

**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 718

INTRODUCER: Transportation Committee and Senator Sobel

SUBJECT: Identification Cards

DATE: January 11, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommended: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 718 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.

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.<sup>1</sup>

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<sup>1</sup> Department of Highway Safety and Motor Vehicles, *SB 718 Agency Bill Analysis* (December 9, 2015) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

The bill provides an effective date of October 1, 2016, however, the bill specifies that the “D” designation will not be available on identification cards until the DHSMV implements the new designs for the driver license and identification card, which is anticipated to be in 2017.

## 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.<sup>2</sup>

### 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>3</sup> 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.<sup>4</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>5</sup>

In fiscal year 2014-2015, there were 533,584 identification cards issued statewide.<sup>6</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

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<sup>2</sup> DHSMV Agency Analysis, *supra* note 1.

<sup>3</sup> Section 322.051, F.S.

<sup>4</sup> Section 322.21(1)(f), F.S.

<sup>5</sup> Section 322.051(2)(a), F.S.

<sup>6</sup> Email from Department of Highway Safety and Motor Vehicles (Nov. 24, 2015) (on file with the Senate Committee on Transportation).

disability.<sup>7</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>8</sup> 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.<sup>9</sup>

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

The APD serves over 50,000 Floridians with developmental disabilities.<sup>10</sup> 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.<sup>11</sup> These funds are used to provide services to agency clients and administer those services.<sup>12</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>13</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 bill requires the DHSMV 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.

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 the DHSMV, which is currently anticipated to be in 2017<sup>14</sup>.

This bill takes effect October 1, 2016.

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<sup>7</sup> See 15 ILCS 335/4a

<sup>8</sup> O.C.G.A. s. 40-5-171 (2010).

<sup>9</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 Nov. 23, 2015).

<sup>10</sup> Agency for Persons with Disabilities, *About Us*, <http://apd.myflorida.com/about/> (last visited Nov. 23, 2015).

<sup>11</sup> Section 20.1971(2)(a), F.S.

<sup>12</sup> Email from Agency for Persons with Disabilities, (Mar. 18, 2015) (on file with the Senate Committee on Transportation).

<sup>13</sup> As defined in s. 393.063, F.S.

<sup>14</sup> As stated in the DHSMV analysis of SB 158, (Sept. 3, 2015) (on file with the Senate Committee on Transportation).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Under CS/SB 718, individuals requesting a “D” designation on an identification card must pay an additional \$10 fee. 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 an identification card with the “D” designation.

## C. Government Sector Impact:

How many of the approximately 100,000 individuals living in the state who meet the developmental disability criteria that may apply for an identification card with the “D” designation is unknown. Waiver of the \$25 fee for a replacement identification card will have 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.<sup>15</sup> Revenue from the \$10 additional fee will have a positive fiscal impact on the APD’s Operations and Maintenance Trust Fund. However, because how many individuals may apply for the “D” designated identification card is unknown, that impact is indeterminate.

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<sup>15</sup> DHSMV Agency Analysis, *supra* note 1.

**VI. Technical Deficiencies:**

Section 20.1971(2)(a), F.S., should be amended to specifically include the additional \$10 fee collected from individuals requesting the “D” designation on an identification card as a receipt that may be credited to the Operations and Maintenance Trust Fund administered by the APD.

**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 December 3, 2015:**

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

- B. **Amendments:**

None.