

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.)

Prepared By: The Professional Staff of Committee on Rules

BILL: CS/SB 240

INTRODUCER: Transportation Committee and Senators Brandes and Gaetz

SUBJECT: Issuance of Driver Licenses and Identification Cards

DATE: April 14, 2015

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|------------|--------------------|
| 1. | <u>Jones</u> | <u>Eichin</u> | <u>TR</u> | <u>Fav/CS</u> |
| 2. | <u>Miller</u> | <u>Miller</u> | <u>ATD</u> | <u>Favorable</u> |
| 3. | <u>Jones</u> | <u>Phelps</u> | <u>RC</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 240 allows the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of social security number for issuing a driver license or identification card.

The bill has no fiscal impact on the private sector or government.

The bill takes effect July 1, 2015.

II. Present Situation:

REAL ID Act of 2005

The REAL ID Act became effective nationwide on May 11, 2008. The Act establishes minimum standards for the issuance of state driver licenses and identification cards. The Act prohibits Federal agencies from accepting driver licenses and identification cards for official uses¹ if the United States Department of Homeland Security (DHS) has determined the state does not meet the minimum standards.

¹ Department of Homeland Security, *REAL ID FAQs for the Public*, Jan. 11, 2015. <http://www.dhs.gov/real-id-public-faqs> (last visited Mar. 8, 2015). "Official uses are defined as accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft."

Individuals without a license from a compliant jurisdiction may present alternative forms of identification accepted by a federal agency, such as a U.S. Passport. Agencies may have additional processes to accommodate individuals lacking the prescribed identification documents.²

Enforcement of the REAL ID Act will happen in phases³:

| 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's Compliance with the REAL ID Act⁴

Florida began issuing REAL ID compliant driver licenses and identification cards on January 4, 2010. The REAL ID-compliant credentials have a star in the upper right corner of the card. According to the DHSMV, over 11.5 million individuals have met the new identity standards for a Florida driver license or identification card.⁵ Florida currently has a 70 percent compliance rate with the REAL ID Act.

Military Personnel Identification Cards

The Department of Defense (DoD) issues two main types of military identification cards. The Common Access Card is the standard identification for active duty uniformed service personnel, Selected Reserve, DoD civilian employees, and eligible contractor personnel.⁶ The Uniformed Services ID Card is held by retired military and military family members. The card is necessary for retired military and military family members to access military service benefits and privileges.⁷

Proof of Social Security Number

Current law requires an applicant for a driver license or identification card to present proof of social security number satisfactory to the DHSMV.⁸

² *Id.*

³ *Id.*

⁴ Department of Highway Safety and Motor Vehicles, *The REAL ID Act*, <http://www.flhsmv.gov/realid/> (last visited Mar. 8, 2015).

⁵ Email from DHSMV, (Mar. 9, 2015) (On file with the Senate Committee on Transportation).

⁶ Department of Defense, *Common Access Card (CAC)*, <http://www.cac.mil/common-access-card/> (last visited Mar. 8, 2015).

⁷ Department of Defense, *Uniformed Services ID Card*, <http://www.cac.mil/uniformed-services-id-card/> (last visited Mar. 8, 2015).

⁸ Sections 322.08(2)(a) and 322.051(1)(a)1., F.S.

The DHSMV currently requires an original of one of the following documents that show the applicant's name and social security number⁹:

- Social Security Card
- W-2 Form
- Pay-Check
- Form SSA-1099 (Social Security Benefit Statement)
- Form 1099

III. Effect of Proposed Changes:

The bill allows the DHSMV to accept a military identification card as proof of social security number for issuing a driver license or identification card.

The bill also makes technical changes to correct references to United States Citizenship and Immigration Services, the government agency that oversees lawful immigration to the United States.

The bill takes effect July 1, 2015.

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:

None.

C. Government Sector Impact:

None.

⁹ Department of Highway Safety and Motor Vehicles, *Documents Now Required When You Come to a Driver License Office*, <http://www.flhsmv.gov/ddl/address.html> (last visited March 25, 2015).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 322.051 and 322.08.

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 March 12, 2015:

The CS removes the provision that the DHSMV must accept an active or retired military personnel identification card as proof of identity for issuance of a driver license or identification card.

It, instead, allows the DHSMV to accept military identification cards for proof of social security number when issuing a driver license or identification card.

The change was made to maintain compliance with the REAL-ID Act.

- B. **Amendments:**

None.