodge Fraternal Order of Police Memorial Foundation. They will administer the fees and will use the proceeds as follows:

- up to 25 percent of the annual use fee revenue may be used for promotion and marketing of the plate and administrative costs directly associated with the memorial program.
- all remaining proceeds shall be distributed to the Florida State Lodge Fraternal Order of Police Memorial Foundation to fund activities, programs, and projects aimed at improvement, maintenance, or other support of the Florida Fraternal Order of Police Law Enforcement Memorial

The impact incurred by DHSMV as a result of this bill is approximately \$60,000. This impact is offset by the \$60,000 application fee the organization is required to pay. Revenue generated from the sale of this license plate is based on public interest and cannot be predicted.

The DHSMV has notified the Legislature that the Florida State Lodge Fraternal Order of Police Memorial Foundation has met the initial application and statutory requirements to pursue legislation for the "Fraternal Order of Police" specialty license plate. In conformity with s. 320.08053(1)(b), F.S., the Auditor General has issued a report validating the Foundation's survey.³ This report also found that the "Fraternal Order of Police" plate falls within exception from the moratorium on new specialty license plates created by the 2008 Legislature, as the Foundation submitted their materials before May 2, 2008.⁴

B. SECTION DIRECTORY:

- Section 1** Amends s. 320.08056(4), F.S., providing for a \$25 annual use for the "Fraternal Order of Police" specialty license plate.
- Section 2** Amends s. 320.08058(69), F.S., creating the "Fraternal Order of Police" specialty license plate: providing for plate design and providing for the distribution and uses of the annual use fees.
- Section 3** Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

¹ S. 45, 2008-176, Laws of Florida

² *Id.*

³ Report No. 2009-129, Auditor General, February 2009.

⁴ *Id.*

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments below

2. Expenditures:

See fiscal comments below

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals who apply for a "Fraternal Order of Police" license plate will be required to pay a \$25 annual use fee. It is impossible to determine how many people will purchase the plates because the sale of this license plate will be based on public interest. Therefore, the aggregate impact to the private sector cannot be determined.

D. FISCAL COMMENTS:

The impact incurred by DHSMV as a result of this bill is approximately \$60,000 in contract programming, labor, product purchasing costs for the creation of the "Fraternal Order of Police" license plate. This impact is offset by the \$60,000 application fee the organization is required to pay. Revenue generated from the sale of this license plate is based on public interest and cannot be predicted. If the specialty license plate is not approved by the Legislature, the application fee may be refunded.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

In 2009, a substantially similar bill was debated in the Roads, Bridges and Ports Policy Committee. That bill originally limited administrative and marketing expenses to 25 percent of funds collected. The committee adopted an amendment lowering the cap to 10 percent. The current bill contains a 25 percent cap. The bill sponsor has indicated that an amendment will be offered in the Roads, Bridges and Ports Policy Committee to cap the administrative and marketing fees at 10 percent.

The Department of Highway Safety and Motor Vehicles has requested that the effective date be changed to October 1, 2010, in order to program the necessary changes into Department computer applications.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to specialty license plates; amending ss.
 3 320.08056 and 320.08058, F.S.; creating the Fraternal
 4 Order of Police license plate; establishing an annual use
 5 fee for the plate; providing for the distribution of use
 6 fees received from the sale of such plates; providing an
 7 effective date.

8

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

10

11 Section 1. Paragraph (rrr) is added to subsection (4) of
 12 section 320.08056, Florida Statutes, to read:

13

320.08056 Specialty license plates.--

14

(4) The following license plate annual use fees shall be
 15 collected for the appropriate specialty license plates:

16

(rrr) Fraternal Order of Police license plate, \$25.

17

Section 2. Subsection (70) is added to section 320.08058,
 18 Florida Statutes, to read:

19

320.08058 Specialty license plates.--

20

(70) FRATERNAL ORDER OF POLICE LICENSE PLATES.--

21

(a)1. The department shall develop a Fraternal Order of
 22 Police license plate as provided in this section. The plate must
 23 bear the colors and design approved by the department. The word
 24 "Florida" must appear at the top of the plate, and the words
 25 "Fraternal Order of Police" must appear at the bottom of the
 26 plate.

27

2. The department may issue the plate only to an applicant
 28 who submits a notarized letter from the Florida State Lodge of

29 the Fraternal Order of Police stating that the applicant is a
 30 member of the lodge in good standing or a member of a lodge
 31 member's family, together with other fees and documents required
 32 for a specialty plate.

33 (b) The annual use fees shall be distributed to the
 34 Florida State Lodge of the Fraternal Order of Police, which
 35 shall retain all proceeds until the startup costs to develop and
 36 establish the plate have been recovered. Thereafter, the
 37 proceeds shall be distributed to the Florida State Lodge
 38 Memorial Foundation of the Fraternal Order of Police and used as
 39 follows:

40 1. A maximum of 25 percent of the proceeds may be used to
 41 promote and market the plate, to administer the license plate
 42 program, and to pay administrative costs directly associated
 43 with the state Fraternal Order of Police Law Enforcement
 44 Memorial.

45 2. The remaining proceeds shall be used by the foundation
 46 to fund projects, programs, or events related to the memorial or
 47 to fund improvements, maintenance, or other support for the
 48 memorial.

49 Section 3. This act shall take effect July 1, 2010.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 289

COUNCIL/COMMITTEE 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 Council/Committee hearing bill: Roads, Bridges, and Ports
2 Policy Committee
3 Representative(s) Brandenburg offered the following:

Amendment

Remove line 40 and insert:

1. A maximum of 10 percent of the proceeds may be used to

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 321

Road Designations

SPONSOR(S): Boyd

IDEN./SIM. BILLS: SB 1026

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee		Johnson <i>SAT</i>	Miller <i>P.M.</i>
2)	Economic Development & Community Affairs Policy Council			
3)				
4)				
5)				

SUMMARY ANALYSIS

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill designates that portion of State Road 26 between the Levy County Line and the Alachua County Line in Gilchrist County as the "Veterans Memorial Highway."

The bill also designates that portion of State Road 26 between the Levy County line and County Road 313 in Gilchrist County as the "Sergeant Ricky Lord Road."

The bill directs the Department of Transportation (DOT) to erect suitable markers designating the "Veterans Memorial Highway" and the "Sergeant Ricky Lord Road."

Assuming that two markers are erected for each designation, DOT estimates the cost to be \$1,600. This expenditure is from the State Transportation Trust Fund and includes installation and maintenance costs.

The bill does not create any constitutional or other legal issues. It takes effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires the Department of Transportation (DOT) to place a marker at each termini or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Effect of Proposed Change

The bill designates that portion of State Road 26 between the Levy County Line and the Alachua County Line in Gilchrist County as the "Veterans Memorial Highway."

The bill also designates that portion of State Road 26 between the Levy County line and County Road 313 in Gilchrist County as the "Sergeant Ricky Lord Road."

The bill directs the Department of Transportation (DOT) to erect suitable markers designating the "Veterans Memorial Highway" and the "Sergeant Ricky Lord Road."

The bill takes effect on July 1, 2010.

B. SECTION DIRECTORY:

- Section 1 Designates the "Veterans Memorial Highway;" requires DOT to erect suitable markers.
- Section 2 Designates the "Sergeant Ricky Lord Road;" requires DOT to erect suitable markers.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DOT estimates that the cost to erect two suitable road designating markers is approximately \$800 per designation; this assumes the placement of a marker at each end of the designated road segment. The total impact of this bill, with two designations, is \$1,600. The expenditure is from the State Transportation Trust Fund and includes installation and maintenance costs.

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 because the bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Sergeant Ricky Lord was a marine who grew up in Trenton in Gilchrist County. He was killed in Iraq on August 18, 2004, two days before his 25th birthday.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

HB 321

2010

1 A bill to be entitled
2 An act relating to road designations; designating Veterans
3 Memorial Highway and Sergeant Ricky Lord Road in Gilchrist
4 County; directing the Department of Transportation to
5 erect suitable markers; providing an effective date.
6

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

9 Section 1. Veterans Memorial Highway designated;
10 Department of Transportation to erect suitable markers.--

11 (1) That portion of State Road 26 between the Levy County
12 line and the Alachua County line in Gilchrist County is
13 designated as "Veterans Memorial Highway."

14 (2) The Department of Transportation is directed to erect
15 suitable markers designating Veterans Memorial Highway as
16 described in subsection (1).

17 Section 2. Sergeant Ricky Lord Road designated; Department
18 of Transportation to erect suitable markers.--

19 (1) That portion of State Road 26 between the Levy County
20 line and County Road 313 in Gilchrist County is designated as
21 "Sergeant Ricky Lord Road."

22 (2) The Department of Transportation is directed to erect
23 suitable markers designating Sergeant Ricky Lord Road as
24 described in subsection (1).

25 Section 3. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 325 Uniform Traffic Control

SPONSOR(S): Reagan and others

TIED BILLS: IDEN./SIM. BILLS: SB 294

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Roads, Bridges & Ports Policy Committee		Brown <i>R.B.</i>	Miller <i>P.M.</i>
2) Health Care Regulation Policy Committee			
3) Finance & Tax Council			
4)			
5)			

SUMMARY ANALYSIS

HB 325 creates the "Mark Wandall Traffic Safety Act." The bill authorizes counties and municipalities to enact ordinances permitting the use of traffic infraction detectors and specifies the required content of the ordinance. The penalty for failing to stop at a steady red light, as determined through the use of a traffic infraction detector, is a fine of \$150. One half of this fine is kept by the jurisdiction (\$75), while the other half is distributed to the General Revenue Fund (\$55) and the Department of Health (DOH) Administrative Trust Fund (\$20).

The bill grants counties and municipalities (and their agents) access to Florida Department of Transportation (FDOT) right-of-way to install and operate traffic infraction detectors. The traffic infraction detector must conform to the contract specifications adopted by FDOT. The bill provides a "grandfather clause" valid until the earlier of (i) July 1, 2015 or (ii) one year after FDOT's final adoption of specifications for traffic infraction detectors.

