

# 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 766

SPONSOR: Senator Sanderson

SUBJECT: Driver's Licenses/DUI Convictions

DATE: April 3, 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. | _____          | _____          | _____     | _____            |
| 4. | _____          | _____          | _____     | _____            |
| 5. | _____          | _____          | _____     | _____            |
| 6. | _____          | _____          | _____     | _____            |

**I. Summary:**

This bill provides that upon a second or subsequent DUI conviction the period of license revocation will be based on the date of offense rather than the conviction date.

This bill substantially amends section 322.28 of the Florida Statutes.

**II. Present Situation:**

Section 322.28, F.S., requires the period of driver license revocation for a driving under the influence violation be calculated based on the date of conviction. The revocation period for a first conviction not involving death is not less than 180 days or more than one year. The revocation period for a second conviction within five years from the date of a prior conviction is a minimum of five years. For a third conviction within a ten-year period from the date of the first conviction, the revocation period is not less than ten years.

Currently, if the offense is within a five year period and the conviction is outside of the five year period the penalty would be the same as a first time offender which would be 180 days to 1 year.

**III. Effect of Proposed Changes:**

This bill amends s. 322.28, F.S., to allow a second or subsequent DUI offender to receive a revocation period of 5 years in the case of a second offender, or 10 years in the case of a third or subsequent offender based on the date the offense occurred rather than the conviction date.

This bill requires the revocation period to be 5 years based upon the second conviction for an offense occurring within 5 years of the previous conviction. A third conviction for an offense of DUI occurring within 10 years after the date of a prior DUI conviction rather than 10 years from

the date of the first of 3 or more DUI convictions, would result in a 10-year revocation period. The effect of this change would be an increased number of 5-year revocations for the second offense of DUI and increased number of 10-year revocations for a third offense of DUI.

**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:

Indeterminate.

C. Government Sector Impact:

The Department of Highway Safety and Motor Vehicles estimates this bill will require contracted programming modifications to the Driver License Software System at a cost of \$27,000 to implement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.