

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/CS/SB 140

INTRODUCER: Transportation Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Bradley

SUBJECT: Driver Licenses

DATE: February 17, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Spaulding</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
3.	<u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
4.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 140 revises exemptions for military servicemembers and their families related to driver licensing. Current law exempts nonresident active duty military servicemembers stationed in the state from the requirement to obtain a driver license for the sole purpose of enrolling his or her child in a Florida public school. CS/CS/SB 140 expands this exemption to include the spouse and dependent child of a servicemember. The bill clarifies that the servicemember, spouse or dependent child is not required to obtain or display a Florida driver license because he or she has enrolled his or her child in public school or accepted employment or engaged in any trade, profession, or occupation in this state.

The bill also specifically authorizes the spouse of a resident 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.

**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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> Under such circumstances, the spouse and dependent children of the nonresident must also obtain a Florida driver license within 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 license<sup>5</sup> upon payment of the required renewal fees and successful passage of any required examination.<sup>6</sup> In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup>

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<sup>1</sup> Section 322.03(1), F.S.

<sup>2</sup> Section 322.04(1)(c), F.S.

<sup>3</sup> Op. Att'y Gen. Fla 78-164 (1978).

<sup>4</sup> Section 322.031(1), F.S.

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

<sup>6</sup> Section 322.18(4)(a), F.S.

<sup>7</sup> Section 322.121(1), F.S.

<sup>8</sup> Section 322.21(1)(c), F.S.

<sup>9</sup> DHSMV, *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*, (April 2014), <http://www.flhsmv.gov/MilExtCard.pdf> (last visited 2/10/14).

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.<sup>10</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 322.031, F.S., to expand the exemption from the requirement to obtain a Florida driver license that is currently afforded to nonresident active-duty U.S. Armed Forces servicemembers, to include the servicemember’s, spouse and dependent child, residing with him or her. The bill further clarifies that the spouse, or dependent child of such active duty nonresident servicemember does not have to be in possession of a Florida driver license because he or she enrolled his or her child in public school or has accepted employment or engaged in any trade, profession or occupation in this state.

**Section 2** amends s. 322.121, F.S., to clarify that the spouse of a resident 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 purpose of enrolling his or her child 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. Additionally, dependent children

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<sup>10</sup> DHSMV website, *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html> (last visited 2/10/14)

who qualify for the driver license exemption in the bill will also not be subject to driver license fees.

Current law allows an automatic extension on a resident servicemember's driver license expiration date when stationed outside of the state. The bill now includes the same extension to the servicemember's spouse and dependent that reside with him or her. Therefore, these servicemembers and their spouse and dependents will not be subject to driver license renewal fees until they return to reside in the state.

**C. Government Sector Impact:**

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 322.031 and 322.121.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on November 7, 2013:**

The committee substitute provides further clarification that an active servicemember's spouse or dependent residing with such servicemember does not need to obtain or display a Florida driver license because he or she enrolls his or her child in public school or he or she accepts employment or engages in a profession or occupation in the state providing he or she possess a valid military identification card and either a valid driver license or learner's permit issued by another state, or a valid military driving permit.

**CS by Military and Veterans Affairs, Space, and Domestic Security on October 8, 2013:**

The committee substitute provides that the dependent child of a servicemember is also not required to obtain a Florida driver license if the servicemember or the spouse is not required to obtain a license under s. 322.031(2), F.S., provided that the dependent child has a valid driver license issued by another state and he or she does not accept employment in Florida.

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<sup>11</sup> DHSMV, SB 140 Legislative Bill Analysis (Feb. 4, 2014) (on file with the Senate Committee on Education).

B. Amendments:

None.

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

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