

**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.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/SB 1394

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: February 26, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.	Gusky	Miller	ATD	<b>Recommend: Fav/CS</b>
3.	Jones	Hrdlicka	FP	<b>Pre-meeting</b>

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

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1394 revises several laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Adds Service Patrol Vehicles engaged in certain activities to the “Move Over Act”;
- Requires a qualified sobriety and drug monitoring program be used in addition to an ignition interlock device when such device is required;
- Allows buses to be equipped with two red rear lights that indicate a bus is stopping;
- Exempts operators of a vehicle operating with driver-assistive truck platooning technology from the prohibitions against following too closely and having an electronic display while being operated;
- Modifies the amount of time within which an individual must notify the DHSMV of an address or name change on a driver license, identification card, or motor vehicle registration;
- Prohibits law enforcement from issuing a citation for an expired registration until the last day of the month of the year the registration expires;
- Requires the DHSMV to provide identification cards at no-charge to:
  - Offenders in custody or under the supervision of the Department of Juvenile Justice; and
  - Individuals whose driver license is suspended or revoked due to a physical or mental condition.

The Revenue Estimating Conference adopted the following estimates for the no-cost identification card/driver license provisions of the bill:

- Certain Juvenile Offenders – insignificant negative fiscal impact to the General Revenue Fund in Fiscal Year 2016-2017 and subsequent years.
- Individuals with a Medical Sanction – foregone revenue for Fiscal Year 2016-2017 is \$300,000, with a recurring negative impact of \$500,000 to the General Revenue fund; for the local tax collectors, foregone revenue for Fiscal Year 2016-2017 is \$100,000, with a recurring negative impact of \$100,000.

The bill has additional fiscal impacts to the state and private sector. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2016

## II. Present Situation:

Due to the number of issues addressed in the bill, the present situation for each section is discussed below in Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Service Patrol Vehicles and the Move Over Act (Sections 1 and 3)

#### *Present Situation*

##### The Move Over Act

The Move Over Act relates to the operation of motor vehicles when approaching:

- An authorized emergency vehicle parked on the roadside and displaying any visual signals;
- A sanitation or utility vehicle performing services on the roadside; or
- A wrecker displaying amber rotating or flashing lights performing a recovery or loading on the roadside.<sup>1</sup>

When approaching these vehicles, if the driver is on a highway with more than two lanes, the driver must vacate the lane closest to the service provider, when safe to do so. If the driver cannot safely vacate the lane, the driver must reduce his or her speed to 20 miles per hour (mph) under the posted speed limit for speed limits greater than 25 mph, or to 5 mph if the posted speed limit is 20 mph or less.<sup>2</sup>

Section 316.126, F.S., requires a driver to yield to a moving emergency vehicle; however, these requirements do not relieve a driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

A violation of the Move Over Act is a noncriminal traffic infraction punishable as a moving violation. Violators are subject to a \$30 penalty, court costs, and three points assessed against the violator's license.<sup>3</sup>

<sup>1</sup> Section 316.126(1)(b), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Sections 318.18(2)(d), and 322.27(3)(d)7., F.S. Depending on jurisdiction, court costs may increase the total penalty up to \$128; Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines, including a Fee Schedule for Recording*, p. 36, (July 1, 2015), available at

### Service Patrol Vehicles

Service Patrol Vehicles, also known as Road Rangers, provide free highway assistance to motorists. Road Rangers provide services along Florida's highway systems, including assisting stranded motorists, removing debris from the roadway, and assisting during traffic accidents. Since the inception of the program in 2000, the Road Rangers have made over 4.3 million service assists.<sup>4</sup>

### **Effect of Proposed Changes**

**Section 1** amends s. 316.003, F.S., to define the term:

- “Service patrol vehicle” as a motor vehicle that bears an emblem or markings with the wording “SERVICE VEHICLE” which is visible from the roadway and clearly indicates that the vehicle belongs to or is under contract with a person, an entity, a cooperative, a board, a commission, a district, or a unit of government that provides highway assistance services to motorists, clears travel lanes, or provides temporary maintenance of traffic support for incident response operations.

