

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 789 Driver License Fees

**SPONSOR(S):** State Affairs Committee, Transportation & Infrastructure Subcommittee, Tomkow

**TIED BILLS:** CS/CS/HB 787 **IDEN./SIM. BILLS:** CS/SB 1694

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	12 Y, 0 N	Hicks	Davis
3) State Affairs Committee	23 Y, 0 N, As CS	Roth	Williamson

### SUMMARY ANALYSIS

House Bill 787 (2020), which this bill is linked to, authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability.

This bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation. The fees are deposited into the Highway Safety Operating Trust Fund.

This bill will have a positive, but insignificant, fiscal impact on state and local government revenues.

This bill will take effect on the same date that CS/CS/HB 787 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**This bill authorizes a new state fee, requiring a two-thirds vote of the membership of the House. See Section III.A.2. of the analysis.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

The Florida Constitution provides that no state tax or fee may be imposed, authorized, or raised by the Legislature except through legislation approved by two-thirds of the membership of each house of the Legislature.<sup>1</sup> For purposes of this requirement, a “fee” is any charge or payment required by law, including any fee or charge for services and fees or costs for licenses and to “raise” a fee or tax means to:<sup>2</sup>

- Increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;
- Increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
- Decrease or eliminate a state tax or fee exemption or credit.

A bill that imposes, authorizes, or raises any state fee or tax may only contain the fee or tax provision(s) and may not contain any other subject.<sup>3</sup>

The constitutional provision does not authorize any state tax or fee to be imposed if it is otherwise prohibited by the constitution and does not apply to any tax or fee authorized or imposed by a county, municipality, school board, or special district.<sup>4</sup>

##### CS/CS/House Bill 787 (2020)

CS/CS/House Bill 787 (2020), which this bill is linked to, authorizes the addition or removal of an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability.

##### Effect of Proposed Changes

The bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation. The fees are deposited into the Highway Safety Operating Trust Fund.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 322.14, F.S., relating to licenses issued to drivers.

**Section 2:** Provides that this act takes effect on the same date that CS/CS/HB 787 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See Fiscal Comments.

##### 2. Expenditures:

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<sup>1</sup> Fla. Const. art. VII, s. 19(a)-(b).

<sup>2</sup> Fla. Const. art. VII, s. 19(d).

<sup>3</sup> Fla. Const. art. VII, s. 19(e).

<sup>4</sup> Fla. Const. art. VII s. 19(c).

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill authorizes DHSMV to charge a \$1 or \$2 fee for a “D” designation on a driver license. Pursuant to s. 322.135(1)(c), F.S., tax collectors are required to charge a service fee of \$6.25 per driver license service request per customer. This will have a positive but likely insignificant impact to the tax collectors.<sup>5</sup>

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Individuals diagnosed with a developmental disability may opt to pay an additional \$1 or \$2 fee for a “D” designation on their driver license.

**D. FISCAL COMMENTS:**

DHSMV estimates the bill will have an indeterminate, negative impact to both DHSMV’s operational resources and to the resources dedicated to the Motorist Modernization Phase 1 project. Programming will be required in the Florida Driver License Information System to incorporate fee code changes to collect the \$1 or \$2 fee.<sup>6</sup> It is expected DHSMV can absorb these costs within existing resources.

Based upon the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation, this bill will have a positive, but insignificant, fiscal impact on state government revenues.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, the bill appears to implicate Art. VII, s. 19 of the Florida Constitution because the bill authorizes a \$1 or \$2 fee for an optional “D” designation on a driver license.

**B. RULE-MAKING AUTHORITY:**

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

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<sup>5</sup> Department of Highway Safety and Motor Vehicles, Agency Analysis of House Bill 787 & 789, p. 4 (January 23, 2020).

<sup>6</sup> *Id.*

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Authorized a person with a developmental disability to remove the “D” designation from his or her driver license for a \$2 fee; and
- Authorized a person with a developmental disability to present sufficient proof of the diagnosis from a physician licensed under chapter 459, F.S.

On February 27, 2020, the State Affairs Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment conformed the bill to CS/CS/HB 787 and specified that the developmental disability designation is optional.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.