

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1170

SPONSOR: Senator Sebesta

SUBJECT: Drivers' Licenses/Under Age 18

DATE: March 15, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable
2.	_____	_____	APJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill enables the court to direct the 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driver's license, restricted to business or employment purposes only, to a child whose driving privileges have been revoked or delayed pursuant to s. 322.056, F.S., if the child is otherwise qualified for such a license.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 bill 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 bill substantially amends section 322.056 of the Florida Statutes

II. Present Situation:

Section 322.056(1), F.S., provides 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 chapter 893 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.

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 non-criminal 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 chapter 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 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 chapter 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 bill 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 (1), 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 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 bill could result in increased employment opportunities for youth.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.