

# 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.)

BILL: CS/SB 66

SPONSOR: Transportation Committee and Senator Dyer

SUBJECT: Driving Under the Influence

DATE: April 18, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

Current law requires the suspension of the driver's license of a person under 21 years of age whose blood or breath alcohol level is .02 percent or higher or who refuses to submit to a test of his or her blood or breath alcohol.

This CS 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.

The CS provides a person under the age of 18 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 CS also provides 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 CS 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 .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 blood or breath alcohol level of .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 316.1932, 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 CS 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 CS 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 CS provides a minor under the age of 18 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 CS 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. The CS allows the use of results of a blood test obtained during a traffic investigation to suspend a driver’s license under this section.

Finally, the CS 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 .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.

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

C. Government Sector Impact:

The fiscal impact of the CS on DHSMV is minimal.

The fiscal impact of the CS on local addictions receiving facilities is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to DHSMV, since 1997, a total of 2,182 persons have had their driving privileges suspended as a result of the 0.02 percent suspension.

**VIII. Amendments:**

None.