

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 Health Regulation Committee

BILL: CS/SB 432

INTRODUCER: Health Regulation Committee and Senator Sobel

SUBJECT: Motor Vehicle Window Sunscreening Requirements

DATE: April 20, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/1 amendment
2.	Harper	Wilson	HR	Fav/CS
3.			CJ	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes
- B. AMENDMENTS..... Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill expands the medical exemption from motor vehicle window sunscreening restrictions. Persons afflicted with any autoimmune disease or other medical conditions that require a limited exposure to light will be eligible to obtain a medical exemption certificate. The Department of Highway Safety and Motor Vehicles (DHSMV) is required to consult with its Medical Advisory Board to provide guidance with respect to which medical conditions shall be included on the form of the medical certificate. The DHSMV is authorized to charge a fee for this certificate.

This bill substantially amends s. 316.29545 of the Florida Statutes.

II. Present Situation:

Motor Vehicle Window Sunscreening Restrictions, Medical Exemption

Sections 316.2953 – 316.2956, F.S., generally restrict motor vehicle operators from applying window tint beyond a certain level of opacity. A medical exemption currently exists in s. 316.29545, F.S., for persons with Lupus. This section also exempts law enforcement vehicles that are used for undercover or canine operations.

Specifically, s. 316.29545, F.S., provides for a medical exemption certificate to be issued to any person afflicted with lupus or a similar medical condition, which requires a limited amount of exposure to light. This certificate allows the afflicted person to have sunscreensing material on his or her motor vehicle, which would normally be in violation of the statutes relating to sunscreensing material requirements. The DHSMV is authorized to charge a fee for this certificate.

Autoimmune Diseases, Medical Requirement for Limited Exposure to Light

An autoimmune disease is a disorder caused by inflammation and destruction of the tissues by the body's own antibodies.¹ There are more than 80 types of autoimmune diseases, which affect more than 23.5 million Americans. Autoimmune disease symptoms include numbness in the limbs, paralysis, or loss of vision, and can lead to permanent disability and death. The progress, severity, and specific symptoms of autoimmune diseases are unpredictable and vary from one person to another. Women, particularly African-American, Hispanic-American, and Native-American women, have a higher risk for some autoimmune diseases.²

Exposure to sunlight for some persons with Lupus, an autoimmune disease, can lead to problems ranging from an immediate redness, burning and stinging of the skin to a systemic flare of the disease, characterized by inflammation of the joints, blood vessels and internal organs.³ Similar symptoms for other autoimmune diseases are also triggered by exposure to sunlight.

Medical Advisory Board

Section 322.125, F.S., establishes a Medical Advisory Board to advise the DHSMV on medical criteria and vision standards relating to the licensing of drivers. Every member, but two, of the Medical Advisory Board must be a doctor of medicine licensed in Florida or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic (Medical) Association. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles. Upon request, the Medical Advisory Board is required to report to the DHSMV on the individual physical and mental qualifications of a licensed driver or applicant.

III. Effect of Proposed Changes:

The bill amends s. 316.29545, F.S., to expand the medical exemption from window sunscreensing restrictions to include persons afflicted with any autoimmune disease, or other medical conditions, that require a limited exposure to light. Such persons will be eligible to obtain a medical exemption certificate that entitles the person to whom the certificate is issued to have sunscreensing material that would normally be in violation of the requirements of ss. 316.2951-316.2957, F.S., on the windshield, side windows, and windows behind the driver.

¹ The Bantam Medical Dictionary, Revised ed. Bantam Books, New York, NY. 1990.

² "Autoimmune Diseases" MedLine Plus. Available at:

<http://www.nlm.nih.gov/medlineplus/autoimmunediseases.html#cat28> (Last Visited on April 20, 2010).

³ "Exercise, Fatigue, and Photosensitivity" Lupus Foundation of America, Inc. Available at:

http://www.lupus.org/webmodules/webarticlesnet/templates/new_learnliving.aspx?articleid=2253&zoneid=527 (Last visited on April 20, 2010).

The DHSMV is required to consult with the Medical Advisory Board, established in s. 322.125, F.S., to provide guidance with respect to the autoimmune diseases and other medical conditions that shall be included on the form of the medical certificate.

Existing law provides that the DHSMV may charge a fee to defray the expenses of issuing a medical exemption certificate.

The effective date of the bill is July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The DHSMV may charge a fee to defray the expenses of issuing a medical exemption certificate.

B. Private Sector Impact:

Individuals afflicted with an autoimmune disease or other medical conditions requiring a limited exposure to light or heat will be eligible to obtain a medical exemption certificate. The DHSMV is authorized to charge a fee for the certificate of exemption.

C. Government Sector Impact:

There is an indeterminate fiscal impact for the DHSMV. The DHSMV anticipates an increase in revenue for issuing additional medical exemption certificates; however, it is unknown how many individuals will be eligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV has expressed concerns about the effective date of the bill allowing sufficient time for implementation to make necessary programming modifications. The DHSMV suggests an effective date of October 1, 2010.

VIII. Additional Information:

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

CS by Health Regulation on April 19, 2010:

The Committee Substitute expands the medical exemption from window suncreening restrictions to include persons afflicted with any autoimmune disease or other medical conditions that require a limited exposure to light. The DHSMV is directed to consult with its Medical Advisory Board regarding the medical certificate form.

- B. **Amendments:**

None.