

**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 256

INTRODUCER: Transportation Committee and Senator Sobel

SUBJECT: Identification Cards

DATE: April 1, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<b>Fav/CS</b>
2.	<u>Miller</u>	<u>Miller</u>	<u>ATD</u>	<b>Favorable</b>
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 256 allows a person with a developmental disability, or a parent or guardian of a child or ward with a developmental disability to voluntarily request to be issued an identification card with a "D" designation for the person diagnosed with a developmental disability.

The Department of Highway Safety and Motor Vehicles (DHSMV) will issue the identification card upon proof of diagnosis of a developmental disability by a licensed physician and payment of a \$10 fee. A replacement identification card that includes the designation may be issued without payment of the current \$25 replacement fee.

According to the DHSMV implementation of the bill will cost an estimated \$90,880 for programming hours and changes to the identification card issuance process.

Revenue from the \$10 additional fee will have a positive indeterminate fiscal impact on the Agency for Persons with Disabilities (APD) Operations and Maintenance Trust Fund. The bill will have a negative indeterminate fiscal impact to the General Revenue Fund and the Highway Safety Operating Trust Fund (HSOTF) due to individuals with the "D" designation being able to receive a replacement identification card without payment of the required \$25 fee.

The bill provides an effective date of October 1, 2015.

## II. Present Situation:

### Developmental Disabilities in Florida

Section 393.063(9), F.S., defines developmental disabilities to mean “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, 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.”

The Florida Developmental Disabilities Council estimates there are approximately 100,000 individuals living in the state who meet the developmental disability criteria.

### Identification Cards in Florida

Any person who is five years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit, may be issued an identification card by the DHSMV upon completion of an application and payment of a \$25 fee.<sup>1</sup> For an original identification card the \$25 fee is deposited into the General Revenue Fund; and for a replacement identification card \$9 is deposited into the HSOTF and \$16 is deposited into the General Revenue Fund.<sup>2</sup>

An identification card issued to a person 5 to 14 years of age expires, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. An identification card issued to a person 15 years of age or older expires, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.<sup>3</sup>

In fiscal year 2013-2014, there were 517,874 identification cards issued statewide.<sup>4</sup>

### Identification Cards for Persons with Developmental Disabilities

Other states have implemented Disability Identification Cards for individuals with developmental disabilities. These identification cards serve as an indicator for police and others that an individual has a developmental disability.

For example, in Illinois, the Disabled Person Identification Card is used to signify an individual has a physical, developmental, visual, hearing, or mental disability, and classifies each disability.<sup>5</sup> The card is able to be used as proof of a disability as well as proof of identification for the individual. In Georgia, disability symbols can be placed on a license, permit, or identification card issued by the Georgia Department of Driver Services.<sup>6</sup> Conditions such as

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<sup>1</sup> Section 322.051, F.S.

<sup>2</sup> Section 322.021(1)(f), F.S., also provides that beginning July 1, 2015, or upon completion of the transition of the driver license issuance services, if the replacement identification card is issued by the tax collector, the tax collector retains \$9 of the fee that would have been deposited in the HSOTF.

<sup>3</sup> Section 322.051(2)(a), F.S.

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *SB 256 Agency Legislative Bill Analysis* (Mar. 13, 2015) (on file with the Senate Committee on Transportation).

<sup>5</sup> See 15 ILCS 335/4a

<sup>6</sup> O.C.G.A. s. 40-5-171 (2010).

PTSD, Dementia, Autism, and developmental disabilities, confirmed by a medical doctor, can be indicated on the back of an individual's license, permit, or identification card.<sup>7</sup>

### **Agency for Persons with Disabilities (APD)**

The APD serves over 50,000 Floridians with developmental disabilities.<sup>8</sup> Revenues deposited into the Operations and Maintenance Trust Fund administered by the APD, under s. 20.1971(2), F.S. go toward client services and administration of those services.<sup>9</sup> These services include: life skills development and job training, personal care assistance, therapeutic and wellness support, transportation services, and specialized medical assistance.

### **III. Effect of Proposed Changes:**

The bill allows a person with a developmental disability<sup>10</sup>, or the parent or guardian of a child or ward with a developmental disability, to voluntarily request to be issued an identification card exhibiting a "D" designation for the person who has been diagnosed by a licensed physician as having a developmental disability.

The DHSMV will issue the identification card upon proof of diagnosis of a developmental disability, acceptable to the department, and an additional fee of \$10. The \$10 fee will be deposited into the Operations and Maintenance Trust Fund administered by the APD. A replacement identification card that includes the "D" designation may be issued without payment of the required \$25 fee. The DHSMV is required by the bill to develop rules for implementing the identification card designation.

The designated identification card could help law enforcement and other officials identify if they are dealing with a developmentally disabled individual. However, it is unknown how many individuals may apply for this designated identification card.

This bill takes effect October 1, 2015.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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

None.

<sup>7</sup> Georgia Department of Driver Services, *DDs-29 Revised (3/23/2011) Form*, <http://www.dds.ga.gov/docs/forms/DDS-29-12610.pdf> (last visited Mar. 16, 2015).

<sup>8</sup> Agency for Persons with Disabilities, *About Us*, <http://apd.myflorida.com/about/> (last visited Mar. 19, 2015).

<sup>9</sup> Email from Agency for Persons with Disabilities, (Mar. 18, 2015) (on file with the Senate Committee on Transportation).

<sup>10</sup> As defined in s. 393.063, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 256, individuals requesting a “D” designation identification card must pay the current \$25 fee for an identification card, plus an additional \$10 fee to receive the card. After receiving an identification card with the “D” designation, a replacement identification card including the designation may be issued without payment of the \$25 replacement fee.

Revenue from the \$10 additional fee may have a minimal positive impact on clients of the APD, since the funds are deposited into its Operations and Maintenance Trust Fund for client services. However, it is unknown how many individuals may apply for this designation identification card.

C. Government Sector Impact:

According to the DHSMV implementation of the bill will cost an estimated \$20,880 in programming hours.<sup>11</sup> The change will also require re-engineering of the driver license issuance functions causing an indeterminate negative fiscal impact to the department and impacting the Motorist Modernization project that is currently underway.<sup>12</sup>

According to the DHSMV’s driver license and identification card vendor,<sup>13</sup> the estimated cost to make required changes to issue the “D” designation identification cards is \$70,000.<sup>14</sup>

Revenue from the \$10 additional fee will have a positive fiscal impact on the APD Operations and Maintenance Trust Fund. However, it is unknown how many individuals may apply for the “D” designation identification card, therefore the impact is indeterminate.

Additionally, the bill will have a negative fiscal impact to the General Revenue Fund and the HSOTF due to individuals with the “D” designation being able to receive a replacement identification card without payment of the required \$25 fee. Because

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<sup>11</sup> DHSMV analysis, *supra* note 4.

<sup>12</sup> *Id.*

<sup>13</sup> MorphoTrust is contracted by the DHSMV to provide items such as, but not limited to, card stock, printer ribbons, and laminates for a set price per license or identification card issued.

<sup>14</sup> DHSMV analysis, *supra* note 4.

demand for “D” designation identification cards and for subsequent requests for replacements. is unknown, the fiscal impact cannot be determined.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 322.051 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 19, 2015:**

The CS:

- Specifies that the \$10 additional fee to receive the “D” designation is to be deposited into the Operations and Maintenance Trust Fund administered by the APD;
- Allows the DHSMV rulemaking authority to facilitate the issuance, requirements, and oversight of developmental identification cards; and
- Modifies the effective date from July 1, 2015, to October 1, 2015.

- B. **Amendments:**

None.