

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 the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 328

INTRODUCER: Senator Baxley

SUBJECT: Veteran Identification

DATE: January 16, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	Favorable
2.	<u>Wells/Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 328 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create a state veteran identification card to be used by veterans as proof of veteran status for obtaining discounts or fee waivers. The DHSMV shall issue the card to a veteran who has been honorably discharged and who provides to the DHSMV:

- A copy of his or her DD Form 214;
- A copy of his or her valid driver license, identification card, or another form of photographic identification acceptable to the DHSMV; and
- Payment of a \$10 fee.

The bill provides specifications for information that will appear on the card, and provides that the card may be used as proof of veteran status in numerous sections of the Florida Statutes that waive application fees for registration or licensure or provide for expedited review of concealed weapons applications.

The bill is expected to result in insignificant increases in revenues deposited into the Highway Safety Operating Trust Fund (HSOTF) and for local tax collectors. The DHSMV is expected to incur costs of approximately \$272,265 to implement the bill.

The bill takes effect January 1, 2019.

II. Present Situation:

Veteran Identification Cards

In general, most veteran identification cards are used to obtain promotional discounts and other services, and provide a way for a veteran to prove military service without having to present

other forms of proof that might also contain personal or confidential information.¹ In 2015, Congress enacted the “Veterans Identification Card Act 2015,”² which directs the Secretary of the U.S. Department of Veterans Affairs (VA) to issue a veteran identification card to each veteran who requests one and presents a copy of his or her Department of Defense (DoD) DD Form 214³ (Certificate of Release or Discharge from Active Duty) or other official document from the official military personnel file of the veteran that describes his or her service. The card will display the photograph and name of the veteran, and contain an identification number that is not a social security number. The card is not proof of any benefits to which the veteran is entitled but does serve as proof that such veteran:

- Served in the Armed Forces; and
- Has a DD Form 214 or other official document in the official military personnel file of the veteran that describes the service of the veteran.⁴

The VA opened the application process for the cards on November 29, 2017; “[v]eterans who apply for a card should receive it within 60 days and can check delivery status of their cards at vets.gov.”⁵ The VA plans to provide a digital version of the identification card as well.⁶ At this time, the VA has indicated that it will not charge a veteran a fee for issuance of the identification card.⁷

Currently, certain veterans may be eligible for other identification cards that may prove veteran status, including a:

- Veteran Health Identification Card (VHIC): The VHIC is issued to veterans enrolled in the VA health care system, and is used for identification and check-in at VA appointments and access to U.S. military bases.⁸
- DD Form 2 (Retired), Uniformed Services ID: This card is issued by the DoD to retired members of the U.S. Uniformed Services⁹ entitled to retired pay, members on the Temporary

¹ See generally, U.S. Department of Veterans Affairs, *Veteran ID Cards: What your options are now and in the future* (Mar. 24, 2016), available at <https://www.blogs.va.gov/VAntage/26568/veteran-id-cards-options/> (last visited Jan. 11, 2018).

² H.R.91, *Veterans Identification Card Act 2015* (Pub. L. No. 114-31, July 20, 2015), available at <https://www.congress.gov/bill/114th-congress/house-bill/91> (last visited Jan. 11, 2018).

³ The DoD issues each veteran a DD-214 upon separation from active duty service. This form identifies the veteran’s condition of discharge, and contains information commonly needed to verify military service for benefits, retirement, employment, and membership in veteran organizations. Department of Defense Instruction 1336.01, *Certificate of Release or Discharge from Active Duty* (Dec. 29, 2014), available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133601p.pdf> (last visited Jan. 11, 2018).

⁴ 38 U.S.C. s. 5706.

⁵ U.S. Department of Veterans Affairs, *VA announces rollout and application process for new Veterans ID Card* (Nov. 29, 2017), available at <https://www.blogs.va.gov/VAntage/43442/va-announces-rollout-application-process-new-veterans-id-card/> (last visited Jan. 11, 2017).

