



## 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 161 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. Although DHSMV has already agreed to maintain driving histories for such foreign drivers, bill proponents hold that the department's assurances alone are insufficient to convince automobile insurers to offer lower rates to these drivers.

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, 2004.

**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**