

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 140

INTRODUCER: Senator Bradley

SUBJECT: Driver Licenses

DATE: October 7, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	Pre-meeting
2.			TR	
3.			ED	
4.			AP	
5.				
6.				

I. Summary:

SB 140 exempts the spouse of a military servicemember on active duty stationed in the state who is a nonresident of Florida from the requirement to obtain a driver license for the sole purpose of enrolling his or her child in a Florida public school.

The bill also specifically authorizes the spouse of a military servicemember stationed outside of Florida on active duty to be eligible for an automatic extension of a Florida driver license that expires while the spouse resides with the servicemember outside of the state.

The bill substantially amends sections 322.031 and 322.121 of the Florida Statutes.

II. Present Situation:

Driver License Exemptions for Nonresident Military Servicemembers

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid driver license issued pursuant to ch. 322, F.S.¹ However, a nonresident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.² Pursuant to this exemption, nonresident servicemembers and their dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.³

¹ Section 322.03(1), F.S.

² Section 322.04(1)(c), F.S.

³ Op. Att’y Gen. Fla 78-164 (1978).

Current law provides that once a nonresident enrolls his or children in a Florida public school or accepts employment in the state, the nonresident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.⁴ Under such circumstances, the spouse and dependent children of the nonresident must also obtain a Florida driver license with that 30-day period.

Section 322.031(2), F.S., specifically exempts an active duty servicemember stationed in Florida from obtaining a Florida driver license solely because the servicemember enters his or her children in a Florida public school. To be eligible for the exemption, the servicemember must have a valid military driving permit or a valid driver license issued by another state. This exemption currently does not apply to the spouse or dependent children of a servicemember, only to the individual servicemember.

Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license⁵ upon payment of the required renewal fees and successful passage of any required examination.⁶ In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.⁷ The renewal fee for a Class E driver license is \$48. Those renewing a Class E driver license within 12 months after the expiration date of the license are subject to a \$15 delinquent fee.⁸

Section 322.121(5), F.S., grants military servicemembers serving on active duty outside this state, and their dependents residing with them, an automatic extension without reexamination for a Class E driver license that expires while performing such service. This extension is valid for 90 days after the servicemember is either discharged or returns to the state of Florida to live.

Upon a servicemember's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the servicemember's and his or her dependents' driving privileges.⁹ The DHSMV currently recognizes a "dependent" as a servicemember's spouse, children and step-children under the age of 21, living in the same household.¹⁰

III. Effect of Proposed Changes:

Section 1 amends s. 322.031, F.S., to exempt the spouse of an active duty servicemember from the requirement to obtain a Florida driver license solely for the purpose of enrolling his or her children in a Florida public school.

⁴ Section 322.031(1), F.S.

⁵ Pursuant to s. 322.18(4)(a), driver licenses are generally valid for 8 years.

⁶ Section 322.18(4)(a), F.S.

⁷ Section 322.121(1), F.S.

⁸ Section 322.21(1)(c), F.S.

⁹ DHSMV. *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*. Available at: <http://www.flhsmv.gov/MilExtCard.pdf>

¹⁰ DHSMV website. *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html>

Section 2 amends s. 322.121, F.S., to clarify that the spouse of a military servicemember is eligible for an automatic extension without reexamination for a Florida driver license that expires while the spouse resides with the servicemember who is stationed outside of Florida.

Section 3 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A spouse of a military servicemember who is a nonresident of Florida will not be required to obtain a Florida driver license for the sole purpose of enrolling his or children in a Florida public school. As a result, the spouse will not be subject to the fees associated with obtaining and maintaining a Florida driver license.

C. Government Sector Impact:

The DHSMV anticipates a minimal reduction in General Revenue as a result of this bill.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹¹ DHSMV Agency Legislative Bill Analysis for SB 140. October 2, 2013.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
