

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 787 Driver Licenses

**SPONSOR(S):** Transportation & Infrastructure Subcommittee, Tomkow

**TIED BILLS:** CS/HB 789 **IDEN./SIM. BILLS:**

| REFERENCE  | ACTION              | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|---------------------|---------|--|
| 1) Transportation & Infrastructure Subcommittee            | 13 Y, 0 N, As<br>CS | Roth    | Vickers                                  |
| 2) Transportation & Tourism Appropriations<br>Subcommittee | 12 Y, 0 N           | Hicks   | Davis                                    |
| 3) State Affairs Committee                                 |                     |         |  |

### SUMMARY ANALYSIS

Upon request by a person diagnosed with a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles (DHSMV) must issue an identification card exhibiting a capital "D" after payment of an additional \$1 fee and proof of a developmental disability diagnosis. The \$1 fee must be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.

The bill authorizes an optional "D" designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present DHSMV with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to add or remove a "D" designation. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

House Bill 789 (2020), which this bill is linked to, provides for the payment of an additional \$1 fee for a new or renewed driver license with a "D" designation on it or a payment of a \$2 fee upon the surrender of a current driver license to add or remove a "D" designation. Both fees are to be deposited into the Highway Safety Operating Trust Fund.

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures associated with the programming costs required to add the "D" designation and fee code changes, but it is expected the department can absorb these costs within existing resources. See Fiscal Analysis for additional details.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

The term “developmental disability” is defined as, a 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.<sup>1</sup>

Any person who is 5 years of age or older, or any person who has a disability and who applies for a disabled parking permit (regardless of age), may be issued an identification card by the Department of Highway Safety and Motor Vehicles (DHSMV) upon completion of an application and payment of an application fee.<sup>2</sup> Upon request by a person diagnosed with a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, DHSMV must issue an identification card exhibiting a capital “D” after payment of an additional \$1 fee and proof of a developmental disability diagnosis. The \$1 fee must be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.<sup>3</sup> As of January 2020, DHSMV had issued 1,295 identification cards with the “D” designation.<sup>4</sup>

Upon successful completion of all required examinations and payment of the required fee, DHSMV must issue to every qualified applicant a driver license.<sup>5</sup> Each driver license must exhibit the class of vehicle the licensee is authorized to operate as well as any applicable endorsements (such as a motorcycle endorsement) or restrictions (such as corrective lenses).<sup>6</sup> There are also optional designations that can be exhibited on a driver license. The international symbol for the deaf and hard of hearing is an optional designation that can be exhibited on the driver license of a person who is deaf or hard of hearing. At the time of receiving a new or renewed driver license, the licensee will pay an additional \$1 and provide sufficient proof to DHSMV that he or she is deaf or hard of hearing. Otherwise, upon the surrender of his or her driver license, a licensee may have the symbol added to his or her license for \$2. Both fees will be deposited into the Highway Safety Operating Trust Fund.<sup>7</sup>

Other optional designations that can be exhibited on a driver license are the word “Veteran”,<sup>8</sup> and symbols representing lifetime freshwater fishing, saltwater fishing, hunting, and sportsman’s licenses as well as a lifetime boater safety identification card.<sup>9</sup>

#### Effect of Proposed Changes

The bill authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present DHSMV with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to receive a replacement license with a “D” designation on it or to remove the “D” designation from the license. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

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<sup>1</sup> Section 393.063, F.S.

<sup>2</sup> Section 322.051(1), F.S.

<sup>3</sup> Section 322.051(8)(e)1., F.S.

<sup>4</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 787, (January 16, 2020).

<sup>5</sup> Section 322.14(1)(a), F.S.

<sup>6</sup> Section 324.14(1)(b), F.S.

<sup>7</sup> Section 324.14(1)(c), F.S.

<sup>8</sup> Section 324.14(1)(d), F.S.

<sup>9</sup> Section 324.14(1)(e), F.S.

House Bill 789 (2020), which this bill is linked to, provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation on it or a payment of a \$2 fee upon the surrender and replacement of a current driver license with a “D” designation on it or to remove the “D” designation from the license. Both fees are to be deposited into the Highway Safety Operating Trust Fund.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s.322.14, F.S., relating to licenses issued to drivers.

**Section 2:** Provides an effective date of October 1, 2020.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None. See Fiscal Comments.

2. Expenditures:

DHSMV estimates that the bill will have an indeterminate, negative impact to both the department’s operational resources and to the resources dedicated to Motorist Modernization Phase 1 project. Programming will be required in the Florida Driver License Information System to add the “D” designation to driver licenses and incorporate fee code changes to collect the \$1 or \$2 fee.<sup>10</sup> It is expected the department can absorb these costs within existing resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

House Bill 789 (2020), the linked bill, authorizes DHSMV to charge a \$1 or \$2 fee for a “D” designation on a driver license. Pursuant to s. 322.135(1)(c), F.S., tax collectors are required to charge a service fee of \$6.25 per driver license service request per customer. This will have a positive but likely insignificant impact to the tax collectors.<sup>11</sup>

2. Expenditures:

The bill does not appear to impact local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Individuals diagnosed with a developmental disability may opt to pay \$1 or \$2 for a “D” designation on their driver license.

The bill could benefit law enforcement agencies by providing notification to officers that a person has a developmental disability. This knowledge could be helpful in the de-escalation of some scenarios involving law enforcement officers and individuals with developmental disabilities.

**D. FISCAL COMMENTS:**

This bill is linked HB 789 (2020), which authorizes DHSMV to charge a \$1 or \$2 fee to add or remove a “D” designation on a driver license and to deposit those fees into the Highway Safety Operating Trust Fund. DHSMV may see a positive, but insignificant, fiscal impact as a result of collecting these fees for the developmental disability designation on driver licenses.

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at p. 3.

The bill also allows for the waiver of the \$25 fee when the replacement transaction is performed for the sole purpose of adding a “D” designation. Because the individual would otherwise have no reason to replace their driver license, the waiver should not directly impact revenues. The \$2 fee will offset the cost of printing a new driver license.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Authorized a person with a developmental disability to remove the “D” designation from his or her driver license.
- Authorized a person with a developmental disability to present sufficient proof of the diagnosis from a physician licensed under chapter 459, F.S.
- Changed the effective date from July 1, 2020 to October 1, 2020.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.