The bill provides a complaint process for complaints that a county or municipality is employing traffic infraction detectors for purposes other than the promotion of public health, welfare, and safety or in a manner inconsistent with the law. Each county or municipality that operates a traffic infraction detector must submit a biannual report to FDOT which details the results of the detectors and the procedures for enforcement. FDOT must submit a summary report to the Governor and Legislature in even-numbered years. The report must include a review of the information submitted by the counties and municipalities and any recommendations or necessary legislation.

To the extent local governments choose to enact ordinances to permit the use of traffic infraction detectors there will be a fiscal impact to the local governments for the cost of the installation and maintenance of the devices, the amount of which will vary depending on the negotiated agreement between the local government and any private vendor providing the equipment.

In 2009, the Revenue Estimating Conference estimated that a substantially similar bill would have a recurring positive indeterminate impact on state revenues and a recurring indeterminate impact on local governments. There may be an increase in fine revenue for the local governments that choose to enact ordinances permitting the use of traffic infraction detectors, the amount of which is indeterminate and reliant on driver awareness and future behavior. There may be a decrease in fine revenues to local governments who are now collecting fines from traffic infraction detector ordinances adopted prior to the provisions of this bill becoming effective.

The bill is effective upon becoming a law.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

According to the Department of Highway Safety and Motor Vehicles (DHSMV), in 2008 there were 76 fatalities related to motor vehicle drivers who disregarded a traffic signal in Florida.¹ This represents approximately 3 percent of all fatal accidents in 2008, the sixth-highest cause of traffic fatalities.²

Traffic infraction detectors, or "red light cameras," are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal, and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases video cameras are used. Cameras record the license plate number, the date and time of day, the time elapsed since the beginning of the red signal, and the vehicle speed. Over 110 cities and towns in 20 states across the country currently participate in a red light camera program.³ Red light cameras have been used in at least 33 foreign countries since the 1970s.⁴

An Insurance Institute for Highway Safety review of international red light camera studies concluded that cameras reduce red light violations by 40-50 percent and reduce injury crashes by 25-30 percent.⁵ A 2005 study of red light camera programs in seven metropolitan communities by the Federal Highway Administration concluded that there was a 25 percent reduction in right-angle collisions, but a 15 percent increase in rear-end collisions.⁶ It is possible that the volume of rear-end collisions will decline as drivers get used to the idea that the vehicle in front of them will stop at a red light.⁷

¹ *Florida Traffic Crash Statistics Report 2008*, Department of Highway Safety and Motor Vehicles, June 30, 2009.

² Careless driving represented 20 percent of 2008 traffic fatalities; DUI, 17 percent; excessive speed, 6 percent; driving left-of-center, 6 percent; and failure to yield right of way, 6 percent.

³ National Campaign to Stop Red Light Running, http://www.stopredlightrunning.com/get_the_facts.htm

⁴ Insurance Institute for Highway Safety website (www.iihs.org/research/qanda/rlr.html) citing Blackburn, R.R. and Glibert, D.T., *Photographic enforcement of traffic laws*. Washington, DC, National Academy Press, 1995.

⁵ *Id.*, citing Retting, R.A. et al., *Effects of red light cameras on violations and crashes: a review of the international literature*, *Traffic Injury Prevention* 4:17-23, 2003.

⁶ *Safety Evaluation of Red-Light Cameras*, Federal Highway Administration, Publication No. FHWA-HRT-05-048, available online here: <http://www.fhrc.gov/safety/pubs/05048/>

⁷ *Id.*

Other studies, including a 7-jurisdiction study conducted by the Virginia Department of Transportation⁸ and a USDOT-funded study by the Urban Transit Institute at North Carolina A&T University,⁹ have reached conflicting results regarding crash reduction. The results of these studies are best summarized by this excerpt from the North Carolina study:

The results do not support the conventional wisdom expressed in recent literature and popular press that red light cameras reduce accidents.... Our findings are more pessimistic, finding no change in angle accidents and large increases in rear-end crashes and many other types of crashes relative to other intersections. We did find a decrease in accidents involving a vehicle turning left and a vehicle on the same roadway, which may have been included as an angle accident in some other studies. However, given that these left turn accidents occur only one third as often as angle accidents, and the fact that we find no benefit from decreasing severity of accidents suggests that there has been no demonstrable benefit from the RLC [red light camera] program in terms of safety. In many ways, the evidence points toward the installation of RLCs as a detriment to safety.

Critics on each side of the debate raise concerns about the scientific methodology of opposing studies and potential bias of researchers. Criticisms have focused on issues such as sample size, control of variables (weather, similarity of intersections, etc), and other possible control methods (e.g., failure to analyze intersections before and after detectors are placed).

Currently there are no recognized independent standards or certifications for the red light camera industry. The Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) have developed guidelines for the use of state and local agencies on the implementation and operation of red light camera systems. These guidelines were most-recently updated in January 2005.¹⁰ Although not a regulatory requirement, the guidance is intended to provide critical information for state and local agencies on relevant aspects of red light camera systems in order to promote consistency and proper implementation and operation. The guidelines present research that suggests engineering improvements, safety education and increased enforcement by law enforcement officers can significantly reduce red light violations.

Examples of engineering improvements include:

- *Improving signal head visibility.* Signal head visibility can be improved by increasing the size of the traffic signal lamps from 8 to 12 inches. The addition of backplates can also make signals more visible.
- *All-red interval.* An all-red clearance interval, where the traffic signals on all sides are red for a period of time, provides additional time for motorists already in the intersection to proceed through the intersection on the red indication while holding cross traffic on the cross street approaches. The red clearance interval is not intended to reduce the incidence of red light running; rather it is a safety measure.
- *Appropriate yellow times.* The likelihood of a motorist running a red light increases as the yellow interval is shortened. Lengthening the yellow interval, within appropriate guidelines, has been shown to significantly reduce the number of inadvertent red light violations.
- *Traffic signal coordination.* A coordinated traffic signal operation where motorists are able to move smoothly in platoons from intersection to intersection reduces the risk of red light violations and collisions.

Cameras are permitted by current Florida law to enforce violations of payment of tolls.¹¹ For example, toll facility operators use a digital camera to capture an image of the vehicle's license plate as the

⁸ Available online here: <http://www.thenewspaper.com/rlc/docs/05-vdot.pdf>

⁹ Available online here: <http://www.thenewspaper.com/rlc/docs/burkeyobeng.pdf>

¹⁰ U.S. Department of Transportation, *Red Light Camera Systems Operational Guidelines*, Publication No. FHWA-SA-05-002, January 2005.

¹¹ s. 316.1001(2)(d), F.S.

vehicle travels through the tolling zone. If the system receives payment from a SunPass, the image is deleted. If no payment is received, the image is processed for video tolling or is considered a toll violation and a Uniform Traffic Citation is issued.

In response to the city of Pembroke Pines' inquiry regarding the use of unmanned cameras to enforce violations of traffic signals, the Attorney General issued an advisory legal opinion on July 12, 2005.¹² The opinion concluded that it was within the local government's scope of authority "to enact an ordinance authorizing the city:

- to monitor violations of traffic signals within the city and to use unmanned cameras to monitor intersections and record traffic violations;
- to monitor violations of traffic signals within the city and to use unmanned cameras to record the license tag numbers of cars involved in such violations; and
- to advise a car owner that his or her license tag number has been recorded in a violation of the traffic laws."

The problem identified by a 1997 Attorney General opinion¹³ was whether unmanned electronic traffic infraction detectors may independently be used as the basis for issuing citations for violations of traffic laws. Current statute requires that citations be issued when an officer "observes the commission of a traffic infraction."¹⁴ The 1997 Attorney General opinion concluded that nothing precludes the use of unmanned cameras to record violations of s. 316.075, F.S., but "a photographic record of a vehicle violating traffic control laws may not be used as the basis for issuing a citation for such violations." The 2005 opinion reached the same conclusion, stating, "legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices" as collected from a photographic record from unmanned cameras monitoring intersections.

Several local governments in Florida have participated in the use of red light cameras enforcement of red light violations. Due to the Attorney General's advisory opinions, the majority of local governments have used the cameras in pilot projects solely for data collection purposes or as a warning system to motorists, by sending a letter and attaching no penalty. Sarasota County, Manatee County, Palm Beach County, Polk County, and the cities of Orlando and Melbourne are examples of local governments that have at one time participated in a red light camera pilot project. The Palm Beach County Commission reported that their two-month pilot project using traffic cameras at a test intersection in Palm Beach County showed alarming results. One fifth of those who ran a red light did so two seconds after the light had changed. On average, fifty cars a day ran the light at the test site during the first month of the pilot project. During the second month of the project, following publicity about the program, that number dropped to less than twenty.¹⁵

The city of Gulf Breeze passed a local ordinance in 2005 allowing use of red light cameras. A violation by any motor vehicle running a red light that is recorded by a traffic enforcement photographic system is a civil code violation¹⁶ and a \$100 civil fee is assessed against the motor vehicle owner. The city has installed one red light camera at Daniel Drive and U.S. 98 in front of Gulf Breeze Middle School. The Gulf Breeze City Council adopted the ordinance despite the opinion issued by the Attorney General. The Gulf Breeze Police Chief said that after the signs went up, violations dropped from 150 a month to 95 in a little over a year.¹⁷ The camera was installed by "Traffipax." According to the police chief, the vendor paid for the initial cost of setting up the program. In return, the vendor is paid a percentage of the \$100 fine. "Peek Traffic", the vendor who donated the equipment and monitoring for Sarasota County's pilot project, states that a camera is valued at approximately \$50,000 and costs \$10,000 to install.

¹² Attorney General Opinion 05-41.

¹³ Attorney General Opinion 97-06.

¹⁴ s. 316.640(5)(a), F.S.

