

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 189 w/CS Driving Privilege/Slosberg & Simmons Safety Act
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 1456

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|----------------|----------------|-----------------------|
| 1) Highway Safety (Sub) | 8 Y, 2 N | Garner | Miller |
| 2) Transportation | 17 Y, 1 N w/CS | Garner | Miller |
| 3) Public Safety & Crime Prevention | 14 Y, 1 N w/CS | Maynard | De La Paz |
| 4) Finance and Tax | 23 Y, 0 N w/CS | Shamy | Diez-Arguelles |
| 5) Transportation & Econ. Dev. Apps. (Sub) | | | |
| 6) Appropriations | | | |

SUMMARY ANALYSIS

HB 189 w/CS, also known as the "Slosberg and Simmons Safety Act," imposes an additional \$10 fine for all nonmoving traffic infractions, and an additional \$25 for all moving traffic infractions. In addition, the bill imposes an additional \$500 surcharge on fines imposed for fleeing and eluding law enforcement, reckless driving, DUI, and leaving the scene of an accident. The bill also imposes an additional \$50 reinstatement fee for suspended licenses, and imposes an additional \$500 reinstatement fee for licenses that have been suspended for DUI offenses. Driving privileges will not be reinstated until these reinstatement fees are completely paid.

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

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DATE: April 20, 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 checked="" type="checkbox"/> | N/A <input 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:

Lower Taxes?

HB 189 w/CS requires any person who violates certain civil traffic laws or who requests reinstatement of his or her driver's license after revocation or suspension to pay additional fines or service charges. Penalties and fees already exist for these violations or transactions.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, s. 318.18, F.S., provides the amount of civil penalties to be assessed for moving and non-moving traffic infractions. Penalties range in severity from \$15 for pedestrian infractions up to \$250 for exceeding the speed limit by 30 mph or more. Where a mandatory hearing is involved, or an accused violator chooses to appear before a court or other designated official, the penalty provisions of s. 318.18, F.S., are waived, and the judge or other designated official may impose a fine of up to \$500 or \$1,000 depending upon the circumstances. Where a death occurs as a result of certain infractions, performance of 120 hours of community service may be required in addition to any other penalties.

In addition to the penalties assigned to the various civil traffic infractions, violators may also be required to pay a number of fees. For example, under the Dori Slosberg Driver Education Safety Act, counties may impose an additional \$3 surcharge to fund traffic education programs in the schools. Florida law also provides for a variety of fees associated with driver improvement schools, failure to comply or to appear, and with court operations.

Section 322.27, F.S., authorizes DHSMV to suspend or revoke a license for excessive accumulation of points, habitual violation of the traffic laws, fraud, and a variety of other offenses. Sections 322.2615 and 322.2616, F.S., authorize DHSMV to suspend a license for refusal to submit to a blood or breath alcohol test and for driving with an unlawful blood alcohol level.

Currently, pursuant to s. 322.12, F.S., any person who applies for reinstatement following the suspension or revocation of his or her driver's license must pay a service fee of \$25 following a suspension, and \$50 following a revocation, in addition to the fee for a license. Most of each service fee is paid into the General Revenue Fund, and the remainder is paid into the Highway Safety Operating Trust Fund. If the license is suspended or revoked for DUI or for refusing to submit to a lawful breath, blood, or urine test, the licensee must pay a \$105 reinstatement fee, which is paid into the Highway Safety Operating Trust Fund.

Effect of Proposed Changes

HB 189 w/CS, also known as the "Slosberg and Simmons Safety Act," imposes an additional \$10 fine for all nonmoving traffic infractions, and an additional \$25 for all moving traffic infractions. In addition, the bill imposes an additional \$500 surcharge on fines given for reckless driving, DUI, leaving the scene of an accident, and fleeing and eluding law enforcement.

HB 189 w/CS also imposes an additional \$50 reinstatement fee for suspended licenses, and imposes an additional \$500 reinstatement fee for licenses that have been suspended for DUI offenses. Driving privileges will not be reinstated until these reinstatement fees are completely paid.

