

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 Finance and Tax Committee

BILL: CS/CS/SB 920

INTRODUCER: Governmental Operations Committee, Transportation Committee, Senator Fasano and others

SUBJECT: Driver's Licenses Fees

DATE: April 4, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.	Wilson	Wilson	GO	Fav/CS
3.	ODonnell	Johansen	FT	Favorable
4.			TA	
5.			GA	
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill amends ss. 318.15, 318.18, 322.21, and 322.29, F.S., to increase the nonrefundable service charge for reinstatement of a driver's license; to increase the civil penalty for a late payment of civil traffic penalties; to increase the fee for the reinstatement of suspended and revoked licenses; and to increase the driver's license reinstatement fee for a violation of s. 316.193, F.S., or for the refusal to submit to a lawful breath, blood, or urine test. The fee increases are to be deposited into the Highway Operating Trust Fund to provide funding to establish a recruitment and retention salary payment plan for Florida Highway Patrol (patrol) troopers.

This bill substantially amends ss. 318.15, 318.18, 322.21, and 322.29 of the Florida Statutes.

II. Present Situation:

Section 318.15, F.S., provides for the suspension of a driver's license where a licensee fails to pay the fine imposed for traffic infractions, attend driver improvement school, or appear at a scheduled hearing. Driver licenses are reinstated at an office of the clerk of the court; a

Department of Highway Safety and Motor Vehicles (department) driver license office; or a tax collector's office providing driver license services. However, the licensee may not have his or her driver's license and privilege to drive reinstated until he or she complies with all imposed obligations and penalties and presents a certificate of compliance issued by the court along with a nonrefundable service charge of up to \$47.50. Of the charge collected by the clerk of the court or driver licensing agent, \$10 is to be deposited into the Highway Safety Operating Trust Fund.

Section 318.18(8)(a), F.S., provides any person who fails to comply with the court's requirements or who fails to pay civil penalties specified in s. 318.18, F.S., within the 30-day period must pay an additional civil penalty of \$12, \$2.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund.

Section 322.21, F.S., provides that any person who applies for a driver's license reinstatement following the suspension or revocation of his or her driver's license must pay a service fee of \$35 following a suspension, and \$60 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of his or her privilege to operate a commercial motor vehicle must pay a service fee of \$60, which is in addition to the fee for a license. The department must collect all of these fees at the time of reinstatement, and promptly transmit all funds received as follows:

- Of the \$35 fee received from a licensee for reinstatement following a suspension, the department must deposit \$15 in the General Revenue Fund and the remaining \$20 in the Highway Safety Operating Trust Fund.
- Of the \$60 fee received from a licensee for reinstatement following a revocation or disqualification, the department must deposit \$35 in the General Revenue Fund and the remaining \$25 in the Highway Safety Operating Trust Fund.

If the revocation or suspension of the driver's license was for a violation of s. 316.193, F.S., (driving under the influence) or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 must be charged. However, only one such \$115 fee is to be collected from one person convicted of such violations arising out of the same incident. The department must collect the \$115 fee and deposit it into the Highway Safety Operating Trust Fund at the time of reinstatement of the driver's license, but the fee must not be collected if the suspension or revocation was overturned.

Section 322.29(2), F.S., requires a \$47.50 nonrefundable service fee for the reinstatement of a driver license suspended for offenses specified in ss. 318.15 or 322.245, F.S. Of the \$47.50 fee, if reinstated by the department, \$37.50 must be deposited into the General Revenue Fund and \$10 must be deposited into the Highway Safety Operating Trust Fund. The clerk of the court or tax collector may retain the \$37.50 if they reinstate the driver license. However, the service fee is not required if the licensee has paid a reinstatement fee under 322.21, F.S.

Highway Patrol Overview

Through its law enforcement and public education activities, the patrol's 2,327 employees work to reduce the number of deaths and injuries on Florida's roadways. State troopers patrol the highways, investigate traffic crashes, make arrests, assist other law enforcement officers, and provide safety education and training. The patrol is organized into field troops distributed

throughout the state, with one troop designated for turnpike operations. The troops are subdivided into district headquarters. The patrol is organized into the following bureaus:

- Bureaus of Field Operations (2,154 positions) - Proactive traffic enforcement resulting in the issuance of over one million citations, 11,487 DUI arrests and the investigation of over 250,000 crashes in 2006. The patrol offered assistance to over 300,000 motorists.
- Bureau of Law Enforcement Support Services (33 positions) - Seven joint regional dispatch centers throughout the state provide communications for the patrol, as well as eight other law enforcement agencies. Specially trained and equipped troopers made 3,471 drug related arrests and seized 1,994 pounds of illegal drugs and seized over \$3 million in property and cash.
- Bureau of Special Operations (64 positions) - The Patrol Training Academy is responsible for basic recruit training and all in-service training for the patrol members. The patrol is accredited through the Commission on Accreditation for Law Enforcement Agencies and the Commission on Florida Law Enforcement Accreditation, ensuring policies and procedures are kept current and in compliance with nationally recognized standards for law enforcement agencies.
- Bureau of Investigations (65 positions) - Investigations conducted in 2006 include over 400 driver license, title and odometer fraud cases.
- The Office of the Colonel (11 positions) – provides leadership for the patrol statewide and coordinates its efforts with the other divisions of the department.

Section 321.05, F.S., establishes the duties, functions, and powers of the patrol to ensure a safe driving environment through the following objectives:

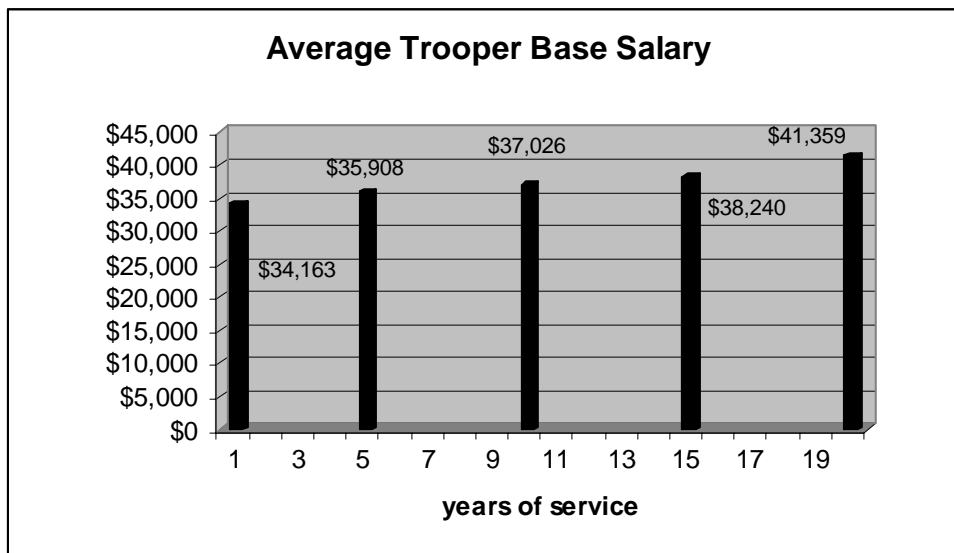
- Increase the highway safety on patrolled highways.
- Increase motorist compliance with traffic laws on patrolled highways.
- Reduce criminal activity on patrolled highways.
- Increase safety education for the motoring public.

In addition to the daily proactive traffic enforcement by sworn officers, the patrol utilizes the all-volunteer Auxiliary which works approximately 180,000 hours annually. The patrol also employs community service officers to assist with the investigation of minor traffic crashes and assisting disabled motorists. Specialized, high visibility patrols are used throughout the year targeting aggressive and impaired drivers. The patrol works in concert with local law enforcement during these events.

While the patrol is authorized to enforce traffic laws on all public roads in Florida, the patrol's enforcement activities are focused on the 12,000 miles of roads within the State Highway System (interstates, turnpikes, toll roads, and other state roads). In addition, the patrol is responsible for traffic enforcement on portions of the state's 69,000 miles of county roads. The patrol and individual county sheriffs have entered into agreements allocating the workload on county roads.

Patrol Compensation Overview

Currently, patrol troopers have a starting salary of \$33,977.¹ According to the department, the patrol is currently experiencing difficulty in recruitment and retention of qualified members. The primary reason for the loss of trained and experienced troopers is not dissatisfaction with employment conditions, but lack of compensation for experience. The graph below details average trooper base salary by years of experience. As shown in the chart, the difference between the starting base salary of a trooper with one year of experience and that of a veteran with 20 years of experience is approximately \$7,200.



In addition, the table below shows both the starting salary and the 10-year average salary of six comparable agencies. While starting salaries are comparable, the veteran troopers are not seeing increases in compensation for their experience.

Agency	Starting Salary	10-year veteran
Broward Sheriff	\$40,948	\$63,000
Duval Sheriff	\$37,440	\$57,016
Orlando PD	\$41,098	\$65,569
Palm Beach Sheriff	\$42,744	\$63,600
Tallahassee PD	\$39,282	\$58,377
Tampa PD	\$40,456	\$58,968
FHP	\$33,977	\$37,026

The Patrol’s Vacancy Rate for Sworn Law Enforcement Positions

The patrol has maintained a significant vacancy rate for sworn law enforcement positions for the last five years:

¹ Troopers assigned to Palm Beach, Broward, Miami-Dade, Monroe, Collier, and Lee counties receive a starting yearly salary of \$38,977.

Date	# of Authorized Sworn Positions	Vacancies
June 2003	1798	196
June 2004	1819	244
June 2005	1813	196
June 2006	1813	194
June 2007	1837	226

Due to the high vacancy rate, 57 positions (which included 53 sworn law enforcement positions) were eliminated during the 2007 Special Session C. In spite of these reductions, the department still has a vacancy rate of 174 sworn positions as of February 2008.

Organizational Options Memorandum by OPPAGA

To support the Sunset Review process, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to examine the patrol administered by the department.² In a memorandum dated December 7, 2007, OPPAGA assessed the patrol's purpose, resources, performance and organization. As part of OPPAGA's review of the patrol's legislatively approved performance measures in Fiscal Year 2006-2007, OPPAGA reported the largest difference between the patrol's performance standard and its actual performance occurred in retaining new recruits; the patrol retained 82 percent of new officers hired over the past three years versus the standard of retaining 90 percent of these staff, which the department attributes to non-competitive salary levels. According to the memorandum, in the department's most recent Long Range Program Plan³, the patrol provided several explanations for not meeting the performance standards. For example, it reported it had not retained the expected number of recruits due to non-competitive salary levels, which resulted in troopers leaving for local agencies with higher salaries and longevity pay programs.⁴

III. Effect of Proposed Changes:

Section 1 amends s. 318.15, F.S., to increase the nonrefundable service charge for a driver's license reinstatement from \$47.50 to \$60, and specifies the additional \$12.50 fee increase is to be deposited into the Highway Safety Operating Trust Fund.

This section of the bill is amended to, also, specify of the nonrefundable service charge deposited into the Highway Safety Operating Trust Fund, \$12.50 shall be used to establish a recruitment and retention salary payment plan for officers of the patrol. The Director of the Division of the Florida Highway Patrol may use the funds from the deposited nonrefundable service charges to structure a pay scale for patrol officers, which is competitive with the average of the salaries of the six highest paid law enforcement agencies in the state. The director may develop a pay scale for members of the patrol which is based on an officer's years of service with the patrol and his or her job performance with respect to established patrol duty requirements.

Section 2 amends s. 318.18, F.S., to increase the civil penalty for a late payment of civil traffic penalties from \$12 to \$20, and specifies the \$8 additional civil penalty is to be deposited into the

² Sections 11.901-11.920, F.S.

³ The Florida Department of Highway Safety and Motor Vehicles Long Range Plan for Fiscal Years 2008-2009 through 2012-2013.

⁴ The Patrol averaged 190 to 210 sworn law enforcement vacancies per month in Fiscal Year 2006-2007.

Highway Safety Operating Trust Fund to establish a recruitment and retention salary payment plan for officers of the patrol.

Section 3 amends s. 322.21, F.S., to increase the fee for the reinstatement of a suspended license from \$35 to \$45 and increase the fee for the reinstatement of a revoked license or the disqualification of a commercial driver's license from \$60 to \$75. However, if the revocation or suspension was for a violation of driving under the influence laws for refusal to submit to a lawful breath, blood, or urine test, the reinstated fee is increased from \$115 to \$130. Funds from the additional fees (\$10 and \$15 respectively) are directed to the Highway Safety Operating Trust Fund.

This section of the bill directs \$15 of the proceeds of the driver's license reinstatement fee and \$10 of the driver's license reinstatement fee for a suspended driver's license for a revoked or disqualified driver's license to be deposited into the Highway Safety Operating Trust Fund for the establishment of a recruitment and retention salary payment plan for patrol officers. Fifteen dollars of the increased driver's license reinstatement fee for a violation of s. 316.193, F.S., or for the refusal to submit to a lawful breath, blood, or urine test are similarly directed for the same purpose. The Director of the Division of the Florida Highway Patrol may use the funds from the deposited reinstatement fees to structure a pay scale for patrol officers, which is competitive with the average of the salaries of the six highest paid law enforcement agencies in the state. The director may develop a pay scale for members of the patrol which is based on an officer's years of service with the patrol and his or her job performance with respect to established patrol duty requirements.

