

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 487 Persons Who Are Deaf

SPONSOR(S): Highway & Waterway Safety Subcommittee, Torres, Jr. and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 740

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Criminal Justice Subcommittee			
3) Appropriations Committee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (DHSMV) will be required to issue an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon payment of \$1 and sufficient proof from the applicant that they are deaf or hard of hearing as determined by DHSMV.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to have the international symbol for the Deaf and Hard of Hearing exhibited on the identification card or driver license is required to pay a \$2 fee for the card or license that will be deposited into the Highway Safety Operating Trust Fund. If the applicant is not conducting any other transaction affecting the identification card or driver license, the \$25 replacement fee is waived.

The changes made by the bill, shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

The bill appears to have an insignificant negative fiscal impact on state funds. See fiscal comments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Deaf or Hard of Hearing

In Florida, drivers applying for a license who are deaf or cannot hear conversation spoken in a normal tone of voice are restricted to driving with an outside rearview mirror which should be mounted on the left side of the vehicle, or wearing of a hearing aid.¹

There is a restriction currently on a driver license and not the identification card to indicate the requirement to wear a hearing aid. The restriction appears as “K – Hearing Aid” on the back of the driver license. There were 2,001 driver licenses with this restriction as of December 31, 2015.²

One in eight people in the United States (13 percent, or 30 million) aged 12 years or older has hearing loss in both ears, based on standard hearing examinations.³

Proposed Changes

The bill amends ss. 322.051 and 322.14, F.S., requiring the Department of Highway Safety and Motor Vehicles (DHSMV) to issue an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon payment of \$1 and sufficient proof from the applicant that they are deaf or hard of hearing as determined by DHSMV.

The international symbol for the Deaf and Hard of Hearing is depicted below:



An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to have the international symbol for the Deaf and Hard of Hearing exhibited on the identification card or driver license is required to pay a \$2 fee for the card or license that will be deposited into the Highway Safety Operating Trust Fund. If the applicant is not conducting any other transaction affecting the identification card or driver license, the \$25 replacement fee is waived.

The changes made by the bill, shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

B. SECTION DIRECTORY:

Section 1 Amends s. 322.051, F.S., authorizing the international symbol for the Deaf and Hard of Hearing to be exhibited on the identification card of a person who is deaf.

¹ Florida Administrative Rule 15A-1.003(2)

² Email from the Department of Highway Safety and Motor Vehicles (January 27, 2016) on file with the Highway and Waterway Safety Subcommittee

³ National Institute on Deafness and Other Communication Disorders (NIDCD), *Statistics about Hearing, Ear Infections, and Deafness*, <http://www.nidcd.nih.gov/health/statistics/Pages/quick.aspx> (last visited January 26, 2016)

Section 2 Amends s. 322.14, authorizing the international symbol for the Deaf and Hard of Hearing to be exhibited on the driver license of a person who is deaf or hard of hearing.

Section 3 Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The additional \$1 fee may have a positive fiscal impact to DHSMV, although it is unknown how many individuals may apply for the designation upon original issuance or renewal of an identification card or driver license.

There may be a negative but indeterminate fiscal impact to the General Revenue Fund and the Highway Safety Operating Trust Fund or tax collector due to an individual being able to replace his or her identification card or driver license without payment of the \$25 replacement fee, if the sole intention is to add the designation.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals can have the international symbol for the Deaf and Hard of Hearing exhibited on his or her identification card or driver license upon payment of an additional \$1 and by providing sufficient proof that they are deaf or hard of hearing when being issued an original identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to have the international symbol for the Deaf and Hard of Hearing exhibited on the identification card or driver license is required to pay a \$2 fee for the card or license and provide sufficient proof that they are deaf or hard of hearing. If the applicant is not conducting any other transaction affecting the identification card or driver license, the \$25 replacement fee will be waived.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise

revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Highway & Waterway Safety Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The bill as originally filed:

- Required DHSMV to create a form that an individual must complete for an identification card and a placard that indicates the individual is deaf and required DHSMV to design and develop such cards and placards along with developing and adopting rules.
- Required a law enforcement officer to seek the services of an interpreter before arresting or interrogating a deaf person for an alleged criminal violation, providing for an exception in the case of an emergency, and prohibiting a family member from being considered a qualified interpreter under certain circumstances.
- Provided for the establishment of a database of individuals who are deaf, requiring the Department of Law Enforcement to include information from the forms in the database, and authorizing a law enforcement officer to use the database before detaining or arresting an individual who is suspected of violating a criminal law in this state.
- Required the Criminal Justice Standards and Training Commission to provide training for law enforcement officers to interact with the deaf.
- Required a law enforcement agency to have at least one on-call officer who is trained in or knows American Sign Language or to contract with qualified interpreters, and defined the term "law enforcement agency."

This analysis is written to the committee substitute as adopted by the Highway & Waterway Safety Subcommittee.