¹⁵ Palm Beach County Board of County Commissioners, "FY 2007 State Legislative Program", available online here:

<http://www.pbcgov.com/legislativeaffairs/pdf/LegProg.pdf>

¹⁶ Section 18-113, Code of Ordinances, City of Gulf Breeze, Florida.

¹⁷ Ginny Laroe, "Police Research Traffic Cameras," *Sarasota Herald Tribune*, March 26, 2007.

From 2008 to the present, approximately 50 municipalities have joined Gulf Breeze in enacting red light camera ordinances and placing cameras at intersections. The ordinances are broadly similar, and vary only in the amount of the fine (from \$50 to \$150, with some jurisdictions enacting multiple-offense increases up to \$500), the nature of required signage (none, at the entrance to the city, or at the intersection), whether or not to engage in education before “going live,” variations on the notice requirements sent to the motor vehicle owner, and variations on the process whereby a motor vehicle owner may challenge the violation.

Proposed Changes

Local Ordinance Authorization

The bill creates the “Mark Wandall Traffic Safety Act.” The bill creates s. 316.0083, F.S., authorizing counties and municipalities to enact ordinances permitting the use of traffic infraction detectors and specifies the required content of the ordinance. The traffic infraction detector must conform to the contract specifications adopted by FDOT. Pursuant to the new statute, each local ordinance must:

- provide for the use of a traffic infraction detector to enforce s. 316.075(1)(c), F.S., which requires the driver of a motor vehicle to stop when facing a traffic signal steady red light on the streets and highways under the jurisdiction of the county or municipality;
- authorize an infraction enforcement officer or a code enforcement officer to issue a ticket for violation of s. 316.075(1)(c), F.S., and to enforce the payment of tickets for such violation;
- require signs to be posted at locations designated by the county or municipality providing notification that a traffic infraction detector may be in use;
- require the county or municipality to make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program; and
- establish a fine of \$150 to be assessed against the owner of a motor vehicle whose vehicle fails to stop when facing a red light, as determined through use of a traffic infraction detector.

The ordinance must allow the city to operate a traffic infraction detector within the right-of-way owned by the county or FDOT. The county or the FDOT is required to issue permits for installation, including access to FDOT right-of-way, according to the established permitting process. Furthermore, placement and installation of traffic infraction detectors is allowed on the State Highway System, county roads, and city streets pursuant to specifications developed by FDOT, so long as the safety and operation of the road facility is not impaired.

Fines

The fine imposed by the local ordinance is done so in the same manner and is subject to the same limitations as provided for parking violations under s. 316.1967, F.S. DHSMV’s authority to suspend or revoke a license (contained in Chapter 318 and s. 322.27, F.S.) is not applicable to a violation of a traffic infraction detector ordinance enacted under s. 316.0083, F.S. A violation is not a conviction of the operator, may not be made a part of the operator’s driving record, may not be used for purposes of setting motor vehicle insurance rates, and may not result in points assessed against the operator’s driver’s license.

Fines assessed under the ordinance are disbursed as follows:

- \$75 retained by the county or municipality enforcing the ordinance;
- \$55 to the General Revenue Fund; and
- \$20 to be deposited in the DOH Administrative Trust Fund, with the following further direction:
 - Eighteen percent shall be distributed to verified trauma centers that have a local funding contribution as of December 31. Distribution of funds shall be based on trauma caseload volume for the most recent calendar year available.

- Thirty-eight percent shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of shall be based on DOH's Trauma Registry data.
- Thirty-eight percent shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of shall be based on DOH's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by DOH by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by DOH by rule.
- Three percent shall be distributed to public hospitals that qualify for distributions that are not verified trauma centers but are located in trauma service areas and that do not have a verified trauma center based on their proportionate number of emergency room visits on an annual basis.
- Three percent shall be distributed equally to crisis-stabilization units, rural health initiatives, and community-based support programs that provide support and services for individuals who have sustained traumatic brain injury.

Procedure for Issuance and Contestation of Tickets

The bill cites current statutory procedures addressing liability for payment of parking ticket violations and other parking violations¹⁸ and applies those procedures to violations of traffic infraction detector ordinances created under s. 316.0083, F.S., with the following additional requirements regarding the information which must be included in the ticket:

- the name and address of the person alleged to be liable as the registered owner or operator of the vehicle involved in the violation;
- the tag number of the vehicle;
- the violation charged;
- a photographic image evidencing the violation;
- the location where the violation occurred;
- the date and time of the violation;
- a signed statement by a specifically trained technician employed by the agency or its contractor that, based on inspection of recorded images, the motor vehicle was being operated in violation of s. 316.075(1)(c), F.S.;
- the amount of the fine;
- the date by which the fine must be paid;
- the procedure for contesting the violation alleged in the ticket; and
- a warning that failure to contest the violation in the manner and time provided is deemed an admission of the liability and that a default may be entered thereon.

The violation is processed by the county or municipality that has jurisdiction over the street or highway where the violation occurred or by any entity authorized by the county or municipality to prepare and mail the ticket. The ticket must be sent by first-class or certified mail to the owner of the vehicle involved in the violation, postmarked no later than 30 days after obtaining the name and address of the registered owner, but in no event later than 60 days after the violation.

The owner is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer;

¹⁸ Section 316.1967(2)-(5), F.S.

- Was, at the time of the violation, reported as stolen;
- Passed through the intersection as the result of a medical emergency; or
- Received a Uniform Traffic Citation (UTC) for the alleged violation.

The owner of the vehicle must, within 30 days, furnish an affidavit to the county or municipality that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen), a health-care facility or medical doctor (if a medical emergency is claimed), or a copy of the UTC, if issued.

A person may elect to contest the determination that they failed to stop at a red light as evidenced by the traffic infraction detector by electing to appear before a judge or other locally-designated official authorized to adjudicate traffic infractions. If the person elects to appear before the court, they are deemed to have waived the limitation of civil penalties imposed for the violation and the court may impose a civil penalty not to exceed \$150 plus court costs. The court may take appropriate measures to enforce collection of any penalty not paid within the time permitted by the court.

A certificate sworn to or affirmed by a person authorized under s. 316.0083, F.S., who is employed by or under contract with the county or municipality where the infraction occurred, or a fax of such a certificate, that is based upon inspection of photographs or other recorded images produced by the traffic infraction detector, is considered evidence of the facts contained in the certificate. A photograph or other recorded image evidencing a violation must be available for inspection in any proceeding to adjudicate liability for violation of an ordinance enacted under s. 316.0083, F.S.

The bill authorizes counties and municipalities to provide the names of those who have one or more outstanding violations, as recorded by traffic infraction detectors, to DHSMV. Pursuant to s. 320.03(8), F.S., if a person's name appears on DHSMV's list, a license plate or revalidation sticker may not be issued until the fine has been paid.

Oversight and Accountability

Any traffic infraction detector installed on the state's streets or highways must meet contract specifications established by FDOT and must be tested at regular intervals according to procedures prescribed by FDOT. The bill creates a new s. 316.0776, F.S., providing that FDOT will develop traffic infraction detector specifications as part of its handbook addressing material and equipment connections to state electrical signal boxes.

The bill provides a 'grandfather clause' for a period of one year after these specifications are finalized (or July 1, 2015, if the specifications are still unfinished), for jurisdictions that have already instituted a traffic infraction detector program. The bill also validates and ratifies infraction enforcement actions taken by cities and counties for the period of the grandfather clause.

The bill provides for a complaint process for complaints that a county or municipality is employing traffic infraction detectors for purposes other than the promotion of public health, welfare, and safety or in a manner inconsistent with the law. A complaint may be submitted to the governing board of the county or municipality.

Each county or municipality that operates a traffic infraction detector is required to submit a biannual report to FDOT, which must contain:

- the complaints received, along with any investigation and corrective action taken by the governing body;
- the results of using the traffic infraction detector; and
- the procedures for enforcement.

FDOT must submit a biannual summary report to the Governor and Legislature which must contain:

- a review of the information received from the counties and municipalities;
- a description of the enhancement of the traffic safety and enforcement programs; and
- recommendations, including any necessary legislation.

The first report must be submitted on or before December 1 of each even-numbered year. After reviewing the report, the Legislature may exclude a county or municipality from further participation in the program.

The bill provides a severability clause and is effective upon becoming law.

B. SECTION DIRECTORY:

- Section 1.** Citing the act as the "Mark Wandall Traffic Safety Act."
- Section 2.** Amending s. 316.003, F.S.; defining the term "traffic infraction detector."
- Section 3.** Creating s. 316.0083, F.S.; creating the "Mark Wandall Traffic Safety Program" to be administered by FDOT; authorizing counties and municipalities to enact ordinances permitting the use of traffic infraction detectors and specifying the requirements of an ordinance; requiring access to county or FDOT right-of-way; exempting emergency vehicles from an ordinance enacted under this section; providing penalties for traffic control signal violations detected by traffic infraction detectors; providing for the issuance, challenge, and disposition of tickets; providing for disposition of fine revenue; providing a process for complaints that a county or municipality is employing detectors in a manner inconsistent with this section; and requiring FDOT to submit a report to the Governor and Legislature.
- Section 4.** Amending s. 316.0745(6), F.S.; requiring traffic infraction detectors to meet certain specifications.
- Section 5.** Creating s. 316.07456, F.S.; providing a grandfather clause for existing municipal equipment and programs.
- Section 6.** Creating s. 316.0776, F. S.; allowing placement and installation of traffic infraction detectors on the State Highway System, county roads, and city streets pursuant to specifications developed by FDOT, so long as the safety and operation of the road facility is not impaired.
- Section 7.** Amending s. 316.1967, F.S., adding red-light camera ordinance violations to the violations list reported to DHSMV.
- Section 8.** Amending s. 395.4036, F.S., providing direction for the distribution of funds collected by the DOH Administrative Trust Fund.
- Section 9.** Recognizing and ratifying enforcement actions by local governments using traffic cameras prior to the effective date of this act.
- Section 10.** Providing a severability clause.
- Section 11.** Providing that the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent local governments choose to enact ordinances to permit the use of traffic infraction detectors there may be a fiscal impact to the private sector. Traffic infraction detectors will increase the scope of a local government's enforcement of red light violations, therefore increasing the possibility of a motor vehicle owner receiving a ticket for a red light violation. The fine for the ordinance violation, as determined by a traffic infraction detector, is \$150. If a person chooses to contest the ticket, they may appear before a judge, but they are deemed to have waived the limitation of civil penalties imposed for the violation and, if the ticket is upheld by the judge, may be charged the \$150 fine plus court costs.

