

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 135 Motor Vehicle Registration Applications
SPONSOR(S): Transportation & Infrastructure Subcommittee; Ausley & others
TIED BILLS: IDEN./SIM. **BILLS:** SB 290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee	11 Y, 0 N	Cobb	Davis
3) Government Accountability Committee			

SUMMARY ANALYSIS

An individual who is deaf or hard of hearing may add the international symbol for the Deaf and Hard of Hearing to his or her driver license or identification card upon providing sufficient proof that he or she is deaf or hard of hearing, and paying an additional fee. In August 2017, the Department of Highway Safety and Motor Vehicles (DHSMV) began introducing driver licenses and identification cards with the Deaf and Hard of Hearing designation in selected counties and will be in statewide distribution by January 2018.

The bill requires DHSMV to include language on the motor vehicle registration application that allows a deaf or hard of hearing applicant to voluntarily indicate that he or she is deaf or hard of hearing. This notation will be included through the Driver and Vehicle Information Database (DAVID) and available through the Florida Crime Information Center (FCIC) system.

The Department estimates that approximately 579 programming hours, or the equivalent of \$23,745 in FTE and contracted resources, will be required to implement the bill. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Motor Vehicle Registration

The motor vehicle registration process is set out in s. 320.02, F.S., and incorporated in form HSMV 82040.¹ Applicants must provide the street address of the owner's permanent residence and a valid driver license, identification card, or passport.² Any vehicle registered outside the state must be accompanied by a sworn affidavit from the seller and purchaser verifying the vehicle identification number (VIN), or a copy of the outside state's departmental form indicating that the vehicle has been physically inspected and the VIN verified.³ The owner of any motor vehicle registered in the state must notify DHSMV in writing of any change of address within 30 days of such change.⁴ Additionally, the owner of the vehicle must provide proof that personal injury protection (PIP) benefits, property damage liability coverage, bodily injury or death coverage, and combined bodily liability insurance and property damage liability insurance have been purchased.⁵

For the majority of motor vehicles, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month the next year.⁶ The renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.⁷ For vehicles weighing over a certain amount, the registration period must be a period of 12 months beginning in a month designated by DHSMV and ending on the last day of the 12th month.⁸ For a vehicle subject to this registration period, the renewal period is the last month of the registration period.⁹ However, there is an extended registration period where a motor vehicle registration is valid for 24 months.¹⁰

Florida's Implementation of the International Symbol for the Deaf and Hard of Hearing

An individual who is deaf or hard of hearing may add the international symbol for the Deaf and Hard of Hearing to his or her driver license¹¹ or identification card¹² upon providing sufficient proof that he or she is deaf or hard of hearing and paying an additional fee. An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional \$1 fee. An individual who surrenders and replaces his or her driver license or identification card before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional \$2 fee to be deposited into the Highway Safety Operating Trust Fund. If the applicant is not conducting any other transaction affecting the driver license or identification card, the standard \$25 replacement fee is waived.

¹ Florida Department of Highway Safety and Motor Vehicles Form HSMV 82040, available at <https://www.flhsmv.gov/pdf/forms/82040.pdf> (last visited October 20, 2017).

² Section 320.02(2)(a), F.S.

³ Section 320.02(3), F.S.

⁴ Section 320.02(4), F.S.

⁵ Section 320.02(5)(a), F.S.

⁶ Section 320.055(1)(a), F.S.

⁷ Section 320.055(1)(a), F.S.

⁸ Section 320.055(5), F.S.

⁹ Section 320.055(5), F.S.

¹⁰ Sections 320.055(1)(b), 320.01(19)(b), F.S.

¹¹ Section 322.14, F.S.

¹² Section 322.051, F.S.

In August 2017, DHSMV began introducing driver licenses and identification cards with the Deaf and Hard of Hearing designation in selected counties and will be in statewide distribution by January 2018.¹³

Driver and Vehicle Information Database (DAVID)

DAVID provides easy-to-use, secure web-based access to driver license identity information, driver license transactions, driver license records, and vehicle titles and registrations.¹⁴ In order for an agency to gain access to the information on DAVID, DHSMV and the requesting agency must enter into a Memorandum of Understanding (MOU).¹⁵ The MOU establishes the purposes for and conditions of electronic access to DAVID.¹⁶ DAVID may only be used by law enforcement for official law enforcement purposes such as:

- Traffic stops;
- Investigations;
- Missing persons;
- Automobile crashes; and
- Natural disasters.¹⁷

As of 2017, there are 68,790 active DAVID users.¹⁸

Florida Crime Information Center (FCIC) System

The Florida Department of Law Enforcement Criminal Justice Information Services (CJIS) is the central source of criminal history records for the State of Florida and provides criminal identification screening to agencies and private citizens to identify persons with criminal warrants, arrests, and convictions that impact employment, licensing, eligibility to purchase a firearm, as well as a variety of criminal justice functions.¹⁹ Additionally, CJIS helps guarantee the quality of the data available on the FCIC system.²⁰

The FCIC system is a database that provides criminal justice agencies with access to federal and state criminal justice information.²¹ The FCIC system is used for rapid communications such as:

- Be On the Look Out (BOLO) notices, used to notify the public and law enforcement when assistance is needed finding a suspect.
- All Points Bulletin, used as a broadcast alert from one police station to all others in a particular area or state with instructions to arrest a particular suspect.
- Florida Administrative Message, law enforcement related messages used when the sender and recipient are both within the State of Florida.²²

Additionally, the FCIC system provides connectivity to DHSMV and the National Crime Information Center (NCIC) and contains additional "Hot Files" with the most heavily used type of criminal justice information not stored in NCIC.²³ Some of the information in Hot Files include:

- Abandoned vehicles;

¹³ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: implementation of deaf and hard of hearing symbol on driver license (October 26, 2017).

¹⁴ Florida Department of Highway Safety and Motor Vehicles, *D.A.V.I.D.*, slide 2 (on file with the House Transportation & Infrastructure Subcommittee).

¹⁵ Florida Department of Highway Safety and Motor Vehicles, *DAVID*, slide 3 (on file with the House Transportation & Infrastructure Subcommittee).

¹⁶ *Id.*

¹⁷ *Id.* at 8.

¹⁸ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 135 DAVID Users (October 26, 2017).

¹⁹ Florida Department of Law Enforcement, *Criminal Justice Information Services*, available at <http://www.fdle.state.fl.us/cms/CJIS/CJIS-Home.aspx> (last visited October 23, 2017).

²⁰ *Id.*

²¹ Florida Department of Law Enforcement, *Criminal Justice Information Services*, slide 13 (on file with the House Transportation & Infrastructure Subcommittee).

²² *Id.*

²³ *Id.*

- Recovered guns;
- Deported felons;
- Sexual predators; and
- Injunctions related to domestic violence.²⁴

Proposed Changes

The bill amends s. 320.02, F.S., requiring DHSMV to include language on the motor vehicle registration application that allows a deaf or hard of hearing applicant to voluntarily indicate that he or she is deaf or hard of hearing. This notation will be included through DAVID and available through the FCIC system.

The bill will enable law enforcement officers to access this information upon searching a license plate prior to approaching the motor vehicle during a traffic stop.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.02, F.S., relating to registration required; application for registration; forms.

Section 2: Amends s. 320.27, F.S., relating to motor vehicle dealers.

Section 3: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department estimates that approximately 579 programming hours, or the equivalent of \$23,745 in FTE and contracted resources, will be required to implement the bill.²⁵ These costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²⁴ *Id.* at 14.

²⁵ Department of Highway Safety and Motor Vehicles, *SB 290 Agency Analysis*, p. 5 (2018) (on file with the House Transportation & Infrastructure Subcommittee).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 8, 2017, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Replaced the term “hearing impaired” with “deaf or hard of hearing” to be consistent with the language used in other statutes;
- Clarified the flow of information through DAVID and the FCIC system; and
- Changed the effective date from July 1, 2018 to October 1, 2018.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.