

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1739 Driver's Licenses and Identification Cards
SPONSOR(S): Transportation and Russell
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation	16 Y, 0 N	Garner	Miller
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

The validity of a driver's license or Florida identification card of a person proving identity with an employment authorization card issued by the United States Department of Justice or other proof of non-immigrant classification is limited to the shorter of 2 years or the effective period of the document proving identity. DHSMV has no specific authority to cancel a driver's license or identification card if the federal government cancels, revokes, or otherwise invalidates the documents proving the licensee or cardholder's identity. Moreover, DHSMV does not have an effective system of communication with the appropriate branches of the federal government to enable it to know in a timely manner when such documents have been cancelled, revoked, or otherwise invalidated.

HB 1739 authorizes DHSMV to cancel a driver's license or Florida identification card of a foreign person when the documents authorizing that person's presence in the United States are cancelled, suspended, revoked, expired, or otherwise invalidated.

In addition, the bill requires DHSMV, to the fullest extent possible, to obtain from the appropriate departments of the federal government, all cooperation and information necessary to enable it to determine when such departments have cancelled, suspended, revoked, or otherwise caused to be invalidated, any document used by Florida identification card and driver's license applicants to prove eligibility for an identification card or driver's license.

DHSMV will incur administrative costs associated with implementing the bill. These costs are expected to be insignificant.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Under current law, DHSMV may only issue driver's licenses and Florida identification cards to certain non-citizens for a limited period of time. Typically a driver's license is issued for a period of six years initially, and then is renewed for six years after expiration, as long as the licensee has a clean driving record for the three years preceding renewal. If the licensee has points assessed against the license within that three-year period, the renewal is only effective for four years. Florida identification cards are issued for a four-year period and are subsequently renewed for additional four-year periods.

However, if a licensee or Florida identification card holder proves his or her identity in an application for the particular card by means of an employment authorization card issued by the United States Department of Justice or by other proof of non-immigrant classification, then the effective period for a driver's license or Florida identification card is limited to the shorter of two years or the effective period of the documents used to prove identity.

Documents acceptable as proof of non-immigrant classification include:

- A notice of hearing from an immigration court scheduling a hearing on any proceeding;
- A notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
- Notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service;
- Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Immigration and Naturalization Service;
- Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Immigration and Naturalization Service; and
- An order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.

Additional documents acceptable to DHSMV as proof of non-immigrant classification include:

- Resident alien or permanent resident card;
- Form I-94 arrival/departure record;
- Form I-95A crewman's landing permit;
- Certificate of naturalization;
- Form I-571, Refugee travel document.

Although the validity of a driver's license or Florida identification card of a person proving identity with the foregoing documents is limited to the shorter of 2 years or the effective period of the document proving identity, DHSMV has no specific authority to cancel a driver's license or identification card if the federal government cancels, revokes, or otherwise invalidates the documents proving the licensee or cardholder's identity. Moreover, DHSMV does not have an effective system of communication with the appropriate branches of the federal government to enable it to know in a timely manner when such documents have been cancelled, revoked, or otherwise invalidated.

Effect of Proposed Changes

HB 1739 authorizes DHSMV to cancel a driver's license or Florida identification card of a foreign person when the documents authorizing that person's presence in the United States are cancelled, suspended, revoked, expired, or otherwise invalidated.

In addition, the bill requires DHSMV, to the fullest extent possible, to obtain from the appropriate departments of the federal government, all cooperation and information necessary to enable it to determine when such departments have cancelled, suspended, revoked, or otherwise caused to be invalidated, any document used by Florida identification card and driver's license applicants to prove eligibility for an identification card or driver's license.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.051, F.S., providing for the cancellation of a Florida identification card when it has been issued based on certain documents used to prove identity which have subsequently been cancelled, suspended, revoked, expired or otherwise invalidated.

Section 2. Amends s. 322.22, F.S., providing for the cancellation of a Florida driver's license when it has been issued based on certain documents used to prove identity which have subsequently been cancelled, suspended, revoked, expired or otherwise invalidated.

Section 3. Requires DHSMV, to the fullest extent possible, to obtain the necessary information and cooperation required to carry out the authority provided in Sections 1 and 2 of the bill.

Section 4. Provides that this act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

DHSMV will incur administrative costs associated with implementing the bill. These costs are expected to be insignificant.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rule making authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES