

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 5501 PCB TED 10-08 Department of Highway Safety and Motor Vehicles

**SPONSOR(S):** Transportation & Economic Development Appropriations Committee and Glorioso

**TIED BILLS:** **IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Transportation & Economic Development Appropriations Committee	11 Y, 0 N	Rayman	Creamer
1)	Full Appropriations Council on Education & Economic Development	16 Y, 0 N	Rayman	Voyles
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

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**SUMMARY ANALYSIS**

The bill provides for the elimination of certain crash reports as well as requiring a plan for the transition of all driver license issuance services to tax collectors who are Constitutional officers no later than June 30, 2015. The proposed language allows appointed county tax collectors to provide full driver license services. The bill also authorizes clerks of court and tax collectors authorized under section 322.135, F.S., to sell driver records to any person upon proper payment and authorize them to assess the \$6.25 service fee for this service.

The bill conforms to the House of Representatives proposed General Appropriations Act by reducing the state trust fund budget authority to align to the Department of Highway Safety and Motor Vehicles (DHSMV) revenues.

The bill is estimated to have a positive fiscal impact on the Highway Safety Operating Trust Fund.

The bill has an effective date of July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Section 316.066, F.S., provides that all crash reports written by law enforcement regardless of the severity of the crash must be reported to the DHSMV on a form provided by the department. There are currently two forms used which include a short-form crash report and a long-form crash report. All data from the forms submitted to the department are currently retained electronically by the department. Currently accidents involving damages of \$500.00 or less are reported on short-form crash reports and accidents involving more than \$500.00 in damages are reported on long-form crash reports.

Section 322.02, F.S., articulates the Legislature's intent that Tax Collectors would be authorized as agents of the DHSMV to provide driver license services in order to create efficiencies.

Section 322.135, F.S., requires tax collectors who wish to provide driver license services to apply to the DHSMV for approval. It also outlines the requirements for tax collectors to obtain approval to be agents of the department. This approval allows for services to be rendered by both a tax collector's office and a state office. Current law also outlines the requirements for tax collectors to be exclusive agents of the DHSMV where they would be the only provider of driver license services in their county. Currently 42 Tax Collectors are authorized agents of the state.

Currently, section 322.20, F.S., authorizes only the clerks of court and the DHSMV to provide the public with a driver record, but does not authorize Tax Collectors to do so.

##### Proposed Changes

The changes to section 316.066, F.S., as proposed would eliminate the requirement that local law enforcement agencies submit the short-form crash report to the department for retention. This would result in a savings due to the elimination of 1 position within the DHSMV and related expenses. Elimination of this form will not affect the department's ability to report the required crash data to the federal government as the long-form crash report will continue to be retained.

The proposed language amends sections 322.02 and 322.135, F.S., requiring a transition plan for tax collectors that are Constitutional officers under s. 1(d) Art. VIII under the State Constitution to render all driver licenses services by June 30, 2015. The changes would also allow charter appointed tax

collectors, comprised of Miami-Dade, Broward, and Volusia counties, to provide driver licenses services on a limited basis as directed by the Department.

The Department, in conjunction with the Tax Collectors Association, must develop the transition plan, to include a timeline to comply with full transition no later than June 30, 2015. The plan may include recommendations on the use of regional service centers to be manned by the state. This plan must be submitted to the Speaker of the House and President of the Senate by February 11, 2011.

The proposed language amends section 322.20, F.S., to allow the tax collectors providing driver license services to provide driver records. These changes also allow both the tax collector's and clerks of court to assess the \$6.25 fee listed in s. 322.135(1)(c), F.S., for this service.

The proposed language amends sections 322.2615, 324.051, and 921.0022, F.S., conforming cross references.

#### B. SECTION DIRECTORY:

**Section 1.** Amends section 316.066, F.S., relating to written crash reports, eliminates the requirement that local law enforcement agencies submit the short-form crash report to the DHSMV for retention.

**Section 2.** Amends section 322.02, F.S., relating to legislative intent, administration that Tax Collectors would be authorized as agents of the DHSMV to provide driver license services.

**Section 3.** Amends section 322.135, F.S., relating to driver's license agents, DHSMV, in conjunction with the Tax Collectors Association, shall develop the transition plan, to include a timeline to comply with full transition no later than June 30, 2015.

**Section 4.** Amends section 322.20, F.S., allowing the tax collectors providing driver license services, to provide driver records. The section also allows both the tax collector's and clerks of court to assess the \$6.25 fee listed in subsection 322.135(1)(c), F.S., for this service.

**Section 5.** Amends section 322.2615, F.S., conforming to a cross reference.

**Section 6.** Amends section 324.051, F.S., conforming to a cross reference.

**Section 7.** Amends section 921.0022, F.S., conforming to a cross reference.

**Section 8.** Provides the bill an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See fiscal comments.

##### 2. Expenditures:

Elimination of the short form crash report reduces expenditures from the Highway Safety Operating Trust Fund by \$106,642 each year.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

Clerks of court and tax collectors would be authorized to assess a \$6.25 service fee for the sale of driving records.

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown.

D. FISCAL COMMENTS:

None

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**