

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 Appropriations

BILL: SB 290

INTRODUCER: Senators Rouson and Rader

SUBJECT: Motor Vehicle Registration Applications

DATE: January 23, 2018

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|-----------------|------------|----------------------------|
| 1. | <u>Jones</u> | <u>Miller</u> | <u>TR</u> | <u>Favorable</u> |
| 2. | <u>Wells</u> | <u>Hrdlicka</u> | <u>ATD</u> | <u>Recommended: Fav/CS</u> |
| 3. | <u>Wells</u> | <u>Hansen</u> | <u>AP</u> | <u>Pre-meeting</u> |

I. Summary:

SB 290 requires the application form for a motor vehicle registration include an option allowing an applicant who is hearing impaired to *voluntarily* indicate that he or she is hearing impaired. Such information must be included in the Florida Crime Information Center (FCIC) system and the Driver and Vehicle Information Database (DAVID).

The Department of Highway Safety and Motor Vehicles (DHSMV) will incur insignificant costs associated with programming and other implementation actions.

The bill takes effect July 1, 2018.

II. Present Situation:

In Florida, an applicant for a driver license who is deaf or cannot hear conversation spoken in a normal tone of voice is restricted to driving with an outside rearview mirror mounted on the left side of the vehicle or with a hearing aid.¹ According to the Florida Department of Health, nearly three million Floridians are affected by hearing loss.²

Sections 322.051 and 322.14, F.S. require the DHSMV to issue an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon an applicant's request, payment of the required \$1 or \$2 fee,³ and providing sufficient proof to the DHSMV that the applicant is deaf or hard of hearing. However, this symbol is not available to all Florida

¹ Rule 15A-1.003(2), F.A.C., and DHSMV website, *Obtaining Your Florida Driver's License or Identification Card*, <http://www.flhsmv.gov/ddl/geninfo.html> (last visited Nov. 21, 2017).

² Department of Health website, *Florida Coordinating Council for the Deaf and Hard of Hearing*, available at <http://www.floridahealth.gov/provider-and-partner-resources/fccdhh/index.html> (last visited Nov. 21, 2017).

³ The designation is added onto a driver license or identification card for a \$1 fee when the license or card is being issued or renewed, or a \$2 fee when the license or card is being replaced solely to add on the designation.

applicants until implementation of the DHSMV's new designs for the identification card and driver license, which will be available throughout Florida by the end of December 2017.⁴

The symbol on the identification card or driver license may be useful to indicate to others, especially law enforcement, that the individual is deaf or hard of hearing. However a law enforcement officer making a traffic stop is likely unaware that the individual is deaf or hard of hearing prior to approaching the vehicle and seeing the card or license. Until the officer sees the card or license, the officer may not know that the individual has difficulty following verbal commands, especially at night when visibility is low.

Driver and Vehicle Information Database (DAVID)

The DAVID system contains driver information, such as driver history, a copy of the driver license, and insurance information; motor vehicle information, including vehicle titles; and traffic crash information. The DHSMV is permitted, pursuant to interagency agreements, to share information from its database to be used for specified purposes as provided in s. 322.142, F.S., which includes "in response to law enforcement agency requests." As of 2013, the DAVID system had over 60,000 users in law enforcement, criminal justice, and other Florida agencies.⁵

Florida Crime Information Center (FCIC) System

The FCIC system is Florida's central database for tracking various crime-related information. The system is designed "to provide services, information, and capabilities to the law enforcement and criminal justice community" in the state, and gives them access to other criminal justice information systems nationwide.⁶ All employees that access the FCIC must be certified by the Florida Department of Law Enforcement, and all information obtained through the system is restricted to criminal justice purposes.⁷

III. Effect of Proposed Changes:

The bill requires the application form for a motor vehicle registration include an option allowing an applicant who is hearing impaired to *voluntarily* indicate that he or she is hearing impaired. Such information must be included in the FCIC system and the DAVID system.

A law enforcement officer will be capable of accessing this information when he or she searches for a license plate in the DAVID system and the FCIC system.

The bill takes effect July 1, 2018.

⁴ DHSMV, Driver Licenses & ID Cards: Florida's NEW Driver License and ID Card, *available at* <https://www.flhsmv.gov/driver-licenses-id-cards/newdl/> (last visited Nov. 19, 2017).

⁵ DHSMV, Office of Inspector General, *Motorist Services DAVID Audit Review* (Oct. 21, 2013), *available at* <https://www.flhsmv.gov/pdf/igoffice/102113.pdf> (last visited Nov. 21, 2017).

⁶ Florida Highway Patrol Policy Manual, *Criminal Justice Information Services: Policy 14.02.04C*. (Rev. Mar. 2015), *available at* <https://www.flhsmv.gov/fhp/Manuals/1402.pdf> (last visited Nov. 21, 2017).

⁷ *Id.* at Policy 14.02.07C. and D.

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:

The bill does not appear to have a fiscal impact on the private sector.

C. Government Sector Impact:

The DHSMV estimates a fiscal impact of \$23,745 for programming and implementation costs due to the bill's changes. The DHSMV's Motorist Modernization Project, which is an ongoing multi-year information technology project to replace existing driver license and motor vehicle information systems, may also be impacted.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The term "hearing impaired" is not defined in the bill and is not currently used in ch. 322, F.S. Current law uses the terms "deaf" and "hard of hearing" and may be better terms to use instead of "hearing impaired."

The DHSMV recommends in its bill analysis that the bill's effective date of July 1, 2018, be changed to October 1, 2018, to allow time for the DHSMV to implement the required programming.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 320.02 and 320.27.

⁸ DHSMV, *2018 Agency Legislative Bill Analysis: SB 290* (Sept. 26, 2017).

IX. Additional Information:

- A. **Committee Substitute – Statement of 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.
