

FINAL BILL ANALYSIS

BILL #: SB 2160

FINAL HOUSE FLOOR ACTION:

99 Y's 20 N's

SPONSOR: Budget (Rep. Horner)

GOVERNOR'S ACTION: Approved

COMPANION BILLS: HB 5501

SUMMARY ANALYSIS

SB 2160 passed the House on May 6, 2011. The bill was approved by the Governor on May 26, 2011, chapter 2011-66, Laws of Florida, and becomes effective July 1, 2011. 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 General Appropriations Act, Senate Bill 2000. These provisions include:

- Reorganizes the department's structure, creating the Division of Motorist Services by consolidating the Division of Driver Licenses and the Division of Motor Vehicles;
- Provides for the transfer of the Office of Motor Carrier Compliance (OMCC) at the Florida Department of Transportation (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. It creates the OMCC within the Division of the Florida Highway Patrol, but clarifies that motor carrier weight inspectors will remain at the FDOT after the transfer of the OMCC;
- Provides for the outsourcing of crash records and the distribution of traffic reports online. The bill establishes 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;
- Provides requirements for certain tax collectors to assume driver's license responsibilities of DHSMV by June 30, 2015;
- Specifies a revenue-sharing arrangement between DHSMV and tax collectors for replacement driver's license and replacement identification cards beginning July 1, 2015, or upon the completion of transitioning this service to tax collectors;
- Directs the department to contract with third-party providers for administration of Driver's License Examinations; and
- Creates a Law Enforcement Consolidation Task Force to evaluate possible duplication of law enforcement functions throughout state government. The task force shall also 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 possible consolidation of law enforcement functions to the Legislature by December 31, 2011.

This bill is estimated to have a positive fiscal impact on the Highway Safety Operating Trust Fund of approximately \$7.1 million in Fiscal Year 2011-12.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

The Department of Highway Safety and Motor Vehicles

The department was created by chapter 20.24 F.S., and is composed of three divisions: the Division of the Florida Highway Patrol, the Division of Driver Licenses, and the Division of Motor Vehicles.

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 enforce 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. DMV 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 section 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. VIII of the State Constitution.¹ 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.² 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.³ 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.⁴

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 reports resulting in 23,317 vehicles and/or drivers being 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

¹ Tax Collectors are constitutional officers in 64 of 67 counties. Dade, Broward, and Volusia counties are the three exceptions.

² Office of Program Policy Analysis and Government Accountability, *Report # 01-45*, October 2001.

³ *Id.*

⁴ *Id.*

- 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.

Proposed Changes

This bill amends section 20.24, F.S., to create the OMCC within the Division of the Florida Highway Patrol. In addition, this section creates a Division of Motorist Services within the department while eliminating the DDL and the DMV as two separate entities. The Division of Motorist Services is a merger of the DDL and the DMV. Since the two divisions have similar functions and serve the same customers, merging the divisions will allow the department to capitalize on operational efficiencies and result in cost savings while enhancing customer service delivery.

The bill amends section 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.

The bill provides for the outsourcing of crash records and amends section 321.23, F.S., to allow for distribution of traffic reports online and provides for the distribution of fee to the investigating agency.

This bill amends section 322.135, F.S., to provide that the department shall, upon application, authorize by interagency agreement all of the tax collectors who are constitutional officers to provide specified driver's license services. All driver license issuance services shall be assumed by these tax collectors no later than June 30, 2015. The department is authorized to adopt rules to create exceptions for tax collectors who cannot provide full driver license services due to the small population in the tax collector's county. This section is also amended to delete language regarding the development and submittal of the transition plan.

The bill amends section 322.21(1), F.S., to allow the tax collector to retain the portion of funds previously deposited into the Highway Safety Highway Operating Trust Fund for all replacement driver license and replacement identification cards issued at a tax collector's office upon completion of transitioning this service to tax collectors. The tax collector would retain \$7 of the \$25 fee if they issue a replacement driver's license and \$9 of the \$25 fee if they issue a replacement identification card.

The bill amends section 322.56, F.S., to direct the department to contract with providers for on-line traffic law and substance abuse education courses to serve as third party provider for online examinations for Class E learner's driver's license.

The bill creates a Law Enforcement Consolidation Task Force to evaluate the possible 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 possible consolidation of law enforcement functions to the Legislature by December 31, 2011.

The bill provides for the transfer of the OMCC 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.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Based on driver license and identification card issuances, current projections for the revenue sharing arrangement indicate an approximate increase of revenue for tax collectors of \$5.8 million upon implementation of the full transition of these services.

2. Expenditures:

Indeterminate. Personnel and facility operating cost needs of individual tax collectors involved in this transition cannot be quantified at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The transfer of the OMCC from FDOT to the Florida Highway Patrol at DHSMV is expected to realize a net cost 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 DDL and DMV into a single Division of Motorist Services eliminates 9 FTE and \$447,219 in Fiscal Year 2011-12.

The DHSMV Driver Licenses Offices closures and related elimination of vacant examiner positions, eliminates 99 FTE and saves \$5.1 million in Fiscal Year 2011-12.

Based on transition plan recommendations between the department and the tax collectors, this bill allows the tax collector to retain the portion of funds previously deposited into the Highway Safety Highway Operating Trust Fund for all replacement driver license and identification cards issued at a tax collector office, once the transition is complete. Issuance data from the fiscal year ending June 30, 2010, indicates this arrangement would provide a total additional \$5,755,177 in revenues to the tax collectors upon full transition of license services. However, the trust fund would lose the same amount in funding.

The department and the tax collectors have indicated that this revenue sharing incentive may accelerate the transition time forward from June 30, 2015, by perhaps more than a year. Total savings comes from reduced salaries and benefits, and facility operating costs for the state offices that would be closed during the transition. The effect, when coupled with the revenue sharing provisions, would give the department a net savings estimated at \$16 million when fully implemented.