

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: SB 2160 (SPB 7206)

INTRODUCER: Budget Committee

SUBJECT: Highway Safety Conforming

DATE: April 1, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carey	Meyer, C.		<b>SPB 7206 Favorable, as amended</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

This bill makes changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV or department) that conform to provisions of the proposed General Appropriations Bill, Senate Bill 2000. These provisions include:

- Creating the Division of Motorist Services within DHSMV and eliminating the Division of Driver Licenses and the Division of Motor Vehicles as two separate entities due to the reorganization of the department structure;
- Transferring the Office of Motor Carrier Compliance sworn law enforcement and administrative personnel from the Department of Transportation (FDOT) to the DHSMV;
- Allowing the DHSMV to sell crash records online and providing for distribution of fees;
- Authorizing certain revenues to be distributed to county tax collectors providing driver’s license issuance services upon the completion of transitioning this service to tax collectors;
- Creating a Law Enforcement Consolidation Task Force, providing for its membership, administrative support, and duties; and requiring the task force to submit a specified plan.
- Conforming changes.

This bill has a positive fiscal impact reducing expenditures in the DHSMV as a result of consolidating the Division of Driver Licensure and Division of Motor Vehicles; Outsourcing the sale of crash records; and consolidating the FDOT Office of Motor Carrier Compliance with the Florida Highway Patrol.

The bill substantially amends the following sections of the Florida Statutes: 20.23, 20.24, 110.205, 288.816, 311.115, 311.121, 316.066, 316.1957, 316.302, 316.3025, 316.3026, 316.516, 316.545, 316.613, 316.640, 318.15, 320.05, 320.18, 320.275, 321.05, 321.052, 321.23, 322.02, 322.135, 322.20, 322.202, 322.21, 334.044, 413.012, and 921.0022.

## **II. Present Situation:**

### **The Department of Highway Safety and Motor Vehicles**

The department was created by ch. 20.24 F.S. The mission of DHSMV is “Providing Highway Safety and Security Through Excellence in Service, Education, and Enforcement” by providing services in partnership with county tax collectors; local, state, and federal law enforcement agencies to promote a safe driving environment; issue driver licenses and identification cards; and provide services related to consumer protection and public safety.

The department is composed of four divisions: Florida Highway Patrol, Driver Licenses, Motor Vehicles, Administrative Services and an Information Systems Administration which offers support services to all divisions.

#### ***Division of Driver Licenses***

The Division of Driver Licenses (DDL) promotes safety on the highways by licensing qualified drivers, controlling and improving problem drivers, ensuring vehicle owners and operators are responsible for injuries and damages they may cause in a crash on Florida’s roadways, and maintaining records for driver evaluation. The DDL manages the issuance of driver licenses through an examination process and creates permanent records of all licenses issued. The DDL ensures all drivers and their vehicles are properly insured and enforces sanctions imposed for violation of Florida’s highway safety laws. The DDL provides services to the driving public through a network of field offices, tax collector agent offices, and mobile units located throughout the state.

The DDL is composed of four bureaus: Records, Financial Responsibility, Driver Improvement, and Driver Education. Field Operations, although not a bureau, is the single largest element of the division and contributes significantly to services.

#### ***Division of Motor Vehicles***

The Division of Motor Vehicles (DMV) provides safety and consumer protection of property rights by ensuring motor vehicles, vessels, and mobile homes are properly titled and registered. Motor Vehicles also ensures commercial carriers are properly registered and pay the appropriate gasoline tax for intrastate and interstate commerce. The DMV ensures the safety of mobile home residents by requiring mobile homes to be built in accordance with national construction standards and installed in accordance with state standards. In addition to day-to-day services to Florida residents, the DMV works with other state and federal agencies on motor vehicles issues and assists the state’s county tax collectors to provide vehicle services.

The DMV is composed of four bureaus: Field Operations, Titles and Registrations, Motor Carrier Services, and Mobile Home and Recreational Vehicle Construction.

#### ***Crash Reports***

The DHSMV is the central repository of long form crash reports completed by law enforcement agencies across the State of Florida. The department contracts with PRIDE for data entry services for long form crash reports. The data and images are maintained by DHSMV. Crash reports are sold for a fee as specified in s. 316.033, F.S.

