

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 787 Driver Licenses and Identification Cards

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

**TIED BILLS:** CS/CS/HB 789 **IDEN./SIM. BILLS:** CS/SB 1692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee	12 Y, 0 N	Hicks	Davis
3) State Affairs Committee	23 Y, 0 N, As CS	Roth	Williamson

### 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. There is currently no developmental disability designation offered on a driver license.

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.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Current Situation**

##### Developmental Disability

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>

##### Disability Designations

Any person who is five 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>

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. If the licensee wants to have a designation on his or her driver license that he or she is deaf and hard of hearing, the licensee must pay an additional \$1 at the time of receiving a new or renewed driver license. Otherwise, upon the surrender of his or her driver license, a licensee may have the symbol added to his or her license for \$2. The fees are deposited into the Highway Safety Operating Trust Fund.<sup>5</sup>

Other optional designations that can be exhibited on a driver license include the word “Veteran,”<sup>6</sup> and symbols representing lifetime freshwater fishing, saltwater fishing, hunting, and sportsman’s licenses as well as a lifetime boater safety identification card.<sup>7</sup>

There is currently no developmental disability designation offered on a driver license.

##### Voluntary Contributions

The application form for an original, renewal, or replacement driver license or identification card provides a voluntary contributions section that allows applicants to make a donation by checking a box on the form.<sup>8</sup>

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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, DHSMV, RE: HB 787, (January 16, 2020).

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

<sup>6</sup> Section 322.14(1)(d), F.S.

<sup>7</sup> Section 322.14(1)(e), F.S.

<sup>8</sup> Section 322.08(8), F.S., provides applicants with 19 options for voluntary contributions.

The law specifically authorizes 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,<sup>9</sup> not to exceed \$10,000, to defray DHSMV's cost for reviewing the application and developing the voluntary contribution checkoff, if authorized;<sup>10</sup>
- 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 DHSMV at least 90 days before the next regular session of the Legislature convenes.

The law also establishes a threshold for discontinuation of the voluntary contribution and oversight for organizations approved for a voluntary contribution on the application.<sup>11</sup> The statute requires DHSMV to include any voluntary contributions approved by the Legislature on the application. DHSMV must discontinue the voluntary contribution if less than \$25,000 has been contributed by the end of the fifth 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 must submit its audit to DHSMV 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., must meet the requirements of that act before funds may be distributed.

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

#### Live Like Bella Childhood Cancer Foundation

Live Like Bella Childhood Cancer Foundation (Foundation) is a non-profit organization created in memory of Bella Rodriguez-Torres who inspired people throughout the world during her six-year fight against cancer. Bella was born in Miami, Florida in December 2002 and passed away at the age of 10 in May 2013. The Foundation provides assistance and support to children and families affected by childhood cancer. The Foundation also funds innovative research with the hope that childhood cancer will become a treatable and curable disease. The Foundation has served families in 44 states and 11 countries.<sup>12</sup>

#### **Effect of Proposed Changes**

The bill requires DHSMV 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.

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. The 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

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<sup>9</sup> State funds may not be used to pay the application fee. *See* s. 322.081(1)(b), F.S.

<sup>10</sup> 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.

<sup>11</sup> Section 322.081, F.S.

<sup>12</sup> Live Like Bella Childhood Cancer Foundation, available at <http://livelikebella.org/> (last visited February 27, 2020).

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.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 322.08, F.S., relating to application for licenses; requirements for license and identification card forms.

**Section 2:** Amends s. 322.14, F.S., relating to licenses issued to drivers.

**Section 3:** Provides an effective date of October 1, 2020.

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

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

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

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

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

The bill does not appear to impact local government expenditures.

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

The Live Like Bella Childhood Cancer Foundation may benefit from voluntary contributions on the application form for an original, renewal, or replacement driver license or identification card.

**D. FISCAL COMMENTS:**

DHSMV estimates that the bill will have an indeterminate, negative impact to DHSMV’s operational resources and the resources dedicated to the Motorist Modernization Phase 1 project. Programming will be required in the Florida Driver License Information System to add the “D” designation to driver licenses. It is expected DHSMV can absorb these costs within existing resources.

The bill allows for the waiver of the \$25 license fee when the replacement transaction is performed for the sole purpose of adding or removing a “D” designation. Because the individual would otherwise have no reason to replace his or her driver license, the waiver should not directly impact revenues. The \$2 fee, which is authorized in HB 789 (2020), will offset the cost of printing a new driver license if HB 789 passes and becomes a law.<sup>13</sup>

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<sup>13</sup> CS/CS/HB 789 (2020), which is linked to this bill, 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. The bill provides that the fees be deposited into the Highway Safety Operating Trust Fund.

### 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:

##### Other Comments: Benefit of Developmental Disability Designation

According to DHSMV, 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.

##### Other Comments: Establishing Voluntary Contributions

Section 322.081, F.S., establishes the requirements for organizations seeking to establish a voluntary contribution on the driver license and identification card application. The Live Like Bella Childhood Cancer Foundation does not appear to have complied with any of the established requirements.

### 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.; and
- Changed the effective date from July 1, 2020, to October 1, 2020.

On February 27, 2020, the State Affairs Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Provided a voluntary contribution on driver license and identification card applications for the Live Like Bella Childhood Cancer Foundation; and
- Specified that the developmental disability designation is optional.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee