

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/SB 1692

INTRODUCER: Infrastructure and Security Committee and Senator Flores

SUBJECT: Driver Licenses

DATE: March 2, 2020

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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 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 July 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 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

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

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:⁸

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 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?, <https://www.cdc.gov/ncbddd/autism/facts.html> available at (last visited February 12, 2020).

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

⁸ 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.).

- 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.⁹ 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.¹⁰ A replacement license may be issued with the capital “D” without payment of the fee required in s. 322.21(1)(f), F.S.

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.¹¹

III. Effect of Proposed Changes:

The bill 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 by a person who has a developmental disability¹² 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 licensed physician.

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.

⁹ Section 322.051(8)(e), F.S.

¹⁰ The \$1 fee is deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.

¹¹ Section 322.21(1)(e), F.S.

¹² As defined in s. 393.063, F.S.

The bill has an effective date of July 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.

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.

B. Private Sector Impact:

None.

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.¹³

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.”¹⁴

The department also requested that the effective date of the bill be changed from July 1, 2020, to October 1, 2020, in order to allow time for programming to be completed to implement the bill.¹⁵

VIII. Statutes Affected:

This bill substantially amends section 322.14 of the Florida Statutes

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 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.

¹³ 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).

¹⁴ *Id.*

¹⁵ *Id.*