#### ***Driver's License Issuance Service/Tax Collectors***

Pursuant to s. 322.135, F.S., the DHSMV, in conjunction with the Florida Tax Collectors Association and the Florida Association of Counties submitted a transition plan to the Legislature in February 2011 to transition all driver's license issuance services to the county tax collectors who are constitutional officers under s. 1(d), Art. VII, of the State Constitution. The plan includes a time to complete the full transition no later than June 30, 2015.

#### **FDOT/Office of Motor Carrier Compliance**

The OMCC was created in 1980 by merging weight and safety enforcement functions from the FHP and the Florida Public Service Commission. Staffed by both sworn law enforcement officers and regulatory weight inspectors, OMCC assists the FDOT in fulfilling its mission of providing a safe transportation system by performing commercial vehicle safety and weight enforcement.

The primary purposes of the OMCC, currently housed within FDOT, are to protect the highway system's pavement and structures from excessive damage due to overweight and oversize vehicles, and to reduce the number and severity of crashes involving commercial vehicles.<sup>1</sup> The OMCC enforces state and federal laws and agency rules that regulate the weight and size of vehicles operating on the state's highways, and the safety of commercial motor vehicles and their drivers.

The program uses both non-sworn weight inspectors and sworn law enforcement officers to enforce vehicle weight, size, fuel tax, and registration requirements. These inspectors weigh trucks and check registration and fuel tax compliance at fixed-scale locations along major highways. The program's law enforcement officers patrol the state's highways and use portable scales to weigh trucks that do not pass fixed-scale stations.<sup>2</sup> There are currently 497 FTEs within the OMCC dedicated to weight enforcement, of which 267 are sworn law enforcement officers and 178 are civilian (non-sworn) weight inspectors, and an additional 52 administrative support staff.

As part of their patrol duties on state highways, the program's law enforcement officers also enforce commercial motor vehicle safety regulations by performing safety inspections and enforcing traffic laws. The program's safety enforcement responsibilities also include compliance reviews at carrier places of business, which are performed by specially-trained law enforcement staff.<sup>3</sup>

According to FDOT, in calendar year 2010, the OMCC weighed 21,786,099 trucks, resulting in 52,223 weight citations. OMCC personnel also completed 118,383 driver/vehicle inspection

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<sup>1</sup> Office of Program Policy Analysis and Government Accountability, *Report # 01-45*, October 2001.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

reports resulting in 23,317 vehicles and/or drivers placed out of service for serious vehicle safety defects and driver licensing or hours of service violations. A typical weight violation case requires approximately 30 minutes per case and a complete CMV inspection will require 45-90 minutes. Over 96 percent of all enforcement contacts made by OMCC personnel were directly related to interactions with CMVs, including inspections, weight enforcement, speed enforcement, and other interactions.

In addition, OMCC officers:

- conduct compliance review audits on Florida-based carriers;
- conduct post-crash CMV inspections for vehicles involved in fatal and serious injury crashes at the request of the FHP and local law enforcement agencies; and
- conduct inspections of hazardous materials shipments on our roadways and deepwater ports.

The OMCC serves as Florida’s primary law enforcement radiological and nuclear detection agency in partnership with local, state and federal agencies.

According to FDOT, the operational cost of the OMCC reflects less than 1 percent of the FDOT annual budget. Annual funding is provided by the State Transportation Trust Fund (STTF) and by the USDOT Federal Motor Carrier Safety Administration (FMCSA) grant program(s). Of the total OMCC FY 2010-11 budget (\$39,589,127), \$8,389,889 was provided by the FMCSA grant(s)<sup>4</sup> and \$647,359 was received from the Department of Homeland Security.<sup>5</sup>

**III. Effect of Proposed Changes:**

**Section 1** amends s. 20.23, F.S., to clarify motor carrier weight inspectors will remain at FDOT after the transfer of the Office of Motor Carrier Compliance to DHSMV.