Section 4 amends s. 322.29, F.S., to increase the fee for reinstatement of a suspended driver's license from \$47.50 to \$60 and to direct the increased fee of \$12.50 to be deposited into the Highway Safety and Operating Trust Fund. This section is further amended to conform to provisions provided in s. 322.21, F.S., to specify that this fee does not apply if the licensee has paid the reinstatement fee under s. 322.21, F.S.

Section 5 provides this act shall take effect July 1, 2008.

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:**

This bill:

- amends s. 318.15, F.S., to increase the nonrefundable service charge from \$47.50 to \$60 for reinstatement of a driver's license. Based on projected usage, it is estimated this would generate approximately \$3.2 million annually for the Highway Safety Operating Trust Fund.
- amends s. 318.18(8)(a), F.S., to increase the civil penalty for a late payment of civil traffic penalties from \$12 to \$20. Based on projected usage, it is estimated this would generate approximately \$11.2 million annually for the Highway Safety Operating Trust Fund.
- amends s. 322.21, F.S., to increase the fee for the reinstatement of suspended licenses from \$35 to \$45. Based on projected usage, it is estimated this would generate approximately \$744,710 annually for the Highway Safety Operating Trust Fund.
- amends s. 322.21, F.S., to increase the fee for the reinstatement of revoked licenses from \$60 to \$75. Based on projected usage, it is estimated this would generate approximately \$838,260 annually for the Highway Safety Operating Trust Fund.
- amends s. 322.21, F.S., to increase the driver's license reinstatement fee for a violation of s. 316.193, F.S., or for the refusal to submit to a lawful breath, blood, or urine test from \$115 to \$130. Based on projected usage, it is estimated this would generate approximately \$710,595 annually for the Highway Safety Operating Trust Fund.

B. Private Sector Impact:

Persons affected will pay an estimated \$16,784,704 in additional fees.

C. Government Sector Impact:

According to the department, this bill will require contracted programming for modifications to the driver license software systems of which the cost will be absorbed within existing resources.

The department estimates this bill, based on the number of nonrefundable service charges, delinquency fees, civil penalties, reinstatement fees, and administrative fees paid in fiscal year 2006-07, all increased fees could generate an estimated \$16,784,704 additional revenue per year. These funds are to be deposited into the Highway Safety Operating Trust Fund. The department is authorized to use the increased fee revenue to establish a recruitment and retention salary payment plan for officers of the patrol.

VI. Technical Deficiencies:

The bill increases the delinquency fees for late payment of vehicle registration renewals. The bill did not increase the fee, which is currently \$5, for a license tax of \$5 but not more than \$25;

however, the bill included this provision (i.e. s. 320.07(4)(a)1., F.S.) to require \$10 to be deposited into the Highway Safety Trust Fund to be used to fund a recruitment and retention plan for the patrol.

VII. Related Issues:

The effective date of the bill was amended from July 1, 2009 to July 1, 2008, and the department recommends the effective date should be delayed until October 1, 2008, to allow sufficient time for programming modifications. A delay in the effective date will reduce collections to 75 percent of the above estimate. Since the collections would occur after the start of the 2009 fiscal year, they would be available for appropriation at the beginning of the 2010 fiscal year. Release of the funds will depend upon two other conditions, even though they are not apparent from the text of the bill. First, the department will have to develop a pay scale and have it collectively bargained under ch. 447, F.S. And, second, the funds will have to be specifically appropriated since the Highway Operating Trust Fund is not self-appropriating.

VIII. Additional Information:

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

CS by Governmental Operations on March 27, 2008:

Deletes the increase in delinquency fees for payment of late registration and reduces the revenue from the extra fees.

CS by Transportation on March 4, 2008:

- Corrects the technical deficiency in the original bill to provide the additional \$12.50 civil penalty service fee, the additional \$10 reinstatement fee following a suspension, or the additional \$15 administrative fee will be used to fund the patrol recruitment and retention plan.
- Increases the civil penalty for a late payment of civil traffic penalties from \$12 to \$20, and specifies the \$8 additional civil penalty is to be deposited into the Highway Safety Operating Trust Fund to establish a recruitment and retention salary payment plan for officers of the patrol.
- Increases the delinquency fee for late payment of a vehicle registration renewal. Fee increases range from \$10-\$25. These additional fee increases shall be used to establish a recruitment and retention salary payment plan for officers of the patrol
- Changes the effective date of the bill to July 1, 2008.

B. Amendments:

None.