⁶ *Id.*

⁷ See U.S. Department of Veterans Affairs, *Inquiry Routing & Information System (IRIS): Will VA charge a fee to issue the Veterans Identification Card (VIC) to Veterans?* (updated Nov. 29, 2017), available at https://iris.custhelp.com/app/answers/detail/a_id/3065/~/~will-va-charge-a-fee-to-issue-the-veterans-identification-card-%28vic%29-to (last visited Jan. 11, 2018).

⁸ U.S. Department of Veterans Affairs, *Health Benefits: Veterans Health Identification Card*, available at <http://www.va.gov/healthbenefits/vhic/index.asp> (last visited Jan. 11, 2018).

⁹ The uniformed services include the Army, Marines, Navy, Air Force, Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration. See 10 U.S.C. s. 101(a)(5).

Disability Retired List, and members on the Permanent Disability Retired List. This card is used to access military service benefits or privileges.¹⁰

- DD Form 2 (Reserve Retired), Uniformed Services ID: This card is issued by the DoD to retired members of the Reserves and the National Guard who are under the age of 60. This card is used to access military service benefits or privileges.¹¹
- DD Form 2765, Uniformed Services ID and Privilege Card: This card is issued by the DoD to Medal of Honor recipients, 100-percent disabled veterans, former members in receipt of retired pay, and other limited benefits-eligible categories described in DoD policy. This card is used to access military service benefits or privileges.¹²
- Paper identification card or a letter serving as proof of honorable military service that is issued free through the joint VA/DoD eBenefits web portal.¹³
- State driver license or identification card with a Veteran designation or State-issued Veteran Identification Card.

State Driver License or Identification Card Veteran Designations

Currently, 48 states as well as Puerto Rico and the District of Columbia provide the option for veterans to add a veteran designation to a state driver license or identification card.¹⁴

Florida provides the option for a veteran designation to be placed on a veteran's driver license or identification card upon request from the veteran, payment of a fee, and the presentation of a copy of the veteran's DD Form 214 or other acceptable form specified by the Florida Department of Veterans' Affairs (FDVA).¹⁵ The designation is added onto a driver license or identification card for a \$1 fee when the license or card is being issued or renewed, or a \$2 fee solely to replace a license or card in order to add on the designation.¹⁶ Revenue generated from the \$1 and \$2 fees is deposited into the Highway Safety Operating Trust Fund. Additionally, tax collectors in most counties charge a \$6.25 service fee for issuing or renewing a driver license or identification card.¹⁷

¹⁰ The design of the Uniformed Services ID cards include a picture, branch affiliation, paygrade/rank, expiration date, DoD identification number, date of birth, benefits number, blood type, Geneva Convention category, and date of issue. See, DoD Common Access Card, *Uniformed Services ID Card*, available at <http://www.cac.mil/uniformed-services-id-card/> (last visited Jan. 11, 2018).

¹¹ *Id.*

¹² *Id.*

¹³ The webportal is available at eBenefits.va.gov. U.S. Department of Veterans Affairs, *Veteran ID Cards: What your options are now and in the future* (Mar. 24, 2016), available at <https://www.blogs.va.gov/VAntage/26568/veteran-id-cards-options/> (last visited Jan. 11, 2018).

¹⁴ MilitaryBenefits, *Veterans ID on Driver's License or ID Card by State*, <https://militarybenefits.info/veterans-id-on-drivers-license-id-card-by-state/> (last visited Jan. 11, 2018). Virginia and Delaware offer state veteran ID cards.

¹⁵ See ss. 322.051(8)(b) and 322.14(1)(d), F.S.

