

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 checked="" type="checkbox"/> | N/A <input 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?

The bill requires DHSMV to issue parental notification forms and decals, and requires law enforcement officers or agencies to notify parents when a child under the age of 21 years is stopped while driving.

Expand Individual Freedom?

The bill requires notification of parents who request such notification when a child under the age of 21 is stopped while driving by law enforcement, whether cited for a traffic violation or not. Persons aged 18 to 21, who have reached the legal age of majority, may be subject to reporting of behavior to parents. No such requirement currently exists.

B. EFFECT OF PROPOSED CHANGES:

Currently, licensed drivers under 21 years of age who are stopped by traffic enforcement officers are issued a warning citation or a uniform traffic citation. The parent or guardian of the driver is not notified by the traffic enforcement agency that a citation has been issued. There are approximately 960,000 licensed drivers aged from 15 to 20 years. This population receives an average of more than 449,000 citations annually.

HB 531 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to prepare and supply parental notification forms to every traffic enforcement agency in this state. A parental notification form must be completed by a traffic enforcement officer who stops a vehicle driven by a licensed driver under 21 years of age if the vehicle displays a parental notification decal issued by the DHSMV. The bill requires that the form be used to record the time and date the vehicle was stopped, the reason for stopping the vehicle, the number of people in the vehicle, whether or not a citation was issued, the name of the person stopped, the name and contact information of the person to be contacted as that information appears on the parental notification decal, and the name of the traffic enforcement officer who stopped the vehicle. This bill requires the chief administrative officer to notify, or cause to be notified, the parent or guardian of the driver in the manner prescribed on the parental decal.

This bill also requires that DHSMV make available to the parent or guardian of a licensed driver who is under 21 years of age a form requesting to be notified whenever a traffic enforcement officer stops a vehicle driven by the licensee. The parent or guardian provides contact information that is contained on a department-issued parental notification decal.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.650, F.S., requiring the preparation and distribution parental notification forms, and the use of such forms by law enforcement agencies, and reporting to parents of drivers under the age of 21 years who have been stopped in a vehicle by law enforcement.

Section 2. Creates s. 322.093, F.S., requiring DHSMV to provide a parental notification decal.

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:

Indeterminate. See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Based on assumptions that all parents and guardians of licensed drivers under 21 years of age participate; that 449,000 citations are issued annually to the target age group; and that 79 percent of those citations will be issued by local law enforcement, DHSMV estimates that it would cost local governments \$131,243 to notify parents or guardians by mail.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There are approximately 960,000 licensed drivers between fifteen and twenty years of age. This population receives an average of approximately 449,000 citations annually. Implementation of the parental notification program would cost DHSMV approximately \$597,000 for the first year and \$150,000 per year thereafter, assuming all parents and guardians of licensed drivers under twenty-one years of age participate. First year costs assume \$78,592 for contracted programming modifications to the Florida Drivers License Information System, \$69,120 for decal inventory costs, \$355,200 for decal mailing costs, and \$58,370 for the purchase of notification forms for all traffic enforcement agencies. The statement also reflects \$34,887 for postage costs to notify parents regarding traffic stops conducted by the Florida Highway Patrol. The cost for subsequent years assumes 96,000 new drivers being enrolled in the program annually (10 percent of the first year number).

While these DHSMV estimates are based on 100 percent participation, this level of participation is not expected. If participation is only 50 percent, the estimated impacts could be reduced by approximately half, however, some fixed costs such as for programming and the purchase of notification forms would not be reduced.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

While the bill may require cities or counties to spend money or take action that requires the expenditure of money, it does not appear to create an unfunded mandate as prohibited by the Florida Constitution because the fiscal impact appears to be insignificant.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

HB 531 does not require that the parental notification decal be affixed in a particular location on a vehicle. Lack of uniformity in the location where such decals are affixed may cause law enforcement personnel to be unaware of the presence of the decal in some cases. In addition, the bill does not address the manner in which DHSMV is required to make the parental notification forms available to members of the public interested participating in the parental notification program.

HB 531 contains no language directing a law enforcement agency with respect to a time period in which parental notification is required, or as to how long the agency must maintain a record of the parental notification.

Personal information contained in the contact information appearing on a decal affixed to a vehicle may cause safety or privacy concerns. Necessary information for the purpose of contacting a parent may include a name, telephone numbers or mailing addresses. In lieu of displaying personal information of the parent or guardian on a parental notification decal affixed to a vehicle, DHSMV recommends that the contact information be contained in the minor licensee's driver record. The parent or guardian would include the licensee's driver license number when requesting a parental notification decal. Upon issuance of the decal by the DHSMV, the driver record of the minor licensee would be updated to include the contact information for the parent or guardian. This information would be made available to traffic enforcement officers as needed in notifying the parent or guardian of a traffic stop. When contact information for the parent or guardian changes, the parent or guardian would notify DHSMV to update the information on the minor licensee's driver record rather than issuing a new parental notification decal. These changes would reduce the quantity of parental notification decals required to be issued by DHSMV.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES