

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 479

Driver License Records

SPONSOR(S): Reed

TIED BILLS:

IDEN./SIM. BILLS: SB 962

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Services Policy Committee		Schoonover	Schoolfield
2)	Roads, Bridges & Ports Policy Committee			
3)	Health & Family Services Policy Council			
4)				
5)				

SUMMARY ANALYSIS

HB 479 amends s. 322.142, F.S., to allow the Department of Children and Family Services (DCF) to access image and signature data of the Department of Highway Safety and Motor Vehicles (DHSMV) for use in expediting the determination of eligibility for public assistance and for use in public assistance fraud investigations.

The Department of Highway Safety and Motor Vehicles estimates that it would incur first year costs of \$464,926 that includes \$182,317 for four FTE, \$160,000 for network servers, \$19,000 for a firewall and \$14,316 for non recurring state standard expenses. The Department estimates recurring costs totaling \$271,610 that includes \$182,317 for salaries, \$22,092 in state standard expenses, \$67,200 for network expenditures, and \$1,596 in personnel services.

The bill takes effect on July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Background

Public Assistance

Public assistance includes benefits paid to individuals through temporary cash assistance, food stamps, Medicaid or optional state supplemental programs.¹

Driver's Licenses and Identification Cards

Applicants for driver's licenses are required by the Department of Highway Safety and Motor Vehicles (DHSMV) to provide proof of a social security card and proof of identity by showing documents including proof of citizenship and lawful non-citizenship status.² Identical requirements exist in law for state issued identification cards.³ Upon receipt of the required fee, DHSMV issues to driver's license and identification card applicants, a color photographic or digital imaged driver's license bearing a full-face photograph or digital image of the licensee.⁴

Temporary Cash Assistance

Under state law, temporary cash assistance applicants must be United States citizens, qualified noncitizens, legal residents of the state, and be able to provide a social security number for each member of the family or show proof of application for one.⁵ The Department of Children and Family Services (DCF) conducts eligibility for and administers the temporary cash assistance program under Title IV-A of the Social Security Act.^{6,7}

¹ s. 414.0252(10), F.S.

² s. 322.08, F.S.

³ s. 322.051, F.S.

⁴ s. 322.142(1) and s. 322.051(8), F.S.

⁵ s. 414.095(2)(a), F.S.

⁶ s. 414.0252(12), F.S.

⁷ s. 414.045, F.S.

Medicaid

Both federal and state law require applicants for Medicaid services to show proof of identity and be United States citizens, or qualified non-citizens and legal residents of Florida.^{8,9} Additionally, federal law classifies a valid state-issued driver's license as satisfactory documentary evidence of both identity and citizenship, as long as the state issuing the license requires proof of U.S. citizenship or obtains a social security number from the applicant.¹⁰ Since the applications require proof of a social security card, a valid Florida driver's license or state-issued identification card is permitted to receive Medicaid benefits in Florida. Once Medicaid eligibility has been determined by DCF, then the Agency for Health Care Administration will administer and supervise the Medicaid benefits for the qualified applicant.¹¹

Supplemental Nutrition Assistance Program (SNAP)

Under state law, food stamps, or SNAP applicants must be United States citizens, qualified noncitizens, legal residents of the state, and be able to provide a social security number for each member of the family or show proof of application for one.¹² Federal law permits both United States citizens and lawful aliens to receive benefits of SNAP.¹³ Specifically, the Code of Federal Regulations requires verification of an applicant's identity by any document which reasonably establishes identity. Driver's licenses or state issued identification cards are reasonable documents under the Code.¹⁴ DCF is the designated department responsible for administering and operating the federally authorized SNAP program.¹⁵

Fraud

Section 414.39(10), F.S., requires DCF to screen applicants for public assistance, including Medicaid, food stamps, and temporary cash assistance, against a fraud-prone case profile to identify cases for fraud. Additionally the Attorney General conducts a statewide program of Medicaid fraud control, which investigates both Medicaid provider and user fraud.¹⁶

Department of Highway and Safety Motor Vehicles (DHSMV) Database

The DHSMV is permitted, pursuant to interagency agreements, to share information from its database, including digital images and signatures, in the following circumstances:¹⁷

- In response to law enforcement agency requests;
- With the Department of State to determine voter registration eligibility;
- With the Department of Revenue for use in establishing paternity and establishing, modifying, or enforcing support obligations;
- With the Department of Children and Families to conduct protective investigations, and
- With the Department of Financial Services relating to unclaimed property.

