

**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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1694

INTRODUCER: Infrastructure and Security Committee and Senator Flores

SUBJECT: Driver License Fees

DATE: February 17, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1694 establishes a \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability, as defined in s. 393.063, F.S.

SB 1692 is a linked bill that creates a capital letter “D” designation for a person who has a developmental disability to be placed on his or her driver license, upon request for a new, renewal, or replacement driver license.

The bill may have an insignificant, positive fiscal impact. The Revenue Estimating Conference has not yet met to estimate the impact of the bill.

The bill will take effect on the same date that SB 1692 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### Developmental Disability

“Developmental disability’ is a broad term that refers to a variety of conditions that interfere with a person’s ability to function in everyday activities.”<sup>1</sup> Under Florida law, a “developmental disability” is defined as disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.<sup>2</sup> In 2016, the Florida Developmental Disabilities Council estimated that there were approximately 100,000 individuals living in Florida who met the developmental disability criteria.<sup>3</sup>

“Autism” is defined as a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.<sup>4</sup>

The Center for Disease Control (CDC) estimates that one in 59 children have been identified with autism spectrum disorder (ASD).<sup>5</sup> The CDC defines “autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. “There is often nothing about how people with ASD look that sets them apart from other people, but people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The learning, thinking, and problem-solving abilities of people with ASD can range from gifted to severely challenged. Some people with ASD need a lot of help in their daily lives; others need less.”<sup>6</sup>

A diagnosis of ASD includes several conditions that used to be diagnosed separately: autistic disorder, Asperger’s syndrome, and pervasive developmental disorder not otherwise specified.<sup>7</sup>

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<sup>1</sup> Florida Developmental Disabilities Council, *Developmental Disability Services in Florida*, available at <https://www.fddc.org/places-to-find-help> (last visited February 12, 2020).

<sup>2</sup> Section 393.063(12), F.S.

<sup>3</sup> Senate Bill Analysis and Fiscal Impact Statement, *CS/CS/SB 718*, February 29, 2016.

<sup>4</sup> Section 393.063(5), F.S.

<sup>5</sup> Center for Disease Control and Prevention, Autism and Developmental Disabilities Monitoring (ADDM) Network, available at <https://www.cdc.gov/ncbddd/autism/addm.html> (last visited February 12, 2020).

<sup>6</sup> Center for Disease Control and Prevention, What is Autism Spectrum Disorder?, <https://www.cdc.gov/ncbddd/autism/facts.html> available at (last visited February 12, 2020).

<sup>7</sup> *Id.* See also ss. 627.6686(2)(b) and 641.31098(2), F.S.

## Designations on Driver Licenses and Identification Cards

Currently, the designations an individual may have voluntarily placed on his or her driver license or identification card are:<sup>8</sup>

- Lifetime sportsman license;
- Lifetime boater;
- Lifetime freshwater fishing license;
- Lifetime saltwater fishing license;
- Lifetime hunting license;
- Veteran;
- Insulin dependent;
- Organ donor; and
- Deaf/hard of hearing.

Additionally, an individual may have voluntarily placed on his or her identification card a designation that the person has a developmental disability.<sup>9</sup> Upon request of a person who has a developmental disability or a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles will issue an identification card that exhibits a capital “D.” The request must be accompanied by payment of an additional \$1 fee and sufficient proof that the person has been diagnosed with a developmental disability by a licensed physician.<sup>10</sup> A replacement license may be issued with the capital “D” without payment of the fee required in s. 322.21(1)(f), F.S.

## Replacement Driver Licenses

A replacement Class E driver license is \$25. If the replacement license is issued by the tax collector, \$7 is retained by the tax collector, otherwise the \$7 is deposited into the Highway Safety Operating Trust Fund. The remaining \$18 is deposited into the General Revenue Fund.<sup>11</sup>

### III. Effect of Proposed Changes:

The bill establishes a \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability, as defined in s. 393.063, F.S.

The bill directs the \$2 fee to be deposited in the Highway Safety Operating Trust Fund.

The bill will take effect on the same date that SB 1692 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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<sup>8</sup> Sections 322.051(8), 322.14, 322.141(2), and 765.521, F.S. See Department of Highway Safety and Motor Vehicles, *General Information – License Classes, Endorsements & Designations*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/general-information/license-classes-endorsements-designations/> (last visited February 12, 2020).

<sup>9</sup> Section 322.051(8)(e), F.S.

<sup>10</sup> The \$1 fee is deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.

<sup>11</sup> Section 322.21(1)(e), F.S.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Article VII, s.19 of the Florida Constitution requires “a supermajority vote” of two-thirds of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>12</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>13</sup> A state tax or fee imposed or authorized must be contained in a separate bill that contains no other subject.<sup>14</sup>

The \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license and the fee of \$2 to have the designation added to a replacement driver license of a person who has a developmental disability may be new state fees subject to the constitutional requirements.

**E. Other Constitutional Issues:**

None.

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

The bill establishes a \$1 fee that will be charged for the addition of the capital letter “D” to be exhibited on a new or renewed driver license, or a fee of \$2 to have the designation added to a replacement driver license, of a person who has a developmental disability, as defined in s. 393.063, F.S.

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<sup>12</sup> FLA. CONST. art. VII, s. 19(a).

<sup>13</sup> FLA. CONST. art. VII, s. 19(d)(1).

<sup>14</sup> FLA. CONST. art. VII, s. 19(e).

**B. Private Sector Impact:**

Individuals who choose the addition of the capital letter “D” to be exhibited on their driver license will pay an additional fee of \$1 for a new or renewed driver license and \$2 for a replacement driver license in addition to existing fees.

**C. Government Sector Impact:**

The bill may have an insignificant, positive fiscal impact to the Highway Safety Operating Trust Fund. The Revenue Estimating Conference has not yet met to estimate the impact of the bill.

For a new or renewed driver license the \$1 additional fee would be deposited in the Highway Safety Operating Trust Fund. For a replacement driver license the \$2 additional fee would be deposited in the Highway Safety Operating Trust Fund.

**VI. Technical Deficiencies:**

The bill needs further amendment to s. 322.14(1)(f)1., F.S., to provide that the designation will be added upon the request of the person who has a developmental disability, or their parent or guardian, to correspond to the amended language in CS/SB 1692.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 322.14 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Infrastructure and Security on February 10, 2020:**

The committee substitute links the bill to SB 1692 to provide the fee component for the addition of the “D” designation on a driver license, as well as for linking the effective date to the same date provided in SB 1692 or similar legislation that takes effect, if adopted in the same legislative session or an extension thereof and becomes a law.

**B. Amendments:**

None.