

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 1363 Traffic Enforcement

**SPONSOR(S):** Infrastructure Strategies Committee, Transportation & Modals Subcommittee, Busatta Cabrera and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** CS/SB 1464

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**FINAL HOUSE FLOOR ACTION:** 109 Y's      0 N's            **GOVERNOR'S ACTION:** Pending

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### SUMMARY ANALYSIS

CS/CS/HB 1363 passed the House on March 1, 2024, and subsequently passed the Senate on March 6, 2024.

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law. The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras), speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit, and school bus infraction detection systems.

Similar to current law authorizing school zone speed detection systems, the bill adds certain requirements to the law that authorizes red light cameras. Specifically, the bill:

- Requires a county or municipality to enact an ordinance in order to authorize the placement or installation of, or to authorize contracting with a vendor for the placement or installation of, one or more traffic infraction detectors if the traffic infraction detectors are placed or installed on or after July 1, 2025, in an area where no traffic infraction detectors are currently placed or installed.
- Requires a county or municipality that operates traffic infraction detectors to annually report the results of all traffic infraction detectors within the county's or municipality's jurisdiction at a public meeting. The bill provides requirements for the report.
- Requires that, before a county or municipality contracts or renews a contract to place or install traffic infraction detectors, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.
- Provides requirements for the public meeting held for the proposed ordinance, annual report, contract, or contract renewal.
- Provides that a county or municipality that does not comply with the foregoing requirements is suspended from operating traffic infraction detectors until such noncompliance is corrected.

The bill specifies contents of reports required under current law which each county and municipality submits to the Department of Highway Safety and Motor Vehicles (DHSMV) in order for DHSMV to compile its summary report on red light cameras. The bill also requires DHSMV to publish each report submitted by a county or municipality on its website.

The bill adds limitations on contract procurement for all traffic enforcement camera systems by prohibiting procurement of such contracts through a contract awarded to a governmental entity outside this state and prohibiting contracting for traffic enforcement camera systems with vendors of foreign countries of concern.

The bill may have an indeterminate negative fiscal impact on the state and on local governments that elect to enforce certain traffic infractions by use of a camera.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2024.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Background: Use of Cameras for Traffic Enforcement**

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.<sup>1</sup> The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),<sup>2</sup> speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,<sup>3</sup> and school bus infraction detection systems.<sup>4</sup>

School zone speed detection systems and school bus infraction detection systems are the two most recently authorized camera programs and were authorized in the 2023 Legislative Session.<sup>5</sup>

The law authorizing school zone speed detection systems contains the following provisions pertinent to this bill:

- Requires a county or municipality to enact an ordinance in order to authorize the placement or installation of a speed detection system.<sup>6</sup> As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.<sup>7</sup>
- Requires a county or municipality to annually report the results of all school zone speed detection systems within the county's or municipality's jurisdiction by placing a specified report as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body.<sup>8</sup> Before a county or municipality contracts or renews a contract to place or install a speed detection system in a school zone, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.<sup>9</sup>
  - Interested members of the public must be allowed to comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda.<sup>10</sup>
  - The report must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain, for the same period pertaining to the specified annual report to the Department of Highway Safety and Motor Vehicles (DHSMV), the number of notices of violation issued, the number that were contested,

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<sup>1</sup> S. 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

<sup>2</sup> Section 316.003(100), F.S., defines the term "traffic infraction detector" to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. See also s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

<sup>3</sup> Ss. 316.003(82), 316.008(9), 316.0776(3), and 316.1896, F.S.

<sup>4</sup> Ss. 316.003(78) and 316.173, F.S.

<sup>5</sup> Chs. 2023-174 and 2023-171, Laws of Fla.

<sup>6</sup> S. 316.008(9)(c), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> S. 316.0776(3)(c), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> S. 316.0776(3)(c)1., F.S.

the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to DHSMV that the county's or municipality's annual report was properly considered, including the date of the regular or special meeting at which the annual report was considered.<sup>11</sup>

- The compliance or sufficiency of compliance with this reporting requirement may not be raised in a proceeding challenging a violation of s. 316.1895, F.S., or s. 316.183, F.S., enforced by a speed detection system in a school zone.<sup>12</sup>

The law that authorizes red light cameras contains the following provisions pertinent to this bill:

- Each county or municipality that operates a traffic infraction detector must submit a report by October 1, 2012, and annually thereafter, to DHSMV which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year.<sup>13</sup> The information submitted by the counties and municipalities must include statistical data and information required by DHSMV in order for DHSMV to complete the report that DHSMV is required to compile.<sup>14</sup>
- On or before December 31, 2012, and annually thereafter, DHSMV must provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors, along with DHSMV's recommendations and any necessary legislation.<sup>15</sup> The summary report must include a review of the information submitted to DHSMV by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.<sup>16</sup>

Current law does not require the enactment of an ordinance prior to the placement or installation of red light cameras, does not require local governments to annually report the results of red light cameras at a public meeting, does not prohibit procuring contracts for traffic enforcement camera systems through a contract awarded to a governmental entity outside this state, and does not prohibit contracting with vendors of foreign countries of concern for traffic enforcement camera systems.

### **Effect of the Bill**

Similar to current law for school zone speed detection systems, the bill adds additional requirements to the law that authorizes red light cameras. Specifically,

- A county or municipality that desires to have one or more traffic infraction detectors placed or installed on or after July 1, 2025, in an area where no traffic infraction detectors are currently placed or installed must enact an ordinance in order to authorize the placement or installation of, or to authorize contracting with a vendor for the placement or installation of, one or more traffic infraction detectors to enforce s. 316.074(1), F.S., or s. 316.075(1)(c)1., F.S. As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each traffic infraction detector and must determine that the intersection at which a traffic infraction detector is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.
- A county or municipality that operates one or more traffic infraction detectors must annually report the results of all traffic infraction detectors within the county's or municipality's jurisdiction by placing a specified report as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body.

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<sup>11</sup> S. 316.0776(3)(c)2., F.S.

<sup>12</sup> S. 316.0776(3)(c)3., F.S.

<sup>13</sup> S. 316.0083(4)(a), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> S. 316.0083(4)(b), F.S.

<sup>16</sup> *Id.*

- Before a county or municipality contracts or renews a contract to place or install one or more traffic infraction detectors, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body. Interested members of the public must be allowed to comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda. The report must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to DHSMV that the county's or municipality's annual report was considered, including the date of the regular or special meeting at which the annual report was considered. The compliance or sufficiency of compliance with this reporting requirement may not be raised in a proceeding challenging a violation of s. 316.074(1), F.S., or s. 316.075(1)(c)1., F.S., enforced by a traffic infraction detector.
- A county or municipality that does not comply with the foregoing requirements is suspended from operating traffic infraction detectors until such noncompliance is corrected.

Relating to the requirement under current law that each county and municipality submit to DHSMV a traffic infraction detector report in order for DHSMV to compile its summary report on red light cameras, the bill requires:

- The report to include the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, the number that were paid, and the number in each of the preceding categories for which the notice of violation was issued for a right-hand turn violation.
- The report to include a description of alternative safety countermeasures taken before and after the placement or installation of a traffic infraction detector.
- DHSMV to publish each report submitted by a county or municipality on its website.

The bill adds the following limitations on contract procurement for all traffic enforcement camera systems:

- A contract awarded by another governmental entity outside this state or by a consortium or cooperative of governmental entities outside this state may not be used to procure contracts with manufacturers or vendors of school bus infraction detection systems, speed detection systems, traffic infraction detectors, or any other camera systems used for traffic enforcement. This applies to contracts entered into on or after July 1, 2025.
- On or after July 1, 2025, a governmental entity may not knowingly enter into or renew a contract with a contracting vendor of a school bus infraction detection system, speed detection system, traffic infraction detector, or any other camera system used for traffic enforcement if:
  - The contracting vendor is owned by the government of a foreign country of concern;<sup>17</sup> or
  - The government of a foreign country of concern has a controlling interest<sup>18</sup> in the contracting vendor.

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<sup>17</sup> The bill relies on the definition of "foreign country of concern" in s. 287.138, F.S., which defines the term to mean "the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern." S. 287.138(1)(c), F.S.

<sup>18</sup> The bill relies on the definition of "controlling interest" in s. 287.138, F.S., which defines the term to mean "possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest." S. 287.138(1)(a), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill may have an indeterminate negative fiscal impact, though likely insignificant, on DHSMV because the department has to publish each red light camera report submitted by a county or municipality on its website.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

Indeterminate. As to local governments that elect to enforce certain traffic infractions by use of a camera, the bill may add costs to local governments in order for them to do so.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.