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S 265 GENERAL BILL/CS/CS/1ST ENG by Finance, Taxation and Claims; Transportation; Peterson and others (Compare H 396, H 551, H 1125, H 1136, CS/CS/S 259, S 293)

Drivers' Licenses/Age Requirements: prohibits H.S.M.V. Dept. from issuing license to persons under specified age; provides exceptions; specifies circumstances under which dept. may issue license to certain persons under such age; provides for suspension & reinstatement of such license; authorizes waiver of licensing requirements; requires 15 year olds applying for restricted licenses to be in compliance with compulsory school attendance, etc. Amends Ch. 322. Effective Date: 10/01/89 except as otherwise provided.

02/14/89 SENATE Prefiled

02/17/89 SENATE Referred to Transportation; Finance, Taxation and Claims

02/20/89 SENATE On Committee agenda—Transportation, 03/08/89, 9:00 am, Room-C

03/08/89 SENATE Comm. Report: CS by Transportation; Now in Finance, Taxation and Claims

04/04/89 SENATE Introduced, referred to Transportation; Finance, Taxation and Claims -SJ 30; Comm. Report: CS by Transportation -SJ 60; CS read first time -SJ 62; Now in Finance, Taxation and Claims -SJ 60

04/11/89 SENATE On Committee agenda—Finance, Taxation and Claims, 04/13/89, 9:30 am, Room-1C-(309)—Temporarily postponed

04/14/89 SENATE Extension of time granted Committee Finance, Taxation and Claims

04/25/89 SENATE On Committee agenda—Finance, Taxation and Claims, 04/27/89, 2:00 pm, Room-1C-(309)—Not considered

04/28/89 SENATE Extension of time granted Committee Finance, Taxation and Claims

05/01/89 SENATE On Committee agenda—Finance, Taxation and Claims, 05/03/89, 9:00 am, Room-1C-(309)

05/03/89 SENATE Comm. Report: CS/CS by Finance, Taxation and Claims, placed on Calendar -SJ 276

05/09/89 SENATE CS read first time -SJ 276; Withdrawn from Calendar, re-referred to Appropriations -SJ 277

05/18/89 SENATE Extension of time granted Committee Appropriations

05/24/89 SENATE On Committee agenda—Appropriations, 05/26/89, 8:00 am, Room-A-(LL-37) -SJ 437

05/26/89 SENATE Comm. Report: Favorable by Appropriations, placed on Calendar -SJ 478

05/31/89 SENATE Placed on Special Order Calendar -SJ 618

06/01/89 SENATE Placed on Special Order Calendar -SJ 686; CS passed as amended; YEAS 29 NAYS 3 -SJ 701

06/01/89 HOUSE In Messages

06/02/89 HOUSE Received, placed on Calendar; Read second time; Read third time; CS passed; YEAS 73 NAYS 30 -HJ 1263

06/03/89 Ordered enrolled -SJ 1406

06/12/89 Signed by Officers and presented to Governor

06/26/89 Approved by Governor; Chapter No. 89-112

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. CS/CS/SB 265DATE: May 25, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Mohler	Gargiulo	1. TR	Fav/CS
2. Barrett	Beggs	2. FTC	Fav/CS
3. Barrett	Smith	3. AP	Favorable
4. _____	_____	4. _____	_____

SUBJECT: Drivers' Licenses/
Requirements/Applicable to
Minors

BILL NO. AND SPONSOR:
CS/CS/SB 265 by
Committees on Finance,
Taxation, & Claims and
Transportation and Senator Peterso

I. SUMMARY:

A. Present Situation:

Present Florida law provides that any person who is 16 years of age or older may, upon successful completion of all required examinations and payment of the applicable fee, be issued a license to drive in this state.

There are three types of driver licenses issued in Florida: an operator license, which is required to operate private-use automobiles and certain trucks; a chauffeur license, which is required to operate for-hire automobiles and trucks or truck tractors with a gross weight in excess of 8,000 pounds or with a width in excess of 80 inches; and, a motorcycle license, which is required to operate motorcycles.

In addition to these driver licenses, s. 322.05, F.S., authorizes the Department of Highway Safety and Motor Vehicles to issue a restricted driver license to any person who is 15 years of age or older. Section 322.16, F.S., provides that such licenses shall be nonrenewable. Section 322.16, F.S., further provides that any person possessing such a restricted license must be accompanied when operating a motor vehicle, other than a motorcycle or moped, by a licensed driver who is 18 years of age or older.

