

STORAGE NAME: h0689s1a.jj

DATE: March 15, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUVENILE JUSTICE
ANALYSIS**

BILL #: CS/HB 689

RELATING TO: Juvenile Justice

SPONSOR(S): Committee on Juvenile Justice and Representatives Merchant and Farkas

TIED BILL(S): SB 2052 (I)

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

- (1) JUVENILE JUSTICE YEAS 14 NAYS 0
 - (2) CHILDREN AND FAMILIES
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

Section 322.056, F.S., regards the issue of the revocation, suspension or delay of issuance of driver's license for individuals under the age of 18 who have been found guilty of certain drug, alcohol, or tobacco offenses.

Currently, Florida law provides that if a person is adjudicated guilty or delinquent for certain offenses, a mandatory revocation or delay of issuance of driver's license shall occur. Section 322.056, F.S., describes the qualifying offenses and revocation procedures for children under the age of 18. Section 322.055, F.S., describes the qualifying offenses and revocation procedures for adults.

Under s. 322.055, F.S., the court may direct the Department of Highway Safety and Motor Vehicles to issue a driver's license to an adult, restricted to business or employment purposes only. Under current law, no such provision exists in s. 322.056, F.S., for children under the age of 18. The bill allows the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license, restricted to business or employment purposes only as defined by s. 322.271, F.S., to a juvenile who is otherwise qualified for such a license.

The bill shall take effect on October 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 322.056, F.S., regards the mandatory revocation or delay of eligibility for driver's license for persons under age 18 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 driver's license shall occur. Section 322.056(2), F.S., also provides a mandatory revocation or delay of issuance of 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 the court shall direct the Department of Highway Safety and Motor Vehicles (DHSMV) to revoke or to withhold issuance of 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 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 his or her 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 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 that 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 that any suspension or revocation of a person's driver's license imposed pursuant to noncriminal tobacco-related violations shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person'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. If the court does not order DHSMV to issue a business purposes 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 length of suspension or revocation. However, in no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.

The DHSMV reports 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. pursuant to s. 322.056, F.S., in 1999.

C. EFFECT OF PROPOSED CHANGES:

The bill enables the court to direct DHSMV to issue to a 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 bill provides the court with the same discretion to direct the DHSMV to issue a business purposes only driver's license to a child under 18 that it presently has to direct the DHSMV to issue a business purposes only driver's license to an adult.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to paragraph II-B (Present Situation) and paragraph II-C (Effect of Proposed Changes).

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

STORAGE NAME: h0689s1a.jj

DATE: March 15, 2000

PAGE 5

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The only direct economic impact upon the private sector could be the employment opportunity of youth affected by this bill. This impact is probably minimal indeterminate.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of municipalities or counties to raise revenues in the aggregate.

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

The bill would not reduce the percentage of a state tax shared with counties or municipalities. Therefore, it would not contravene the requirements of Article VII, Section 18 of the Florida Constitution.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

STORAGE NAME: h0689s1a.jj

DATE: March 15, 2000

PAGE 6

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Staff Director:

J. Travis Coker

Lori Ager