**Section 3** amends s. 316.126, F.S., to include service patrol vehicles performing official duties or services on the roadside that are displaying amber rotating or flashing lights in the Move Over Act. Motorists will be required to move over a lane or slow their vehicle while a service patrol vehicle is displaying their lights and performing official duties along the highway. The bill also requires a utility service vehicle to display visual signals to be part of the act.

### **Qualified Sobriety and Drug Monitoring Program (Sections 4, 14, and 15)**

#### *Present Situation*

For a second or subsequent driving under the influence (DUI) offense, the court may order a person to participate in a qualified sobriety and drug monitoring program in addition to the mandatory installation of an ignition interlock device (IID). A “qualified sobriety and drug monitoring program” is as an evidence-based program,<sup>5</sup> approved by the DHSMV, in which participants are regularly tested for alcohol and drug use. The program may monitor alcohol or drug use through:

- Breath testing twice a day;
- Continuous transdermal alcohol monitoring; or
- Random blood, breath, urine or oral fluid testing.<sup>6</sup>

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[http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public\\_Documents\\_/2015\\_Distribution\\_Schedule\\_w.pdf](http://c.ymcdn.com/sites/www.flclerks.com/resource/resmgr/Public_Documents_/2015_Distribution_Schedule_w.pdf) (last visited Feb. 23, 2016).

<sup>4</sup> Florida Department of Transportation, Traffic Engineering and Operations Office, *Road Rangers Service Patrol*, available at [http://www.dot.state.fl.us/trafficoperations/traf\\_incident/rrangers/ranger.shtm](http://www.dot.state.fl.us/trafficoperations/traf_incident/rrangers/ranger.shtm) (last visited Feb. 23, 2016).

<sup>5</sup> Section 316.193(6)(j)3., F.S., defines an “evidence-based program” as one that satisfies at least two of the following requirements: (a) The program is included in the federal registry of evidence-based programs and practices; (b) The program has been reported in a peer reviewed journal as having positive effects on the primary targeted outcome; (c) The program has been documented as effective by informed experts and other sources.

<sup>6</sup> Section 316.193(6)(j)2., F.S. Preference is given to testing modalities that provide the best ability to sanction a violation as close in time as reasonably feasible to the occurrence of the violation.

Federal law requires states to provide a minimum penalty for drivers convicted of a second or subsequent DUI offense. Specifically, the offender must receive a driver license suspension for at least one year, or a combination of suspension followed by a reinstatement of limited driving privileges or participation in an alcohol treatment program if used with the installation of an IID.<sup>7</sup> In December 2015 Congress passed the Fixing America's Surface Transportation Act (FAST). The FAST Act requires drivers convicted of a second or subsequent DUI to receive, for a period of not less than one year:

- A suspension of all driving privileges;
- A restriction on driving privileges that limits the individual operating only motor vehicles with an IID installed;<sup>8</sup>
- A restriction on driving privileges that limits the individual to operating a motor vehicle only if participating in and complying with a 24-7 sobriety program;<sup>9</sup> or
- Any combination of the above.<sup>10</sup>

According to the FAST Act, federal grants may be provided to states that provide a 24-7 sobriety program to offset expenditures designed to reduce impaired driving.<sup>11</sup>

#### Costs Associated with Sobriety and Drug Monitoring Programs

Participation in a qualified sobriety and drug monitoring program, as well as using an IID, is at the participant's sole expense.<sup>12</sup> The expense to the individual participating in a sobriety and drug monitoring program depends on the modalities used to monitor the individual. For example, twice a day breathalyzer testing is \$4 a day, transdermal alcohol monitoring bracelets are \$10 a day, and drug sweat patches are \$40 per patch (which is applied every 7-10 days).<sup>13</sup> By its nature, the monthly expense to individuals required to participate in random drug testing cannot be estimated.

An IID on average costs \$70-\$150 for installation and approximately \$60-\$80 per month for monitoring and calibration.<sup>14</sup> According to an Office of Program Policy Analysis and Government Accountability (OPPAGA) report, approximately 49 percent of the offenders required to install an IID do so. The costs associated with installing and monitoring an IID, in addition to the multiple costs associated with a DUI conviction, may be cost prohibitive for some individuals. Estimates of the number of DUI offenders who continue to drive illegally because

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<sup>7</sup> 23 U.S.C. s. 164(a)(5).

<sup>8</sup> Special exceptions apply for individuals required to operate employer's motor vehicles and for individuals certified by a medical doctor as being unable to provide a deep lung breath sample.

<sup>9</sup> 23 U.S.C. 405(d)(7), defines a 24-7 sobriety program as a state law or program that requires an individual who plead guilty or was convicted of a DUI to abstain from alcohol or drugs for a period of time, and be subject to drug or alcohol testing at least twice per day, by continuous transdermal monitoring, or by an alternate method with the concurrence of the Secretary.

<sup>10</sup> Congress.Gov, *H.R.22 – FAST Act*, Pub. L. No. 114-94, (Dec. 4, 2015), available at <https://www.congress.gov/bill/114th-congress/house-bill/22/text> (last visited Feb. 23, 2016).

<sup>11</sup> *Id.*

<sup>12</sup> Section 316.193, F.S.

<sup>13</sup> Florida Association of DUI Programs, Inc., *24-7 Sobriety Program*, p. 3, (on file with the Senate Committee on Transportation).

<sup>14</sup> MADD, *Ignition Interlock FAQ's*, available at <http://www.madd.org/drunken-driving/ignition-interlocks/interlockfaq.html> (last visited Feb. 23, 2016).

they cannot afford to participate in a sobriety and drug monitoring program or have an IID installed are unavailable.<sup>15</sup>

#### Efficacy of Programs

According to the National Highway Traffic Safety Administration (NHTSA), there are three ways to prevent DUI offenses:

- Prevent driving (i.e. revoking the offender's privilege);
- Prevent driving after drinking (e.g. using IIDs); or
- Prevent drinking (e.g. 24-7 sobriety programs).<sup>16</sup>

South Dakota has been using a 24-7 Sobriety Program for "Driving While under the Influence" offenders since 2005.<sup>17</sup> Between 2005 and 2010, South Dakota had over 17,000 residents participate in the program. Counties documented a 12 percent reduction in repeat DUI arrests and a 9 percent reduction in domestic violence arrests since adoption of the program.<sup>18</sup>

When compared to the administrative suspension of the driver license, IIDs reduce DUI recidivism while the device is installed in the vehicle; however, when the IID is removed re-arrest rates return to levels similar to those who did not have an IID.<sup>19</sup>

#### *Effect of Proposed Changes*

**Sections 4, 14, and 15** amend ss. 316.193, 322.271, and 322.2715, F.S., to require offenders to participate in a sobriety and drug monitoring program when an IID is required. This requirement starts October 1, 2016, which is the date the federal law allowing the use of 24-7 sobriety programs for DUI offenders goes into effect. Specifically, a sobriety and drug monitoring program is required to be used in addition to an IID upon:

- A second or subsequent DUI violation;
- A first DUI offense if the court ordered placement of an IID;
- The petition of the DHSMV for a hardship license if the DHSMV required use of an IID and ordered by the court; and
- The order of an IID by the DHSMV.

**Section 4** defines a "qualified sobriety and drug monitoring program," and "evidence-based program" as used in chs. 316, and 322, F.S., and directs the DHSMV to adopt rules to implement qualified sobriety and drug monitoring programs. It also removes current provisions that allow a court to order a person to participate in a qualified sobriety and drug monitoring program in addition to the mandatory installation of an IID for second or subsequent DUI offenses.

