

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1105 Identification Cards
SPONSOR(S): Stark and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
2) Appropriations Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill 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. The additional \$10 fee is deposited into the Operations and Maintenance Trust Fund administered by the Agency for Persons with Disabilities (APD). A replacement identification card that includes the designation may be issued without payment of the \$25 replacement fee.

The bill provides that the changes made to the identification card by this bill will apply upon implementation of new designs for the driver license and identification card by DHSMV.

To the extent that individuals apply for and obtain the “D” designation authorized in the bill at the time their identification cards are issued, renewed, or replaced, there will be a positive fiscal impact on the APD’s Operations and Maintenance Trust Fund, and a negative fiscal impact on the General Revenue Fund, the DHSMV’s Highway Safety Operating Trust Fund and issuing county tax collectors. These impacts are indeterminate and expected to be insignificant.

The bill provides an effective date of October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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.¹

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.² For an original identification card the \$25 fee is deposited into the General Revenue Fund. For a replacement identification card \$9 is deposited into the Highway Safety Operating Trust Fund (HSOTF) or retained by the tax collector issuing the replacement, and \$16 is deposited into the General Revenue Fund.³

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.⁴

In fiscal year 2014-2015, there were 533,584 identification cards issued statewide.⁵

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.⁶ 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.⁷ Conditions such as 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.⁸

Agency for Persons with Disabilities (APD)

¹ Department of Highway Safety and Motor Vehicles, *SB 718 Agency Bill Analysis*, (on file with the Highway and Waterway Safety Subcommittee).

² s. 322.051, F.S.

³ s. 322.21(1)(f), F.S.

⁴ s. 322.051(2)(a), F.S.

⁵ DHSMV Agency Analysis, *supra* note 1.

⁶ See 15 ILCS 335/4a

⁷ O.C.G.A. s. 40-5-171 (2010).

⁸ 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 January 27, 2016).

The APD serves over 50,000 Floridians with developmental disabilities.⁹ Revenues deposited into the Operations and Maintenance Trust Fund administered by the APD consist of receipts from third-party payors of health care services, such as Medicaid.¹⁰ These funds are used to provide services to agency clients and administer those services.¹¹ These services include: life skills development and job training, personal care assistance, therapeutic and wellness support, transportation services, and specialized medical assistance.

Proposed Changes

The bill amends s. 322.051, F.S., allowing 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.

DHSMV will issue the identification card upon proof of diagnosis of a developmental disability by a licensed physician and payment of a \$10 fee. The additional \$10 fee is deposited into the Operations and Maintenance Trust Fund administered by the Agency for Persons with Disabilities (APD). A replacement identification card that includes the designation may be issued without payment of the \$25 replacement fee.

The bill provides that the changes made to the identification card by this bill will apply upon implementation of new designs for the driver license and identification card by DHSMV.

B. SECTION DIRECTORY:

- Section 1** Amends s. 322.051, F.S., requiring DHSMV to issue an identification card exhibiting a special designation for a person who has a developmental disability under certain circumstances; requiring payment of an additional fee and proof of diagnosis by a licensed physician; requiring the fee to be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund; authorizing issuance of a replacement identification card that includes the special designation without payment of a specified fee; requiring the DHSMV to develop rules to facilitate the issuance, requirements, and oversight of developmental disability identification cards.
- Section 2** Provides applicability.
- Section 3** Provides the effective date will be October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There will be a positive indeterminate impact to Operations and Maintenance Trust Fund administered by APD.

2. Expenditures:

The DHSMV estimates 398 programming hours and a fiscal impact of \$24,920 for implementation of the bill.¹²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

⁹ Agency for Persons with Disabilities, *About Us*, <http://apd.myflorida.com/about/> (last visited January 27, 2016).

¹⁰ s. 20.1971(2)(a), F.S.

¹¹ Email from Agency for Persons with Disabilities, (Mar. 18, 2015) (on file with the Highway and Waterway Safety Subcommittee).

¹² DHSMV Agency Analysis, *supra* note 1.

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person with a developmental disability wishing to obtain the "D" designation on his or her identification card will be charged an additional \$10 fee. A replacement identification card that includes the designation may be issued without payment.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

DHSMV shall develop rules to facilitate the issuance, requirements, and oversight of developmental disability identification cards.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None