

REVENUE ESTIMATING CONFERENCE

Tax: Driver License Fees

Issue: Driver License Suspensions, Revocations, and Withheld Issuances

Bill Number(s): HB 1181

☒ **Entire Bill**

☐ **Partial Bill:**

Sponsor(s): Representative Young

Month/Year Impact Begins: July 1, 2014

Date of Analysis: 3/12/14

Section 1: Narrative

- a. Current Law:** Section 61.13016, Florida Statutes, provides for suspension of driver licenses and motor vehicle registrations; section 322.055, Florida Statutes provides for the revocation or suspension of, or delay of eligibility for driver licenses for persons 18 years or older convicted of certain drug offenses; section 322.058, Florida Statutes, provides for the suspension of driving privileges due to support delinquency and reinstatement; section 562.11, Florida Statutes, provides for selling, giving, or serving alcoholic beverages to persons under 21, providing a proper name, misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to a person under 21, and penalties; Section 812.0155, Florida Statutes provides for the suspension of driver licenses following adjudication of guilt for theft; and section 832.09, Florida Statutes, provides for the suspension of driver licenses after warrant or capias is issued in worthless check cases.
- b. Proposed Change:** Current law provisions are amended as follows:
1. Section 61.13016, Florida Statutes is amended to include demonstration of receipt of reemployment assistance or unemployment compensation pursuant to chapter 443, Florida Statutes, demonstration of disabled and incapable of self-support or receipt of benefits in accordance with the federal Supplemental Security Income or Social Security Disability Insurance Program, demonstration of receipt of temporary cash assistance pursuant to chapter 414, Florida Statutes, or demonstration of payment in accordance with a confirmed bankruptcy plan under chapter 11, 12, or 13 of the United States Bankruptcy Code to the things that an obligor may provide within 20 days of receiving notice of suspension or revocation as proof to the depository or clerk of court in order to avoid driver license suspension or revocation;
 2. Section 322.055, Florida Statutes, is amended to reduce the period for revocation or suspension or delay in eligibility for a driver license for persons 18 or older convicted of possession or sale, trafficking, or conspiracy to possess, sell or traffic in controlled substances from 2 years to 1 year and provides that a court that orders the revocation or suspension or time delay shall determine the appropriateness of issuance of a license for driving privilege restricted to business purposes only, as defined in s. 322.271;
 3. Section 322.058, Florida Statutes, is amended to include demonstration of receipt of reemployment assistance or unemployment compensation pursuant to chapter 443, Florida Statutes, demonstration of disabled and incapable of self-support or receipt of benefits in accordance with the federal Supplemental Security Income or Social Security Disability Insurance Program, demonstration of receipt of temporary cash assistance pursuant to chapter 414, Florida Statutes, or demonstration of payment in accordance with a confirmed bankruptcy plan under chapter 11, 12, or 13 of the United States Bankruptcy Code to the things that the department, upon receipt of an affidavit of which from a Title IV-D agency or depository or the clerk of court, must reinstate the driving privilege and allow registration of a motor vehicle;
 4. Section 562.11, Florida Statutes, is amended to provide that when a court withholds the issuance, suspension or revocation of a driver license of a person for selling, giving, or serving alcoholic beverages to a person under 21 or providing proper name or misrepresenting or misstating age, or the age of another to induce a licensee to serve alcoholic beverages to a person under 21, the court may direct the Department to issue the person a license for driving privilege restricted to business purposes only as defined in section 322.271;
 5. Section 812.0155, Florida Statutes, is amended to provide that when a driver license of a person adjudicated guilty of for theft (s. 812.014 or 812.015), regardless of value, the court that suspends the driver license may direct the Department to issue the person a license for driving privilege restricted to business purposes as defined in section 322.271;
 6. Section 832.099, Florida Statutes is amended to provide that it is permissive, rather than mandatory, that the driver license be suspended or revoked of a person being prosecuted for passing worthless checks in violation of s. 832.05, who fails to appear and against whom a warrant or capias for failure to appear is issued, if the person has previously been adjudicated guilty of a violation of section 832.05.