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<sup>15</sup> Florida Legislature Office of Program Policy Analysis & Government Accountability, *Ignition Interlock Devices and DUI Recidivism Rates*, Report No. 14-14, p. 4, (Dec. 2014), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1414rpt.pdf> (last visited Feb. 23, 2016).

<sup>16</sup> U.S. Department of Transportation, National Highway Traffic Safety Administration, *Transdermal Alcohol Monitoring Case Studies*, p. 1, (Aug. 2012) (on file with the Senate Committee on Transportation).

<sup>17</sup> South Dakota Office of the Attorney General, *24/7 Sobriety Program*, available at <http://apps.sd.gov/atg/dui247/> (last visited Feb. 23, 2016).

<sup>18</sup> Kilmer, Beau and others, American Journal of Public Health, *Efficacy of Frequent Monitoring with Swift, Certain, and Modest Sanctions for Violations: Insights from South Dakota's 24/7 Sobriety Project*, (Jan. 2013), available at <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2012.300989> (last visited Feb. 23, 2016).

<sup>19</sup> *Supra* note 16.

## **Additional Lighting on Buses (Section 5)**

### ***Present Situation***

Section 316.235, F.S., allows buses to have additional lighting on the rear of the bus to indicate a bus is slowing down, preparing to stop, or is stopped. The deceleration lighting system consists of amber lights mounted horizontally on the back of the bus, which are visible from a distance of not less than 300 feet to the rear in normal sunlight. The lights are permitted to light and flash during deceleration, braking, or idling of the bus.<sup>20</sup>

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

**Section 5** of the bill amends s. 316.235, F.S., to provide that the bus deceleration lighting system must consist of *two red or* amber lights mounted on the rear of a bus that are no greater than 12 inches apart.

## **Driver-Assistive Truck Platooning (Sections 1, 2, and 6)**

### ***Present Situation***

In August of 2014, the NHTSA issued an advance notice of proposed rulemaking on vehicle-to-vehicle (V2V) communications technology.<sup>21</sup> V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.<sup>22</sup> NHTSA advises that, “Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment.”<sup>23</sup>

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as 30 feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption. The concept of DATP is based on a system that controls the spacing between the vehicles based on information from forward-looking radars and V2V communications. Information on braking and other operational data is exchanged between the vehicles allowing the system to automatically adjust engine and brakes in real-time.<sup>24</sup>

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<sup>20</sup> Section 316.235(5), F.S.

<sup>21</sup> National Highway Traffic Safety Administration, *U.S. Department of Transportation Issues Advance Notice of Proposed Rulemaking to Begin Implementation of Vehicle-to-Vehicle Communications Technology*, (August 18, 2014), available at <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2014/NHTSA-issues-advanced-notice-of-proposed-rulemaking-on-V2V-communications> (last visited Feb. 23, 2016).

<sup>22</sup> U.S. Department of Transportation, SAFETYPILOT Connected Vehicle Technology, *Fact Sheet: Improving Safety and Mobility Through Connected Vehicle Technology*, available at [http://www.its.dot.gov/safety\\_pilot/pdf/safetypilot\\_nhtsa\\_factsheet.pdf](http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf) (last visited Feb. 23, 2016).

<sup>23</sup> National Highway Traffic Safety Administration, *Vehicle-to-Vehicle Communications*, available at <http://www.safercar.gov/v2v/index.html> (last visited Feb. 23, 2016).

<sup>24</sup> Go by Truck, Global News, *Driver Survey: Platooning*, (November 18, 2014), available at <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Feb. 23, 2016).

Another system uses integrated sensors, controls, and wireless communications to connect trucks. The system synchronizes acceleration and braking between vehicles, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The system determines in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.<sup>25</sup>

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.<sup>26</sup>

Section 316.303, F.S. prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver's seat. This does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system.

### *Effect of Proposed Changes*

**Section 1** amends s. 316.003, F.S., to define the term:

- “Driver-Assistive Truck Platooning Technology” as vehicle automation technology that integrates a sensor array, wireless communications, vehicle controls, and specialized software to synchronize the acceleration and braking between no more than two truck tractor-semitrailer combinations, while leaving each vehicle's steering control and systems command in the control of the vehicle's driver.