¹⁶ *Id.* The current veteran designation is a "V" printed on the license or card; however, the designation will be changed to read "Veteran" upon implementation of new designs for the license and card by the DHSMV. The DHSMV expected the implementation of the new design to be completed by December 2017. See s. 4, ch. 2015-85 L.O.F. See also DHSMV, 2018 Agency Legislative Bill Analysis: SB 100 (Oct. 23, 2017). Also, note that SB 100 (2017), if passed by the Legislature during the 2018 Session, will eliminate all fees that a veteran will pay to have the word "Veteran" displayed on a driver license or identification card.

¹⁷ The DHSMV performs the tax collection services for Volusia, Broward, and Miami-Dade counties, because those counties do not have a tax collector who is a constitutional officer under Art. VIII, s. 1(d) of the State Constitution, and the tax collectors of Glades, Franklin, and Gilchrist counties are exempt from providing services on behalf of the DHSMV due to their statuses as fiscally constrained counties. See s. 322.135(1)(c) and (7), F.S.

As of October 2017, there are 343,118 veterans that have Florida identification cards or driver licenses with a “Veteran” designation.¹⁸

State-Issued Veteran Identification Cards

Virginia and Delaware both offer veteran identification cards issued by the state’s Division of Motor Vehicles.

To be eligible for a Virginia-issued veteran identification card, the veteran must:

- Present documentation indicating that he or she served in the U.S. Armed Forces, received an honorable discharge, and holds an unexpired Virginia driver license or identification card;
- Present documentation that displays the veteran’s branch of service, discharge date, and discharge status; and
- Pay a \$10 application fee.¹⁹

Delaware-issued veteran identification cards are available free of charge to any Delaware veteran that served in the U.S. military, was honorably discharged, has a valid Delaware driver license or identification card, and provides accepted proof of military service.²⁰

Florida does not issue a veteran identification card for all veterans but does issue cards for veterans with specified 100 percent total and permanent service-connected disabilities. Section 295.17, F.S., authorizes the FDVA to issue an identification card to any veteran who is a permanent resident of Florida and has been determined by the VA to have a 100 percent service-connected permanent and total disability rating for compensation, or has a service-connected total and permanent disability rating of 100 percent and is receiving disability retirement pay from any branch of the U.S. Armed Forces.

Licensing and Registration Fee Waivers

Florida has the third largest veteran population in the nation, with over 1.5 million veterans in the state.²¹ Florida offers numerous benefits available to veterans, including fee waivers for veterans, spouses of veterans, and business entities with majority ownership held by a veteran or spouse of a veteran.

Currently, Florida waives initial license and application fees for a veteran who, within 24 months of being discharged from a branch of the U.S. Armed Forces, applies for the following licenses and provides a copy of his or her DD Form 214 or another acceptable form of identification as specified by the FDVA:

- Private investigative or security agency branch office manager or firearms instructor;²²
- Private investigator, private investigator intern, or private investigative agency manager;²³

¹⁸ DHSMV, *2018 Agency Legislative Bill Analysis: SB 328* (Nov. 23, 2017).

¹⁹ Virginia Department of Veterans Services, *Veterans ID Card*, available at <https://www.dvs.virginia.gov/benefits/veterans-id-card/> (last visited Jan. 12, 2018).

²⁰ State of Delaware, Division of Motor Vehicles, *Veteran Identification (ID) Cards*, available at https://www.dmv.de.gov/services/driver_services/drivers_license/dr_lic_vet_idcard.shtml (last visited Jan. 12, 2018).

²¹ FDVA, *Fast Facts*, available at <http://floridavets.org/our-veterans/profilefast-facts/> (last visited Jan. 12, 2018).

²² Sections 493.6105(1)(c) and 493.6107(6), F.S.

²³ Sections 493.6105(1)(c) and 493.6202(4), F.S.