**Section 2** amends s. 20.24, F.S., to create the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol. In addition, this section creates the Division of Motorist Services within DHSMV and eliminates the Division of Driver Licenses and the Division of Motor Vehicles as two separate entities due to the reorganization of the department structure.

**Section 3** amends s. 110.205, F.S., to remove the positions of captains and majors assigned to the Office of Motor Carrier Compliance from FDOT’s exempt from career service positions.

**Section 4** amends s. 288.816, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

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<sup>4</sup> 2010 Grants		
MCSAP/Incentive Grant -	\$8,196,889	(Core CMV Safety Grant funded since FY 95/96)
New Entrant	\$ 122,000	(Outreach and education for new intrastate carriers)
Pre-TACT	<u>\$ 71,000</u>	(New grant for the development of an enforcement program directed at aggressive drivers Targeting Aggressive Cars and Trucks)
Total	\$8,389,889	

<sup>5</sup> Department of Transportation, *Agency Bill Analysis: SB 1434* (on file with the Senate Transportation Committee).

**Section 5** amends s. 311.115, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to the DHSMV.

**Section 6** amends s. 311.121, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 7** amends s. 316.066, F.S., to establish the information to be listed on a crash report and eliminates the authority for a county, or counties, to establish certified traffic records centers through agreement with a state agency.

**Section 8** amends s. 316.1957, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 9** amends s. 316.302, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to the DHSMV.

**Section 10** amends s. 316.3025, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 11** amends s. 316.3026, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 12** amends s. 316.516, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 13** amends s.316.545, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 14** amends s. 316.613, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 15** amends s. 316.640, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 16** amends s. 318.15, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 17** amends s. 320.05, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 18** amends s. 320.18 , F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 19** amends s. 320.275, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 20** amends s. 321.05, F.S., to provide a technical change due to the transfer of Motor Carrier Compliance to DHSMV.

**Section 21** amends s. 321.23, F.S., to allow for distribution of traffic reports online and provides for the distribution of fee to the investigating agency.

**Section 22** amends s. 322.02, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 23** amends s. 322.135, F.S., to require certain tax collectors to assume driver's license responsibilities of DHSMV by June 30, 2015.

**Section 24** amends s. 322.20, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 25** amends s. 322.202, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 26** amends s. 322.21, F.S., to specify certain fees shall be used for DHSMV motorist services activities that support the delivery of driver's license issuance and registration services by certain tax collectors. This section also specifies certain fees will be retained by tax collectors who provide driver's license issuance beginning July 1, 2015 or upon the completion of transitioning this service to tax collectors.

**Section 27** repeals subsection 32 of 334.044, F.S., due to transfer of the Office of Motor Carrier Compliance to DHSMV.

**Section 28** amends s. 413.012, F.S., to provide a technical change due to the creation of the Division of Motorist Services within DHSMV.

**Section 29** amends s. 921.0022, F.S., to conform to changes made in other sections of law relating to crash reports.

**Section 30** creates a Law Enforcement Consolidation Task Force to evaluate the duplication of law enforcement functions throughout state government and study limiting the jurisdiction of the Florida Highway Patrol to the State Highway System or Florida Intrastate Highway System. The Task Force is required to submit recommendations and a plan for consolidation of law enforcement functions to the Legislature by February 2012.

**Section 31** provides for the transfer of the Office of Motor Carrier Compliance at FDOT to the Florida Highway Patrol at DHSMV and specifies that the Executive Office of the Governor may transfer funds and positions between agencies as approved by the Legislative Budget Commission.

**Section 32** provides for an effective date of July 1, 2011.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The transfer of the Office of Motor Carrier Compliance from FDOT to the Florida Highway Patrol at DHSMV is expected to realize a net costs savings of \$1.3 million in Fiscal Year 2011-12 through efficiencies related to the duplication of administrative duties.

The DHSMV currently pays \$250,000 annually for contracted services related to the data entry of crash records. A positive but indeterminate fiscal impact is expected from Outsourcing the Crash Records Program from the sale of online data, which is currently not available.

The consolidation of the Division of Driver Licenses and Division of Motor Vehicles into a single Division of Motorist Services eliminates 9 FTE and \$447,219 in Fiscal Year 2011-12.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

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