

9. **OLD BUSINESS**

a. Updates on Financial Issues

4. Proposed Program to Recapture Crash Investigation Cost from At-Fault-Drivers

**MEMORANDUM**

April 29, 2008

TO: City Manager Judie Zimomra  
FROM: Police Chief William Tomlinson  
RE: Program to Recapture Crash Investigation Cost From At-Fault Drivers

This report is in response to your request to investigate the feasibility of charging fees to the at fault driver of a traffic crash for the purpose of recovering the department cost associated with the investigation.

First, staff reviewed State law and found that the City could enact an ordinance to collect fees for recapturing costs associated with crash investigations. The Florida Statute that provides for this is FSS 166.201 Taxes and charges - A municipality may raise, by taxation and licenses authorized by the constitution or general law, or by user charges or fees authorized by ordinance, amounts of money which are necessary for the conduct of municipal government and may enforce their receipt and collection in the manner prescribed by ordinance not inconsistent with law.

At this time there are at least three Florida municipalities which have passed ordinances that authorize charging fees to the at fault driver of a traffic crash for the purpose of recapturing the cost of the investigation.

Staff polled three Florida jurisdictions that are currently utilizing a third party billing company for the administration of their cost recovery program. The chart below shows the results of the initial survey.

	Bellview PD	Chiefland PD	Ocala PD
Are City Residents Exempt		Volunteer Program	City Residents Exempt
Program Duration	2 years	2 years	2 months
What % of Billed Service Fees are Collected	50%	20-25%	25%
Who Is Billed the Service Fee	1 <sup>st</sup> Insurance Company 2 <sup>nd</sup> Driver	1 <sup>st</sup> Insurance Company 2 <sup>nd</sup> Driver	1 <sup>st</sup> Insurance Company 2 <sup>nd</sup> Driver
Do You Use a Billing Company	Yes, Billing Company pays the City Monthly	Yes, Billing Company pays the City Monthly	Yes, Billing Company pays the City Monthly
Do You Use a Third Party Fee Structure	Yes	Yes	Yes

All of these agencies which have implemented the fee for traffic crash investigation ordinance; utilize a third party billing company that provide the administrative tracking, billing, payment processing and cost recovery service.

Based upon the information provided by the third party billing company, the City of Sanibel may be able to recapture the costs associated with traffic crash investigation in the amount of approximately \$15,000 to \$20,000.

There are several variables associated with developing the ordinance guidelines and policy for billing for this service; such as, whether to charge all at fault drivers or only non-resident at fault drivers, whether to use the recommended third party fee structure and billing service or develop our own formula and bill in house.