

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 27 Issuance of Driver Licenses & Identification Cards

**SPONSOR(S):** Gaetz and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 240

| <b>REFERENCE</b>                           | <b>ACTION</b> | <b>ANALYST</b> | <b>STAFF DIRECTOR or<br/>BUDGET/POLICY CHIEF</b> |
|--|---------------|----------------|--|
| 1) Highway & Waterway Safety Subcommittee  |               | Whittaker      | Smith  |
| 2) Veteran & Military Affairs Subcommittee |               |                |  |
| 3) Economic Affairs Committee              |               |                |  |

**SUMMARY ANALYSIS**

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of identity for issuing a driver license or identification card.

The bill has no known fiscal impact on state funds.

The bill will take effect upon becoming a law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### The REAL ID Act of 2005

The Federal REAL ID Act became effective nationwide on May 11, 2008. The REAL ID Act established minimum standards for the production and issuance of state-issued driver's licenses and identification cards. It also prohibits Federal agencies from accepting for official uses driver's licenses and identification cards from states unless the Department of Homeland Security determines that the state meets the standards. Official uses are defined as accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft.

The Department of Homeland Security (DHS) announced on December 20, 2013 a phased enforcement plan for the REAL ID Act, as passed by Congress that will implement the Act in a measured, fair and responsible way. Below is the phased enforcement schedule.<sup>1</sup>

| Phase | Enforcement  | Full Enforcement Date |
|-------|--|-----------------------|
| 1     | Restricted areas for DHS's Nebraska Avenue Complex headquarters      | April 21, 2014        |
| 2     | Restricted areas for all Federal facilities and nuclear power plants | July 21, 2014         |
| 3     | Semi-restricted areas for most Federal facilities                    | January 19, 2015      |
| 3a    | Facility Security Levels 1 and 2                                     | January 19, 2015      |
| 3b    | Facility Security Levels 3, 4, and 5                                 | October 10, 2015      |
| 4     | Boarding federally regulated commercial aircraft                     | No sooner than 2016   |

Florida began issuing REAL ID compliant credentials in January of 2010. The new credentials have a gold star in the upper right corner of the card.<sup>2</sup>

According to DHSMV, as of January 13, 2015, 11.5 million individuals have met the new identity standards for a Florida driver license or identification card. Florida is approaching a 70 percent compliance rate and estimates are that by mid to late 2017, numbers will be near 100 percent.<sup>3</sup>

#### Proof of Identity

An essential component of DHSMV's issuance security process is the limitation of which documents are acceptable for establishing an individual's identity and lawful presence. In accordance with Florida Statute, the documents below constitute acceptable proof of identity:<sup>4</sup>

##### U.S. Citizen

- Certified U.S. birth certificate
- Valid U.S. Passport or passport card
- Certificate of Naturalization
- Certificate of Citizenship
- Consular Report of Birth Abroad

##### Immigrant

<sup>1</sup> U.S. Department of Homeland Security, *REAL ID Enforcement in Brief*, <http://www.dhs.gov/real-id-enforcement-brief> (last viewed February 26, 2015).

<sup>2</sup> Department of Highway Safety and Motor Vehicles, *The REAL ID Act*, <http://www.flhsmv.gov/realid/> (last visited February 26, 2015).

<sup>3</sup> Email from Highway Safety and Motor Vehicles dated January 27, 2015 on file with the Highway and Waterway Safety Subcommittee.

<sup>4</sup> s. 322.08(2)(c), F.S.

- I-551, Permanent Resident Card (green card)

Each of the documents listed above possess an avenue for electronic verification with the issuing authority by DHSMV and clearly establish the holder's citizenship status.

### **Effect of Proposed Change**

The bill amends s. 322.08(2)(c), F.S., providing for DHSMV to accept a military personnel identification card as proof of identity for issuing a driver license or identification card.

#### Department of Defense (DoD) Identification Cards

There are two main types of ID cards issued by the DoD. The Common Access Card (CAC) is the standard identification card for active duty uniformed service personnel, Selected Reserve, DoD civilian employees and eligible contractor personnel. The Uniformed Services ID Card is the standard identification card issued to retired military or military family members, they are necessary to access military service benefits and privileges.<sup>5</sup>

#### REAL ID Compliance

In the case of the military personnel identification card, the issuing authority is the U.S. Department of Defense (DoD). At this time, no electronic verification portal exists for the military identification card and there is no assurance that DoD shares a willingness to create or participate in such a process. In the March 9, 2007, Federal Register [72 FR 10820], the federal government addressed its decision to exclude the DoD Common Access Card (CAC) from the list of acceptable identity documents recognized by the federal government:

DHS also considered the Department of Defense's Common Access Card (CAC). The CAC card may prove convenient for members of the military who move frequently and need to get new driver's licenses and identification cards. For the same reasons as the TWIC, DHS is not proposing to include this document on the list at this time. DHS does not dispute the quality or utility of the CAC; however, DHS believes that any CAC holder would also have one of the other documents on the DHS proposed list, and including the CAC card would require States to connect to additional Federal databases for verification purposes, without sufficient "justification.

The bill adds the military identification card to the list of acceptable documents for establishing an individual's identity. Passage could jeopardize Florida's compliance with the REAL ID Act.

#### **B. SECTION DIRECTORY:**

Section 1 Amends s. 322.08, F.S., providing for the Department of Highway Safety and Motor Vehicles to accept a military personnel identification card as proof of identity for purposes of issuing a driver license or an identification card.

Section 2 Provides the bill will take effect upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

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<sup>5</sup> Department of Defense, *DoD Common Access Card*, <http://www.cac.mil/> (last visited February 26, 2015).

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

There is no known fiscal impact with this bill.

**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:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**