

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: CS/CS/SB 1692

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Infrastructure and Security Committee; and Senator Flores

SUBJECT: Driver Licenses

DATE: March 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Wells</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1692 creates a capital letter “D” designation for a person who has a developmental disability to be placed on his or her driver license. Upon request 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. If the applicant is not conducting any other transaction affecting the driver license, a replacement license may be issued with the capital letter “D” without payment of a fee.

The bill requires the Department of Highway Safety and Motor Vehicles to include an option on the driver license or identification card application form to make a voluntary contribution of \$1 or more to Childhood Cancer Care to be distributed to the Live Like Bella Childhood Cancer Foundation.

The bill may have an indeterminate negative fiscal impact. SB 1694 is linked to this bill and creates a fee to place the designation on a new, renewal, or replacement driver license.

The bill is effective October 1, 2020.

II. Present Situation:

Developmental Disability

“Developmental disability’ is a broad term that refers to a variety of conditions that interfere with a person’s ability to function in everyday activities.”¹ Under Florida law, a “developmental disability” is defined as 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.² In 2016, the Florida Developmental Disabilities Council estimated that there were approximately 100,000 individuals living in Florida who met the developmental disability criteria.³

“Autism” is defined as a pervasive, neurologically based developmental disability of extended duration that 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

The Center for Disease Control (CDC) estimates that one in 59 children have been identified with autism spectrum disorder (ASD).⁵ 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.”⁶

A diagnosis of ASD includes several conditions that used to be diagnosed separately: autistic disorder, Asperger’s syndrome, and pervasive developmental disorder not otherwise specified.⁷

¹ Florida Developmental Disabilities Council, *Developmental Disability Services in Florida*, available at <https://www.fddc.org/places-to-find-help> (last visited February 12, 2020).

² Section 393.063(12), F.S.

³ The Florida Senate, *Bill Analysis and Fiscal Impact Statement CS/CS/SB 718*, February 29, 2016.

⁴ Section 393.063(5), F.S.

⁵ 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 12, 2020).

⁶ Center for Disease Control and Prevention, *What is Autism Spectrum Disorder?*, available at <https://www.cdc.gov/ncbddd/autism/facts.html> (last visited February 12, 2020).

⁷ *Id.* See also ss. 627.6686(2)(b) and 641.31098(2), F.S.

Live Like Bella Childhood Cancer Foundation

The Live Like Bella Childhood Cancer Foundation was founded in 2013 “to promote and increase community awareness of childhood cancers and diseases and the need for research and development of medical treatments for children through the dissemination of information to the general public; to use funds to support such activities; and to make grants, loans, or other distributions...”⁸ The Live Like Bella Childhood Cancer Foundation is named after Bella Rodriguez-Torres, who passed away at the age of 10 from pediatric cancer. The foundation’s mission is to help children with cancer maintain a love for life. As of September 2017, the Live Like Bella Childhood Cancer Foundation had served families in 44 states and 11 countries, having surpassed \$4 million in donations. To date, donations have been used for on-going research, memorial support, compassionate use, and in-treatment support.⁹

Designations on Driver Licenses and Identification Cards

Currently, the designations an individual may have voluntarily placed on his or her driver license or identification card are:¹⁰

- Lifetime sportsman license;
- Lifetime boater;
- Lifetime freshwater fishing license;
- Lifetime saltwater fishing license;
- Lifetime hunting license;
- Veteran;
- Insulin dependent;
- Organ donor; and
- Deaf/hard of hearing.

Additionally, an individual may have voluntarily placed on his or her identification card a designation that the person has a developmental disability.¹¹ Upon request of a person who has a developmental disability or a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles will issue an identification card that exhibits a capital “D.” The request must be accompanied by payment of an additional \$1 fee and sufficient proof that the person has been diagnosed with a developmental disability by a licensed physician.¹² A replacement license may be issued with the capital “D” without payment of the fee required in s. 322.21(1)(f), F.S.

⁸ Florida Department of State, Division of Corporations, Sunbiz, *Live Like Bella, Inc.*, Document No. F13000004224, and link for *Application by Foreign Not For Profit Corporation For Authorization to Conduct Its Affairs in Florida*, at p. 4, September 30, 2013. This information can be found by searching at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited February 19, 2020) by entity name or by detail by document number.

⁹ Live Like Bella Childhood Cancer Foundation, *About Us*, available at <http://livelikebella.org/aboutus.html> (last visited February 18, 2020).

¹⁰ Sections 322.051(8), 322.14, 322.141(2), and 765.521, F.S. See Department of Highway Safety and Motor Vehicles, *General Information – License Classes, Endorsements & Designations*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/general-information/license-classes-endorsements-designations/> (last visited February 12, 2020).

¹¹ Section 322.051(8)(e), F.S.

¹² The \$1 fee is deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.

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.¹³

Voluntary Contributions

The application form for an original, renewal, or replacement driver's license or identification card provides a voluntary contributions section that allows applicants to make a donation by checking a box on the form.¹⁴

The Florida Statutes specifically authorize which organizations can receive a voluntary contribution. Section 322.081, F.S., establishes the requirements for organizations seeking to establish a voluntary contribution on the application. Requirements include: a request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms; an application fee,¹⁵ not to exceed \$10,000, to defray the Department of Highway Safety and Motor Vehicles' cost for reviewing the application and developing the voluntary contribution checkoff, if authorized;¹⁶ a marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

This information must be submitted to the department at least 90 days before the next regular session of the Legislature convenes.

Section 322.081, F.S., also establishes a threshold for discontinuation of the voluntary contribution and oversight for organizations approved for a voluntary contribution on the application. The statute requires the Department of Highway Safety and Motor Vehicles to include any voluntary contributions approved by the Legislature on the application. The department must discontinue the voluntary contribution if less than \$25,000 has been contributed by the end of the 5th year or less than \$25,000 is contributed during any subsequent five-year period. Any voluntary contribution, or any interest earned from those contributions, is not to be used for commercial or for-profit activities or for general or administrative expenses; an organization to submit its audit to the department for review to determine if any voluntary contribution, or any interest earned from those contributions, was used for commercial or for-profit activities or for general or administrative expenses. All organizations required to operate under the Solicitation of Contributions Act, as provided in ch. 496, F.S., are to meet the requirements of that act before funds may be distributed.

The DHSMV is authorized to examine all records pertaining to the use of funds from the voluntary contributions by the organizations.

¹³ Section 322.21(1)(e), F.S.

¹⁴ Section 322.08(8), F.S., provides applicants with 19 options for voluntary contributions.

¹⁵ State funds may not be used to pay the application fee. See s. 322.081(1)(b), F.S.

¹⁶ If the voluntary contribution is not approved by the Legislature, the application fee must be refunded to the requesting organization. Section 322.081(2), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 320.08, F.S., to require the Department of Highway Safety and Motor Vehicles to include an option on the driver license or identification card application form to make a voluntary contribution of \$1 or more to Childhood Cancer Care. Any contributions will be distributed to the Live Like Bella Childhood Cancer Foundation.

Section 2 amends s. 322.14, F.S., to create a capital letter “D” designation for a person who has a developmental disability to be placed on his or her driver license. Upon request by a person who has a developmental disability¹⁷ or by a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles will issue a driver license that exhibits a capital letter “D” will be exhibited on the driver license. The request must be accompanied by sufficient proof that the person has been diagnosed with a developmental disability by a physician licensed under either ch. 458, F.S., or ch. 459, F.S.

Until a person’s driver license is next renewed, the person, or his or her parent or legal guardian, may have the capital letter “D” added to the license upon the surrender of the person’s current license and presentation of sufficient proof that the person has been diagnosed with a developmental disability by a licensed physician. If the applicant is not conducting any other transaction affecting the driver license, a replacement license may be issued with the capital letter “D” without payment of the fee required in s. 322.21(1)(e), F.S.

The bill has an effective date of October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁷ As defined in s. 393.063, F.S.

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

SB 1694, which is linked to this bill, 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.

Section 322.21(1)(e), F.S., requires payment of a \$25 fee when an individual is getting a replacement driver license. The bill waives this fee when the applicant is getting a replacement driver license solely to get the new designation added to the card. This waiver should not affect revenues because the individual would not otherwise be obtaining a replacement license and the \$2 fee created in SB 1694 will offset the cost to print a new driver license.

B. Private Sector Impact:

Individuals may choose to make a voluntary contribution to the Live Like Bella Childhood Cancer Foundation, which will benefit from such contributions.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact, due to the cost to the tax collectors and the Department of Highway Safety and Motor Vehicles for replacing a driver license for those choosing to add the capital letter “D” designation prior to the renewal of their driver license, if SB 1694 or similar legislation establishing a fee is not adopted in the same legislative session or an extension thereof and becomes law.

There could be an indeterminate negative fiscal impact to the Department of Highway Safety and Motor Vehicles for programming to implement the “D” designation.

The Department of Highway Safety and Motor Vehicles also stated that it would train members of the Florida Highway Patrol and other law enforcement entities on the new designation and its meaning. However, the costs of such training would be absorbed within current resources.¹⁸

In 2019, for a similar provision to create a voluntary contribution to the application for motor vehicle registrations, the Department of Highway Safety and Motor Vehicles estimated a minimal fiscal impact for programming costs, which would be absorbed within existing resources.¹⁹

¹⁸ Department of Highway Safety and Motor Vehicles, *2020 Agency Legislative Bill Analysis HB 787 & HB 789*, January 23, 2020 (on file with the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee).

¹⁹ The Florida Senate, *Bill Analysis and Fiscal Impact Statement CS/CS/SB 252*, March 29, 2019.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Highway Safety and Motor Vehicles stated “[t]he bill will likely benefit law enforcement by providing notification to officers of whether a person has a developmental disability. This knowledge could be vital in the de-escalation of scenarios during law enforcement encounters.”²⁰

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.08 and 322.14.

IX. Additional Information:

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

CS/CS by Appropriations on March 3, 2020:

The committee substitute creates a voluntary contribution to the Live Like Bella Childhood Cancer Foundation on the application for a driver license or identification card. The committee substitute clarifies that a diagnosis of a developmental disability by a physician licensed under ch. 458, F.S., *or* ch. 459, F.S., is sufficient proof. The committee substitute changes the effective date from July 1, 2020 to October 1, 2020.

CS by Infrastructure and Security on February 10, 2020:

The committee substitute adds a requirement that a person, or the person’s parent or guardian, must first request the “D” designation before it is added to a driver license.

- B. **Amendments:**

None.

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

²⁰ *Id.*