Under current law, DCF is not permitted to access the DHSMV database to verify identification and citizenship of Medicaid and SNAP applicants, resulting in a delay or lack of receipt of services.¹⁸

⁸ s. 414.095(2), F.S.

⁹ 42 U.S.C. § 1396b(i)(22); 42 C.F.R. § 435.406

¹⁰ 42 U.S.C. § 1396b(x)(3)(b); 42 C.F.R. § 435.407(4)

¹¹ s. 409.901, F.S.

¹² s. 414.095, F.S.

¹³ 7 U.S.C. §2015(f); 7 C.F.R. § 273.2(f)

¹⁴ 7 C.F.R. § 273.2(f)(vii)

¹⁵ s. 414.31, F.S.

¹⁶ s. 409.920 and s. 409.9201, F.S.

¹⁷ s. 322.142(4), F.S.

¹⁸ Department of Children and Families, Staff Analysis HB 479 (2010), on file with Committee.

Effect of Proposed Changes

The bill will permit access to DHSMV database for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations. While the statutory language does not identify which state department or agency will have access to the database for these reasons, it is assumed that DCF will use it to verify eligibility for the various public assistance programs it oversees. The effect of the proposed changes will lessen the time it takes to determine eligibility and reduce benefit errors as a result of incorrect or fraudulent applicant identification.

B. SECTION DIRECTORY:

Section 1. Amends s. 322.142, relating to color photographic or digital imaged licenses.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>
Highway Safety Operating Trust Fund:			
1. Non-Recurring Costs			
Expenses:			
Operating Capital Outlay:	\$ 14,316	\$0.00	\$0.00
	<u>\$179,000</u>	<u>\$0.00</u>	<u>\$0.00</u>
Total	\$193,316	\$0.00	\$0.00
2. Recurring Costs			
Expenses:			
Salaries and Benefits	\$182,318	\$182,318	\$182,318
Expenses-State Standards	20,496	20,496	20,496
Expenses-Bandwidth	67,200	67,200	67,200
Human Resource Services	<u>1,596</u>	<u>1,596</u>	<u>1,596</u>
Total	\$271,610	\$271,610	\$271,610
FTE	4	4	4

Total Costs			
Highway Safety Operating Trust Fund	\$464,926	\$271,610	\$271,610

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

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:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 31-32 do not identify clearly which department or agency will have access to the DHSMV database. If DCF is the intended department to gain access to determine eligibility for public assistance, then the language should be worded to indicate that intention. Further, lines 33-34 give access to the database for public assistance fraud investigations. Both the Attorney General and DCF have statutory authority to investigate fraud relating to Medicaid, which is a public assistance program. Therefore, if it is the intent of the sponsor to grant access to DCF while investigating Medicaid eligibility fraud, then the bill should be amended to indicate that intention. However, if it is the intent of the sponsor to provide access for all public assistance fraud, then the bill should be amended to give access to the database to both DCF and the Attorney General.

The Department of Highway Safety and Motor Vehicles, (DHSMV) in their staff analysis, recommends an amendment to lines 31-37, which will restrict access to a certain number of DCF region employees. DHSMV states that this amendment will provide sufficient access control over digital images and allow implementation without a fiscal impact.¹⁹

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹⁹ Department of Highway Safety and Motor Vehicles, Staff Analysis HB 479 (2010), on file with Committee.