

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 140

INTRODUCER: Transportation Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Bradley

SUBJECT: Driver Licenses

DATE: March 3, 2014

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Spaulding</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2. <u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
3. <u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	<u>Favorable</u>
4. <u>Carey</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 140 expands the current exemption from the requirement to obtain a Florida driver license that is currently afforded to nonresident active-duty U.S. Armed Forces service members to include the service member's spouse and dependent child residing with him or her in the state. An active-duty service member's spouse and child will be exempt from obtaining a Florida driver license within 30 days after enrolling his or her child in public school or accepting employment in this state, provided they have a valid military identification card or driver license issued by another state.

The bill also specifically provides for an automatic extension of a Florida driver license for the spouse of a resident military service member stationed outside of Florida and who resides with the service member outside of the state.

The bill will have a negative impact to the General Revenue Fund due to the decreased issuance of Florida driver licenses. The fiscal impact is indeterminate but expected to be insignificant.

II. Present Situation:

Driver License Exemptions for Nonresident Military Service members

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid driver license issued pursuant to ch. 322, F.S.¹ However, a nonresident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.² Pursuant to this exemption, nonresident service members and their dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.³

Current law provides that once a nonresident⁴ enrolls his or children in a Florida public school or accepts employment in the state, the nonresident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.⁵ Under such circumstances, the spouse and dependent children of the nonresident must also obtain a Florida driver license within that 30-day period.

Section 322.031(2), F.S., exempts an active duty service member stationed in Florida from obtaining a Florida driver license solely because the service member enters his or her children in a Florida public school. To be eligible for the exemption, the service member must have a valid military driving permit or a valid driver license issued by another state. This exemption currently does not apply to the spouse or dependent children of a service member, only to the individual service member.

Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license⁶ upon payment of the required renewal fees and successful passage of any required examination.⁷ In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.⁸ The renewal fee for a Class E driver license is \$48. A delinquent fee of \$15 is assessed for the renewal of a Class E driver license within 12 months after the expiration date of the license.⁹

Section 322.121(5), F.S., grants military service members serving on active duty outside this state, and their dependents residing with them, an automatic extension without reexamination for a Class E driver license that expires while performing such service. This extension is valid for 90-days after the service member is either discharged or returns to the state of Florida to live. Upon a service member's application to the Department of Highway Safety and Motor Vehicles

¹ Section 322.03(1), F.S.

² Section 322.04(1)(c), F.S.

³ Op. Att'y Gen. Fla 78-164 (1978).

⁴ Nonresident migrant or seasonal farm workers as defined in s. 316.003(61), F.S., are excluded.

⁵ Section 322.031(1), F.S.

⁶ Pursuant to s. 322.18(4)(a), F.S., driver licenses are generally valid for eight years.

⁷ Section 322.18(4)(a), F.S.

⁸ Section 322.121(1), F.S.

⁹ Section 322.21(1)(c), F.S.

(DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the service member's and his or her dependents' driving privileges.¹⁰ The DHSMV currently recognizes a "dependent" as a service member's spouse, children and step-children under the age of 21, living in the same household.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 322.031, F.S., to expand the exemption from the requirement to obtain a Florida driver license that is currently afforded to nonresident active-duty U.S. Armed Forces service members to include the service member's spouse and dependent child residing with him or her. The spouse or dependent child of an active duty nonresident service member does not have to obtain a Florida driver license because he or she enrolled his or her child in public school or has accepted employment in this state.

Section 2 amends s. 322.121, F.S., to clarify that the spouse of a resident military service member is eligible for an automatic extension without reexamination for a Florida driver license that expires while the spouse resides with the service member who is stationed outside of Florida.

Section 3 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁰ DHSMV, *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*, (April 2014), <http://www.flhsmv.gov/MilExtCard.pdf> (last visited 2/10/14).

¹¹ DHSMV website, *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html> (last visited 2/10/14)

B. Private Sector Impact:

A spouse of a military service member who is a nonresident of Florida will not be required to obtain a Florida driver license for the purpose of enrolling his or her child in a Florida public school. As a result, the spouse will not be subject to the fees associated with obtaining and maintaining a Florida driver license. Additionally, dependent children who qualify for the driver license exemption in the bill will also not be subject to driver license fees.

Current law allows an automatic extension on a resident service member's driver license expiration date when stationed outside of the state. The bill now includes the same extension to the service member's spouse and dependents that reside with him or her. Therefore, these service members and their spouse and dependents will not be subject to driver license renewal fees until they return to reside in the state.

C. Government Sector Impact:

A negative fiscal impact is expected in the General Revenue Fund as a result of this bill.¹² The fiscal impact is indeterminate but expected to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.031 and 322.121.

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 Transportation on November 7, 2013:**

The committee substitute provides further clarification that an active service member's spouse or dependent residing with such service member does not need to obtain or display a Florida driver license because he or she enrolls his or her child in public school or he or she accepts employment or engages in a profession or occupation in the state providing he or she possess a valid military identification card and either a valid driver license or learner's permit issued by another state, or a valid military driving permit.

¹² DHSMV, SB 140 Legislative Bill Analysis (Feb. 4, 2014) (on file with the Senate Committee on Education).

CS by Military and Veterans Affairs, Space, and Domestic Security on October 8, 2013:

The committee substitute provides that the dependent child of a service member is also not required to obtain a Florida driver license if the service member or the spouse is not required to obtain a license under s. 322.031(2), F.S., provided that the dependent child has a valid driver license issued by another state and he or she does not accept employment in Florida.

B. Amendments:

None.