

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited 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 18 years is stopped while driving.

Safeguard individual liberty—The bill requires law enforcement to notify parents or guardians of children under the age of 18 if issued a traffic citation or a written warning. It also requires the person signing for parental consent for the minor to provide the DHSMV with an address for notification.

B. EFFECT OF PROPOSED CHANGES:

Currently, licensed drivers under 18 years of age who are stopped by traffic enforcement officers are issued a warning citation or a uniform traffic citation and the parent or guardian of the driver is not notified by the traffic enforcement agency that a citation has been issued. The person signing for parental consent for the minor to obtain a driver's license is not required to provide the DHSMV with an address for such notification.

This bill amends s. 316.650, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a notification system to be used by law enforcement officers to assist in notifying the parent, guardian or responsible adult who signed for parental consent of a person under 18 years of age, if the minor is issued a written warning or traffic citation. This bill requires the DHSMV to mail notification to the parent, guardian or responsible adult who has signed the driver license application informing them that the minor has been issued a warning or traffic citation. The notification must include the time and date the motor vehicle was stopped, the reason the motor vehicle was stopped, the number of people in the motor vehicle, the name of the driver stopped, and the name of the officer who issued the citation or warning.

This bill provides that any form required by the parental notification system may also be made available to a traffic enforcement agency by electronic means. This bill also amends s. 322.09, F.S., to require the parent, guardian, or other responsible adult, who signs for parental consent on the minor's driver license application, to furnish an address with the application for the purpose of being notified in the event the minor is issued a warning or traffic citation for a violation of a traffic law.

There are approximately 364,000 licensed drivers between fifteen and seventeen years of age, of which, the population received 119,292 traffic citations in calendar year 2003. DHSMV estimates it will cost approximately \$60,000 annually to mail notification letters to the parent or guardian of these drivers. Enactment of this bill will also require contracted programming modifications to the Driver License Software System at a cost of \$188,700.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.650, F.S., to provide for a parental notification system to be developed by the Department of Highway Safety and Motor Vehicles; requiring notification to the parent, guardian, or responsible adult who signed the license application for a person under 18 years of age when a written warning or citation has been issued to that person for a violations of traffic law.

Section 2. Amends s. 322.09, F.S., to require the parent, guardian, or other responsible adult, who signs for parental consent on the minor's driver license application, to furnish contact information in the event the minor is issued a warning or traffic citation for a violation of a traffic law.

Section 3. Provides an effective date of October 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

According to DHSMV this bill would require 1,020 hours of contract programming at \$185 per hour to modify the Florida Driver License Information System. Total programming costs would be \$188,700 for fiscal year 2005-06. The estimated postage costs of mailing notification letters for fiscal year 2005-06 is \$59,646; 2006-07 is \$65,611 and for 2007-08 is \$72,172. The estimated postage cost is based on the 119,292 actual traffic citations issued at a cost of \$.50 each. The cost for subsequent years assumes a 10% growth rate. DHSMV has no tracking system in place for written citations therefore they are not included in the estimated postage costs.

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 actions 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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Presently the DHSMV has no system in place for tracking written warnings for traffic violations. Also, the bill does not address any specific time requirements for notification of the parent or guardian or for forwarding of the notification from the issuing law enforcement agency to DHSMV.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES