

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7041 PCB RBP 10-01 Driver's Licenses

SPONSOR(S): Roads, Bridges & Ports Policy Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Roads, Bridges & Ports Policy Committee	13 Y, 0 N	Brown	Miller
1)	_____	_____	_____	_____
2)	_____	_____	_____	_____
3)	_____	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

SUMMARY ANALYSIS

The bill repeals unnecessary language from Chapter 322, Florida Statutes, regarding drivers' licenses.

- The bill repeals a statute creating Advisory Council on the Effects of Aging on Driving Ability and requiring a report from that council in February 2004. The advisory council issued the required report and has no other duties.
- The bill also repeals an unnecessary sub-paragraph from the provisions requiring the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement to work together to identify and cancel the drivers' licenses of persons failing to appear in court to defend charges of passing worthless checks.
- Lastly, the bill repeals requirements relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver's Licenses in the early 1990's.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Advisory Council on the Effects of Aging on Driving Ability

In 2003 the Florida Legislature tasked the Department of Highway Safety and Motor Vehicles with a study of the effects of aging on driving ability. Section 322.181, F.S., created an advisory council, provided a list of members to be part of the council, and required the Department to issue its report by February 1, 2004. The council did so, and the report is available online at the following web address: <http://www.flhsmv.gov/ddl/atriskdriver.pdf>.

The advisory council had no other duties to perform other than issue the 2004 report. In 2008 the Legislature removed the council membership portion of this statute.

This bill repeals the remaining text of the statute.

Identifying offenders passing worthless checks.

Section 832.09, F.S., provides that any person being prosecuted for passing a worthless check may have his or her driver's license suspended when the offender fails to appear before the court and a warrant or capias for failure to appear is issued the court. Section 322.251(7), F.S., addresses the process for administering these suspensions. Sub-paragraph (a) of 322.251(7), F.S. provides notice, surrender and reinstatement requirements; while sub-paragraph (b) of the section requires the Florida Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access to its data for the purpose of identifying these offenders. Sub-paragraph (c) of s. 322.251(7), F.S., which requires the two departments to develop a plan to "ensure the identification" of offenders, is redundant language in light of more specific requirements in sub-paragraphs (a) and (b).

The bill repeals s. 322.251(7)(c), F.S.

Chauffeurs' Licenses

Section 322.58, F.S., enacted in 1989, provides a period of time for holders of chauffeur's licenses to transfer to uniform Commercial Driver's License requirements. The 'phasing out' period ended on April 1, 1991, after which time chauffeurs' licenses were no longer issued nor recognized as valid.

The bill repeals this section, as chauffeur's licenses have not been issued or recognized since 1991.

B. SECTION DIRECTORY:

- Section 1 Repeals s. 322.181, F.S., relating to a study of the effects of aging on driving ability; repeals s. 322.58, F.S., regarding chauffeurs' licenses, repealing provisions for licensure of such persons under the appropriate license classification.
- Section 2 Repeals s. 322.251(7)(c), F.S., relating to notice of cancellation, suspension, revocation, or disqualification of license; repealing a provision that directs the Department of Highway Safety and Motor Vehicles and the Department of Law Enforcement to implement a plan ensuring the identification of driver license records of certain persons subject to outstanding warrant or capias for passing worthless bank checks
- Section 3 Provides an effective date of July 1, 2010.

II. 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:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES