

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.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 288

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development, Transportation Committee; and Senator Rodriguez and others

SUBJECT: Designation of a Certain Diagnosis on Motor Vehicle Registrations

DATE: February 20, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u>Shutes</u>	<u>Yeatman</u>	<u>FP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 288 is to be cited as the “Safeguarding American Families Everywhere (SAFE) Act.” The bill provides that the application form for motor vehicle registrations must 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 certain disabilities or disorders by a physician. If the applicant indicates a certain diagnosis on the application, the Department of Highway Safety and Motor Vehicles (DHSMV) must include the designation “SAFE” in the motor vehicle record. The department may not include in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated. The “SAFE” designation may be included or removed at any time upon request of the owner or co-owner.

The bill has an insignificant, negative fiscal impact on state government. See Section V., Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present 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 the 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, the 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 DHSMV does not currently allow a motor vehicle owner or registrant to designate on his or her application form for the motor vehicle registration, whether or not he or she, or is the parent or legal guardian of a child or ward who has been diagnosed with a developmental disability or psychiatric disorder.

Driver License and Identification Card Designations

Driver license and identification cards contain various designations/identifiers/symbols that inform law enforcement, emergency medical personnel, retail establishments, or any persons reviewing the card of certain conditions or entitlements.⁴ Designations related to physical health are as follows:

- Developmental disability is designated as a "D";
- Deaf or hard of hearing may have the international symbol for the deaf; and
- Insulin dependent persons may have the insulin dependent designation.

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

¹ Section 320.02(1), F.S.

² Section 320.02(2)(a), F.S.

³ Section 320.02(14), F.S.

⁴ DHSMV 2024 Legislative Bill Analysis: SB 288 (December 14, 2023) at p. 2.

as expected in an emergency situation.⁵ 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's 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.⁶

III. Effect of Proposed Changes:

The bill provides legislative intent and provides that the act be known as the "Safeguarding American Families Everywhere (SAFE) Act."

The bill amends s. 320.02, F.S., to provide that the application form for motor vehicle registrations must 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 has been diagnosed with any of the following disabilities or disorders by a physician licensed under ch. 458, F.S., or ch. 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; or
- Any other mentally or physically limiting disorder

If the applicant indicates a diagnosis listed above on the application, the department must include the designation "SAFE" in the motor vehicle record. The department may not include in the motor vehicle record personal identifying information of or any diagnosis of a person for whom a diagnosis is indicated. The department must also 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 makes conforming changes in s. 320.27, F.S.

⁵ 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 Jan. 29, 2024).

⁶ Santa Rosa Sheriff Office, *SAFE Program*, <https://santarosasheriff.org/safe-program/> (last visited Jan. 29, 2024).

The bill takes effect October 1, 2024.

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:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an insignificant, negative fiscal impact on the DHSMV, as the department will need to make changes to its motor vehicle registration application and enter the new information in the Driver and Vehicle Information Database. Additionally, the MyDMV Portal will need to be updated. The DHSMV estimates that the bill will cost \$33,120 for such programming and implementation.⁷

VI. Technical Deficiencies:

None.

⁷ DHSMV, 2024 Legislative Bill Analysis: SB 288 (December 14, 2023) at p. 5.

VII. Related Issues:

The DHSMV recommends that the effective date of the bill should be amended to October 1, 2025, in order to allow adequate time for programming and implementation of the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 320.27.

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

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

CS/CS by Appropriations Committee on Transportation, Tourism, and Economic Development on February 13, 2024:

The committee substitute;

- Removes a reference to the Driver and Vehicle Information Database and substitutes the term “motor vehicle record.”
- Prohibits DHSMV from including any personal identifying information of any diagnosis of a person who has indicated a disability in a motor vehicle record.
- Clarifies that a motor vehicle owner or co-owner may update a motor vehicle registration to include or remove the “SAFE” designation at any time.

CS by Transportation on February 6, 2024:

The committee substitute:

- Adds the term “American” to the title of the act to read “Safeguarding American Families Everywhere (SAFE) Act.”
- Lists specific disabilities or disorders which may be included on the application for motor vehicle registration.
- Specifies the information on the application must be included through the Driver and Vehicle Information Database.
- Changes the effective date from July 1, 2024 to October 1, 2024.

B. Amendments:

None.