

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 430
 SPONSOR: Senator Dyer
 SUBJECT: Driving Under the Influence
 DATE: March 19, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 322.2616, F.S., currently requires the suspension of the driver's license of a person under 21 years of age whose breath alcohol level is 0.02 percent or higher or who refuses to submit to a test of his or her breath alcohol level. Such drivers are not required to attend a Driving Under the Influence (DUI) Program. Drivers may be required to attend the Basic Driver Improvement course if ordered to do so by the court. Drivers may elect to attend this course to avoid assessment of points on their driving record or to obtain a hardship reinstatement of license.

This bill provides that when a driver subject to s. 322.2616, F.S., has a blood-alcohol or breath-alcohol level of 0.05 or higher, the license suspension shall remain in effect until the person completes a substance abuse course offered by a licensed DUI program. As part of the substance abuse course, the program shall conduct a substance abuse evaluation of the driver, and notify the parents or legal guardians of drivers under the age of 19 years, of the results of the evaluation.

This bill provides that a person under the age of 18 years found to be driving with a blood-alcohol or breath-alcohol level of 0.02 or higher may be taken by a law enforcement official to the addictions receiving facility in the county in which the minor was driving, if the county makes the addictions receiving facility available for such purpose. The bill also provides that a temporary driving permit issued at the time of the notice of suspension shall not be effective until 12 hours after the notice of suspension is issued.

This bill substantially amends section 322.2616, Florida Statutes.

II. Present Situation:

Section 322.2616, F.S., provides for the suspension of the driving privilege of a person under 21 years of age who has been driving or in actual physical control of a motor vehicle while having a breath alcohol level of 0.02 or higher. Such suspension must be made pursuant to notice by a law enforcement officer or the Department of Highway Safety and Motor Vehicles (DHSMV), and the driver is afforded the right to seek review of the suspension through either a formal or informal hearing. At the time of the notice of suspension, the officer takes the person's license and issues a 10-day temporary driving permit if the person is otherwise eligible for driving privileges.

A suspension is terminated after 1 year if the driver refused to submit to a breath test or after 6 months if the driver was driving or in actual physical control of a motor vehicle while having a breath alcohol level of 0.02 or higher. These suspension periods are for first offenses only. A driver subject to suspension may seek a license for business or employment-related purposes (hardship license), as long as the person is otherwise eligible for the driving privilege. Completion of a Basic Driver Improvement Course is a prerequisite for issuance of a hardship license.

Section 316.193, F.S., provides that blood-alcohol level must be based upon grams of alcohol per 100 milliliters of blood, and breath-alcohol level must be based upon grams of alcohol per 210 liters of breath. The current references to alcohol level "percent" in s. 322.2616, F.S., are therefore incorrect.

III. Effect of Proposed Changes:

The bill provides that when a driver subject to s. 322.2616, F.S., has a blood-alcohol or breath-alcohol level of 0.05 or higher, the license suspension shall remain in effect until the person completes a substance abuse course offered by a DUI program licensed by DHSMV. As part of the substance abuse course, the program shall conduct a substance abuse evaluation of the driver, and notify the parents or legal guardians of drivers under the age of 19 years, of the results of the evaluation. The driver must bear the cost of the substance abuse course and substance abuse evaluation. The bill provides that if the driver fails to report for or complete the substance abuse education course and evaluation, DHSMV shall not reinstate the person's license.

The bill provides a minor under the age of 18 years found to be driving with a blood-alcohol or breath-alcohol level of 0.02 or higher may be taken by a law enforcement official to the addictions receiving facility in the county in which the minor was driving, if the county makes the addictions receiving facility available for such purpose.

The bill also provides a temporary driving permit issued at the time of issuance of the notice of suspension shall not be effective until 12 hours after the notice of suspension is issued. This is intended to prohibit minors from driving immediately following the issuance of the suspension notice.

The bill allows the use of results of a blood test obtained during a traffic investigation to suspend a driver's license under this section. The bill also makes a number of technical corrections

including deleting references to “percent” of alcohol levels, and adding appropriate references to “blood-alcohol” and “breath-alcohol” levels.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person under 21 years of age whose blood-alcohol or breath-alcohol level is 0.05 or higher or who refuses to submit to a test of his or her blood or breath alcohol, would be required to complete a substance abuse course which would include substance abuse evaluation as a condition of license reinstatement. The driver would be required to assume the cost for such substance abuse course. According to DHSMV, the 12 hour substance abuse course cost \$185.

The bill could generate increased revenue for substance abuse course providers licensed by DHSMV.

C. Government Sector Impact:

Section 322.293, F.S., provides for a \$12 assessment fee to be collected from each person enrolled in a DUI course program. This fee is deposited into the DUI Schools Programs Coordination Trust Fund. The bill could generate an indeterminate increase in revenue for this trust fund.

The department estimates this bill will require \$53,000 in contracted programming modifications to the Driver License Software System.

VI. Technical Deficiencies:

None.

VII. Related Issues:

During calendar year 1999, DHSMV administratively suspended 1,452 licenses issued to persons under 21 years of age with unlawful breath or blood alcohol levels exceeding 0.02.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
