

STORAGE NAME: h0225.leps

DATE: March 19, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Law Enforcement and Public Safety
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 225

RELATING TO: Driver's License / Worthless Checks

SPONSOR(S): Representative Arnall

STATUTE(S) AFFECTED: 322.18, F.S.

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
- (2) TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

House Bill 225 prohibits the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks. Prior to issuing any driver's license renewal, the Department of Highway Safety and Motor Vehicles must make an electronic inquiry into the records of the Florida Department of Law Enforcement, using the applicant's driver's license number, to determine the existence of any outstanding warrants for passing worthless checks. If there is any such outstanding warrant, the applicant is responsible for contacting the sheriff's office that entered the warrant and satisfying its conditions before the license can be renewed. When the warrant entry is canceled from the Department of Law Enforcement's records by the entering agency, the applicant must pay an additional \$10 fee to the department renewing the applicant's driver's license.

II. SUBSTANTIVE ANALYSIS:

A. 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 Section 322. 18, Florida Statutes.

B. EFFECT OF PROPOSED CHANGES:

The bill 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 Department of Law Enforcement, using the applicant's driver's license number 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 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 it from the records of the Department of Law Enforcement. When this occurs, the applicant must pay an additional \$10 fee payable to the Department of Highway Safety and Motor Vehicles, prior to issuance of a license renewal.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill obligates the Department of Highway Safety and Motor Vehicles and Motor Safety to make an electronic inquiry into the records of the Department of Law Enforcement each time an applicant seeks renewal of a driver's license. The Department of Law Enforcement must determine which persons have outstanding warrants for passing worthless checks, in violation of s. 832.05, Florida Statutes, and make the records available to the Department of Highway Safety and Motor Vehicles so that they are retrievable through entry of a driver's license number.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

The bill authorizes an additional \$10 fee of any driver's license applicant who was determined to have an outstanding warrant for passing worthless checks.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The law prevents driver's license renewal any time the records indicate the existence of a warrant for passing worthless checks.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Adds Subsection (10) to s. 322.18, Florida Statutes, which prohibits the Department of Highway Safety and Motor Vehicles from issuing a driver's license renewal if records indicate an outstanding warrant for worthless check.

Section 2: Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Costs associated with compilation of necessary records by the Department of Law Enforcement and making these records available to the Department of Highway Safety and Motor Vehicles, electronically, by driver's license number, are indeterminate.

2. Recurring Effects:

Costs involved in making an electronic inquiry for each applicant for driver's license renewal are indeterminate.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

The bill would increase incentives for persons with outstanding warrants for passing worthless checks to satisfy the requirements of any such warrant, which often might involve making good on worthless checks.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

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IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON Law Enforcement and Public Safety:

Prepared by:

Legislative Research Director:

Kurt E. Ahrendt

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