There are a number of providers of traffic infraction detectors in Florida. These providers and others may realize a significant positive fiscal impact, depending on how each provider structures its services and negotiates with a given the county or municipality.¹⁹ The fine for a violation of current municipal traffic infraction detector ordinances in Florida ranges from \$50 to \$150. The amount of the fine received by the vendor varies based on negotiations between the vendor and the local government. Two important factors in the negotiation are whether the vendor will bear the up-front installation costs of the equipment, and the eventual ownership of the equipment. In the case where the vendor bears the costs of the initial installation, that vendor may receive a large percentage of the fine during the early years of the contract, in order to recoup its initial outlay. The local government may receive a larger share in later years, and will also ultimately own the equipment outright. Other jurisdictions may elect to negotiate a different arrangement whereby the vendor retains ownership of the equipment, and receives a fixed percentage of the fine over the course of the contract. A third arrangement involves a relatively large flat-fee monthly payment to the vendor, and a larger percentage of the fine retained by the local government.²⁰

During the 2008 Legislative session, a bill similar to HB 325 provided that local governments would receive \$30 per violation instead of the \$75 per violation allowed by HB 325.²¹ The Florida League of Cities noted at the time that "capital and maintenance costs of these camera systems are significant and there are few, if any, vendors that would be able to provide the systems at this price."²²

¹⁹ A 2002 audit by the California State Auditor noted that "[t]he fees and fee structures that local governments pay their vendors differ significantly." The audit indicated that some cities paid anywhere from \$25 to \$106 per citation to the vendor, with larger cities like San Francisco and Los Angeles paying additional flat fees to cover certain costs. The audit suggested that "[t]hese variances may be due to the relative size differences among the programs and each local government's negotiating ability." *Red Light Camera Programs: Although They Have Contributed to a Reduction in Accidents, Operational Weaknesses Exist at the Local Level*, Report No. 2001-125, California State Auditor, Bureau of State Audits, July 2002.

²⁰ The California audit cited in Footnote 19 summarizes the varying business cases as follows: "The advantage of paying a fee for each paid citation is that the local government does not have to pay a large amount all at once. The downside of this method is that increasing profits by maximizing the number of citations issued might become an incentive for vendors—and create a poor perception of the red light camera program by the public. Conversely, paying the vendor a flat fee removes any incentive to maximize the number of citations issued to bolster profits but makes the local government susceptible to the risk that, should the number of citations issued decrease, it would not receive enough revenue to pay the vendor."

²¹ Committee Substitute for House Bill 351 (2008) by the Economic Expansion & Infrastructure Council and Reagan.

²² *League of Cities, Inc. Legislative Briefs - Traffic Enforcement*, Scott Dudley, March 21, 2008.

FISCAL COMMENTS:

In 2009, the Revenue Estimating Conference estimated that a substantially similar bill would have a recurring positive indeterminate impact on state revenues and a recurring indeterminate impact on local governments. There may be an increase in fine revenue for the local governments that choose to enact ordinances permitting the use of traffic infraction detectors, the amount of which is indeterminate and reliant on driver awareness and future behavior. There may be a decrease in fine revenues to local governments who are now collecting fines from traffic infraction detector ordinances adopted prior to the provisions of this bill becoming effective.

There may be an increase in fine revenue for the local governments that choose to enact ordinances permitting the use of traffic infraction detectors, the amount of which is indeterminate and reliant on driver awareness and future behavior. There may be a decrease in fine revenues to local governments who are now collecting fines from traffic infraction detector ordinances adopted prior to this bill becoming effective.

The DOH Administrative Trust Fund will receive approximately 13 percent of all revenue generated by the bill (\$20 from each fine). Of this revenue, ninety-four percent will be directed to trauma centers, three percent will be distributed to non-trauma center hospitals, based on their proportional number of emergency-room visits and three percent will be distributed to crisis-stabilization units, rural health initiatives, and community-based support programs aiding persons with brain injuries.

The bill provides that half of the revenue generated by the tickets is retained by the local jurisdiction (\$75 from each fine). As a result, there may be an increase in fine revenue for any local governments that choose to enact ordinances permitting the use of traffic infraction detectors. The amount of revenue is indeterminate, as the number of ordinance violations to be issued is unknown and depends on driver awareness and future behavior.

The remaining 37 percent of the revenue collected (\$55 from each fine) is deposited into the General Revenue Fund.

To the extent local governments choose to enact ordinances to permit the use of traffic infraction detectors there may be a fiscal impact to the local governments for the cost of the acquisition, installation and maintenance of the devices, the amount of which will vary depending on the negotiated agreement between the local government and any private vendor providing the equipment and service. The price of a traffic infraction detector ranges from \$50,000 to \$100,000. There may also be installation, maintenance and monitoring fees, based on the negotiated agreement.

Local court systems may see a caseload increase, in the event that vehicle operators choose to contest tickets as permitted under the bill. Although the bill permits the court to impose a penalty "not to exceed \$150 plus court costs," there may be an indeterminate cost to the local court system.

The state will incur minor administrative expenses as a result of this legislation. The bill requires FDOT to collect reports from municipalities and to prepare an annual report for the Legislature. The bill also requires FDOT to prepare standards for traffic infraction detectors.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; or reduce the percentage of a state tax shared with cities or counties.

Article VII, section 18, paragraph (b) of the Florida Constitution states that the Legislature must pass by a two-thirds vote any general law that will “reduce the authority that municipalities and counties have to raise revenues in the aggregate....” Paragraph (d) states that laws “creating, modifying, or repealing noncriminal infractions are exempt from the requirements of this section.”

If a municipality enacted a traffic infraction detector ordinance prior to this legislation becoming effective, and if the local ordinance allows the local government to retain a greater portion of the fine than allowed under this bill, then it could be argued that the bill reduces the authority that the municipality has to raise revenues in the aggregate. However, the bill creates a noncriminal infraction which counties and cities may choose to enforce by enacting a local ordinance; therefore the bill is exempt from the mandate provisions.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOH will be required to develop rules regarding the weighting of scores to be applied to the distribution funds to verified trauma centers based on severity of trauma. The determination of severity for purposes of revenue distribution is to be based on the DOH's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 9 of the bill “recognizes, validates, and ratifies any enforcement action” taken by a local government using a previously installed traffic infraction detector. There are pending lawsuits in multiple jurisdictions regarding the legality of municipal ordinances permitting traffic infraction detectors.²³ It is unclear how the parties to these lawsuits, or the courts hearing the lawsuits, will react to the retroactive statutory “validation” and “ratification” of previously-issued citations for violating traffic infraction detector ordinances.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

²³ “West Palm Beach attorney Jason Weisser [will] sue the city. It would be the lawyer’s ninth such suit against cities throughout Florida using red-light cameras, including Orlando, Miami Gardens and Aventura.” *Bradenton facing red-light camera lawsuit*, Bradenton Herald, August 25, 2009. See also, *Pembroke Pines sued over red light cameras*, Sun-Sentinel, November 14, 2009 (A class-action suit with “roughly two dozen drivers,” also represented by Weisser); *Lawsuit filed against city's red-light camera program*, Tampa Tribune, Aug. 7, 2009 (driver suing Temple Terrace);

1 A bill to be entitled
 2 An act relating to uniform traffic control; creating the
 3 "Mark Wandall Traffic Safety Act"; amending s. 316.003,
 4 F.S.; defining the term "traffic infraction detector";
 5 creating s. 316.0083, F.S.; creating the Mark Wandall
 6 Traffic Safety Program to be administered by the
 7 Department of Transportation; requiring a county or
 8 municipality to enact an ordinance in order to use a
 9 traffic infraction detector to identify a motor vehicle
 10 that fails to stop at a traffic control signal steady red
 11 light; requiring such detectors to meet department
 12 contract specifications; requiring authorization of a
 13 traffic infraction enforcement officer or a code
 14 enforcement officer to issue and enforce a ticket for such
 15 violation; requiring signage; requiring certain public
 16 awareness procedures; requiring the ordinance to establish
 17 a fine of a certain amount; requiring the ordinance to
 18 provide for installing, maintaining, and operating such
 19 detectors on rights-of-way owned or maintained by the
 20 department, county, or municipality; prohibiting
 21 additional charges; exempting emergency vehicles;
 22 providing that the registered owner of the motor vehicle
 23 involved in the violation is responsible and liable for
 24 payment of the fine assessed; providing exceptions;
 25 providing procedures for disposition and enforcement of
 26 tickets; providing for a person to contest such ticket;
 27 providing for disposition of revenue collected; providing
 28 complaint procedures; providing for the Legislature to

29 | exclude a county or municipality from the program;
30 | requiring reports from participating municipalities and
31 | counties to the department; requiring the department to
32 | make reports to the Governor and the Legislature; amending
33 | s. 316.0745, F.S.; providing that traffic infraction
34 | detectors must meet certain specifications; creating s.
35 | 316.07456, F.S.; providing for preexisting equipment;
36 | requiring counties and municipalities that enacted an
37 | ordinance to enforce red light violations or entered into
38 | a contract to purchase or lease equipment to enforce red
39 | light violations before the effective date of this act to
40 | charge a certain penalty amount; requiring counties or
41 | municipalities that have acquired such equipment pursuant
42 | to an agreement entered into before the effective date of
43 | this act to make certain payments to the state; providing
44 | for future expiration of such provisions; creating s.
45 | 316.0776, F.S.; providing for placement and installation
46 | of detectors on the State Highway System, county roads,
47 | and city streets; amending s. 316.1967, F.S.; providing
48 | for inclusion of persons with outstanding violations in a
49 | list sent to the Department of Highway Safety and Motor
50 | Vehicles for enforcement purposes; amending s. 395.4036,
51 | F.S.; providing for distribution of funds to trauma
52 | centers, certain hospitals, certain nursing homes, and
53 | certain health units and programs, to be used for
54 | specified purposes; correcting a cross-reference;
55 | ratifying prior enforcement actions; providing for
56 | severability; providing an effective date.

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

Section 1. This act may be cited as the "Mark Wandall Traffic Safety Act."

Section 2. Subsection (86) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(86) TRAFFIC INFRACTION DETECTOR.--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 ticket 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.

Section 3. Section 316.0083, Florida Statutes, is created to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.--

(1) There is created the Mark Wandall Traffic Safety Program governing the operation of traffic infraction detectors.

85 The program shall be administered by the Department of
 86 Transportation and shall include the following provisions:
 87 (a) In order to use a traffic infraction detector, a
 88 county or municipality must enact an ordinance that provides for
 89 the use of a traffic infraction detector to enforce s.
 90 316.075(1)(c), which requires the driver of a vehicle to stop
 91 the vehicle when facing a traffic control signal steady red
 92 light on the streets and highways under the jurisdiction of the
 93 county or municipality. The traffic infraction detector must
 94 conform to the contract specifications adopted by the Department
 95 of Transportation under s. 316.0776. A county or municipality
 96 may install such detectors on state, county, or municipal
 97 rights-of-way within the boundaries of that county or
 98 municipality. Only a municipality may install or authorize the
 99 installation of any such detectors within the incorporated area
 100 of the municipality. A municipality may authorize the state or
 101 county to install such detectors within its incorporated area.
 102 Only a county may install or authorize the installation of any
 103 such detectors within the unincorporated area of the county. A
 104 county may authorize the state to install such detectors in the
 105 unincorporated area of the county. A county or municipality that
 106 operates a traffic infraction detector must authorize a traffic
 107 infraction enforcement officer or a code enforcement officer to
 108 issue a ticket for a violation of s. 316.075(1)(c) and to
 109 enforce the payment of the ticket for such violation. This
 110 paragraph does not authorize a traffic infraction enforcement
 111 officer or a code enforcement officer to carry a firearm or
 112 other weapon and does not authorize such an officer to make

113 arrests. The ordinance must require signs to be posted at
 114 locations designated by the county or municipality providing
 115 notification that a traffic infraction detector may be in use.
 116 Such signage must conform to the specifications adopted by the
 117 Department of Transportation under s. 316.0745 or must be in
 118 accordance with all applicable provisions of the latest edition
 119 of the Manual on Uniform Traffic Control Devices, part 2, signs.
 120 The ordinance must provide for the county or municipality to
 121 install, maintain, and operate traffic infraction detectors on a
 122 right-of-way owned or maintained by the Department of
 123 Transportation or on a right-of-way owned or maintained by the
 124 county or municipality in which the traffic infraction detector
 125 is to be installed. The ordinance must also require that the
 126 county or municipality make a public announcement and conduct a
 127 public awareness campaign of the proposed use of traffic
 128 infraction detectors at least 30 days before commencing the
 129 enforcement program. In addition, the ordinance must establish a
 130 fine of \$150 to be assessed against the registered owner of a
 131 motor vehicle that fails to stop when facing a traffic control
 132 signal steady red light as determined through the use of a
 133 traffic infraction detector. Any other provision of law to the
 134 contrary notwithstanding, an additional surcharge, fee, or cost
 135 may not be added to the civil penalty authorized by this
 136 paragraph, except as provided in paragraph (g).

137 (b) When responding to an emergency call, an emergency
 138 vehicle is exempt from any ordinance enacted under this section.

139 (c) A county or municipality must adopt an ordinance under
 140 this section that provides for the use of a traffic infraction

141 | detector in order to impose a fine on the registered owner of a
 142 | motor vehicle for a violation of s. 316.075(1)(c). The fine
 143 | shall be imposed in the same manner and is subject to the same
 144 | limitations as provided for parking violations under s.
 145 | 316.1967. Except as specifically provided in this section,
 146 | chapter 318 and s. 322.27 do not apply to a violation of s.
 147 | 316.075(1)(c) for which a ticket has been issued under an
 148 | ordinance enacted pursuant to this section. Enforcement of a
 149 | ticket issued under the ordinance is not a conviction of the
 150 | operator of the motor vehicle, may not be made a part of the
 151 | driving record of the operator, and may not be used for purposes
 152 | of setting motor vehicle insurance rates. Points under s. 322.27
 153 | may not be assessed based upon such enforcement.

154 | (d) The procedures set forth in s. 316.1967(2)-(5) apply
 155 | to an ordinance enacted pursuant to this section, except that
 156 | the ticket must contain the name and address of the person
 157 | alleged to be liable as the registered owner of the motor
 158 | vehicle involved in the violation, the tag number of the motor
 159 | vehicle, the violation charged, a copy of the photographic image
 160 | or images evidencing the violation, the location where the
 161 | violation occurred, the date and time of the violation, and a
 162 | signed statement by a specifically trained technician employed
 163 | by the agency or its contractor that, based on inspection of
 164 | photographs or other recorded images, the motor vehicle was
 165 | being operated in violation of s. 316.075(1)(c). The ticket must
 166 | advise the registered owner of the motor vehicle involved in the
 167 | violation of the amount of the fine, the date by which the fine
 168 | must be paid, and the procedure for contesting the violation

169 alleged in the ticket. The ticket must contain a warning that
 170 failure to contest the violation in the manner and time provided
 171 is deemed an admission of the liability and that a default may
 172 be entered thereon. The violation shall be processed by the
 173 county or municipality that has jurisdiction over the street or
 174 highway where the violation occurred or by any entity authorized
 175 by the county or municipality to prepare and mail the ticket.

176 (e) The ticket shall be sent by first-class or certified
 177 mail, addressed to the registered owner of the motor vehicle,
 178 and postmarked no later than 30 days after obtaining the name
 179 and address of the registered owner of the vehicle, but in no
 180 event later than 60 days after the date of the violation.

181 (f)1. The registered owner of the motor vehicle involved
 182 in a violation is responsible and liable for payment of the fine
 183 assessed pursuant to this section unless the owner can establish
 184 that:

185 a. The motor vehicle passed through the intersection in
 186 order to yield right-of-way to an emergency vehicle or as part
 187 of a funeral procession;

188 b. The motor vehicle passed through the intersection at
 189 the direction of a law enforcement officer;

190 c. The motor vehicle was stolen at the time of the alleged
 191 violation;

192 d. The motor vehicle passed through the intersection
 193 because the driver was responding to a medical emergency; or

194 e. A uniform traffic citation was issued to the driver of
 195 the motor vehicle for the alleged violation of s. 316.075(1)(c).

196 2. In order to establish any such fact pursuant to

197 subparagraph 1., the registered owner of the vehicle must,
 198 within 60 days after receipt of notification of the alleged
 199 violation, furnish to the county or municipality, as
 200 appropriate, an affidavit that sets forth detailed information
 201 supporting an exemption under subparagraph 1. For an exemption
 202 under sub-subparagraph 1.c., the affidavit must set forth that
 203 the vehicle was stolen and be accompanied by a copy of the
 204 police report indicating that the vehicle was stolen at the time
 205 of the alleged violation. For an exemption under sub-
 206 subparagraph 1.d, the affidavit must be accompanied by a
 207 supporting document from a health care facility or a medical
 208 doctor licensed to practice medicine in the state indicating
 209 that the citation was issued en route to a facility for
 210 emergency medical care. For an exemption under sub-subparagraph
 211 1.e., the affidavit must set forth that a citation was issued
 212 and be accompanied by a copy of the citation indicating the time
 213 of the alleged violation and the location of the intersection
 214 where it occurred.

215 (g) A person may contest the determination that such
 216 person failed to stop at a traffic control signal steady red
 217 light as evidenced by a traffic infraction detector by electing
 218 to appear before any judge or locally designated official
 219 authorized by law to preside over an administrative hearing that
 220 adjudicates traffic infractions. If a hearing is requested by
 221 the registered owner, the notification by the issuing authority
 222 of a hearing date, time, and location shall be made by first
 223 class mail. A person who elects to appear before the judge or
 224 designated official to present evidence is deemed to have waived

225 the limitation of civil penalties imposed for the violation. The
 226 judge or designated official, after hearing, shall determine
 227 whether the violation was committed and may impose a civil
 228 penalty of \$150, plus court costs. The judge or designated
 229 official shall make a determination as to whether a red light
 230 violation has been committed and may impose a civil penalty of
 231 \$150, plus court costs. Any person who fails to pay the civil
 232 penalty within the time allowed by the county, municipality, or
 233 court is deemed to have been convicted of a violation and the
 234 court shall take appropriate measures to enforce collection of
 235 the fine.

236 (h) A certificate sworn to or affirmed by a person
 237 authorized under this section who is employed by or under
 238 contract with the county or municipality where the infraction
 239 occurred, or a facsimile thereof that is based upon inspection
 240 of photographs or other recorded images produced by a traffic
 241 infraction detector, is prima facie evidence of the facts
 242 contained in the certificate. A photograph or other recorded
 243 image evidencing a violation of s. 316.075(1)(c) must be
 244 available for inspection in any proceeding to adjudicate
 245 liability under an ordinance enacted pursuant to this section.

246 (i) In any county or municipality in which tickets are
 247 issued as provided in this section, the names of persons who
 248 have one or more outstanding violations may be included on the
 249 list authorized under s. 316.1967(6).

250 (2) Of the fine imposed pursuant to paragraph (1)(a) or
 251 paragraph (1)(g), \$55 shall be remitted by the county or
 252 municipality to the Department of Revenue for deposit into the

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253 General Revenue Fund, \$20 shall be remitted to the Department of
254 Revenue for deposit into the Department of Health Administrative
255 Trust Fund, and \$75 shall be retained by the county or
256 municipality enforcing the ordinance enacted pursuant to this
257 section. Funds deposited into the Department of Health
258 Administrative Trust Fund under this subsection shall be
259 distributed as provided in s. 395.4036(1).

260 (3) A complaint that a county or municipality is employing
261 traffic infraction detectors for purposes other than the
262 promotion of public health, welfare, and safety or in a manner
263 inconsistent with this section may be submitted to the governing
264 body of such county or municipality. Such complaints, along with
265 any investigation and corrective action taken by the county or
266 municipal governing body, shall be included in the annual report
267 to the Department of Transportation and in that department's
268 annual summary report to the Governor, the President of the
269 Senate, and the Speaker of the House Representatives, as
270 required by this section. Based on its review of the report, the
271 Legislature may exclude a county or municipality from further
272 participation in the program.

273 (4) (a) Each county or municipality that operates a traffic
274 infraction detector shall submit a biannual report to the
275 Department of Transportation that details the results of using
276 the traffic infraction detector and the procedures for
277 enforcement.

278 (b) The Department of Transportation shall provide a
279 biannual summary report to the Governor, the President of the
280 Senate, and the Speaker of the House of Representatives

281 regarding the use and operation of traffic infraction detectors
 282 under this section. The summary report must include a review of
 283 the information submitted to the Department of Transportation by
 284 the counties and municipalities and must describe the
 285 enhancement of the traffic safety and enforcement programs. The
 286 Department of Transportation shall report its recommendations,
 287 including any necessary legislation, on or before December 1 of
 288 each even-numbered year to the Governor, the President of the
 289 Senate, and the Speaker of the House of Representatives.

290 Section 4. Subsection (6) of section 316.0745, Florida
 291 Statutes, is amended to read:

292 316.0745 Uniform signals and devices.--

293 (6) Any system of traffic control devices controlled and
 294 operated from a remote location by electronic computers or
 295 similar devices must ~~shall~~ meet all requirements established for
 296 the uniform system, and, if where such a system affects systems
 297 ~~affect~~ the movement of traffic on state roads, the design of the
 298 system must ~~shall~~ be reviewed and approved by the Department of
 299 Transportation.

300 Section 5. Section 316.07456, Florida Statutes, is created
 301 to read:

302 316.07456 Grandfather clause.--

303 (1) Any traffic infraction detector deployed on the
 304 streets and highways of the state must meet the contract
 305 specifications established by the Department of Transportation
 306 and must be tested at regular intervals according to procedures
 307 prescribed by that department.

308 (2) Notwithstanding any provision of law to the contrary,

309 nothing in this act shall prohibit any county or municipality
 310 from using red light traffic enforcement devices of any type or
 311 from enforcing violations of s. 316.074(1) or s. 316.075(1)(c)
 312 or other red light traffic enforcement ordinances if such county
 313 or municipality has enacted an ordinance to enforce red light
 314 violations or has entered into a contract to purchase or lease
 315 equipment to enforce red light violations before the effective
 316 date of this act.

317 (3) Of the fine imposed pursuant to s. 316.0083(1)(a) or
 318 (g), \$55 shall be remitted by the county or municipality to the
 319 Department of Revenue for deposit into the General Revenue Fund,
 320 \$20 shall be remitted to the Department of Revenue for deposit
 321 into the Department of Health Administrative Trust Fund, and \$75
 322 shall be retained by the county or municipality enforcing the
 323 ordinance enacted pursuant to this section. Funds deposited into
 324 the Department of Health Administrative Trust Fund under this
 325 subsection shall be distributed as provided in s. 395.4036(1).

326 (4) This section expires 1 year after the Department of
 327 Transportation's final adoption of specifications or on July 1,
 328 2015, whichever occurs first.

329 Section 6. Section 316.0776, Florida Statutes, is created
 330 to read:

331 316.0776 Traffic infraction detectors; placement and
 332 installation.--Placement and installation of traffic infraction
 333 detectors is allowed on the State Highway System, county roads,
 334 and city streets pursuant to specifications developed by the
 335 Department of Transportation included in the handbook addressing
 336 material and equipment connections to the state electrical

337 signal boxes and placement of signs on state equipment to
 338 protect the safety and operation of the traffic along roadways.

339 Section 7. Subsection (6) of section 316.1967, Florida
 340 Statutes, is amended to read:

341 316.1967 Liability for payment of parking ticket
 342 violations and other ~~parking~~ violations.--

343 (6) Any county or municipality may provide by ordinance
 344 that the clerk of the court or the traffic violations bureau
 345 shall supply the department with a magnetically encoded computer
 346 tape reel or cartridge or send by other electronic means data
 347 which is machine readable by the installed computer system at
 348 the department, listing persons who have three or more
 349 outstanding parking violations, including violations of s.

350 316.1955, or who have one or more outstanding tickets for a
 351 violation of a traffic control signal steady red light
 352 indication issued pursuant to an ordinance adopted under s.

353 316.0083. Each county shall provide by ordinance that the clerk
 354 of the court or the traffic violations bureau shall supply the
 355 department with a magnetically encoded computer tape reel or
 356 cartridge or send by other electronic means data that is machine
 357 readable by the installed computer system at the department,
 358 listing persons who have any outstanding violations of s.
 359 316.0083 or s. 316.1955 or any similar local ordinance that
 360 regulates parking in spaces designated for use by persons who
 361 have disabilities. The department shall mark the appropriate
 362 registration records of persons who are so reported. Section
 363 320.03(8) applies to each person whose name appears on the list.

364 Section 8. Subsections (1) and (2) of section 395.4036,

365 Florida Statutes, are amended to read:

366 395.4036 Trauma payments.--

367 (1) Recognizing the Legislature's stated intent to provide
 368 financial support to the current verified trauma centers and to
 369 provide incentives for the establishment of additional trauma
 370 centers as part of a system of state-sponsored trauma centers,
 371 the department shall use ~~utilize~~ funds collected under ss.
 372 316.0083 and s. 318.18 and deposited into the Administrative
 373 Trust Fund of the department to ensure the availability and
 374 accessibility of trauma and emergency services throughout the
 375 state as provided in this subsection.

376 (a) Funds collected under ss. 316.0083 and s. 318.18(15)
 377 shall be distributed as follows:

378 1. Eighteen percent of the total funds collected under s.
 379 316.0083 and 20 ~~Twenty~~ percent of the total funds collected
 380 under s. 318.18(15) during the state fiscal year shall be
 381 distributed to verified trauma centers that have a local funding
 382 contribution as of December 31. Distribution of funds under this
 383 subparagraph shall be based on trauma caseload volume for the
 384 most recent calendar year available.

385 2. Thirty-eight percent of the total funds collected under
 386 s. 316.0083 and 40 ~~Ferty~~ percent of the total funds collected
 387 under s. 318.18(15) shall be distributed to verified trauma
 388 centers based on trauma caseload volume for the most recent
 389 calendar year available. The determination of caseload volume
 390 for distribution of funds under this subparagraph shall be based
 391 on the department's Trauma Registry data.

392 3. Thirty-eight percent of the total funds collected under
 393 s. 316.0083 and 40 ~~Forty~~ percent of the total funds collected
 394 under s. 318.18(15) shall be distributed to verified trauma
 395 centers based on severity of trauma patients for the most recent
 396 calendar year available. The determination of severity for
 397 distribution of funds under this subparagraph shall be based on
 398 the department's International Classification Injury Severity
 399 Scores or another statistically valid and scientifically
 400 accepted method of stratifying a trauma patient's severity of
 401 injury, risk of mortality, and resource consumption as adopted
 402 by the department by rule, weighted based on the costs
 403 associated with and incurred by the trauma center in treating
 404 trauma patients. The weighting of scores shall be established by
 405 the department by rule.

406 4. Three percent of the total funds collected under s.
 407 316.0083 shall be distributed to public hospitals that qualify
 408 for distributions under s. 409.911(4), that are not verified
 409 trauma centers but are located in trauma service areas, as
 410 defined under s. 395.402, and that do not have a verified trauma
 411 center based on their proportionate number of emergency room
 412 visits on an annual basis. The Agency for Health Care
 413 Administration shall provide the department with a list of
 414 public hospitals and emergency room visits.

415 5. Three percent of the total funds collected under s.
 416 316.0083 shall be distributed equally to crisis stabilization
 417 units, rural health initiatives, and community-based support
 418 programs that provide support and services for individuals who
 419 have sustained a traumatic brain injury.

420 (b) Funds collected under s. 318.18(5)(c) and (20) ~~(19)~~
 421 shall be distributed as follows:

422 1. Thirty percent of the total funds collected shall be
 423 distributed to Level II trauma centers operated by a public
 424 hospital governed by an elected board of directors as of
 425 December 31, 2008.

426 2. Thirty-five percent of the total funds collected shall
 427 be distributed to verified trauma centers based on trauma
 428 caseload volume for the most recent calendar year available. The
 429 determination of caseload volume for distribution of funds under
 430 this subparagraph shall be based on the department's Trauma
 431 Registry data.

432 3. Thirty-five percent of the total funds collected shall
 433 be distributed to verified trauma centers based on severity of
 434 trauma patients for the most recent calendar year available. The
 435 determination of severity for distribution of funds under this
 436 subparagraph shall be based on the department's International
 437 Classification Injury Severity Scores or another statistically
 438 valid and scientifically accepted method of stratifying a trauma
 439 patient's severity of injury, risk of mortality, and resource
 440 consumption as adopted by the department by rule, weighted based
 441 on the costs associated with and incurred by the trauma center
 442 in treating trauma patients. The weighting of scores shall be
 443 established by the department by rule.

444 (2) Funds deposited in the department's Administrative
 445 Trust Fund for verified trauma centers may be used to maximize
 446 the receipt of federal funds that may be available for such
 447 trauma centers and nontrauma center public hospitals.

