
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: December 3, 1997 Revised: _____

Subject: Driver's License (worthless checks)

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Vickers</u>	<u>Johnson</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>WM</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

The CS would require that prior to the issuance of any driver's license renewal, the Department of Highway Safety and Motor Vehicles make an electronic inquiry into the records of the Florida Department of Law Enforcement to determine whether there exists any outstanding warrant for passing worthless checks. If the records indicate there is an outstanding warrant for passing worthless checks, no driver's license renewal may be issued. The applicant must contact the sheriff's office that entered the warrant, and satisfy its conditions. The agency which made the entry then cancels the warrant from the records of the Department of Law Enforcement. When this occurs, the applicant must pay an additional \$10 fee to the Department of Highway Safety and Motor Vehicles, prior to issuance of a license renewal.

The CS substantially amends section 322.18, Florida Statutes.

II. Present Situation:

Currently, an applicant for driver's license renewal may be issued a new driver's license regardless of the existence of an outstanding warrant or capias for passing worthless bank checks, as long as the applicant is in compliance with the requirements set forth in s. 322.18, F.S.

III. Effect of Proposed Changes:

The CS amends s. 322.18, F.S., to require that the Department of Law Enforcement provide the Department of Highway Safety and Motor Vehicles with electronic access for the purpose of identifying persons who are the subject of an outstanding warrant for passing worthless bank checks.

The CS provides that prior to issuing a renewal of a driver's license, the Department of Highway Safety and Motor Vehicles is required to conduct an electronic inquiry into the Department of Law Enforcement's records to determine whether the applicant has an outstanding warrant or capias for passing worthless bank checks. If the Department of Law Enforcement's records indicate that an applicant for driver's license renewal is the subject of an outstanding warrant or capias for a worthless bank check, the Department of Highway Safety and Motor Vehicles is required to deny the application for renewal.

The CS provides that the applicant is responsible for contacting the sheriff's office that entered the warrant to satisfy its conditions. Once the appropriate sheriff's office executes the warrant and cancels it from the records of the Department of Law Enforcement and the applicant pays a \$10 fee (in addition to license renewal fees) to the Department of Highway Safety and Motor Vehicles the license may be renewed. Revenue generated through this fee will be deposited into the Highway Safety Operating Trust Fund. The Department of Highway Safety and Motor Vehicles must inform an applicant found to have an outstanding warrant of the terms of this section.

The CS directs the two implementing agencies to develop and implement a plan to ensure the identification of persons who are the subject of an outstanding warrant or capias for passing worthless bank checks and the identification of these persons' driver's license records.

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:

An additional fee of \$10 will be imposed on persons that are subject to the provisions of the CS.

B. Private Sector Impact:

Persons subject to the provisions of the CS will pay an additional fee of \$10 at the time of their driver's license renewal. If a driver's license expires before the warrant is cleared the

driver may renew the license up to 12 months after its expiration with reexamination if required, for the renewal fee, the \$10 additional fee and a \$1 delinquent fee. After 12 months the individual will be required to apply for a new license and take all applicable examinations. The Florida Department of Law Enforcement's records indicate that at any given time there are approximately 34,000 outstanding warrants for passing worthless bank checks.

Florida businesses currently expend significant resources on efforts to collect on worthless bank checks. Costs incurred as a result are indirectly passed on to consumers. Reduced incidence of worthless bank checks would reduce cost incurred by Florida businesses and consumers.

C. Government Sector Impact:

The Florida Department of Law Enforcement reports that \$24,000 in funding will be needed to provide the initial programming necessary to select bad check charges from its computerized records and provide for a daily extraction of this information for the Department of Highway Safety and Motor Vehicles. The Department of Highway Safety and Motor Vehicles reports that implementation of the CS will require \$29,330 in funding for data processing services. The Department estimates that the \$10 fee will generate \$47,810 in revenue for the Highway Safety Operating Trust Fund during FY 1998-99, and \$63,750 in FY 1999-00.

VI. Technical Deficiencies:

None.

VII. Related Issues:

These two agencies have been piloting the sharing of information and a recent project conducted in one Florida county resulted in 375 "hits" on wanted persons files and contributed to 126 arrests.

VIII. Amendments:

None.