

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1049 Driver's Licenses
SPONSOR(S): Traviesa and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1322

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	_____	Thompson	Miller
2) Judiciary Committee	_____	_____	_____
3) Transportation & Economic Development Appropriations Committee	_____	_____	_____
4) State Infrastructure Council	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1049 requires the court to order the Department of Highway Safety and Motor Vehicles (DHSMV) to withhold the issuance of, or suspend or revoke the driver's license of any person who sells, gives, or serves alcoholic beverages to persons under age 21. The bill exempts alcoholic beverage licensees and employees or agents of a licensee who violate this provision, because they are already regulated under chapter 561 Florida Statutes, relating to alcohol, beverages and tobacco.

The bill provides a time frame for the delay of issuance of a license or the suspension or revocation of a license of not less than 3 months or more than 6 months for the first violation and one year for any subsequent violation. The bill also provides that the court may order the DHSMV to issue a driver's license restricted to business or employment purposes.

The bill would take effect October 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government— HB 1049 provides for an additional penalty of a mandatory loss of driver's license between 3 and 6 months for a first offense and 1 year for subsequent violations for adults 21 years or older who knowingly provide alcohol to minors.

B. EFFECT OF PROPOSED CHANGES:

Chapter 322, F.S., relates to the administration of driver's licenses by the DHSMV. Section 322.28, F.S., sets forth the provisions related to suspension or revocation of driver's licenses. A driver's license may be suspended or revoked for various traffic safety related reasons, such as for having a certain number of points for speeding violations or for driving under the influence. A license can also be suspended or revoked for numerous reasons that are not directly related to operating a motor vehicle. Examples include: nonpayment of a criminal case financial obligation, s. 322.245, F.S.; noncompliance with paternity proceeding orders, s. 61.13016, F.S.; not meeting school attendance requirements, ss. 322.091 and 1003.27, F.S.; and passing worthless checks, ss. 322.251 and 832.09, F.S. In addition, a minor's license can be suspended for possession of an alcoholic beverage, ss. 397.251(2)(i) and 562.111(3), F.S.

Section 322.271, F.S., provides that the DHSMV may, in certain circumstances, issue a driver's license restricted to business or employment purposes only to a person who is otherwise qualified for a license and whose license has been suspended or revoked.

Section 562.11(1)(a), F.S., provides that it is unlawful to sell, give, serve or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume alcoholic beverages on a licensed premises. Anyone convicted of a violation of these provisions is guilty of a criminal misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days and a fine not to exceed \$500.

HB 1049 provides for an additional penalty of a mandatory loss of driver's license for adults 21 years or older who knowingly provide alcohol to minors. The bill amends s. 562.11, F.S., and creates s. 322.057, F.S., to require the court to order the DHSMV to withhold the issuance of, or suspend or revoke, the driver's license or driving privilege of any person who violates the sale to underage persons prohibition in s. 562.11(1), F.S. The bill exempts alcoholic beverage licensees and employees or agents of a licensee who violate this provision, because they are already regulated under chapters 561 Florida Statutes, relating to alcohol, beverages and tobacco.

The bill would allow the driver's license of such a person providing alcohol to minors to be suspended or revoked for 3 to 6 months for a first offense and for 1 year for subsequent violations. The bill also provides that the court may order DHSMV to issue a business or employment only restricted license to the person whose license is suspended or revoked.

C. SECTION DIRECTORY:

Section 1. amends s. 562.11, F.S., providing for withholding of the issuance of, or suspension or revocation of the driver's license or driving privilege of any person other than a chapter 561, F.S., licensee, who provides alcoholic beverages to a person under the age of 21;

Section 2. amends s. 322.057, F.S., requiring a court to order the DHSMV to withhold the issuance of, or suspend or revoke, the driver's license of person's providing alcoholic beverages to persons under

the age of 21; providing that licensees under chapter 561 or an employee or agent of such licensee is exempt from this provision; allowing hardship licenses to be issued to persons in violation of this provision and otherwise qualified for a license, and

Section 3. provides that the bill takes effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

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 the DHSMV, this bill may generate additional revenue as a result of reinstating driving privileges of persons suspended or revoked pursuant to this bill. However, the number of individuals to be suspended and the amount of revenue to be collected is indeterminate. DHSMV also believes this will require programming modifications to driver license software systems that will be absorbed as part of the normal workload.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The following grammatical changes are recommended to HB 1049:

On line 7, the word “to” should be the word “the”;

On line 42, the phrase “21 years or age” should be the phrase “21 years of age”

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES