

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 2262

SPONSOR: Transportation Committee and Senator Sullivan

SUBJECT: Driver Licenses/Notice of Suspension

DATE: March 22, 2000 REVISED: _____

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

I. Summary:

This CS creates section 322.2617, F.S., requiring driver's license suspension, disqualification, cancellation, and revocation notices to be sent by certified mail to the licensee and requires 30-day notice of suspension, disqualification, cancellation, or revocation. The CS further provides this provision does not apply to the suspension, disqualification, cancellation, or revocation of a driver's license for driving under the influence.

This CS creates section 322.2617, of the Florida Statutes.

II. Present Situation:

Section 322.251, F.S., provides parameters for notice of cancellation, suspension, revocation, or disqualification of driver licenses issued by the Department of Highway Safety and Motor Vehicles (DHSMV). The section provides all notices of an order to cancel, suspend, revoke, or disqualify a driver's license are delivered by personal delivery or first class postage addressed to the licensees at their last known mailing address. The actual mailing by DHSMV constitutes notification, and failure by the person to receive the mailed notice does not affect or influence the effective date or term of the cancellation, suspension, revocation, or disqualification the licensee's driving privilege.

Mail notices of cancellation, suspension, revocation, or disqualification are postdated 20 days. Whenever a cancellation, suspension, revocation, or disqualification occurs, DHSMV enters the cancellation, suspension, revocation, or disqualification order on the licensee's driver file 20 days after the notice was actually placed in the mail. Any inquiry into the file after the 20-day period must reveal the license is canceled, suspended, revoked, or disqualified and whether DHSMV received the license.

III. Effect of Proposed Changes:

Section 322.2617, F.S., is created to provide that prior to the suspension, disqualification, cancellation, or revocation of a driver license, the DHSMV must first send a certified letter to the address on the person's current driver's license, and provide that person with a 30-day notice of the reason or reasons for the suspension, disqualification, cancellation, or revocation together with instructions on what the person may do to avoid the suspension, disqualification, cancellation, or revocation, if possible. The CS provides no suspension, disqualification, cancellation, or revocation of a driver's license may take effect until 30 days from the date the registered letter is delivered. The CS further provides this provision does not apply to the suspension, disqualification, cancellation, or revocation of a driver's license for driving under the influence.

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:

According to the DHSMV, implementation of this CS will significantly increase postage costs as a result of sending notices by certified mail. DHSMV mails approximately 1 million suspension, disqualification, cancellation, and revocation notices annually. DHSMV estimates certified mail will cost approximately \$1.40 per unit for a cost of \$1.4 million per year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