All fines, surcharges, and reinstatement fees provided in HB 189 w/CS are in addition to fines and fees that already exist. For example, a driver ticketed for a violation of the sunscreen or window tinting law is currently subject to a \$30 fine for a nonmoving violation, and additional court costs and fees that can reach as much as \$30 depending on the jurisdiction. HB 189 imposes an additional \$10 fine on this nonmoving violation. Under the bill, the ticketed driver could be liable for up to \$70 for violation of the sunscreen or window tinting law.

Similarly, costs are increased for a licensee seeking reinstatement of a suspended or revoked driver's license. For example, if a driver has had his or her license suspended after being convicted of violating a traffic law that resulted in crash causing more than \$500 in property damage, that driver is required to pay a \$25 fee to have the license reinstated, plus the \$20 license fee. HB 189 w/CS imposes an additional \$50 reinstatement fee, increasing the licensee's cost from \$45 to \$95. A person whose license has been suspended for violation of the DUI law is required to pay a \$105 service fee and a \$20 license fee prior to reinstatement. HB 189 w/CS imposes a \$500 reinstatement fee, raising the cost to \$625.

C. SECTION DIRECTORY:

Section 1. Provides the popular name the "Slosberg and Simmons Safety Act."

Section 2. Creates s. 318.1225, F.S., imposing additional charges for violation of traffic laws.

Section 3. Amends s. 318.21, F.S., directing the clerk of the court to collect and distribute the additional charges.

Section 4. Creates s. 322.287, F.S., imposing additional license reinstatement fees.

Section 5. Provides an effective date of October 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

On April 18, 2003 the Revenue Impact Conference estimated that the increase in fines would generate an additional \$58.8 million in revenues for the 2003-04 fiscal year. On a recurring basis, it is estimated that the State will receive \$117.7 million. Distributions are as follows:

| | |
|------------|--|
| FY 2003-04 | \$1million to MADD; \$1 million to DHSMV for the study on driving and aging, and the creation of an advisory council (<i>contingent upon legislation</i>); The remainder will go to GR (\$56.8 million). |
|------------|--|

FY 2004-05 \$1 million to MADD;
\$1 million to DHSMV for the study driving and aging, and the creation of an advisory council (*contingent upon legislation*);
Beginning in FY 04-05 and subsequent years thereafter, the Biomedical Research, TF may receive up to \$25 million;
Beginning in FY 04-05 and subsequent years thereafter, the Johnnie Bryars Byrd, Sr., TF may receive up to \$25 million;
The remainder will go into GR (\$65.7 million).

2. Expenditures:

DHSMV calculates that it will incur a one-time expenditure of \$54,000 based on 400 hours of contracted programming modifications to the Driver License Software System priced at \$135 per hour.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 189 w/CS does not require agency rule-making to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 2, 2003, the committee on Transportation adopted a strike-all amendment and reported the bill favorably as amended. Under the provisions of the original filed version of the bill, an additional \$50 fee was imposed on all traffic offenses and most license reinstatements. A \$500 fee was imposed on all license reinstatements following suspension or revocation for DUI offenses. The amendment by contrast, imposes an additional \$10 fee on nonmoving violations, an additional \$25 fee on moving violations, a \$50 fee on license reinstatements, and a \$500 fee on DUI violations and license reinstatements, reckless driving violations, and leaving-the-scene-of-an-accident violations.

On April 15, 2003, the Committee for Public Safety & Crime Prevention adopted an amendment and voted the bill favorably. The amendment adds the offense of fleeing and eluding law enforcement under s. 316.1935, F.S., to those which a court shall impose an additional \$500 fee in addition to other fees.

On April 22, 2003, the Committee on Finance and Tax adopted two amendments. The first amendment changes in the text of the bill the word "Johnny" to "Johnnie". The second amendment more clearly states how the additional revenue imposed on offenders will be distributed in the latter years (\$25 m to the Biomedical TF, \$25 m to the Johnnie Bryars Byrd, Sr. TF, the rest to GR).