

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 341 Designation of a Diagnosis on Motor Vehicle Registrations
SPONSOR(S): Infrastructure Strategies Committee, Transportation & Modals Subcommittee, Salzman, Tant, and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 288

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	14 Y, 0 N, As CS	Walker	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee	14 Y, 0 N	Hicks	Davis
3) Infrastructure Strategies Committee	22 Y, 0 N, As CS	Walker	Harrington

SUMMARY ANALYSIS

Every owner or person in charge of a motor vehicle that is operated or driven on the roads of Florida must register the vehicle in the state. The owner or person in charge must apply to the Department of Highway Safety and Motor Vehicles (DHSMV) or to its authorized agent for registration of each such vehicle on a form prescribed by the DHSMV.

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.

Additionally, DHSMV must include certain language on the application form such as, but not limited to, language allowing an applicant who is deaf or hard of hearing to voluntarily indicate that he or she is deaf or hard of hearing. If the applicant indicates on the application that he or she is deaf or hard of hearing, such information must be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system.

The bill provides legislative intent and provides that the act may be cited as the "Safeguarding American Families Everywhere (SAFE) Act." The bill requires the application form for motor vehicle registration to include language allowing an applicant to voluntarily indicate that the applicant has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with, any of the following disabilities or disorders by a physician licensed under chapter 458, F.S., or chapter 459, F.S.: autism; attention deficit hyperactivity disorder; down syndrome; Alzheimer's disease; traumatic brain injury; posttraumatic stress disorder; diabetes; an autoimmune disorder; deafness; blindness; and any other mentally or physically limiting disorder.

The bill provides that if the applicant indicates one of the diagnoses listed above on the application, then DHSMV must include the designation "SAFE" in the motor vehicle record. For purposes of this designation, DHSMV may not include in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated. DHSMV must allow a motor vehicle owner or co-owner to update a motor vehicle registration to include or remove the "SAFE" designation at any time.

The bill will have an insignificant negative fiscal impact on state government expenditures. See Fiscal Analysis Section.

The bill has an effective date of October 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Motor Vehicle Registration Application

Every owner or person in charge of a motor vehicle that is operated or driven on the roads of Florida must register the vehicle in the state. The owner or person in charge must apply to the Department of Highway Safety and Motor Vehicles (DHSMV) or to its authorized agent for registration of each such vehicle on a form prescribed by DHSMV.¹

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.²

Additionally, DHSMV must include certain language on the application form such as, but not limited to, language allowing an applicant who is deaf or hard of hearing to voluntarily indicate that he or she is deaf or hard of hearing. If the applicant indicates on the application that he or she is deaf or hard of hearing, such information must be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system.³

The SAFE Program

The Santa Rosa County Sheriff's Office created and operates the SAFE Program with the intent to protect Santa Rosa County's special needs community and any person who may not respond as expected in an emergency situation.⁴ The SAFE Program allows families to voluntarily fill out a form to enroll their loved ones in the program. Once the information from the form is received from a family or individual, the dispatchers enter the details into their local communication system. The information is then securely shared with other first responders in the community. After enrollment in the program, a family will be mailed complimentary decals to place at the entrance of their home and on the rear window of their vehicles if they so choose. The decal is an immediate signal to all Santa Rosa first responders that the family's situation is different and that there is extra information available to keep everyone safe. The decal indicates for first responders to handle the situation with a little extra care.⁵

Effect of the Bill

The bill provides legislative intent and provides that the act may be cited as the "Safeguarding American Families Everywhere (SAFE) Act." The bill requires the application form for motor vehicle registration to include language allowing an applicant to voluntarily indicate that the applicant has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with, any

¹ S. 320.02(1), F.S.

² S. 320.02(2)(a), F.S.

³ S. 320.02(14), F.S.

⁴ Certain law enforcement data has suggested that individuals with special needs are seven times more likely to have law enforcement encounters than the general population. Moreover, studies have suggested that there needs to be better preparation of law enforcement and the special needs community to understand these interactions and to improve the safety of everyone involved in emergency situations. Autism Speaks, *How better understanding can support better outcomes in police interactions with autistics*, (Dec. 23, 2020), <https://www.autismspeaks.org/science-news/how-better-understanding-can-support-better-outcomes-police-interactions-autistics> (last visited Feb. 15, 2024).

⁵ Santa Rosa Sheriff Office, *SAFE Program*, <https://santarosasheriff.org/safe-program/> (last visited Feb. 15, 2024).

of the following disabilities or disorders by a physician licensed under chapter 458, F.S.,⁶ or chapter 459, F.S.:⁷

- Autism;
- Attention deficit hyperactivity disorder;
- Down syndrome;
- Alzheimer's disease;
- Traumatic brain injury;
- Posttraumatic stress disorder;
- Diabetes;
- An autoimmune disorder;
- Deafness;
- Blindness; and
- Any other mentally or physically limiting disorder.

The bill provides that if the applicant indicates one of the diagnoses listed above on the application, then DHSMV must include the designation "SAFE" in the motor vehicle record. For purposes of this designation, DHSMV may not include in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated. Finally, the bill provides that DHSMV must allow a motor vehicle owner or co-owner to update a motor vehicle registration to include or remove the "SAFE" designation at any time.

B. SECTION DIRECTORY:

- Section 1** Provides that the act may be cited as the "Safeguarding American Families Everywhere (SAFE) Act."
- Section 2** Amends s. 320.02, F.S., relating to registration required; application for registration; forms.
- Section 3** Amends s. 320.27, F.S., relating to motor vehicle dealers.
- Section 4** Provides an effective date of October 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates an insignificant, negative fiscal impact of \$33,120 due to programming and implementation costs related to making changes to its motor vehicle registration application, entering the new information in their databases, and making updates to MyDMV Portal.⁸ However, the department reports that these costs can be absorbed within its existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

⁶ Ch. 458, F.S., relates to medical practice. A physician is defined as a person who is licensed to practice medicine in this state.

⁷ Ch. 459, F.S., relates to Osteopathic Medicine. General licensure requirements for a person desiring to be licensed or certified as an osteopathic physician are found in s. 459.0055, F.S.

⁸ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 HB 341, pp. 4-5 (Dec. 14, 2023).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 31, 2024, the Transportation and Modals Subcommittee considered one amendment, which was adopted, and reported the bill favorably as a committee substitute. The amendment:

- Specifies the disabilities or disorders that may be indicated on a motor vehicle registration form.
- Provides that if the applicant indicates one of the specified diagnoses on the application form and provides proof acceptable to the DHSMV of such diagnosis, the information from the application must be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system.
- Provides that the DHSMV must allow a motor vehicle owner or co-owner to update a motor vehicle registration to include or remove information regarding a diagnosis at any time.
- Changes the effective date of the bill.

On February 15, 2024, the Infrastructure Strategies Committee considered one amendment, which was adopted, and reported the bill favorably as a committee substitute. The amendment:

- Provides that if the applicant indicates one of the diagnoses listed on the application, then DHSMV must include the designation "SAFE" in the motor vehicle record.
- For purposes of the designation, prohibits DHSMV from including in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated.
- Provides that DHSMV must allow a motor vehicle owner or co-owner to update a motor vehicle registration to include or remove the "SAFE" designation at any time.

The analysis is drafted to the committee substitute as approved by the Infrastructure Strategies Committee.