**Section 2** amends s. 316.0895, F.S., to exempt two-truck tractor-semitrailer combinations from the minimum 300 foot following distance requirement when the combination is equipped and connected with driver-assistive truck platooning technology and operating on a multilane limited access facility, if:

- The owner or operator submits to the DHSMV an instrument of insurance, surety bond, or acceptable proof of self-insurance in the amount of \$1 million;
- The vehicles are equipped with external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and
- The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179, for transporting hazardous materials.

**Section 6** amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver's seat, and to authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

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<sup>25</sup> See Peloton, *FAQ*, available at <http://www.peloton-tech.com/faq/> (last visited Feb. 23, 2016).

<sup>26</sup> Section 316.0895(2), F.S.

## Autonomous Vehicles (Section 6)

### *Present Situation*

Autonomous or “self-driving” vehicles are those operated “without direct driver input to control the steering, acceleration, and braking and are designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode.”<sup>27</sup> According to the NHTSA, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.<sup>28</sup> Some expect increased availability and use of autonomous vehicles within the next 5 years.<sup>29</sup>

Section 316.303, F.S. prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver’s seat. This does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system.

### *Effect of Proposed Changes*

**Section 6** amends s. 316.303(1), F.S. to allow vehicles equipped with autonomous technology to have television broadcast or pre-recorded video entertainment content visible from the driver’s seat if the vehicle is being operated in autonomous mode.

## Updating Driver License, Identification Card, or Motor Vehicle Registration (Sections 7 and 11)

### *Present Situation*

The required timeframe to update a driver license or motor vehicle registration to reflect an address or legal name change varies depending on the specific action and residency of the individual. Specifically:

- A new resident of the state is required to obtain a Florida driver license within 30 days;<sup>30</sup>
- An owner of a motor vehicle registered in this state must notify the DHSMV in writing of an address change within 20 days;<sup>31</sup> and
- An individual who possesses a Florida driver license or identification card who changes his or her legal name or mailing address must obtain a replacement card or license reflecting the change within 10 days.<sup>32</sup>

<sup>27</sup> National Highway Traffic Safety Administration, *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*, (May 30, 2013), available at <http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development> (last visited Feb. 23, 2016).

<sup>28</sup> National Highway Traffic Safety Administration, *Preliminary Statement of Policy Concerning Automated Vehicles*, available at [http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated\\_Vehicles\\_Policy.pdf](http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf) (last visited Feb. 23, 2016).

<sup>29</sup> TechCrunch, *Autonomous Cars are Closer Than You Think* (Jan. 18, 2015), available at <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/> (last visited Feb. 23, 2016).

<sup>30</sup> Section 322.031, F.S.

<sup>31</sup> Section 320.02, F.S.

<sup>32</sup> Section 322.19, F.S.



*Effect of Proposed Changes*

**Section 7** amends s. 320.02, F.S., to require the owner of a motor vehicle registered in this state to notify the DHSMV in writing of any address change within 30 days, rather than 20.

**Section 11** amends s. 322.19, F.S., to require an individual who possesses a Florida driver license or identification card who changes his or her legal name or mailing address card to obtain a replacement card or license reflecting the change within 30 days, rather than 10.

Both sections exclude these changes from affecting the 48 hour timeframe within which a Sexual Offender, Sexual Predator, or Career Offender must notify the DHSMV of such changes.

