

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 121 Florida Highway Patrol Auxiliary  
**SPONSOR(S):** Coley and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 558

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	<u>8 Y, 0 N</u>	<u>Owen</u>	<u>Miller</u>
2) <u>Economic Expansion &amp; Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
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**SUMMARY ANALYSIS**

The bill enables the director of the Florida Highway Patrol Auxiliary (FHPA) to present a retiring officer, who has a minimum of 20 years of service, with one complete uniform, including the badge worn by that officer; the officer's service handgun, if one was issued as part of the officer's equipment; and an identification card clearly marked "RETIRED".

The bill also removes the prohibition on providing compensation to the individuals volunteering in the FHPA. Removal of the prohibition would bring the FHPA in line with the other auxiliary organizations throughout the state which are statutorily permitted to compensate their membership. With the removal of the prohibition on compensation for FHPA members, there is a potential fiscal impact on state government, should the FHPA choose to compensate their members. The bill does not provide funding for such compensation of the FHPA.

The bill takes effect July 1, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **CURRENT SITUATION**

The Florida Highway Patrol Auxiliary (FHPA) is a professionally trained, all volunteer law enforcement organization which provides direct assistance and operational support to the Florida Highway Patrol.

Since 1957, Auxiliary Troopers have assisted the Florida Highway Patrol in the performance of its daily duties which include: patrolling the streets and highways of the state; providing assistance to disabled motorists; participating in vehicle equipment and license checkpoints; operating the Florida Highway Patrol Breath Alcohol Testing Unit (BAT mobile); participating in specialized details, and responding to natural disasters and other emergency situations.

There are currently 428 members of the FHPA. Auxiliary Troopers have the authority to bear arms and the power to arrest violators while under the direct supervision of a Florida Highway Patrol Trooper. Florida State Statutes and the Florida Criminal Justice Standards and Training Commission require that every member of the FHPA receive law enforcement training at a state-approved training center by state certified instructors. The Florida Highway Patrol currently requires a minimum of 125 hours of training by FHP approved instructors.

Current statute defines an "auxiliary law enforcement officer" as "any person employed or appointed, with or without compensation...". Members of other law enforcement auxiliary organizations are permitted to provide compensation to their members, should they choose to do so. The FHPA is the only auxiliary organization specifically prohibited in current statute from providing compensation to its membership.

##### **EFFECT OF PROPOSED CHANGES**

The bill enables the director of the FHPA to present a retiring officer, who has a minimum of 20 years of service, with one complete uniform, including the badge worn by that officer; the officer's service handgun, if one was issued as part of the officer's equipment; and an identification card clearly marked "RETIRED". There are currently 105 FHPA members with 20 or more years of service.

The bill also removes the prohibition on providing compensation to the individuals volunteering in the FHPA, which would allow payment of monetary compensation to FHPA members if funds were available. Removal of the prohibition would bring the FHPA in line with the other law enforcement auxiliary organizations throughout the state which are statutorily permitted to compensate their membership. The bill does not provide funding for FHPA compensation.

#### C. SECTION DIRECTORY:

Section 1: Amends s. 321.24, F.S., to incorporate the definition of an auxiliary to the Florida Highway Patrol; deletes non-compensation provision; authorizes the director of the Florida Highway Patrol to issue certain items to retiring auxiliary officer.

Section 2: Reenacts s. 943.10(8), F.S., which defines the term auxiliary law enforcement officer.

Section 3: Provides an effective date of July 1, 2007.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

Section 1 of this bill may increase the Department of Highway Safety & Motor Vehicles expenditures relating to qualified retiring FHPA who receive uniform, badge, and service handgun. Annually, approximately 10 FHPA members retire with 20 or more years of service. Therefore, the annual fiscal impact the Department of Highway Safety & Motor Vehicles will incur would be \$8,603.80. The Department indicates these costs will be paid within existing resources.

Section 1 of this bill also strikes the current prohibition on compensation of FHPA volunteer members. The FHPA could provide monetary compensation to its members with the prohibition removed. Removal of the prohibition would bring the FHPA in line with the other law enforcement auxiliary organizations throughout the state which are statutorily permitted to compensate their membership. The fiscal impact is unknown. However, the bill does not provide additional funding for the payment of compensation to Auxiliary members, and any payments would come from existing resources.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**