448 Notwithstanding this section and s. 318.14, distributions to
 449 trauma centers may be adjusted in a manner to ensure that total
 450 payments to trauma centers represent the same proportional
 451 allocation as set forth in this section and s. 318.14. For
 452 purposes of this section and s. 318.14, total funds distributed
 453 to trauma centers may include revenue from the Administrative
 454 Trust Fund and federal funds for which revenue from the
 455 Administrative Trust Fund is used to meet state or local
 456 matching requirements. Funds collected under ss. 318.14,
 457 316.0083, and 318.18 and deposited in the Administrative Trust
 458 Fund of the department shall be distributed to trauma centers
 459 and nontrauma center public hospitals on a quarterly basis using
 460 the most recent calendar year data available. Such data shall
 461 not be used for more than four quarterly distributions unless
 462 there are extenuating circumstances as determined by the
 463 department, in which case the most recent calendar year data
 464 available shall continue to be used and appropriate adjustments
 465 shall be made as soon as the more recent data becomes available.

466 Section 9. This act recognizes, validates, and ratifies
 467 any enforcement action taken by a county or municipality using a
 468 traffic infraction detector that is installed until 1 year after
 469 the Department of Transportation's final specifications are
 470 adopted, including any and all civil fines, penalties, fees, and
 471 costs collected pursuant to such enforcement action.

472 Section 10. If any provision of this act or its
 473 application to any person or circumstance is held invalid, the
 474 invalidity shall not affect other provisions or applications of
 475 this act which can be given effect without the invalid provision

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476 or application, and to this end the provisions of this act are
477 declared severable.

478 Section 11. This act shall take effect upon becoming a
479 law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 351 Specialty License Plates

SPONSOR(S): Patterson

TIED BILLS: IDEN./SIM. BILLS: SB 736

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Roads, Bridges & Ports Policy Committee		Brown <i>RB</i>	Miller <i>PM</i>
2) Economic Development & Community Affairs Policy Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 351 provides for the creation of a "Catch Me, Release Me" specialty license plate. The annual use fee of \$25 per tag shall be distributed to the Guy Harvey Ocean Foundation, Inc., to fund marine-related scientific research and public awareness. Up to 15 percent of the proceeds collected are reserved to the Foundation for administrative costs, and up to 10 percent of the proceeds may be used for promotion and marketing of the plate.

Specialty license plates must be specifically authorized pursuant to s. 320.08053, F.S. This statute establishes requirements that organizations must meet to create a new specialty license plate, including a scientific survey performed by an independent sampling firm indicating that 30,000 motor vehicle owners would purchase the proposed plate at the increased cost, long and short term marketing plans addressing revenues and expenditures, and a \$60,000 application fee, among other requirements.

The fiscal impact of this bill is approximately \$60,000 to the Department of Highway Safety and Motor Vehicles (DHSMV) for implementation of the new specialty license plate. The fiscal impact will be offset by the application fee of \$60,000 paid to DHSMV by the sponsoring organization.

The Guy Harvey Ocean Foundation, Inc., has been approved by DHSMV and the Auditor General to pursue legislation for the "Catch Me, Release Me" specialty license plate, and is not affected by the 2008 legislation limiting future specialty plates.

The bill has an effective date of October 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.

The Legislature has authorized 114 specialty license plates. Sales of specialty license plates generated over \$37 million in annual use fee revenues during the 2009 Fiscal Year (July 2008-June 2009). Since the program's inception, the DHSMV has collected annual use fees for the plates totaling more than \$435.8 million. As of September 15, 2009, there were 1,472,826 of the state's 16.5 million registered vehicles displaying a valid specialty plate. This represents approximately 8.9% of all vehicle plates.

Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit the following to DHSMV:

- a request for the plate describing it in general terms;
- the results of a professional, independent, and scientific sample survey of Florida residents indicating that 30,000 vehicle owners intend to purchase the plate at the increased cost;
- an application fee of \$60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- a marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.

In 2008 the Legislature passed SB 1992, which included a moratorium on the issuance of specialty plates by DHSMV.¹ The moratorium is effective from October 1, 2008 to July 1, 2011, but contains an

¹ S. 45, 2008-176, Laws of Florida

exception “for [any] specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008.”²

Effect of Proposed Changes

The bill amends ss. 320.08056 and 320.08058, F.S., to authorize DHSMV to develop and issue a “Catch Me, Release Me” license plate upon payment of the appropriate license taxes and a \$25 special use fee. Annual use fees collected from the sale of this license plate shall be distributed to the Guy Harvey Ocean Foundation, Inc. They will administer the fees and use the proceeds as follows:

- the first \$60,000 in revenues may be retained to cover start-up costs;
- up to 15 percent of the proceeds may be used for administrative costs directly associated with the operations of the Guy Harvey Ocean Foundation, Inc.;
- up to 10 percent of the proceeds may be spent on promotion and marketing of the plate; and
- all remaining proceeds shall be used by the Guy Harvey Ocean Foundation, Inc., for substantive research and outreach initiatives.

HB 351 specifically mentions particular types of research and outreach being pursued by the Guy Harvey Ocean Foundation, Inc.:

- research of free-ranging pelagic marine species that inhabit, use, or migrate through Florida waters,
- conservation initiatives, and
- education and public outreach programs targeting school-aged children in the state.

The fiscal impact incurred as a result of this bill is approximately \$60,000. This impact is offset by the \$60,000 application fee Guy Harvey Ocean Foundation, Inc. is required to pay as part of the application process. Revenue generated from the sale of this license plate is based on public interest and cannot be predicted.

The DHSMV has notified the Legislature that the Guy Harvey Ocean Foundation, Inc. has met the initial application and statutory requirements to pursue legislation for the “Catch Me, Release Me” specialty license plate. In conformity with s. 320.08053(1)(b), F.S., the Auditor General has issued a report validating the Foundation’s survey.³ This report also determines that the “Catch Me, Release Me” plate falls within exception from the moratorium on new specialty license plates created by the 2008 Legislature, as the Foundation submitted their materials before May 2, 2008.⁴

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08056(4), F.S., providing for a \$25 annual use fee for the “Catch Me, Release Me” license plate.

Section 2 Amends s. 320.08058(65), F.S., creating the “Catch Me, Release Me” specialty license plate; providing for plate design; and providing for the distribution and uses of the annual use fees.

Section 3 Provides an Effective Date of October 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

² *Id.*

³ Report No. 2009-129, Auditor General, February 2009.

⁴ *Id.*

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to purchase the specialty license plate will be required to pay an annual use fee of \$25 in addition to applicable taxes and administrative charges. It is impossible to determine how many people will purchase the plates because the sale of this license plate will be based on public interest. Therefore, the aggregate impact to the private sector cannot be determined.

D. FISCAL COMMENTS:

Implementation of HB 351 will cost DHSMV approximately \$60,000 in contract programming, development labor, and product purchasing costs for the creation of the "Catch Me, Release Me" license plate. This fiscal impact is offset by the statutory application fee of \$60,000, which has been submitted to DHSMV by the Guy Harvey Ocean Foundation, Inc., for the creation of this specialty license plate. If the specialty license plate is not approved by the Legislature, the application fee may be refunded.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill sponsor has indicated that an amendment will be offered in the Roads, Bridges and Ports Policy Committee to lower the cap on administrative and marketing costs to 10 percent.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to specialty license plates; amending ss.
 3 320.08056 and 320.08058, F.S.; creating a Catch Me,
 4 Release Me license plate; establishing an annual use fee
 5 for the plate; providing for the distribution of use fees
 6 received from the sale of such plates; providing an
 7 effective date.

8

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

10

11 Section 1. Paragraph (rrr) is added to subsection (4) of
 12 section 320.08056, Florida Statutes, to read:

13 320.08056 Specialty license plates.--

14 (4) The following license plate annual use fees shall be
 15 collected for the appropriate specialty license plates:

16 (rrr) Catch Me, Release Me license plate, \$25.

17 Section 2. Subsection (70) is added to section 320.08058,
 18 Florida Statutes, to read:

19 320.08058 Specialty license plates.--

20 (70) CATCH ME, RELEASE ME LICENSE PLATES.--

21 (a) The department shall develop a Catch Me, Release Me
 22 license plate as provided in this section. Catch Me, Release Me
 23 license plates must bear the colors and design approved by the
 24 department. The word "Florida" must appear at the top of the
 25 plate, and the words "Catch Me, Release Me" must appear at the
 26 bottom of the plate.

27 (b) The license plate annual use fees shall be distributed
 28 to the Guy Harvey Ocean Foundation, Inc., to fund marine-related

29 scientific research, including research of free-ranging pelagic
30 marine species that inhabit, use, or migrate through Florida
31 waters; conservation initiatives; and education and public
32 outreach programs targeting school-aged children in the state.
33 The Guy Harvey Ocean Foundation, Inc., may retain all revenue up
34 to \$60,000 from the annual use fees until all startup costs for
35 developing and establishing the plate have been recovered.
36 Thereafter, up to 15 percent of the annual use fee revenue may
37 be used for administrative costs directly associated with the
38 operations of the Guy Harvey Ocean Foundation, Inc., and up to
39 10 percent may be used for promotion and marketing of the
40 specialty license plate.

41 Section 3. This act shall take effect October 1, 2010.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 351

COUNCIL/COMMITTEE 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 Council/Committee hearing bill: Roads, Bridges, and Ports
2 Policy Committee
3 Representative Patterson offered the following:

Amendment

Remove lines 36-40 and insert:

7 Thereafter, up to 10 percent of the annual use fee revenue may
8 be used for administrative costs directly associated with the
9 operations of the Guy Harvey Ocean Foundation, Inc., and
10 promotion and marketing of the specialty license plate.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 399 Motor Vehicles

SPONSOR(S): Kelly and others

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Roads, Bridges & Ports Policy Committee		Brown RB	Miller PM
2) Finance & Tax Council			
3) Economic Development & Community Affairs Policy Council			
4)			
5)			

SUMMARY ANALYSIS

HB 399 requires the Department of Highway Safety and Motor Vehicles to modify certain applications to allow a \$1 voluntary contribution to be made to Blind Babies and Blind Youth Services. Specifically, the bill amends sections 320.02, 322.08, and 322.18, F.S., to require motor vehicle applications and renewals, as well as drivers' license applications and renewals, to include a \$1 check-off to Florida Association of Agencies Serving the Blind, Inc., a non-profit 501(c)(3) organization, to provide organizational support for private agencies serving Floridians with blindness.

