

**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 and Economic Development Appropriations Committee

BILL: PCS/SB 1438

INTRODUCER: Transportation and Economic Development Appropriations Committee

SUBJECT: Highway Safety

DATE: March 14, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carey	Noble	TA	<b>Pre-meeting</b>
2.			WPSC	
3.			RC	
4.				
5.				
6.				

**I. Summary:**

This bill revises laws relating to the Department of Highway Safety and Motor Vehicles to conform Florida Statutes to the provisions of SPB 7086, relating to Transportation and Economic Development Appropriations. Specifically, the bill:

- Eliminates the Department of Highway Safety and Motor Vehicles (department) as the central repository for short-form crash reports and requires local law enforcement agencies to maintain short-form crash reports.
- Requires that a fee be assessed for electronic access to registration data provided through a tax collector’s office and provides for the distribution of revenues to the Highway Safety Operating Trust Fund;
- Allows the department to charge a fee for law enforcement training based on recruiting costs and a portion of the costs for providing the training;
- Provides legislative intent to complete the transition of the drivers license issuance service to county tax collectors no later than June 30, 2015, and directs the department in conjunction with the Tax Collector’s Association to provide a transition plan by February 1, 2011;
- Authorizes the department to charge a fee for searching an individual’s driver history record that is not on file or that meets requested criteria; and
- Authorizes county tax collectors to sell driver history records; and
- Provides an effective date of July 1, 2010.

This bill substantially amends sections 316.066, 320.05, 321.25, 322.02, 322.135, 322.20, 322.2615, 324.051 and 921.0022 of the Florida Statutes.

## II. Present Situation:

Currently, the Department of Highway Safety and Motor Vehicles (department) serves as the central repository for all crash reports including long-form reports, short-form reports and driver exchange of information reports. Only crash data submitted on long-form reports is used for the publication of official data for the State of Florida and it is only the data from the long-form reports which is submitted to the National Highway Traffic Safety Administration

Section 320.05, F.S., creates an exemption from a service charge to access motor vehicle registration data which was originally created for a specific purpose. At this time, the original program which required the exemption no longer exists.

The Department is currently authorized to recoup costs for the training of troopers for the Highway Patrol however, the authority to recoup recruiting costs is unclear.

Currently, Florida Tax Collectors are authorized to provide drivers license services after making application with the Department. Tax Collectors are further authorized to charge a service fee of \$6.25 for each transaction they process to recoup the cost of providing the services. Tax Collectors who wish to become exclusive agents within their county are also provided a process to become exclusive.

Currently, the Department must charge requestors \$8.00 to receive a driver record even if the record that was requested cannot be located or does not exist. Furthermore, there is not currently a mechanism that allows a requester to search driver history records for specific updates without first purchasing the entire record for the \$8.00 fee. Finally, although Tax Collectors are authorized drivers license agents in Florida law, they are not specifically authorized to sell driver history records.

## III. Effect of Proposed Changes:

**Section 1** amends s. 316.066 , F.S., to eliminate the department as the central repository for short-form crash reports and requires local law enforcement agencies to retain those records. Drivers involved in a crash that results in damage to any vehicle or property of at least \$500, that is not investigated by a law enforcement agency, are required to forward a written report of the crash to the local law enforcement agency within 10 days.

**Section 2** amends s. 320.05, F.S., to remove an exemption to the service charge for access to electronic motor vehicle registration data through a tax collector's office and clarifies that the applicable fee distributed to the Highway Safety Operating Trust Fund.

**Section 3** amends s. 321.25, F.S., to clarify that the fee authorized in this section for providing law enforcement training relating to the duties, functions and powers of the Florida Highway Patrol be based on recruiting costs and a portion of the costs for providing the training such as tuition, lodging or meals.

**Section 4** amends s. 322.02, F.S., to provide legislative intent that the transition of all driver license issuance services to tax collectors who are constitutional officers of the state be completed no later than June 30, 2015.

**Section 5** amends s. 322.135, F.S., to direct the department, in conjunction with the Tax Collectors' Association to develop a plan which will provide for the transition of all driver's license issuance services to the county tax collectors who are constitutional officers of the state. The transition must be submitted to the President of the Senate, and the Speaker of the House of Representatives by February 1, 2011. This section also deletes obsolete provisions relating to the issuance of driver's licenses by the county tax collector.

**Section 6** amends s. 322.20, F.S., authorizes the department to charge \$1.00 for searching for a specific driver record when the record requested cannot be located or does not exist rather than the current \$8.00 fee. This section also authorizes the department to charge 10 cents to search driver histories for specific updates without first purchasing the entire record for the \$8.00 fee. This section also authorizes tax collectors to sell driver history records and provides for the distribution of those fees.

**Sections 7 through 9** amend ss. 322.2615, 324.051, and 921.0022, F.S., to conform cross references related to changes made in the bill.

**Section 10** provides an effective date of July 1, 2010.

#### **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:

The bill authorizes the department to charge \$1.00 for searching for a specific driver record when the record requested cannot be located or does not exist rather than the current \$8.00 fee.

The bill also authorizes the department to charge 10 cents to search driver histories for specific updates without first purchasing the entire record for the \$8.00 fee. This section

also authorizes tax collectors to sell driver history records and provides for the distribution of those fees.

**B. Private Sector Impact:**

Citizens or businesses who request driver history record searches for a specific driver record when the record requested cannot be located will pay \$1.00 for the search rather than the current \$8.00 fee.

Citizens or businesses who request driver history record searches for specific updates will pay 10 cents for the search without first purchasing the entire record for \$8.00.

**C. Government Sector Impact:**

This bill provides legislative intent to transition all driver license issuance services to tax collectors who are constitutional officers of the state be completed no later than June 30, 2015.

The bill directs the department, in conjunction with the Tax Collectors' Association to develop a plan which will provide for the transition of all driver's license issuance services to the count tax collectors who are constitutional officers of the state. The transition must be submitted to the President of the Senate, and the Speaker of the House of Representatives by February 1, 2011.

**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.