

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 generally have a starting annual salary of \$33,977; however, troopers assigned to Palm Beach, Broward, Miami-Dade, Monroe, Collier, and Lee counties receive a starting annual salary of \$38,977. According to the department, the patrol is currently experiencing difficulty in recruitment and retention of qualified officers. The department suggests that 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 illustrates average trooper base salary by years of experience. Based on this data, a twenty year veteran receives only \$7200 more than a newly hired trooper. It should be noted that this "compression" among troopers is based on historical practice of increasing the pay grade minimum for a newly hired trooper by the same percentage increase in salary that longer tenured troopers receive. In recent years, the pay grade minimums have been increased at a level closer to the consumer price index rather than at the level of the legislatively mandated increases for tenured employees. As a practical matter, if a long-tenured trooper is paid close to same amount as a first-year trooper, it is a result of that longer-tenured trooper not receiving a salary increase based upon meritorious service.



The table below shows the starting salary of six local government law enforcement agencies.

Agency	Starting Salary
Palm Beach County Sheriff	\$41,088
Broward County Sheriff	\$40,948
Tampa Police Dept.	\$40,456
Tallahassee Police Dept.	\$39,282
Duval County Sheriff	\$37,440
Orlando Police Dept.	\$37,000
Florida Highway Patrol	\$33,977

While the FHP starting salaries have increased at amounts equivalent to the consumer price index, local law enforcement agencies have increased starting salaries significantly. For example, the Palm Beach County Sheriff's Office has increased salaries by 3 percent on January 1, 2008, and another 2 percent on April 1, 2008. Officers are also eligible for merit increases of up to 4.5 percent.

The table below shows the number of law enforcement officers employed by state agencies and the average salary of those officers compared to the salaries paid to FHP officers. This indicates, that on average, the FHP salaries are 5 percent higher than other state law enforcement officers.

	DEP	DLA	DACS	DOE	DOT	DLE	FWCC	Total	FHP
FTE	52	4	185	9	162	46	424	882	1001
Ave. Salary	\$34,950	\$38,596	\$36,309	\$36,104	\$35,677	\$35,577	\$36,753	\$36,296	\$38,255

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. A portion of these positions have remained vacant intentionally, in an effort by the department to fund overtime pay for the existing troopers.

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 the Office of Program Policy Analysis and Government Accountability

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.¹ In a memorandum date December 7, 2007, the OPPAGA assessed the patrol's purpose, resources, performance and organization. As part of the OPPAGA's review of the patrol's legislatively approved performance measures in Fiscal Year 2006-2007, the 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

¹ Sections 11.901-11.920, F.S.

department's most recent Long Range Program Plan², 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.³

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 specify that \$12.50 of the nonrefundable service charge deposited into the Highway Safety Operating Trust Fund will be used to establish a recruitment and retention salary payment plan for officers of the patrol.

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 that \$8 of the civil penalty will be deposited into the 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 funds from the deposited reinstatement fees shall be used to establish a recruitment and retention salary payment plan for officers of the highway patrol.

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 an effective date of July 1, 2008.

² The Florida Department of Highway Safety and Motor Vehicles Long Range Plan for Fiscal Years 2008-2009 through 2012-2013.

³ The Patrol averaged 190 to 210 sworn law enforcement vacancies per month in Fiscal Year 2006-2007.

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:

Overall, this bill is projected to generate approximately \$16.7 million for the Highway Safety Operating Trust Fund. The impacts of specific fee increases are noted below:

- \$12.50 increase in the nonrefundable service charge for restatement of a driver's license is expected to generate \$3.2 million annually
- \$8 increase in the civil penalty for a late payment of civil traffic penalties is projected to generate approximately \$11.2 million annually.
- \$10 increase in the fee for the reinstatement of suspended licenses is projected to generate approximately \$750,000 annually.
- \$15 increase in the fee for the reinstatement of revoked licenses is projected to generate approximately \$850,000 annually.
- \$15 increase in 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 is projected to generate approximately \$700,000 annually.

B. Private Sector Impact:

Persons affected will collectively pay an estimated \$16.7 million 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 \$16.7 million additional revenue per year. These funds are to be deposited into the Highway Safety Operating Trust Fund.

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:

Retention of new officers

According to the department, it costs \$43,527 to recruit, hire and train a new officer in the FHP. Pursuant to s. 943.16, F.S., the FHP may seek reimbursement of these costs if the officer terminates employment within 2 years of initial employment. By lengthening the period of required employment, the Legislature may be able increase the retention levels of these new officers.

Direct costs

Based on the recruitment and retention plan submitted by the department, officers would receive annual salary increases between \$0 and \$29,188. Of the 1582 officers analyzed, over 580 of them would receive annual salary increases in excess of \$7200 each.

The recruitment and retention plan submitted by the department would have significant impacts on other human resource management policies, namely terminal leave payout and retirement benefits. For the 220 troopers with more than 25 years of service, their salaries would increase an average of 7 percent. Assuming 480 hours of terminal leave, this would result in terminal leave payouts that would increase, on average, by \$1000 per employee. For the 286 troopers with service between 20 and 25 years, their salaries would increase an average of 14.7 percent. Again, assuming 480 hours of terminal leave, this would result in terminal payouts that would increase, on average, by \$1700 per employee.

On the retirement side, the 29 troopers with service between 19 and 20 years, should be able to fully realize the impact of the proposed salary increases in their average final compensation for retirement purposes. These 29 troopers would receive average increases of 18.9 percent. This would result in increases to those troopers retirement benefits, assuming they retire at normal retirement age or later, of 18.9 percent (or an average of \$6000 per year). Although these salary increases will result in greater retirement contributions to the Florida Retirement System, these increases further may impact the "normal cost" to fully fund the Florida Retirement System for the Special Risk Class.

Effective date of the bill

The effective date of the bill was amended from July 1, 2009, to July 1, 2008, and the department recommends that the effective date 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/CS/CS by Transportation and Economic Development Appropriations on April 15, 2008:

- Removes the provision that the director of the Division of the Florida Highway Patrol may use the funds deposited in the trust fund to structure a pay scale for highway patrol officers which is competitive with the average of the salaries of the six highest-paid law enforcement agencies in the state.
- Removes the provision authorizing the director to develop a pay scale for members of the highway patrol which is based on the officer's years of service with the patrol and his or her job performance.

CS/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.

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