

**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 Transportation

BILL: CS/SB 140

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

SUBJECT: Driver Licenses

DATE: November 5, 2013 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	Fav/CS
2.	Everette	Eichin	TR	Pre-meeting
3.			ED	
4.			AP	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Current law exempts nonresident active duty military servicemembers stationed in the state from the requirement to obtain a driver license for the sole purpose of enrolling his or her child in a Florida public school. CS/SB 140 expands this exemption to include the spouse and dependent child of a servicemember. In all cases, such exemption is available provided that the servicemember, spouse, or dependent child has a valid driver license issued by another state and does not accept employment in Florida.

The bill also specifically authorizes the spouse of a resident military servicemember stationed outside of Florida on active duty to be eligible for an automatic extension of a Florida driver license that expires while the spouse resides with the servicemember outside of the state.

The bill substantially amends sections 322.031 and 322.121 of the Florida Statutes.

## II. Present Situation:

### Driver License Exemptions for Nonresident Military Servicemembers

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.<sup>1</sup> 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.<sup>2</sup> Pursuant to this exemption, nonresident servicemembers 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.<sup>3</sup>

Current law provides that once a nonresident 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.<sup>4</sup> 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., specifically exempts an active duty servicemember stationed in Florida from obtaining a Florida driver license solely because the servicemember enters his or her children in a Florida public school. To be eligible for the exemption, the servicemember 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 servicemember, only to the individual servicemember.

### Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license<sup>5</sup> upon payment of the required renewal fees and successful passage of any required examination.<sup>6</sup> In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.<sup>7</sup> The renewal fee for a Class E driver license is \$48. Those renewing a Class E driver license within 12 months after the expiration date of the license are subject to a \$15 delinquent fee.<sup>8</sup>

Section 322.121(5), F.S., grants military servicemembers 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 servicemember is either discharged or returns to the state of Florida to live.

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<sup>1</sup> Section 322.03(1), F.S.

<sup>2</sup> Section 322.04(1)(c), F.S.

<sup>3</sup> Op. Att'y Gen. Fla 78-164 (1978).

<sup>4</sup> Section 322.031(1), F.S.

<sup>5</sup> Pursuant to s. 322.18(4)(a), driver licenses are generally valid for 8 years.

<sup>6</sup> Section 322.18(4)(a), F.S.

<sup>7</sup> Section 322.121(1), F.S.

<sup>8</sup> Section 322.21(1)(c), F.S.

Upon a servicemember's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the servicemember's and his or her dependents' driving privileges.<sup>9</sup> The DHSMV currently recognizes a "dependent" as a servicemember's spouse, children and step-children under the age of 21, living in the same household.<sup>10</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 322.031, F.S., to exempt the spouse of an active duty nonresident servicemember from the requirement to obtain a Florida driver license solely for the purpose of enrolling his or her children in a Florida public school. The dependent child of a servicemember is also exempted from the requirement to obtain a Florida driver license if the servicemember 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.

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

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<sup>9</sup> DHSMV, *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*. Available at : <http://www.flhsmv.gov/MilExtCard.pdf> (last visited 10/05/13)

<sup>10</sup> DHSMV website, *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html> (last visited 10/05/13)

**B. Private Sector Impact:**

A spouse of a military servicemember who is a nonresident of Florida will not be required to obtain a Florida driver license for the sole purpose of enrolling his or children 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.

**C. Government Sector Impact:**

The DHSMV anticipates a minimal reduction in General Revenue as a result of this bill.<sup>11</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

The committee substitute provides that the dependent child of a servicemember is also not required to obtain a Florida driver license if the servicemember 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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>11</sup> DHSMV Agency Legislative Bill Analysis for SB 140. October 2, 2013.