

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 921 Governmental Reorganization/Florida Highway Patrol  
**SPONSOR(S):** Robaina  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2058

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	6 Y, 1 N	Garner	Miller
2) Transportation			
3) State Administration			
4) Transportation & Econ. Dev. Apps. (Sub)			
5) Appropriations			

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### SUMMARY ANALYSIS

Currently, the Florida Highway Patrol is a division within the Department of Highway Safety and Motor Vehicles.

HB 921 Removes the Division of the Florida Highway Patrol from the Department of Highway Safety and Motor Vehicles, and makes it an executive department that reports to the Governor and the Cabinet. All duties, responsibilities, and authorities granted to the Florida Highway Patrol would transfer intact to the new department.

The bill provides an effective date of July 1, 2003.

**[Note: On April 9, 2003, the Highway Safety Subcommittee recommended a strike-all amendment that provides for a State Law Enforcement Commission to oversee the new Department of the Florida Highway Patrol that is created in the bill. The Subcommittee then recommended the bill favorably as amended.]**

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0921a.tr.doc  
**DATE:** April 10, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### Reduce government?

HB 921 creates a new executive agency. Although the new agency is created by separating a division from an existing department, such a change could create duplication of executive and administrative functions, as well as duplication of programs where the two agencies share a common mission. In addition, the bill does not address whether there will be a need for separate facilities or whether the new agency will remain housed in the offices it occupies as a division of the existing agency.

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Currently, the Florida Highway Patrol is a division within the Department of Highway Safety and Motor Vehicles.

##### Effect of Proposed Changes

HB 921 Removes the Division of the Florida Highway Patrol from the Department of Highway Safety and Motor Vehicles, and makes it an executive department that reports to the Governor and the Cabinet. All duties, responsibilities, and authorities granted to the Florida Highway Patrol would transfer intact to the new department.

This bill provides for a type two transfer of all statutory powers, duties, legal actions, contracts, functions, records, personnel, and property from the Department of Highway Safety and Motor Vehicles to the Department of the Florida Highway Patrol. This bill also provides for the type two transfer of legal, clerical, administrative and other positions which primarily support the Division of Florida Highway Patrol to the newly created Department of the Florida Highway Patrol. The Office of the Governor is authorized to shift Divisions in a type one transfer to promote efficient and effective operations of both departments. All trust fund balances and unexpended appropriation balances will be transferred as a type two transfer to the Administrative Trust Fund of the Department of the Florida Highway Patrol.

According to the Department of Highway Safety and Motor Vehicles, the reorganization could cause duplication of effort and a reduction of efficiency due to duplicative programs being administered by two agencies with essentially the same mission, "safe highways". See FISCAL COMMENTS section for additional details.

#### C. SECTION DIRECTORY:

**Section 1.** Creates s. 20.241, F.S., creating the Department of the Florida Highway Patrol.

**Section 2.** Provides for a type two transfer of assets and authority from the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to the new Department of the Florida Highway Patrol.

**Section 3.** Provides for transfer of the rules of the Department of Highway Safety and Motor Vehicles that relate to the Division of the Florida Highway Patrol to the Department of the Florida Highway Patrol.

**Section 4.** Protects the validity of pending judicial or administrative actions of the Division of the Florida Highway Patrol upon transfer.

**Section 5.** Provides that it is the Legislature's intent that statutory authority for law enforcement and traffic control be vested in the Department of the Florida Highway Patrol.

**Section 6.** Provides intent that job and rank classifications, pay plans, employment statuses, and assignments remain intact, except as otherwise provided by the bill.

**Section 7.** Provides intent that the appointments vested in the Division Director be vested in the new Department Director until June 30, 2004.

**Section 8.** Authorizes the Division of Statutory Revision to prepare legislation to conform the statutes.

**Section 9.** Amends s. 20.24, F.S., to delete reference to the Division of the Florida Highway Patrol.

**Section 10.** Amends s. 110.2035, F.S., to provide a new classification and compensation program for the Department of the Florida Highway Patrol.

**Section 11.** Amends s. 23.1231, F.S., to conform the statutes relating to the powers and duties of the director of the Florida Mutual Aid Plan.

**Section 12.** Amends s. 120.80, F.S., to conform the statutes relating to exceptions and special requirements of agencies.

**Section 13.** Amends s. 282.1095, F.S., to conform the statutes relating to the state agency law enforcement radio system.

**Section 14.** Amends s. 316.003, F.S., to conform definitions.

**Section 15.** Amends s. 316.640, F.S., conform the statutes relating to vesting of enforcement of the traffic laws.

**Section 16.** Amends s. 321.02, F.S., to conform the statutes relating to powers and duties of the Division of the Florida Highway Patrol.

**Section 17.** Amends s. 321.03, F.S., to conform the statutes relating to prohibitions against imitating the vehicle colors of the Florida Highway Patrol.

**Section 18.** Amends s. 321.04, F.S., to conform the statutes relating to personnel of the highway patrol.

**Section 19.** Amends s. 321.05, F.S., to conform the statutes relating to the duties, functions, and powers of the patrol officers.

**Section 20.** Amends s. 321.051, F.S., to conform the statutes relating to the wrecker operator system.

**Section 21.** Amends s. 321.23, F.S., to conform the statutes relating to maintenance of public records.

**Section 22.** Amends s. 321.25, F.S., to conform the statutes relating to training provided at patrol schools.

**Section 23.** Amends s. 338.239, F.S., to conform the statutes relating to traffic control on the turnpike system.

**Section 24.** Amends s. 943.11, F.S., to conform the statutes relating to the Criminal Justice Standards and Training Commission.

**Section 25.** Amending s. 72.011, F.S., to amend a cross-reference.

**Section 26.** Amending s. 213.015, F.S., to amend a cross-reference.

**Section 27.** Amending s. 215.26, F.S., to amend a cross-reference.

**Section 28.** Amending s. 519.101, F.S., to amend a cross-reference.

**Section 29.** Re-enacting s. 321.065, F.S.

**Section 30.** Providing an effective date of July 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS section below.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

HB 921 creates a new executive agency. Although the new agency is created by separating a division from an existing department, such a change could create duplication of executive and administrative functions, as well as duplication of programs where the two agencies share a common mission. Staff has insufficient information to determine the fiscal impact on the state that such potential duplication may have. Implementation of this bill will require the re-allocation of positions and shifting of funding which is currently used to support operations of the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles. In addition, the bill does not address whether there will be a need for separate facilities or whether the new agency will remain housed in the offices it

occupies as a division of the existing agency. Any potential capital cost or any potential cost of leased space is, therefore, indeterminate.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions 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:**

Rule-making authority currently possessed by the Division of the Florida Highway Patrol is transferred to the newly created Department of the Florida Highway Patrol. The bill creates a new classification and compensation program for the Department of the Florida Highway Patrol and authorizes the new department to adopt any rules necessary to implement the program to include Career Service, Selected Exempt Service, and Senior Management Service positions consistent with the plan submitted to the Legislature on December 1, 2001. The bill provides, however, that the rules must include pay bandwidths of 150 percent for each occupational group except the manager and executive occupational groups.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On April 9, 2003, the Highway Safety Subcommittee recommended a strike-all amendment that provides for a State Law Enforcement Commission to oversee the new Department of the Florida Highway Patrol that is created in the bill. The Subcommittee then recommended the bill favorably as amended.