DHSMV has certified that Florida Association of Agencies Serving the Blind, Inc., has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

The bill has an effective date of October 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill amends section 320.02, F.S., to require motor vehicle applications and renewals to include a \$1 check-off to "Blind Babies and Blind Youth Services." The money is paid to Florida Association of Agencies Serving the Blind, Inc., a non-profit 501(c)(3) organization, to provide organizational support for private agencies serving Floridians with blindness.

DHSMV has provided notice that the Florida Association of Agencies Serving the Blind, Inc., has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

The bill amends section 322.08, F.S., to provide a similar \$1 check-off on drivers' license applications, and amends s. 322.18, F.S., to provide a \$1 check-off on drivers' license renewal applications.

About Drivers' License Check-offs

Section 322.081, F.S., provides the procedures an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a driver's license application. The check-off allows a person applying for or renewing a Florida driver's license to voluntarily contribute to one or more of the authorized organizations during the driver's license transaction. Before the organization is eligible, it must submit the following to the DHSMV at least 90 days before the convening of the regular session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

The DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.¹

Pursuant to s. 322.08(7), F.S., the driver's license application and renewal forms currently include the following seven voluntary contribution check-offs. (The eighth, for Prevent Blindness Florida, is authorized

¹ Section 322.081(4)(a), F.S.

in s. 322.18(9)(a), F.S.) The total revenue and revenue generated by each check-off in the last 5-year period are summarized in the chart below:²

Driver License Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected w/in last 5 years	Total Revenue Collected
Organ & Tissue Donor Education (\$1)	1995-423, L.O.F.	7/1/1995	\$402,603	\$1,091,209
Prevent Blindness Florida (\$1)	1995-333, L.O.F.	10/01/1995	\$2,092,878	\$3,208,017
Florida Council of the Blind (\$1)	1996-413, L.O.F.	6/5/1996	\$185,343	\$482,340
Hearing Research Institute (\$2)	2000-313, L.O.F.	10/1/2000	\$185,053	\$320,988
Juvenile Diabetes Foundation International (\$1)	2000-313, L.O.F.	10/1/2000	\$592,835	\$1,017,278
Children's Hearing Help Fund (\$1)	2005-68, L.O.F.	7/1/2005	\$260,763	\$260,763
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$150,047	\$150,047
Stop Heart Disease (\$1)	2009-100, L.O.F.	10/1/2009	\$0	\$0
Total			\$3,869,522	\$6,530,642

About Motor Vehicle Registration Check-offs

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures which an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to DHSMV at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle's registration and renewal application forms. Included in s. 320.02, F.S., are options for voluntary contributions to the following corporations, trust funds, and organizations as shown in the chart below. The chart includes three additional voluntary contributions relating to registrations authorized in other sections of law.³

² The charts in this analysis were prepared by Senate staff as part of Senate Interim Report 2010-131, *Review of the Requirements for Establishing Specialty License Plates and Registration and Driver's License Check-Offs*, October 2009.

³ Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

Registration Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected w/in last 5 years	Total Revenue Collected
*Save the Manatee TF (\$2 or \$5)	1984-338, L.O.F.	7/1/1985	\$478,310	\$3,191,012
Nongame Wildlife Trust Fund (\$1)	1984-194, L.O.F.	10/1/1984	\$210,421	\$19,244,868
*Marine Resources Conservation TF (\$5) Turtle Sticker is issued	1991-215, L.O.F.	7/1/1992	\$422,228	\$1,067,533
Organ & Tissue Donor Education (\$1)	95-423, L.O.F.	7/1/1995	\$284,239	\$586,143
Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2)	1995-333, L.O.F.	10/1/1995	\$253,237	\$649,751
Transportation Disadvantaged Trust Fund (\$1)	1994-306, L.O.F.	7/1/1994	\$155,605	\$362,242
Prevent Blindness Florida (\$1)	1997-300, L.O.F.	10/1/1997	\$567,325	\$968,679
Florida Mothers Against Drunk Driving, Inc. (unspecified \$)	1999-233, L.O.F.	7/1/1999	\$350,902	\$542,973
Southeastern Guide Dogs, Inc. (\$1)	2005-254, L.O.F.	7/1/2005	\$225,256	\$225,256
Miami Heart Research Institute, Inc. (\$1)	2006-44, L.O.F.	7/1/2006	\$98,465	\$98,465
Children's Hearing Help Fund (\$1)	2007-50, L.O.F.	10/1/2007	\$63,886	\$63,886
State Homes for Veterans Trust Fund (\$1)	2008-87, L.O.F.	10/1/2008	\$82,806	\$82,806
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$16,365	\$16,365
Florida Sheriffs Youth Ranches, Inc. (\$1)	2009-110, L.O.F.	7/1/2009	\$176	\$176
Total			\$3,209,221	\$27,100,155

B. SECTION DIRECTORY:

- Section 1** Amends s. 320.02, F.S., adding a voluntary contribution to Florida Association of Agencies Serving the Blind, Inc., to applications for motor vehicle registration and renewal forms.
- Section 2** Amends s. 322.08, F.S., adding a voluntary contribution to Florida Association of Agencies Serving the Blind, Inc., to drivers' license applications.
- Section 3** Amends s. 322.18, F.S., adding a voluntary contribution to Florida Association of Agencies Serving the Blind, Inc., to drivers' license renewal applications.
- Section 4** Provides an effective date of October 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will require programming modifications to DHSMV's Driver License and Motor Vehicle Information Systems, the cost of which will be paid from the \$10,000 application fee submitted by the Florida Association of Agencies Serving the Blind, Inc.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists who decide to donate would pay an additional dollar for vehicle registrations and drivers' licenses.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to motor vehicles; amending s. 320.02,
 3 F.S.; requiring the application form for motor vehicle
 4 registration or renewal of registration to include
 5 language permitting the applicant to make a voluntary
 6 contribution to Blind Babies and Blind Youth Services;
 7 amending s. 322.08, F.S.; requiring the application form
 8 for a driver's license or duplicate thereof to include
 9 language permitting the applicant to make a voluntary
 10 contribution to Senior Vision Services; amending s.
 11 322.18, F.S.; requiring the application form for renewal
 12 issuance or renewal extension of a driver's license to
 13 include language permitting the applicant to make a
 14 voluntary contribution to Senior Vision Services;
 15 providing for distribution of funds collected from
 16 voluntary contributions authorized under this act to the
 17 Florida Association of Agencies Serving the Blind, Inc.;
 18 providing that such contributions are not considered
 19 income of a revenue nature; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Paragraph (i) is added to subsection (15) of
 24 section 320.02, Florida Statutes, to read:

25 320.02 Registration required; application for
 26 registration; forms.—

27 (15)

28 (i) The application form for motor vehicle registration
 29 and renewal of registration must include language permitting a
 30 voluntary contribution of \$1 to Blind Babies and Blind Youth
 31 Services. Such contributions shall be transferred by the
 32 department each month to the Florida Association of Agencies
 33 Serving the Blind, Inc., a not-for-profit organization.

34
 35 For the purpose of applying the service charge provided in s.
 36 215.20, contributions received under this subsection are not
 37 income of a revenue nature.

38 Section 2. Subsection (7) of section 322.08, Florida
 39 Statutes, is amended to read:

40 322.08 Application for license.—

41 (7) The application form for a driver's license or
 42 duplicate thereof shall include language permitting the
 43 following:

44 (a) A voluntary contribution of \$1 per applicant, which
 45 contribution shall be deposited into the Health Care Trust Fund
 46 for organ and tissue donor education and for maintaining the
 47 organ and tissue donor registry.

48 (b) A voluntary contribution of \$1 per applicant, which
 49 contribution shall be distributed to the Florida Council of the
 50 Blind.

51 (c) A voluntary contribution of \$2 per applicant, which
 52 shall be distributed to the Hearing Research Institute,
 53 Incorporated.

54 (d) A voluntary contribution of \$1 per applicant, which
 55 shall be distributed to the Juvenile Diabetes Foundation
 56 International.

57 (e) A voluntary contribution of \$1 per applicant, which
 58 shall be distributed to the Children's Hearing Help Fund.

59 (f) A voluntary contribution of \$1 per applicant, which
 60 shall be distributed to Family First, a nonprofit organization.

61 (g) A voluntary contribution of \$1 per applicant, to Stop
 62 Heart Disease, which shall be distributed to the Florida Heart
 63 Research Institute, a nonprofit organization.

64 (h) A voluntary contribution of \$1 per applicant to Senior
 65 Vision Services, which shall be distributed to the Florida
 66 Association of Agencies Serving the Blind, Inc., a not-for-
 67 profit organization.

68
 69 A statement providing an explanation of the purpose of the trust
 70 funds shall also be included. For the purpose of applying the
 71 service charge provided in s. 215.20, contributions received
 72 under paragraphs (b)-(h) ~~(b), (c), (d), (e), (f), and (g)~~ and
 73 under s. 322.18(9) are not income of a revenue nature.

74 Section 3. Paragraph (c) is added to subsection (9) of
 75 section 322.18, Florida Statutes, to read:

76 322.18 Original applications, licenses, and renewals;
 77 expiration of licenses; delinquent licenses.—

78 (9)

79 (c) The application form for a renewal issuance or renewal
 80 extension shall include language permitting a voluntary
 81 contribution of \$1 per applicant to Senior Vision Services. Such

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82 | contributions shall be distributed monthly to the Florida
83 | Association of Agencies Serving the Blind, Inc., a not-for-
84 | profit organization.

85 | Section 4. This act shall take effect October 1, 2010.