**Motor Vehicle Registrations (Sections 8 and 9)***Present Situation*

Except as otherwise provided in law, every owner or person responsible for a motor vehicle that is operated in this state must register the vehicle in this state.<sup>33</sup> Most motor vehicles have a registration period of either 12 or 24 months during which the registration is valid.<sup>34</sup>

Section 320.07, F.S., provides that the vehicle registration expires at midnight on the owner's birthday. An owner of a motor vehicle, requiring registration, who operates the vehicle on the roadways without a valid registration is subject to the following penalties:

- Registration expired for a period of six months or a first offense is a nonmoving violation (\$30 fine and court costs);
- Registration expired for a period of over six months and a second or subsequent offense is a second degree misdemeanor (a fine up to \$500 and up to 60 days imprisonment).<sup>35</sup>

Upon payment of the appropriate registration taxes and fees, a validation sticker is issued showing the owner's birth month and year of expiration, which is placed on the upper right corner of the license plate.<sup>36</sup> The sticker does not indicate the day the registration expires, it only specifies the month.

*Effect of Proposed Changes*

**Section 8** amends s. 320.055, F.S., to extend the registration renewal period to end at midnight on the last day of the vehicle owner's birth month.

**Section 9** amends s. 320.07, F.S., to prohibit a law enforcement officer from issuing a citation for an expired registration until midnight on the last day of the owner's birth month of the year the registration expires.

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<sup>33</sup> Section 320.02, F.S.

<sup>34</sup> Section 320.01(19)(a), F.S.

<sup>35</sup> Section 320.07, F.S.

<sup>36</sup> Section 320.06(1)(b)1., F.S.

## **No-Cost Identification Card for Certain Juvenile Offenders (Sections 10 and 12)**

### ***Present Situation***

The cost to obtain an original identification card is \$25, which is deposited into the General Revenue Fund. Applicants who present evidence satisfactory to the DHSMV that they are homeless or whose annual income is at or below 100 percent of the federal poverty level are exempt from such fee.<sup>37</sup>

Additionally, the DHSMV issues identification cards at no charge to Florida-born inmates prior to their release from the custody of the Department of Corrections or a private correctional facility, if the inmate does not have a valid identification card.<sup>38</sup>

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

**Sections 10 and 12** amend ss. 322.051 and 322.21, F.S., to add that the DHSMV will issue no-charge identification cards to juvenile offenders in the custody or under the supervision of the Department of Juvenile Justice and receiving adult transition services.<sup>39</sup> The cards will be processed by the DHSMV's mobile issuing units.

## **No-Cost Identification Card due to Medical Sanction of a Driver License (Section 13)**

### ***Present Situation***

Section 322.221, F.S., provides the DHSMV may require an examination or reexamination of a licensee if the DHSMV has good cause<sup>40</sup> to believe the driver is incompetent or otherwise not qualified to be licensed, including being physically or mentally unqualified to operate a motor vehicle. The examination may include determining the competence and driving ability of the driver as well as requiring the driver to submit medical records to be reviewed by the DHSMV's medical advisory board. Upon the conclusion of such examination, the DHSMV may suspend or revoke the driver license of such person, if the DHSMV deems that appropriate.<sup>41</sup>

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

**Section 13** amends s. 322.221, F.S., to require the DHSMV to issue an identification card at no charge to a person whose driver license has been suspended or revoked by the DHSMV due to his or her physical or mental condition.

### **Effective Date**

**Section 16** provides that the bill is effective October 1, 2016.

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<sup>37</sup> Section 322.21(1)(f), F.S.

<sup>38</sup> Sections 322.051(9) and 944.605(7)(a), F.S.

<sup>39</sup> See s. 985.461, F.S.

<sup>40</sup> Good cause means a licensee's driving record, report of disability to the DHSMV, or other evidence which is sufficient to indicate that his or her driving privilege is detrimental to public safety. Section 322.221, F.S.

