

STORAGE NAME: h0503z.tr

DATE: May 18, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL ANALYSIS**

BILL #: HB 503 (Passed as CS/CS/SB 1056)

RELATING TO: DUI/Substance Abuse Education Courses

SPONSOR(S): Representatives Russell, Murman, Fasano, and others

COMPANION BILL(S): CS/SB 1056, HB 593, CS/CS/SB 1270, and CS/SB 1306 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 9 NAYS 0
- (2) JUDICIARY YEAS 9 NAYS 0
- (3) FINANCE AND TAXATION YEAS 14 NAYS 0
- (4) CRIMINAL JUSTICE APPROPRIATIONS
- (5)

I. FINAL ACTION STATUS:

On April 30, 1999, SB 1056, a companion measure to HB 503, was taken up and passed. Please refer to CS/CS/SB 1056, which became Chapter 99-234, Laws of Florida.

II. SUMMARY:

The bill contains numerous changes to laws relating to "Driving Under the Influence" (DUI) programs administered by the Department of Highway Safety and Motor Vehicles (DHS&MV). Substantive issues included in the bill relate to DUI motor vehicle seizure, DUI substance abuse education courses, and driver improvement courses and schools.

DUI Motor Vehicle Seizure

The bill provides that a motor vehicle is subject to seizure and forfeiture under the Florida Contraband Forfeiture Act if driven by a person under the influence of alcohol or drugs while that person's license is suspended, revoked, or canceled as a result of a prior conviction for driving under the influence. The seizing agency is authorized to retain 30 percent of the proceeds from the sale of a forfeited motor vehicle, while the remaining 70 percent of the proceeds are to be used to provide transportation services for WAGES program participants.

DUI/Substance Abuse Education Courses & Driver Improvement Courses/Schools

The bill amends four statutes pertaining to DUI offenses to provide uniform requirements for persons who are evaluated and referred for treatment. If a DUI offender is referred for treatment, that treatment may not be waived unless an independent evaluation conducted by an authorized substance abuse treatment provider shows that treatment is not needed and the court concurs. If a DUI offender fails to report for or complete the DUI education course, evaluation, or treatment (if referred), the offender's driving privilege is canceled. A DUI offender's driving privilege may be reinstated if the offender completes the DUI education course and evaluation, and enters treatment (if referred). If a DUI offender fails to complete treatment a second time, the offender's driving privilege is canceled until treatment is completed.

The bill also changes the DUI Program licensure process to provide criteria for licensure of new DUI programs. The bill also authorizes DHS&MV to assess an application fee, not to exceed \$1,000, to cover the Department's administrative costs for processing the application.

The bill further directs DHS&MV to prepare a traffic school reference guide that lists the benefits of attending driver improvement school. In addition, the bill prohibits governmental entities from maintaining, issuing, or providing information regarding driver improvement courses and schools, except to distribute the traffic school reference guide or refer persons to the local telephone directory.

DHS&MV indicated that one full time staff position with related costs, totaling approximately \$71,000, are required to implement the provisions of the bill.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

DUI MOTOR VEHICLE SEIZURE

Driving Under the Influence (DUI)

Section 316.193, F.S., proscribes driving under the influence of alcohol or drugs to the extent normal faculties are impaired or driving with a blood or breath alcohol level of 0.08 percent or higher (DUI). Penalties for DUI vary according to the frequency of previous convictions, the offender's blood alcohol level when arrested, and whether serious injury or death results.

Section 316.193(6), F.S., also requires impoundment or immobilization of the vehicle involved in a DUI offense, unless the court finds that the family of the owner has no other private means of transportation. The period of impoundment or immobilization under the statute is 10 days for a first conviction, 30 days for a second conviction within five years of a prior conviction, and 90 days for a third conviction within ten years of a prior conviction. The impoundment statute has been upheld against a vagueness challenge by the Florida Supreme Court in *Muller v. State*, 693 So. 2d 976 (Fla. 1997).

Driving with a Suspended or Revoked License

Section 322.34, F.S., provides that a person who knowingly drives with a suspended or revoked license is guilty of a crime as follows: a first offense results in a second degree misdemeanor; a second offense results in a first degree misdemeanor; and a third or subsequent offense results in a third degree felony. This section also provides for the immobilization or impoundment of the vehicle.

Liens for Recovering, Towing, or Storing Vehicles

Section 713.78, F.S., provides for the recovery of fees for towing and storage of vehicles by placing liens on such vehicles under certain circumstances.

Florida Contraband Forfeiture Act

Section 932.701(2)(a)5., F.S., provides that any vehicle involved in a felony offense is forfeitable under the Contraband Forfeiture Act as a "contraband article," defined as "personal property . . . employed as an instrumentality in the commission of or in aiding or abetting in the commission of any felony, whether or not comprising an element of the felony . . ." Thus, a vehicle may be seized and forfeited if the driver is convicted of a fourth DUI offense (third degree felony) or a DUI offense involving serious injury or death (third and second degree felonies). Similarly, forfeiture is possible upon the third conviction for driving with a suspended or revoked license (third degree felony).

The Contraband Forfeiture Act, ss. 932.701 *et seq.*, F.S., prescribes procedures for law enforcement to implement when seizing, forfeiting, and disposing of property. For instance, property may not be forfeited under this Act unless the seizing agency can establish by a preponderance of the evidence that the owner, co-owner, or lienholder knew, or should have known, that the property would be used in criminal activity (s. 932.703(6)(a), F.S.). The constitutionality of the Act has been upheld by the Florida Supreme Court in *Department of Law Enforcement v. Real Property*, 588 So. 2d 957 (Fla. 1991).

Under the Act, the seizing agency is required to have probable cause to believe that the property sought to be seized "was used, is being used, was attempted to be used, or was intended to be used" in violation of the Act. *White v. State*, 680 So. 2d 550, 554 (Fla. 1st DCA 1996).

Personal property may be seized at the time of the violation, or subsequent to the violation, provided that the person entitled to notice is notified at the time of seizure or by certified mail, return receipt requested, and that there is a right to an adversarial preliminary hearing after the seizure to determine

STORAGE NAME: h0503z.tr

DATE: May 18, 1999

PAGE 3

whether probable cause exists to believe that such property has been, or is being used in violation of the Act.

The fact that the seizing agency does not have probable cause to believe the vehicle contained contraband or was being used in violation of the Act at the moment they seized the vehicle does not render it unlawful under the Act.

Section 932.703(2)(a), F.S., provides the notice requirements with regards to the forfeiture of personal property. The person entitled to notice must be notified at the time of the seizure or by certified mail that there is a right to an adversarial preliminary hearing held for the purpose of determining if probable cause exists. Notice must be mailed within five working days after the seizure and must state that the person is entitled to request the adversarial hearing within fifteen days.

Disposition of Forfeited Property

Section 932.7055, F.S., provides that when a seizing agency obtains a final judgment granting forfeiture of real property or personal property, it may:

- (a) retain the property for the agency's use;
- (b) sell the property at a public auction or by sealed bid to the highest bidder; or
- (c) salvage, trade, or transfer the property to any public or nonprofit organization.

If the property has a lien attached and the agency decides to sell the property, the proceeds of the sale are to be distributed in this order:

- (a) payment of the balance due on any lien preserved by the court in the forfeiture proceedings;
- (b) payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property; or
- (c) payment of court costs incurred in the forfeiture proceeding.

Section 932.7055(5), F.S., provides that if the seizing agency is a state agency, the remaining proceeds are deposited into the General Revenue Fund.

WAGES

During the 1996 Legislative Session, Florida established a welfare reform program called the Work and Gain Economic Self-Sufficiency (WAGES) Program by enacting ch. 414, F.S. The purpose of the program is to provide temporary assistance to needy families with (or expecting) children and to provide parents with job preparation, work opportunities, and support services to enable them to leave the program and become self sufficient. There are several work activity requirements for a participant in the WAGES program. In order for participants to move more rapidly from welfare to work, support services such as subsidized child care and transportation are provided. The availability of transportation services has been identified as one of the major problems confronting WAGES program participants.

DUI/SUBSTANCE ABUSE EDUCATION COURSES

DUI Programs

Florida Statutes require that a DUI course be taken by anyone driving a vehicle while under the influence of alcoholic beverages or any substances controlled under ss. 877.111 F.S. and Ch. 893, F.S. in violation of s. 316.193, F.S. The course is also required for anyone driving with an unlawful blood or breath alcohol level or refusing to submit to lawful breath, blood or urine tests as provided in s. 322.2615, F.S. Finally, the court must direct a person to complete a substance abuse course if it has reasonable cause to believe that the use of alcohol, chemical substances, or substances controlled under chapter 893, F.S., contributed to a violation of reckless driving.

DUI programs provide state mandated education courses for DUI offenders that are designed to change the offenders' behavior. DUI programs also evaluate offenders to determine if treatment is needed. Substance abuse treatment, if needed, is provided by an authorized treatment provider. Treatment programs are regulated by the Department of Children and Family Services according to the provisions of chapter 397, F.S. DUI programs themselves do not provide treatment, except in a few areas and only with the Department's permission.

