

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

Reduce Government?

Under the bill, a citation for certain traffic infractions will result in a mandatory hearing where no such hearing is required under current law. In addition, the bill imposes increased mandatory fines and license suspensions for certain traffic infractions.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida law requires a mandatory hearing following a citation for certain civil traffic infractions. These infractions are:

- Any infraction resulting in a crash that causes the death of another;
- Any infraction resulting in a crash that causes “serious bodily injury” to another;
- Passing a school bus on the door side while the bus displays a stop signal; and
- Certain infractions concerning loads on vehicles.

Any person who commits one of these infractions may not dispose of the matter by submitting payment of the fine by mail or by making the driver improvement course election. Instead, the person committing the infraction must appear before the designated official at a scheduled hearing.

Persons who have elected to appear at a hearing, or who are required to do so, are considered as having waived the right to the regular civil penalty provisions for traffic infractions. Instead, upon a finding that the person committed the charged traffic infraction, the official conducting the hearing may impose a civil penalty up to \$500. If the infraction involves unlawful speed in a school or construction zone, or involves death, the official may impose a civil penalty up to \$1,000. These civil penalty amounts are authorized, but they are not mandatory. The official conducting the hearing has discretion in choosing how much of a penalty, if any, to impose against a person found to have committed the infraction.

Under these provisions, a person committing an infraction resulting in the death of another person is required to appear before a designated official and *may* be subject to a \$1,000 fine. A person committing an infraction that results in the “serious bodily injury” of another is also required to appear before a designated official, but *may* be subject to a \$500 fine. The increased penalty is not mandatory. A person committing an infraction resulting in an injury to a person that is not considered “serious bodily injury”, is not subject to a mandatory hearing, and is not subject to enhanced penalties.

“Serious bodily injury” is defined as an injury which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the

function of any bodily member or organ. The precise point at which bodily injury becomes serious is unclear as the foregoing definition is open to interpretation. According to the Department of Highway Safety and Motor Vehicles, a law enforcement officer issuing a citation makes the determination whether a bodily injury is serious and, therefore, whether a mandatory hearing is required.

Effect of Proposed Changes

HB 875 requires a mandatory hearing when a person commits an infraction resulting in a crash causing any bodily injury or death.

- If the infraction results in a crash causing death, and at the hearing the person is found to have committed the infraction, the designated official *must* impose a civil penalty of \$1,000 in addition to any other penalties, and suspend the person's driver's license for 6 months.
- If the infraction results in a crash causing serious bodily injury, and at the hearing the person is found to have committed the infraction, the designated official *must* impose a civil penalty of \$500 in addition to any other penalties, and suspend the person's driver's license for 3 months.
- If the infraction results in a crash causing any bodily injury other than that defined as serious, and at the hearing the person is found to have committed the infraction, the designated official *must* impose a civil penalty of \$200 in addition to any other penalties, and suspend the person's driver's license for 30 days.

C. SECTION DIRECTORY:

Section 1. Amends s. 318.14, F.S., to provide mandatory penalties for traffic infractions resulting in crashes that cause bodily injury or death.

Section 2. Amends s. 318.19, F.S., to require a mandatory hearing for an infraction resulting in a crash that causes any bodily injury or death.

Section 3. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
1. Revenues:			
2. Expenditures:			
GR (Data Proc.):	\$ 10,800	\$ -0-	\$ -0-

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
See FISCAL COMMENTS section below.
2. Expenditures:
See FISCAL COMMENTS section below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

HB 875 requires the mandatory imposition of civil penalties and suspension of driver's licenses on any person found to have committed a traffic infraction resulting in a crash causing the bodily injury or death of another person.

D. FISCAL COMMENTS:

According to DHSMV, HB 875 requires 80 hours of contracted programming at \$135 per hour to modify the Driver License Software System.

In addition, the bill is expected to increase the number of traffic infraction cases requiring a hearing, thereby increasing the burden on hearing officials and, increasing the amount of time law enforcement officers are required to attend hearings.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take 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 875 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES