

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 Transportation Committee

BILL: SPB 7010

INTRODUCER: For consideration by the Transportation Committee

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: January 5, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hansson</u>	<u>Meyer</u>	_____	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This Senate Proposed Bill is the result of a mandatory review project relating to a review of the Department of Highway Safety and Motor Vehicles (department) under the Florida Government Accountability Act. The department serves over 15 million drivers with over 18 million registered vehicles, and enforces Florida laws on over 100,000 miles of highways.

As part of the department's Sunset Review, the Senate Committee on Transportation held meetings on December 11, 2007, and on January 22, 2008, and heard extensive testimony regarding the duties and responsibilities of the department. The committee also reviewed and considered Interim Mandatory Review 2008-215. On March 6, 2008, the committee made its recommendations to the Senate President.

While some of the recommendations of the committee have become law, the department was not continued as a result of the Governor's Veto of HB 5067 for the reasons stated by the Governor; therefore, the department and its advisory committees are subject to continuing review and may be abolished on June 30, 2009, unless the Legislature continues the department.

On December 9, 2008, the Senate Committee on Transportation reviewed Interim Mandatory Review 2009-217 and authorized the committee professional staff to prepare this proposed bill.

Specifically, the proposed bill reenacts and amends s. 20.24, F.S., relating to the creation of the department and the establishment of the Division of the Florida Highway Patrol, the Division of Driver Licenses, and the Division of Motor Vehicles. The bill amends s. 20.24, F.S., to delete the reference to the Bureau of Motor Vehicle Inspection within the Division of Motor Vehicles. This

obsolete bureau was phased out over two fiscal years and eventually eliminated during FY 2001-2002.

This bill reenacts and amends s. 20.24 of the Florida Statutes.

II. Present Situation:

Sunset Review Overview

Sections 11.901-920, F.S, are known as the Florida Government Accountability Act. Under this act, most state agencies and their respective advisory committees are subject to a "sunset" review process to determine whether the agency should be retained, modified or abolished.

Reviews are accomplished in three steps. First, an agency under review must produce a report providing specific information, as enumerated in s. 11.906, F.S. Upon receipt of the agency information, the Joint Legislative Sunset Committee and the House and Senate committees assigned to act as sunset review committees must review the information submitted and may request studies by the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Based on the agency submissions, the OPPAGA studies and public input, the Joint Legislative Sunset Committee and the legislative sunset review committees must:

- Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees; and
- Make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review.

In addition, the House and Senate sunset review committees must propose legislation necessary to carry out the committees' recommendations.

An agency subject to review is scheduled to be abolished on June 30 following the date of review as specified in s. 11.905, F.S., provided the Legislature finds all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and adequate provision has been made to transfer certain duties and obligations to a successor agency. If an agency is not abolished, continued, or reorganized, the agency shall continue to be subject to annual sunset review by the Legislature.

The Senate Committee on Transportation (committee) is the primary sunset review committee for reviews within the Department of Highway Safety and Motor Vehicles. The Senate Committee on Transportation and Economic Development Appropriations assisted in this review.

As part of the Sunset Review, the committee held meetings on December 11, 2007, and on January 22, 2008, and heard extensive testimony regarding the duties and responsibilities of the

department. The committee also reviewed and considered Interim Mandatory Review 2008-215. On March 6, 2008, the committee made the following recommendations to the Senate President:

- The Legislature should continue the department.
- The Legislature should delete the obsolete Bureau of Motor Vehicle Inspection.
- The Legislature should continue the Florida Highway Patrol Advisory Council, the Automobile Dealer Advisory Board, the DUI Programs Review Board, and the Medical Advisory Board.
- The Legislature should abolish the Florida At-Risk Driver Council.
- The Legislature should adjust the driver's license and ID card fee structure to promote more tax collector participation in providing driver's license and ID card services.
- The Legislature should implement federal REAL ID requirements.
- The Legislature should support measures to improve customer services for driver's licenses.
- The Legislature should analyze data centers and administrative services of all state agencies to determine whether consolidation, transfer or reorganization of these services would provide a significant cost savings.

During the 2008 Legislative Session, the 2008 Legislature did enact legislation which did the following:

- Continued the department and the Florida Highway Patrol Advisory Council, the Automobile Dealer Advisory Board, the DUI Programs Review Board, and the Medical Advisory Board. (See HB 5067.)
- Deleted the obsolete Bureau of Motor Vehicle Inspection. (See HB 5067.)
- Abolished the Florida At-Risk Driver Council. (See SB 1992.)
- Implemented federal REAL ID requirements and measures to improve customer service. (See SB 1992.)
- Consolidated data centers of many state agencies. (See HB 1892.)
- Adopted some of the Interim Mandatory Review 2008-215 recommendations into the General Appropriations Act. (See HB 5001.)

While some of the recommendations of the committee have become law, the department was not continued as a result of the Governor's Veto of HB 5067. Specifically, HB 5067 included a provision directing the selection process for fuel, food, and other service contracts along the Florida Turnpike. The Veto Message states:

Limiting the competitiveness of the procurement and squeezing out potential bidders increases cost to the Turnpike System: therefore, increasing costs to Florida's motorists.

I have based my administration upon openness and access to information. Specifically, I have directed agencies to conduct open, competitive, and transparent procurements. I believe that we must protect the confidence citizens have entrusted to their public servants, and we should commit to making the best use of their hard earned tax dollars. Therefore, it is disappointing that this important transportation bill was used to direct a procurement which benefits vendors over the citizens of Florida.

Due to the Governor's veto of HB 5067, the department and its advisory committees are subject to continuing review and may be abolished on June 30, 2009, unless the Legislature continues the department.

On December 9, 2008, the Senate Committee on Transportation reviewed Interim Mandatory Review 2009-217 and authorized the committee professional staff to prepare this proposed bill.

Organization Structure of the department

Section 20.24, F.S., provides for the creation of the department and the establishment of the Division of the Florida Highway Patrol, the Division of Driver Licenses, the Division of Motor Vehicles, and the Bureau of Motor Vehicle Inspection. This section also specifies the Governor and Cabinet are the head of the department.

III. Effect of Proposed Changes:

The proposed bill reenacts and amends s. 20.24, F.S., relating to the creation of the department and the establishment of the Division of the Florida Highway Patrol, the Division of Driver Licenses, and the Division of Motor Vehicles. The bill amends s. 20.24, F.S., to delete the reference to the Bureau of Motor Vehicle Inspection within the Division of Motor Vehicles. This obsolete bureau was phased out over two fiscal years and eventually eliminated during FY 2001-2002. The reenactment of s. 20.24, F.S., will have the effect of continuing the department, the Florida Highway Patrol Advisory Council, the Automobile Dealer Advisory Board, the DUI Programs Review Board, and the Medical Advisory Board.

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:

None.

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.