

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 487 Persons Who Are Deaf

SPONSOR(S): Highway & Waterway Safety Subcommittee, Torres, Jr. and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 740

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	12 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (DHSMV) will be required to issue to certain applicants an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon the applicant's payment of an additional fee and providing sufficient proof that they are deaf or hard of hearing as determined by DHSMV.

An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional \$1 fee. An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional \$2 fee to be deposited into the Highway Safety Operating Trust Fund (HSOTF). If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard \$25 replacement fee is waived.

The changes made by the bill shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

The bill may have a positive but insignificant fiscal impact to the HSOTF. Additionally, the bill may have a negative but insignificant fiscal impact to DHSMV's expenditures, and can be absorbed within existing resources. See fiscal comments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Deaf or Hard of Hearing

In Florida, drivers applying for a license who are deaf or cannot hear conversation spoken in a normal tone of voice are restricted to driving with an outside rearview mirror which should be mounted on the left side of the vehicle, or with a hearing aid.¹

There is a restriction currently on a driver license to indicate the requirement to wear a hearing aid. The restriction appears as “K – Hearing Aid” on the back of the driver license. There were 2,001 driver licenses with this restriction as of December 31, 2015.²

One in eight people in the United States (13 percent, or 30 million) ages 12 years and older has hearing loss in both ears, based on standard hearing examinations.³

Proposed Changes

The bill amends ss. 322.051 and 322.14, F.S., requiring DHSMV to issue to certain applicants an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon the applicant’s payment of an additional fee and providing sufficient proof that they are deaf or hard of hearing as determined by DHSMV.

The international symbol for the Deaf and Hard of Hearing is depicted below:



An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional \$1 fee. An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional \$2 fee to be deposited into the HSOTF. If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard \$25 replacement fee is waived.

The changes made by the bill shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

B. SECTION DIRECTORY:

¹ Florida Administrative Rule 15A-1.003(2)

² Email from the Department of Highway Safety and Motor Vehicles (January 27, 2016) on file with the Highway and Waterway Safety Subcommittee

³ National Institute on Deafness and Other Communication Disorders (NIDCD), *Statistics about Hearing, Ear Infections, and Deafness*, <http://www.nidcd.nih.gov/health/statistics/Pages/quick.aspx> (last visited January 26, 2016)

- Section 1** Amends s. 322.051, F.S., authorizing the international symbol for the Deaf and Hard of Hearing to be exhibited on the identification card of a person who is deaf.
- Section 2** Amends s. 322.14, authorizing the international symbol for the Deaf and Hard of Hearing to be exhibited on the driver license of a person who is deaf or hard of hearing.
- Section 3** Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The additional \$1 fee when adding the designation for a renewal or original identification card or driver license may have a positive but insignificant fiscal impact to the HSOTF, although it is unknown how many individuals may apply for the designation upon original issuance or renewal of an identification card or driver license.

For identification card and driver license replacement transactions, the bill allows DHSMV to collect a \$2 fee when adding the designation. When the replacement transaction is performed for the sole purpose of adding the designation, the standard \$25 replacement fee will be waived, and the \$2 fee will offset the cost of printing an identification card or driver license. Though the bill allows for the waiver of the \$25 fee in this particular circumstance, the individuals who replace their identification cards and licenses for the sole purpose of adding the designation would otherwise have no reason to replace their cards, therefore the waivers should not directly result in any lost revenue.

2. Expenditures:

The provisions of the bill do not take effect until the implementation of the new driver license and identification card design, therefore DHSMV will be able to incorporate this requirement into the new design, and the impact of doing so should be minimal and can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals can add the international symbol for the Deaf and Hard of Hearing to their identification card or driver license upon payment of an additional \$1 fee when being issued a renewal or original identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing is required to pay a \$2 fee. If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard \$25 replacement fee will be waived.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Highway & Waterway Safety Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The bill as originally filed:

- Required DHSMV to create a form that an individual must complete for an identification card and a placard that indicates the individual is deaf and required DHSMV to design and develop such cards and placards along with developing and adopting rules.
- Required a law enforcement officer to seek the services of an interpreter before arresting or interrogating a deaf person for an alleged criminal violation, providing for an exception in the case of an emergency, and prohibiting a family member from being considered a qualified interpreter under certain circumstances.
- Provided for the establishment of a database of individuals who are deaf, requiring the Department of Law Enforcement to include information from the forms in the database, and authorizing a law enforcement officer to use the database before detaining or arresting an individual who is suspected of violating a criminal law in this state.
- Required the Criminal Justice Standards and Training Commission to provide training for law enforcement officers to interact with the deaf.
- Required a law enforcement agency to have at least one on-call officer who is trained in or knows American Sign Language or to contract with qualified interpreters, and defined the term "law enforcement agency."

This analysis is written to the committee substitute as adopted by the Highway & Waterway Safety Subcommittee.