

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1625 w/CS Notification of Mandatory License Revocation
SPONSOR(S): Kravitz
TIED BILLS: None **IDEN./SIM. BILLS:** SB 242

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	10 Y, 0 N	Garner	Miller
2) Transportation	19 Y, 0 N w/CS	Garner	Miller
3) Public Safety & Crime Prevention		Cole	De La Paz
4)			
5)			

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to suspend the license of any person without a preliminary hearing upon a showing of its records or other sufficient evidence that a licensee has committed an offense for which mandatory revocation of the license is required upon conviction. Bill proponents assert that in some DUI cases where blood has been drawn to test for impairment or intoxication, law enforcement agencies have not notified DHSMV, and persons accused in such cases continue to drive with an unsuspended license.

DHSMV does not currently maintain driving records for non-resident foreign citizens who travel to Florida as tourists, and do not obtain a Florida driver's license. Automobile insurers may charge higher premiums to these persons because they are unable to examine records to determine the risk posed by the particular driver. Recent changes in the driver's license laws require the expiration of Florida driver's licenses obtained by foreign tourists within two years or upon the expiration of their visas. Proponents of this bill maintain that this poses an inconvenience to a foreign tourist who owns a motor vehicle in Florida and who must therefore maintain a Florida Driver's license in order to obtain automobile insurance at a cost for which that person would otherwise qualify.

HB 1625 w/CS requires law enforcement agencies to notify DHSMV within 24 hours after blood is drawn by law enforcement officers to test for impairment or intoxication. It is unclear how DHSMV will be notified within 24 hours on weekends and holidays. The Bureau of Administrative Review (BAR) within DHSMV is the entity responsible for driver's license suspension review. The paperwork on every DUI arrest is forwarded to the BAR that is responsible for that agency's review. If a possible offender is involved in a crash and is unable to be arrested, but blood is drawn at the hospital, charges are not filed until the toxicology results are returned from FDLE. Under these circumstances, an offender's driver's license will not be suspended until they are actually convicted of DUI.

The bill requires DHSMV to maintain records of a person holding a foreign license who has been issued a citation, if the citation form indicates an address in Florida for that person.

The bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1625c.ps.doc
DATE: April 11, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to suspend the license of any person without a preliminary hearing upon a showing of its records or other sufficient evidence that a licensee has committed an offense for which mandatory revocation of the license is required upon conviction. Bill proponents assert that in some DUI cases where blood has been drawn to test for impairment or intoxication, law enforcement agencies have not notified DHSMV, and persons accused in such cases continue to drive with an unsuspended license.

DHSMV does not currently maintain driving records for non-resident foreign citizens who travel to Florida as tourists, and do not obtain a Florida driver's license. Automobile insurers may charge higher premiums to these persons because they are unable to examine records to determine the risk posed by the particular driver. Recent changes in the driver's license laws require the expiration of Florida driver's licenses obtained by foreign tourists within two years or upon the expiration of their visas. Proponents of this bill maintain that this poses an inconvenience to a foreign tourist who owns a motor vehicle in Florida and who must therefore maintain a Florida Driver's license in order to obtain automobile insurance at a cost for which that person would otherwise qualify.

Effect of Proposed Changes

HB 1625 w/CS requires law enforcement agencies to notify DHSMV within 24 hours after blood is drawn by law enforcement officers to test for impairment or intoxication. It is unclear how DHSMV will be notified on weekends and holidays within the 24 hours mandated by this bill. The Bureau of Administrative Review (BAR) within DHSMV is the entity responsible for driver's license suspension review. The paperwork on every DUI arrest is forwarded to the BAR that is responsible for that agency's review. If a possible offender is involved in a crash and is unable to be arrested, but blood is drawn at the hospital, charges are not filed until the toxicology results are returned from FDLE. Under these circumstances, an offender's driver's license will not be suspended until they are actually convicted of DUI. There is no current means in Florida Statutes to suspend the driver's license of an offender who had a blood alcohol content of over .08g/100L until an adjudication of guilt at the end of the criminal case.

The bill requires DHSMV to maintain records of a person holding a foreign license who has been issued a citation, if the citation form indicates an address in Florida for that person.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.27, F.S., requiring notification to DHSMV of a traffic fatality or in the event that blood has been drawn to test for intoxication.

Section 2. Amends s. 322.20, F.S., requiring DHSMV to maintain driving records for persons with a foreign license who have an address in Florida.

Section 3. Provides an effective date of July 1, 2003.

II. 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.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Maintenance of driving records by DHSMV for certain persons who hold a foreign driver's license, but who have a part-time residence in Florida, may lower the cost of automobile insurance for those persons.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rule making authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Highway Safety Subcommittee

On March 26, 2003, the Highway Safety Subcommittee recommended two amendments and reported the bill favorably as amended. The amendments:

- Provide that notice must be given in the event that blood is drawn by law enforcement to test for impairment or intoxication instead of giving notice when an offense is committed that requires mandatory revocation of the driver's license.
- Require DHSMV to maintain records of persons holding a foreign license who have been issued citations, and the citation form indicates an address in Florida for that person.

Committee on Transportation

On April 2, 2003 the Committee on Transportation adopted the two amendments recommended by the Highway Safety Subcommittee and reported the bill favorably as amended.