

STORAGE NAME: h0029.cpcs.doc

DATE: January 22, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME PREVENTION, CORRECTION & SAFETY
ANALYSIS**

BILL #: HB 29

RELATING TO: Driving Under Influence

SPONSOR(S): Representative(s) Brummer

TIED BILL(S):

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

- (1) CRIME PREVENTION, CORRECTION & SAFETY
 - (2) TRANSPORTATION
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
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I. SUMMARY:

Current law requires suspension of the drivers' 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. House Bill 29 adds the requirement that, for underage persons with a blood or breath alcohol level of .05, the suspension shall remain in effect until the person completes a substance abuse course offered by a DUI program licensed by the Department of Highway Safety and Motor Vehicles. The bill also allows the course provider to refer the driver to an authorized service provider for substance abuse evaluation or treatment. The bill requires the driver to bear the cost of such education, evaluation, or treatment.

The bill authorizes a law enforcement officer to take a minor under the age of 18, who is found to be driving with a blood or breath alcohol level of .02 percent, to an addictions receiving facility in the county in which the minor was found driving if the county makes the facility available for such purpose.

The bill has an effective date of July 1, 2001.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Section 322.2616, F.S., provides for the suspension of the driving privilege of a person under 21 years of age when a law enforcement officer has probable cause to believe that the underage person has been driving or is in actual physical control of a motor vehicle while having a breath alcohol level of .02 percent or higher. Such suspension must be made pursuant to notice by a law enforcement officer or the Department of Highway Safety and Motor Vehicles, and the driver is afforded the right to seek review of the suspension. The suspension periods are six (6) months for the first offense, and one (1) year for a second offense.

If the underage person refuses to submit to a breath test requested by a law enforcement officer, the person's license is suspended one (1) year for a first refusal, and 18 months for a second refusal.

A driver subject to suspension may seek a license for business or employment-related purposes, as long as the person is otherwise eligible for the driving privilege.

C. EFFECT OF PROPOSED CHANGES:

House Bill 29 requires that the suspension periods under s. 322.2616, F.S., shall remain in effect until the person completes a substance abuse course offered by a DUI program licensed by the Department of Highway Safety and Motor Vehicles in those instances where the person's blood or breath alcohol level was .05 or higher.

The bill allows the course provider to refer the driver to an authorized service provider for substance abuse evaluation or treatment. The driver must bear the cost of such education, evaluation, or treatment. As a part of the evaluation process, a parent or legal guardian shall be informed of the results of said evaluation if the driver is under the age of 19.

The bill allows a law enforcement officer to take a minor under the age of 18 who is found to be driving with a blood or breath alcohol level of .02 percent to an addictions receiving facility in the county in which the minor is found to be driving if the county makes the facility available for such purpose.

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Increased revenue to substance abuse course and treatment providers authorized or licensed by the Department of Highway Safety and Motor Vehicles.

D. FISCAL COMMENTS:

None

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION, CORRECTION & SAFETY:

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