<sup>41</sup> Section 322.221, F.S.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

Because this bill requires Tax Collectors to issue a no-cost identification card to a person whose driver's license has been suspended or revoked for a medical reason, the bill falls within the purview of Art, VII, s. 18(a), of the Florida Constitution, which provides that counties are not bound by certain general laws that require the expenditure of funds unless certain exceptions or exemptions are met. Subsection (d) provides an exemption from this prohibition for laws determined to have an "insignificant fiscal impact," and this bill appears to have an insignificant impact.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

The Revenue Estimating Conference met January 22, 2016, and adopted the following estimates for the no-cost identification card/driver license provisions of the bill:

- Certain Juvenile Offenders – insignificant negative fiscal impact to the General Revenue Fund in Fiscal Year 2016-2017 and subsequent years (approximately 2,500 juvenile offenders annually could be issued a no-cost identification card); and
- Individuals with a Medical Sanction –
  - Foregone revenue for Fiscal Year 2016-2017 is \$300,000, with a recurring negative impact of \$500,000 to the General Revenue Fund;
  - For the local tax collectors, foregone revenue for Fiscal Year 2016-2017 is \$100,000, with a recurring negative impact of \$100,000. Approximately 18,390 medically sanctioned drivers could be issued a no-cost identification card in Fiscal Year 2016-2017 and that number is expected to increase as Florida's population increases.<sup>42</sup>

**B. Private Sector Impact:**

By making participation in a qualified sobriety and drug monitoring program mandatory for specified DUI offenders, the bill will have a positive fiscal impact on the providers of those programs.

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<sup>42</sup> Florida Revenue Estimating Conference, *HB 7063*, pp. 377-383 (Jan. 22, 2016), available at <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2016/pdf/Impact0122.pdf> (last visited Feb. 23, 2016).

The bill is also expected to have a positive fiscal impact on:

- Juvenile offenders in custody or under the supervision of the DJJ who will receive a state identification card at no-charge; and
- Individuals whose license was suspended or revoked for a physical or mental condition (medical sanction) who will be provided a state identification card at no-charge.

The bill will have a negative fiscal impact on DUI offenders required to install an IID on their vehicle, as they will also be required to comply with a sobriety and drug monitoring program at their expense in order to reinstate their driving privilege. With the exception of the random testing modality, the cost of which cannot be estimated, a sobriety and drug monitoring program is estimated to cost between \$120 and \$310 per month.

**C. Government Sector Impact:**

The DHSMV indicates that the cardstock used to print an identification card costs \$1.97. The estimated cost to the department for issuing identification cards to approximately 2,500 juvenile offenders and 18,390 individuals with a medical sanction is \$41,153 annually. The department will absorb the additional costs within existing resources.

**VI. Technical Deficiencies:**

Due to a drafting error, Section 8 of the bill conflicts with changes made in Section 9, which has the effect of precluding the issuance of a citation for a lawful condition. Staff recommends retaining current law regarding the renewal period's expiration.

Section 14 of the bill amends s. 322.271, F.S., to provide that a qualified sobriety and drug monitoring program *shall be ordered by the court* in addition to the placement of the IID. Section 322.271, F.S., however, addresses the DHSMV's review of a licensee's application for reinstatement of driving privilege and provides that the DHSMV *may require*, upon review of the application, the use of an ignition interlock device. Staff recommends that participation in a sobriety and drug monitoring program be authorized in s. 322.271, F.S., as an option that the department may also require when reviewing reinstatement applications.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.0895, 316.126, 316.193, 316.235, 316.303, 320.02, 320.055, 320.07, 322.051, 322.19, 322.21, 322.221, 322.271, and 322.2715.

**IX. Additional Information:**

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

**See PCS 726940 by Fiscal Policy (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development) on February 17, 2016.**

CS by Transportation on January 27, 2016:

The CS:

- Removes language from the bill concerning booster seats;
  - Replaces language that provided that vehicle registrations expire at midnight on the last day of the owner's birth month, with a prohibition on law enforcement from issuing a citation for an expired registration prior to midnight on the last day of the owner's birth month;
  - Adds that buses may have, as part of its deceleration lighting system, two red or amber lights no greater than 12 inches apart located on the rear of a bus;
  - Requires certain DUI offenders to participate in a qualified sobriety and drug monitoring program, in addition to placement of an IID, when an IID is required; and
  - Directs the DHSMV to adopt rules to implement qualified sobriety and drug monitoring programs.
- B. **Amendments:**
- None.