

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1625 Notification of Mandatory License Revocation
SPONSOR(S): Kravitz
TIED BILLS: **IDEN./SIM. BILLS:** SB 242

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	10 Y, 0 N	Garner	Miller
2) Transportation		Garner	Miller
3) Public Safety & Crime Prevention			
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.

HB 1625 requires law enforcement agencies to notify DHSMV, within 24 hours, of the occurrence of any traffic fatality or commission of an offense that requires mandatory revocation of a driver's license upon conviction. The bill conforms statutory language with procedures that are currently codified in the Florida Uniform Traffic Citation Procedures Manual.

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

[Note: On March 26, 2003, the Highway Safety Subcommittee recommended two amendments and reported the bill favorably as amended. For a description of the amendments see the AMENDMENTS/COMMITTEE SUBTITUTE CHANGES section.]

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.

Section 322.26 F.S., lists criminal offenses for which a conviction will result in the mandatory revocation of the driver's license. The Florida Uniform Traffic Citation Procedures Manual requires that a citation be prepared any time a defendant is charged with an offense listed in s. 322.26, F.S. Copies of all traffic citations are forwarded to the Department for entry into the driver's record. However, there is no statutory time requirement for forwarding the information.

Effect of Proposed Changes

HB 1625 requires law enforcement agencies to notify DHSMV, within 24 hours, of the occurrence of any traffic fatality or commission of an offense that requires mandatory revocation of a driver's license upon conviction.

The bill conforms statutory language with procedures that are currently codified in the Florida Uniform Traffic Citation Procedures Manual.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.27, F.S., requiring notification to DHSMV of a traffic fatality or offense that requires mandatory revocation of a driver's license.

Section 2. 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:

None.

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

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.