

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 Infrastructure and Security

BILL: CS/SB 1694

INTRODUCER: Infrastructure and Security Committee and Senator Flores

SUBJECT: Driver License Fees

DATE: February 11, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1694 establishes a \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability, as defined in s. 393.063, F.S.

SB 1692 is a linked bill that provides that the capital letter “D” will be exhibited on the driver license of a person who has a developmental disability if the person, or his or her parent or legal guardian, presents sufficient proof that the person has been diagnosed with a developmental disability by a licensed physician.

Until a person’s driver license is next renewed, the person, or their parent or legal guardian, may have the capital letter “D” added to their license upon the surrender of their current license and presentation of sufficient proof that the person has been diagnosed with a developmental disability by a licensed physician.

The CS may have an indeterminate positive fiscal impact. The Revenue Estimating Conference has not yet met regarding the CS.

The CS will take effect on the same date that SB 1692 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

Autism Spectrum Disorder

The Center for Disease Control (CDC) estimates that one in 59 children have been identified with Autism Spectrum Disorder (ASD).¹ The CDC defines “Autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. There is often nothing about how people with ASD look that sets them apart from other people, but people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The learning, thinking, and problem-solving abilities of people with ASD can range from gifted to severely challenged. Some people with ASD need a lot of help in their daily lives; others need less.²

A diagnosis of ASD now includes several conditions that used to be diagnosed separately: autistic disorder, pervasive developmental disorder not otherwise specified, and Asperger syndrome. These conditions are now all called ASD.³

Florida law includes the following definitions:

“Autism” is a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.⁴

“Developmental disability” is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.⁵

“Autism spectrum disorder” is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

- Autistic disorder;
- Asperger’s syndrome; and
- Pervasive developmental disorder not otherwise specified.⁶

¹ Center for Disease Control and Prevention, Autism and Developmental Disabilities Monitoring (ADDM) Network, available at <https://www.cdc.gov/ncbddd/autism/addm.html> (last visited February 7, 2020).

² Center for Disease Control and Prevention, What is Autism Spectrum Disorder?, <https://www.cdc.gov/ncbddd/autism/facts.html> available at (last visited February 7, 2020).

³ *Id.*

⁴ Section 393.063(5), F.S.

⁵ Section 393.063(12), F.S.

⁶ Sections 627.6686(2)(b) and 641.31098(2), F.S.

Designations on Driver Licenses

Currently, the only designations an individual may have voluntarily placed on his or her driver license, are:⁷

- Lifetime sportsman;
- Lifetime Boater;
- Lifetime Freshwater Fishing License;
- Lifetime Saltwater Fishing License;
- Lifetime Hunting Licenses;
- Veteran;
- Insulin Dependent;
- Organ Donor; and
- Deaf/Hard of Hearing.

Other states, including New York and West Virginia, allow symbols on driver licenses and identification cards to represent that an individual holds a certain hunting or fishing license.⁸

Replacement Driver Licenses

A replacement Class E driver license is \$25. If the replacement license is issued by the tax collector, \$7 is retained by the tax collector, otherwise the \$7 is deposited into the Highway Safety Operating Trust Fund. The remaining \$18 is deposited into the General Revenue Fund.⁹

III. Effect of Proposed Changes:

The CS establishes a \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability, as defined in s. 393.063, F.S.

The CS directs the \$2 fee to be deposited in the Highway Safety Operating Trust Fund.

The CS will take effect on the same date that SB 1692 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁷ *Id.*

⁸ See West Virginia Division of Natural Resources, <http://www.wvdnr.gov/2015news/15news017.shtm> and New York State Department of Environmental Conservation, <http://www.dec.ny.gov/permits/6099.html> (last visited February 7, 2020).

⁹ Section 322.21(1)(e), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.¹⁰ A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹¹

The \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability may be a new state fees for purposes of requiring a supermajority vote and a separate bill containing no other subject.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The CS establishes a \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability, as defined in s. 393.063, F.S.

B. Private Sector Impact:

Individuals who choose the addition of the capital letter “D” to be exhibited on their driver license will pay an additional fee of \$1 for a new or renewed driver license, and \$2 for a replacement driver license, in addition to existing fees.

C. Government Sector Impact:

The CS may have an indeterminate positive fiscal impact to the Highway Safety Operating Trust Fund and the General Revenue Fund. The Revenue Estimating Conference has not yet met regarding the CS.

¹⁰ FLA. CONST. art. VII, s. 19(a).

¹¹ FLA. CONST. art. VII, s. 19(d)(1).

For a new or renewed driver license the \$1 additional fee would be deposited in the General Revenue Fund. For a replacement driver license the \$2 additional fee would be deposited in the Highway Safety Operating Trust Fund.

VI. Technical Deficiencies:

The CS needs to further amend s. 322.14(1)(f)1., F.S., to provide that the designation will be added upon the request of the person who has a developmental disability, or their parent or guardian, to correspond to the amended language in CS/SB 1692.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following sections of the Florida Statutes: 322.14

IX. Additional Information:

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

CS by Infrastructure and Security on February 10, 2020:

The committee substitute links the bill to SB 1692 to provide the fee component for the addition of the “D” designation on a driver license, as well as for linking the effective date to the same date provided in SB 1692 or similar legislation that takes effect, if adopted in the same legislative session or an extension thereof and becomes a law.

- B. **Amendments:**

None.