

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1276

SPONSOR: Criminal Justice Committee and Senator Hargrett

SUBJECT: Suspension of Driver's License

DATE: April 11, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to invalidate a driver's license suspension for driving with an unlawful blood-alcohol or breath-alcohol level imposed pursuant to s. 322.2615, F.S., if the suspended person is found not guilty in a trial for the underlying violation of s. 316.193, F.S. However, a license suspension shall not be invalidated if the case is dismissed by the court, nolle prossed, or adjudication is withheld.

This bill substantially amends the following section of the Florida Statutes: 322.2615.

II. Present Situation:

Section 322.2615, F.S., mandates the administrative license suspension of a person arrested for a DUI violation under s. 316.193, F.S., when the person has a breath- or blood-alcohol level of .08 or higher. The statute provides for both administrative and judicial reviews of such suspensions. The statute also expressly provides the disposition of any related criminal proceedings shall have no effect on the suspension. In addition, the disposition of the suspension shall not be considered in any related criminal proceedings. As a result, both the administrative suspension and the DUI charge stand on their own merits, with each process independent and distinct from the other.

III. Effect of Proposed Changes:

This bill amends s. 322.2615, F.S., to provide that effective October 1, 2000, DHSMV shall invalidate a suspension for driving with an unlawful blood-alcohol or breath-alcohol level imposed under this section if the person is found not guilty in a trial for the underlying violation of s. 316.193, F.S. However, a license suspension shall not be invalidated if the case is dismissed by the court, nolle prossed, or adjudication is withheld.

The bill also provides the disposition of any related criminal violation will not affect a suspension for refusal to submit to a blood, breath, or urine test authorized under s. 316.1932, F.S., or s. 316.1933, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the 1998 Florida Uniform Traffic Citation Statistics, 55,705 citations were issued for DUI violations during 1998. In the case of 8,545 violations the disposition was still pending. Discounting those violations, 47,160 DUI cases had been resolved. Of this total, 42,088 (89.2 percent) were determined guilty. In 436 cases (.9 percent) the person was found not guilty. In 575 cases (1.2 percent) adjudication of guilt was withheld. In 544 cases (1.2 percent) the case was dismissed. Finally, in 3,517 cases (7.5 percent) the state elected to not prosecute the person.

VIII. Amendments:

None.