There is no provision in present law which would require driver license applicants who are minors to prove that they are attending high school and making satisfactory progress towards graduation in order to be issued a driver license. Further, present statutes authorize persons to drop out of school at the age of 16.

B. Effect of Proposed Changes:

Section 322.05, F.S., is amended to provide that the Department of Highway Safety and Motor Vehicles may not issue a driver license, other than a restricted driver license, to any person who is under the age of 18, except that the department may issue a driver license to any person who is at least 16 years of age and who meets the requirements of newly-created s. 322.0601.

The bill creates s. 322.0601 to establish educational requirements as a prerequisite to obtaining a driver license.

The section provides that the department may issue a driver license to a person who is under the age of 18 but who is at least 16 years of age if he has been graduated from a public or private high school or has received a certificate of high

school completion as provided in s. 232.246, F.S., or S. 232.02(4), F.S.

The department may also issue a license to any person 16 years of age or older but under the age of 18 who:

1. is enrolled in a public or private high school;
2. is meeting the disciplinary standards provided in the code of student conduct adopted by the school board pursuant to s. 230.23 or by the governing body of a private high school;
3. is making satisfactory scholastic progress toward graduation from high school, as defined by the school board or by the governing body of a private high school, within 4 years after the date of his original enrollment in the ninth grade;
4. is conforming to the attendance policies of his school board and ss. 232.10 and 232.2462; and
5. has not been expelled from school or, if the applicant has been expelled, he is reinstated in school.

At the time of application for a driver license, an applicant would be required to submit to the department written verification from his school or school board that he satisfies the requirements of the section or that he has received a waiver from the requirements. Such a waiver may be granted by a school board or the governing body of a private high school to any person for whom a personal or family hardship requires that he have a driver license for his own or his family's employment or medical care. Prior to granting a waiver, the board or governing body would be required to consider the recommendations of the principal or director of the person's school and the person's guidance counselor or academic advisor.

If a person who has not graduated from high school satisfies the education requirements of the bill and is issued a driver license, he will be required to continue to satisfy the education requirements in order to retain his license. If he fails to continue to satisfy such requirements, he and his guardian will be notified in writing by his school or school board of its intent to request the department to suspend his license. The person would be given 15 calendar days from receipt of such notice to request a hearing before the school board or the governing body of his private high school. The school board or governing body would be required to hold the hearing within 30 days of the receipt of the request. If the school board or governing body determines, after hearing, that the person's license should be suspended, it would be required to immediately notify the department and the department would be required to suspend the person's license.

Any person whose license is suspended pursuant to this section would be eligible for reinstatement if he again satisfies the education requirements of the section. His school or school board would be required to notify the department of his compliance with the requirements of the section and the department, at its discretion, may reinstate his license. However, if after reinstatement, the person subsequently fails to satisfy the educational requirements of the section, his license would be suspended until he reaches the age of 18, graduates from high school, or receives a certificate of high school completion, whichever occurs first.

The bill would take effect on January 1, 1990.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

A person whose driver license is suspended under this bill would, pursuant to s. 322.12, F.S., be required to pay a reinstatement fee of \$25 for each reinstatement. Currently, 70% of high school students either graduate, receive a certificate of high school completion, or eventually receive a G.E.D.

B. Government:

The provisions of this bill would result in more suspensions being issued by the Department of Highway Safety and Motor Vehicles and as such would increase the department's administrative costs. The amount of this increase is indeterminable.

Of the \$25 fee received from a licensee for reinstatement following a suspension, \$15 is deposited in the General Revenue Fund and the remaining \$10 in the Accident Reports Trust Fund. Therefore, there will be a positive, although indeterminate, impact on the General Revenue Fund.

The fiscal impact on schools and school boards for the cost of administering this bill is unknown.

III. COMMENTS:

As a final note, one out of every four high school diplomas granted in Florida is a G.E.D. However, a 16 or 17 year old holding a G.E.D., or enrolled in an organized G.E.D. preparation program, even if they are meeting attendance and satisfactory progress requirements set by the enrolling agency, would not be eligible for a license. With acceptable grades and good S.A.T. scores, a G.E.D. is adequate for admission to a university.

IV. AMENDMENTS:

None.

Revision Level 2.5-16

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