

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 2052

SPONSOR: Criminal Justice Committee and Senator Sebesta

SUBJECT: Juveniles

DATE: April 20, 2000 REVISED: _____

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

I. Summary:

The CS enables the court to direct Department of Highway Safety and Motor Vehicles (DHSMV) to issue a temporary driver’s license, restricted to business or employment purposes only, to a child whose driving privileges have been revoked or delayed pursuant to s. 322.056, F.S., if the child is otherwise qualified for such a license. The CS provides the court with the same discretion it currently possesses for adults to direct the DHSMV to issue a business or employment purposes only driver’s license to a child under 18.

This CS substantially amends section 322.056 of the Florida Statutes.

II. Present Situation:

Section 322.056, F.S., provides for the mandatory revocation or delay of eligibility for a driver's license for persons under age 18 who are found guilty of certain alcohol, drug, or tobacco offenses. Currently, s. 322.056(1), F.S., provides that if a person under the age of 18 is found guilty or delinquent for a violation of s. 562.11(2), F.S., (relating to underage purchase of alcohol), s. 562.111, F. S., (relating to underage possession of alcohol) or ch. 893, F.S., (relating to certain drug offenses) a mandatory revocation, suspension, or delay of issuance of a driver’s license shall occur. Section 322.056(2), F.S., also provides a mandatory revocation or delay of issuance of a driver’s license for a person under age 18 who is found by the court to have committed a noncriminal violation under s. 569.11, F.S., (relating to underage purchase of tobacco products) when that person has failed to comply with the community service requirements, pay applicable fines, or attend a locally available school-approved anti-tobacco program.

Section 322.056(1), F.S., provides that the court shall direct the DHSMV to revoke or to withhold issuance of a driver's license of a child under age 18 who is eligible by reason of age to obtain a driver's license, but who is found guilty of or delinquent for a criminal violation of s. 562.11(2), F.S., s. 562.111, F.S., or ch. 893, F.S., as follows:

1. Not less than 6 months and not more than 1 year for the first violation.
2. Two years, for a subsequent violation.

If the child's driver's license or driving privilege is already under suspension or revocation for any reason, the court shall direct DHSMV to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.
2. Two years, for a subsequent violation.

If the child is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of a driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.
2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

Section 322.056(2), F.S., provides the court shall direct DHSMV to revoke or to withhold issuance of the driver's license of a child under age 18 who is eligible by reason of age to obtain a driver's license, but who has been found by the court to have committed a noncriminal violation under s. 569.11, F.S., and has failed to comply with the requirements of the section by failing to fulfill community service requirements, failing to pay the applicable fine, or failing to attend a locally available school-approved anti-tobacco program, as follows:

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

If the child's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct DHSMV to extend the period of suspension or revocation by an additional period as follows:

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

If the child is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of a driver's license or driving privilege as follows:

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

Section 322.056(2), F.S., specifically provides a second violation of s. 569.11, F.S., not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in this subsection.

If the child is found by the court to have committed a third violation of s. 569.11, F.S., within 12 weeks of the first violation, the court must direct DHSMV to suspend or withhold issuance of his

or her driver's license or driving privilege for 60 consecutive days. However, any third violation of s. 569.11, F.S., not within the 12-week period after the first violation will be treated as a first violation.

The provisions of s. 322.056, F.S., may be imposed in addition to any other penalty imposed by law. However, the section provides any suspension or revocation of a persons driver's license imposed pursuant to noncriminal tobacco-related violations shall not result in or be the reason for an increase in the insurance rate or premium for the child, or his or her parent or legal guardian, or result in points assessed against the child's driving record.

Section 322.055, F.S., provides similar penalties for adults convicted of certain drug offenses under ch. 893, F.S. The minimum period of revocation is two years. The section authorizes the court to direct DHSMV to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, F.S., if the person is otherwise qualified for such a license.

Section 322.271(c), F.S., defines "a driving privilege restricted to business purposes only" to mean a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes. A restricted "driving privilege for employment purposes only" is limited to driving to and from work and any necessary on-the-job driving.

If the court does not order DHSMV to issue a restricted license, s. 322.055, F.S., allows a driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056, F.S., upon the expiration of 6 months, to petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. However, in no case shall a restricted license be available until 6 months after the suspension or revocation period has expired.

The DHSMV reports that in 1999, there were 1,673 suspensions or revocations associated with violations of ch. 893, F.S. (drugs), 139 suspensions or revocations associated with violations of s. 562.111, F.S. (alcohol), and 3,840 suspensions or revocations associated with violations of s. 562.11, F.S. (alcohol).

III. Effect of Proposed Changes:

The CS enables the court to direct DHSMV to issue a temporary driver's license, restricted to business or employment purposes only, to a child whose driving privileges have been revoked or delayed pursuant to s. 322.056, F.S., if the child is otherwise qualified for such a license. The CS provides the court with the same discretion to direct the DHSMV to issue a business or employment purposes only driver's license to a child under 18 that it currently possesses for adults.

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:

The CS could result in increased employment opportunities for youth.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.