DUI courses are conducted on two levels. Level I is for first-time offenders convicted of driving while under the influence of drugs and/or alcohol and consists of a 12-hour education intervention with an evaluation to see if treatment is required. Level II is for second and subsequent convictions of driving under the influence. This course consists of a 21-hour education intervention and an evaluation to see if treatment is required. Approximately 43,671 students receive education annually.

There are currently 29 licensed DUI programs in Florida. DUI programs must be either governmental programs or not-for-profit corporations and are licensed by DHS&MV to serve specific judicial circuits, or counties within a circuit. Several DUI programs are licensed to serve more than one circuit, and there are four circuits in which multiple DUI programs have been approved (Dade, Broward, Palm Beach and Flagler counties).

Referral to Treatment

The education, evaluation and treatment of DUI offenders is addressed in four different statutory sections: ss. 316.192(4), 316.193(5), 322.271(2), and 322.291, F.S. Section 316.193, F.S., requires that DUI offenders attend a mandatory substance abuse education course conducted by a licensed DUI program, be evaluated for substance abuse treatment, and complete treatment if referred. However, the other statutes dealing with DUI offenders are not as specific about completion of treatment. As a result, DUI offenders are not always required to complete substance abuse treatment before their driving privilege is reinstated.

The Florida Association of DUI Programs, Inc., indicated that this has led to confusion and controversy between DUI programs, treatment providers, offenders, their family members, and lawyers. The offenders question why they must undergo the time and expense of an evaluation when completion of treatment will not be required.

DUI Program Licensure

The Florida Association of DUI Programs, Inc., also indicated that the current statute governing licensure of DUI programs contains no criteria for the licensure of new DUI programs. The Association pointed out that the number of DUI offenders in Florida has not significantly changed in the past few years and the only way that a newly licensed DUI program can become viable is by serving the existing offender base. The licensure of multiple programs in the same area results in additional administrative costs being spread over the same population of offenders, causing reductions in program services. The Association further indicated that there is no mechanism in the current law for evaluating the need for new DUI programs or for identifying the impacts that a new program will have on existing program services.

DHS&MV licenses and regulates all DUI programs, including the certification of instructors, evaluators, clinical supervisors, and evaluator supervisors pursuant to s. 322.292, F.S., and ch. 15A-10, F.A.C. After consultation with the chief judge of the affected judicial circuit, the Department is required to establish requirements regarding the number of programs to be offered within a judicial circuit. The requirements must address the number of clients currently served in the circuit as well as improvements in service that may be derived from having an additional DUI program. DHS&MV is

responsible for establishing uniform operating standards for DUI programs and methods used for setting and approving fees.

Factors the Department considers when evaluating an application for approval of a DUI program include:

- The increased frequency of classes and availability of locations of services offered by the applicant DUI program;
- The number of DUI clients currently served and historical trends in the number of clients served in the circuit;
- The availability, accessibility, and service history of any existing DUI program services;
- The applicant DUI program's service history;
- The availability of resources, including personnel, demonstrated management capability, and capital and operating expenditures of the applicant DUI program; and
- Improved services to minority and special needs clients.

The DHS&MV does not charge an application fee for a DUI program license. While reviewing an applicant for licensure, the Department also does not conduct an analysis to determine what economic impact a new DUI program will have on other programs in the surrounding areas.

B. EFFECT OF PROPOSED CHANGES:

The bill contains numerous changes to laws relating to "Driving Under the Influence" (DUI) programs administered by the Department of Highway Safety and Motor Vehicles (DHS&MV). Substantive issues included in the bill relate to DUI - motor vehicle seizure and DUI substance abuse education courses.

DUI MOTOR VEHICLE SEIZURE

The bill amends s. 322.34, F.S., relating to driving with a suspended or canceled license, and s. 932.701, F.S., relating to forfeiture definitions, to provide that a motor vehicle is contraband, subject to forfeiture under the Florida Contraband Forfeiture Act, if the motor vehicle is driven by a person who is DUI and whose license has been suspended as a result of a prior DUI conviction. Thus, law enforcement would be authorized to seize and forfeit a vehicle if the officer has probable cause to believe that the driver is DUI and the driver's license has been suspended, revoked, or canceled for a prior DUI conviction.

The bill also requires that notice of the seizure be sent to DHS&MV. Additionally, the bill authorizes the seizing agency to retain 30 percent of the proceeds of the sale from the forfeited vehicle and allocates the remaining 70 percent to be used by the Department of Labor and Employment Security for transportation services for participants in the WAGES program. The bill allows for liens to be placed on the vehicle for the recovery of towing and storage fees under s. 713.78, F.S.

The bill allows a judge to consider the extent to which the family of the vehicle owner has other public or private means of transport in the course of a forfeiture proceeding.

DUI/SUBSTANCE ABUSE EDUCATION COURSES

Completion of DUI Education, Evaluation, and Treatment

The bill amends the four sections in the statutes pertaining to DUI offenses to require the following provisions:

- A person must attend treatment if they are referred based on an evaluation.
- If a DUI offender is referred for treatment, such treatment may not be waived unless an independent evaluation conducted by an authorized substance abuse treatment provider shows that treatment is not needed and the court agrees.
- If a DUI offender fails to report to or complete the DUI education course, evaluation or treatment (if referred), the offender's driving privilege is canceled.
- A DUI offender's driving privilege may be reinstated if the offender completes the DUI education course and evaluation and enters treatment (if referred).
- If a DUI offender fails to complete treatment a second time, the offender's driving privilege is canceled and cannot be reinstated until treatment is completed.

DUI Program Licensure Process

The bill amends s. 322.292, F.S., to make changes to the DUI Program licensure process. The bill incorporates Department Rule 15A-10.004, F.A.C. into state law. DHS&MV uses the rule to evaluate the need for additional DUI programs.

The bill also requires all applicants for initial licensure as a DUI program in a particular circuit on and after the effective date of this act must, at a minimum, satisfy each of the following:

- Maintain a primary business office in the circuit which is located in a permanent structure that is readily accessible by public transportation, if public transportation is available. The primary business office must be adequately staffed and equipped to provide all DUI program support services, including registration and a file for each person who registers for the program.
- Have a satellite office for registration of DUI offenders in each county in the circuit which is located in a permanent structure that is readily accessible by public transportation, if public transportation is available. A satellite office is not required in any county where the total number of DUI convictions in the most recent calendar year is less than 200.
- Have a classroom in each county in the circuit which is located in a permanent structure that is readily accessible by public transportation, if public transportation is available. A classroom is not required in any county where the total number of DUI convictions in the most recent calendar year is less than 100. A classroom may not be located within 250 feet of any business that sells alcoholic beverages. However, a classroom shall not be required to be relocated when a business selling alcoholic beverages locates to within 250 feet of the classroom.
- Have a plan for conducting all DUI education courses, evaluation services, and other services required by the Department. The level I DUI education course must be taught in four segments, with no more than 6 hours of classroom instruction provided to any offender each day.
- Employ at least 1 full-time certified addiction professional for the program at all times.
- Document support from community agencies involved in DUI education and substance abuse treatment in the circuit.
- Have a volunteer board of directors and advisory committee made up of citizens who reside in the circuit in which licensure is sought.
- Submit documentation of compliance with all applicable federal, state, and local laws, including, but not limited to, the Americans with Disabilities Act.

The bill also requires uniform application fee in an amount, not to exceed \$1,000, to cover the Department's administrative costs in processing the application. The application fee would not apply to programs seeking licensure to serve an area not currently served by a DUI program. DHS&MV would also be required to revoke the license of any DUI program that does not provide the services shown in its application.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The bill specifically grants DHS&MV the authority to promulgate rules for the administration of DUI programs. However, such rules to administer the program currently exist and are used by the Department.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill will increase local law enforcement agency responsibilities when seizing motor vehicles and will require these agencies to handle an increased number of forfeiture actions.

DUI offenders must attend treatment, if referred, unless an independent evaluation shows that treatment is not needed and the court agrees.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

The bill does not eliminate or reduce an agency or program.

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

The bill authorizes DHS&MV to assess a uniform application fee.

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Licensure applicants would pay an application fee sufficient to cover the Department's administrative costs of processing and evaluating DUI program license applications. The fee may not exceed \$1,000.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill may reduce the opportunity for persons to use motor vehicles in the event that those motor vehicles are seized.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill mandates certain DUI program participation as well as participation in a psychological evaluation at the offender's expense. The bill also ties waiver of the referral to a second independent psychosocial evaluation at the offender's expense. While the evaluations are to be reviewed by the court, this requirement may interfere with the offender's due process rights.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 316.192, 316.193, 318.1451, 322.271, 322.291, 322.292, 322.34, 932.701, 932.703, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates 322.34(9), F.S., to provide that a motor vehicle is subject to seizure and forfeiture under the Florida Contraband Forfeiture Act if driven by a person under the influence of alcohol or drugs while that person's license is suspended, revoked, or canceled as a result of a prior conviction for driving under the influence. It authorizes the seizing agency to retain 30 percent of the proceeds from the sale of a forfeited motor vehicle, while the remaining 70 percent of the proceeds are to be deposited into the General Revenue Fund to be used to provide transportation services for participants of the WAGES program and allows a judge to consider whether the family of the vehicle owner has other public or private means of transportation in a forfeiture proceeding.

Section 2: Amends s. 932.701(2)(a) F.S., to include within the definition of a contraband article any motor vehicle used in violation of s. 322.34(9)(a), F.S.

Section 3: Reenacts s. 932.703, F.S., relating to forfeitures of contraband articles.

Section 4: Amends s. 316.192, F.S., to require that:

- A referral to treatment resulting from a DUI program evaluation may not be waived without a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider appointed by the court.
- If a person fails to report for or complete a DUI program substance abuse education course, evaluation, or treatment, the Department shall cancel the person's driving privilege.
- The Department may reinstate the driving privilege upon verification from the DUI program that the education, evaluation, and treatment are completed.

Section 5: Amends s. 316.193, F.S., to require that:

- Persons convicted of a DUI shall complete a substance abuse course conducted by a DUI program licensed by the Department which must include a psychosocial evaluation of the offender.
- A waiver of a referral to treatment may not be waived absent a supporting independent psychosocial evaluation conducted by an authorized substance abuse treatment provider appointed by the court.
- The court shall review both the independent evaluation and the DUI program evaluation before determining a request for waiver and requires the offender to bear the full cost of the procedure.

The bill also has the following provisions:

- If the DUI program refers the offender to a substance abuse treatment provider in addition to any sentence or fine imposed, then completion of all such education, evaluation, and treatment is a condition of reporting probation.
- The temporary reinstatement of a person's driving privilege if the person is participating in treatment and has completed the DUI education course and evaluation requirement.
- If the DUI program informs the court of an offender's second failure to complete treatment, the Department shall reinstate that person's driving privilege only on notice of completion of the DUI program.
- The Department may reinstate the driving privilege upon verification from the DUI program that the education, evaluation, and treatment are completed.

Section 6: Amends s. 318.1451, F.S., to require DHS&MV to prepare for distribution a traffic school reference guide listing the benefits of attending driver improvement schools. DHS&MV is prohibited from including in the reference guide a list of course providers or traffic schools and is directed to refer inquiries relating to course providers and traffic schools to the telephone directory under driving instruction. Additionally, governmental entities and courts are prohibited from providing, issuing, or maintaining information or orders regarding driver improvement schools or course providers, except to direct request or inquiries to the local telephone directory heading for driving instruction or to the traffic school reference guide.

Section 7: Amends s. 322.271, F.S., to make conforming and corrective changes.

Section 8: Amends s. 322.291, F.S., to clarify grounds for automatic referral of an offender to a driver improvement course or a DUI program. The bill requires covered offenders to take a driver improvement course or a DUI program substance abuse course along with a psychosocial evaluation and treatment if the offender is referred. The bill also provides penalties for failure to complete treatment.

Section 9: Amends s. 322.292, F.S. to specifically grant DHS&MV rulemaking authority with respect to the administration and financial management of DUI programs, including the licensing of such programs. The bill also provides for a DUI program license application fee of up to \$1,000.

Section 10: Provides that the bill will take effect January 1, 2000.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

<u>Expenditures</u>	<u>1999-00</u>	<u>2000-01</u>
DUI School Coordination Trust Fund	\$16,250	\$0

This provides for the non-recurring costs for one professional position and 130 hours of contracted computer programming modifications to the Driver License Software System at \$125 per hour.

2. Recurring Effects:

<u>Expenditures</u>	<u>1999-00</u>	<u>2000-01</u>
DUI School Coordination Trust Fund	\$54,779	\$54,779

The Department indicated that one full time staff position would be required to implement the bill's provisions.

The bill affects DHS&MV's workload by increasing the number of motor vehicle forfeiture proceedings. Estimated revenue proceeds from the sale of forfeited motor vehicles is indeterminate.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

<u>Expenditures</u>	<u>1999-00</u>	<u>2000-01</u>
DUI School Coordination Trust Fund	\$71,029	\$54,779

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

The bill authorizes DHS&MV to assess a uniform application fee of up to \$1,000.

Certain persons may incur additional treatment costs if more referrals for treatment result from the psychosocial evaluations.

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON JUDICIARY:

Prepared by:

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AS FURTHER REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

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Prepared by:

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