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Section 2: Description of Data and Sources

FY 2012-13 suspension, revocation, reinstatement, transactions and derived revenues data – HSMV

HSMV Bill Analysis HB 1181

Table of outstanding non-driving driver license suspensions and revocations by type

Section 3: Methodology (Include Assumptions and Attach Details)

Grouped and summed FY 2012-13 transactions and derived revenues by category provided in the bill resulting as follows:

Summary	Transactions	\$
Child Support	51,559	2,864,382
Controlled Substances	11,318	628,776
Service of Alcoholic Beverages	29	1,611
Theft	488	27,111
Worthless Checks	1,993	110,722

Applicable Fees

Fee	Amount
Original Class E License	\$ 48.00
Replacement Driver Licenses	\$25.00
Reinstatement of Suspension	\$45.00
Reinstatement of Revocation	\$75.00
Hearing Filing Fee (Administrative)	\$12.00

For proposed change #'s 1 and 3 relating to child support, it was assumed that the inclusion of the additional criteria will ultimately result in less driver license suspensions and revocations and, to a lesser degree, more reinstatements, at least, initially. The reason the negative loss of suspensions and revocations is assumed to be greater than the positive increase in reinstatements is because it is assumed that people will act in their best interest and provide notification of complying with the new criteria within the initial 20 day period, rather than waiting until after the period and suspension of their license to apply for reinstatement. Since the degree to which these will occur is unknown, the impact was assumed to be negative indeterminate.

It was assumed for proposed change # 2, reducing the period of time from 2 years to 1 year for controlled substance related driver license suspensions, revocations or delay of eligibility that the result will be a "speed up" as well as the possibility of more reinstatements or delayed issuances depending on the incidence of repeat offenses. The impact of the language regarding the court ordering the suspension, revocation or delay of eligibility to make determinations regarding issuance of a license for driving privilege restricted to business purposes only on the number of administrative hearings and thus hearing fees as well as fees for issuances of such licenses is unknown. It was assumed that a positive impact will result from the reduced period resulting in more reinstatements and delayed issuances. Since the degree to which this might occur is unknown, it was assumed that the impact is positive indeterminate.

It was assumed for proposed change #4 relating to the service of alcoholic beverages that the inclusion of language regarding the court ordering the suspension, revocation or delay of eligibility to make determinations regarding issuance of a license for driving privilege restricted to business purposes only on the number of administrative hearings and thus hearing fees and fees for issuances of such licenses is unknown. However, due to the FY 2012-13 amount of transactions and related revenue, the impact was assumed to be insignificant.

It was assumed for proposed change #5 relating to theft that the inclusion of language regarding the court ordering the suspension, revocation or delay of eligibility to make determinations regarding issuance of a license for driving privilege restricted to business purposes only on the number of administrative hearings and thus hearing fees as well as fees for issuances of such licenses is unknown. However, due to the FY 2012-13 transactions amount and related revenue, the impact was assumed to be insignificant.

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It was assumed for proposed change #6 providing permissive authority to the court to order suspension or revocation of driver licenses versus mandatory suspension or revocation the potential exists to result in less suspensions and revocations and thus less reinstatement fees. However, the extent to which this might occur is unknown and therefore the impact is assumed to be negative indeterminate.

Section 4: Proposed Fiscal Impact

GR & HSOTF	High		Middle		Low	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2014-15						
Child Support			(**)	(**)		
Controlled Substances			**	**		
Service of Alcoholic Beverages			*(*)	*(*)		
Theft			*(*)	*(*)		
Worthless Check Appearances			(**)	(**)		
2015-16						
Child Support			(**)	(**)		
Controlled Substances			**	**		
Service of Alcoholic Beverages			*(*)	*(*)		
Theft			*(*)	*(*)		
Worthless Check Appearances			(**)	(**)		
2016-17						
Child Support			(**)	(**)		
Controlled Substances			**	**		
Service of Alcoholic Beverages			*(*)	*(*)		
Theft			*(*)	*(*)		
Worthless Check Appearances			(**)	(**)		
2017-18						
Child Support			(**)	(**)		
Controlled Substances			**	**		
Service of Alcoholic Beverages			*(*)	*(*)		
Theft			*(*)	*(*)		
Worthless Check Appearances			(**)	(**)		
2018-19						
Child Support			(**)	(**)		
Controlled Substances			**	**		
Service of Alcoholic Beverages			*(*)	*(*)		
Theft			*(*)	*(*)		
Worthless Check Appearances			(**)	(**)		

List of affected Trust Funds:

Highway Safety Operating Trust Fund

Section 5: Consensus Estimate (Adopted: 03/14/2014): The conference adopted a negative indeterminate impact.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2014-15	(**)	(**)	(**)	(**)	0.0	0.0	(**)	(**)
2015-16	(**)	(**)	(**)	(**)	0.0	0.0	(**)	(**)
2016-17	(**)	(**)	(**)	(**)	0.0	0.0	(**)	(**)
2017-18	(**)	(**)	(**)	(**)	0.0	0.0	(**)	(**)
2018-19	(**)	(**)	(**)	(**)	0.0	0.0	(**)	(**)