

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 531 w/CS Parental Notification Decal
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 1802

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	9 Y, 1 N	Garner	Miller
2) Transportation	16 Y, 3 N w/CS	Garner	Miller
3) Trans. & Econ. Dev. Apps. (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

Currently, licensed drivers under 18 years of age who are stopped by traffic enforcement officers are issued 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 287,000 licensed drivers aged from 16 to 17 years. This population received more than 14,000 citations in 2003.

HB 531 w/CS requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue parental notification forms to traffic enforcement agencies to be used by traffic enforcement officers in this state. The parental notification form would be filled out by a traffic enforcement officer who issues a traffic citation or a written warning to a licensed driver under 18 years of age. The form must 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 or warning was issued, the name of the person stopped, and the name of the traffic enforcement officer who stopped the vehicle. The chief administrative officer of the traffic enforcement agency must notify, or cause to be notified, the parent or guardian. Contact information must be provided by the parent or guardian at the time he or she signs the license application for the minor driver.

HB 531 w/CS may have a negative fiscal impact on state and local governments. For details, see the FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT section of the analysis.

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

STORAGE NAME: h0531b.tr.doc
DATE: April 27, 2004

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 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 when a child under the age of 18 is issued a traffic citation or a written warning by law enforcement.

B. EFFECT OF PROPOSED CHANGES:

Currently, licensed drivers under 18 years of age who are stopped by traffic enforcement officers are issued 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 287,000 licensed drivers aged from 16 to 17 years. This population received more than 14,000 citations in 2003.

HB 531 w/CS requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue parental notification forms to traffic enforcement agencies to be used by traffic enforcement officers in this state. The parental notification form would be filled out by a traffic enforcement officer who issues a traffic citation or a written warning to a licensed driver under 18 years of age. The form must 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 or warning was issued, the name of the person stopped, and the name of the traffic enforcement officer who stopped the vehicle. The chief administrative officer of the traffic enforcement agency must notify, or cause to be notified, the parent or guardian. Contact information must be provided by the parent or guardian at the time he or she signs the license application for the minor driver.

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 18 years who have been issued a traffic citation or a written warning by law enforcement.

Section 2. Amends s. 322.09, F.S., requiring a parent, guardian or other responsible person signing the application of a minor driver's license applicant to also provide contact information for the purpose of being contacted in the event that the minor driver is issued a traffic citation or a written warning.

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:

There are 129,553 drivers age 16 and 157,510 drivers age 17 for a total of 287,063 drivers who are subject to the provisions of this bill. Drivers aged 16 years received 3,639 citations in 2003 while drivers aged 17 received 10,534 citations.

Based on the estimated affected population, first-year costs are estimated by DHSMV to be \$78,592 in database programming costs and \$7,087 in postage costs. The total negative impact on the DHSMV would equal \$85,679. Second year postage costs are estimated by DHSMV to be approximately \$7,800, and third year postage costs are estimated to be approximately \$8,600 applying a 10% growth factor in the number of citations issued.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Traffic enforcement agencies at the local level, like sheriff's offices and local police departments, will be required to notify parents or guardians of minor drivers who are ticketed or issued a warning. Because the number of tickets or warnings issued to the target population by local law traffic enforcement agencies is unknown, the impact is indeterminate. However, these agencies are expected to experience a negative fiscal impact.

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:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2004, the Highway Safety Subcommittee recommended a strike-everything amendment that requires parents and guardians to provide contact information at the time they give consent for a minor to apply for a driver's license. In addition, the amendment requires DHSMV to create a parental notification form that is to be filled out by a law enforcement officer who makes a traffic stop of a driver under the age of 18 years. The law enforcement agency has 10 days to notify a parent or guardian by mail that they made the traffic stop, and to report the circumstances of the traffic stop. The subcommittee then recommended the bill favorably as amended.

On March 30, 2004, the Committee on Transportation adopted a strike-everything amendment and reported the bill unfavorably. However, the bill was ordered retained by a member who voted on the prevailing side.

On April 15, 2004, the Committee on Transportation reconsidered HB 531. The Committee also reconsidered the strike-everything amendment which was withdrawn by the sponsor and another strike-everything amendment was adopted in its place which deleted provisions in the bill requiring the use of a parental notification decal, and changed provisions requiring notification in every case the vehicle was stopped to require notification only when a ticket or written warning is issued. The bill was then reported favorably as amended with a committee substitute.