- Security officer, security officer instructor, or security agency manager;²⁴ and
- Recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor.²⁵

Initial license or registration fees are waived for a veteran, spouses of a veteran, and a business entity with a veteran majority owner who submits an application within 60 months after the date of the veteran's discharge from the U.S. Armed Forces for the following classes of licenses:

- Land surveyor and mapper;²⁶
- Health studio;²⁷
- Commercial telephone seller or entities providing substance abuse marketing services;²⁸
- Telemarketing salesperson;²⁹
- Mover and moving broker;³⁰
- Liquefied petroleum gas related license;³¹
- Pawnbroker;³²
- Motor vehicle repair shop;³³ and
- Sellers of travel.³⁴

To be eligible for the fee waiver discussed above, the veteran must have been honorably discharged, and the applicant must provide a copy of the veteran's DD Form 214 or another acceptable form of identification as specified by the FDVA, and a valid marriage license or proof of ownership interest, where applicable.

A veteran of the U.S. Armed Forces who retired within 24 months before application for licensure is exempt from the application filing fee to be licensed as an insurance agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary upon proof of qualifying veteran status.³⁵

Finally, a veteran is eligible to receive expedited processing of an application for a license to carry concealed weapons or firearms. A veteran must submit a copy of the DD Form 214 or another acceptable form of identification as specified by the FDVA.³⁶

²⁴ Sections 493.6105(1)(c) and 493.6302(4), F.S. Security officers are not subject to application fees.

²⁵ Sections 493.6105(1)(c) and 493.6402(4), F.S.

²⁶ Section 472.015(3), F.S.

²⁷ Section 501.015(2), F.S.

²⁸ Section 501.605(5), F.S.

²⁹ Section 501.607(2)(b), F.S.

³⁰ Section 507.03(3)(b), F.S.

³¹ Section 527.02(3)(b), F.S.

³² Section 539.001(3)(c), F.S.

³³ Section 559.904(3)(b), F.S.

³⁴ Section 559.928(2)(c), F.S.

³⁵ Section 626.171(6), F.S. Qualified individuals must provide a copy of a military identification card, service record, or personnel file, or veteran record, discharge paper, or separation document that shows that such member was honorably discharged.

³⁶ Section 790.06(5)(f)2., F.S.

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a veteran identification card to be used as proof of veteran status for obtaining discounts or waivers offered to veterans (**Section 1**, creating s. 322.0511, F.S.). The card may not be used for the determination of any federal benefits and is not a 100 percent disabled veteran state identification card issued under s. 295.17, F.S., or state identification card with a veteran designation issued under s. 322.051, F.S.

The card must bear the colors and design approved by the DHSMV, including:

- A full-face photograph of the veteran;
- The words “Proof of veteran status” at the bottom of the card; and
- The veteran’s full name, branch of service, and date of discharge.

The DHSMV shall issue the card by mail to a veteran of any branch of the U.S. Armed Forces who has been honorably discharged and who provides the DHSMV with:

- A copy of his or her DD Form 214;
- A copy of his or her valid driver license or identification card or other form of photographic identification acceptable to the DHSMV; and
- Payment of a \$10 fee.³⁷

The bill requires the card be terminated upon the death of the veteran. Additionally, this law authorizing issuance of the card will be repealed August 31, 2023.

The bill authorizes the veteran identification card to be used as proof of veteran status in numerous sections of the Florida Statutes. Specifically, the bill authorizes the card to be used as proof of veteran status to receive fee waivers when applying for the following licenses or registrations:

- Land surveyor and mapper (**Section 2**, amending s. 472.015, F.S.);
- Private investigative or security agency branch office manager, firearms instructor, private investigator, private investigator intern, private investigative agency manager, security officer instructor, security agency manager, recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor (**Section 3**, amending s. 493.6105, F.S.);
- Private investigative or security agency branch office manager or a firearms instructor (**Section 4**, amending s. 493.6107, F.S.);
- Private investigator, private investigator intern, or private investigative agency manager (**Section 5**, amending s. 493.6202, F.S.);
- Security officer, security officer instructor, or a security manager (**Section 6**, amending s. 493.6302, F.S.);
- Recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor (**Section 7**, amending s. 493.6402, F.S.);
- Health studio (**Section 8**, amending s. 501.015, F.S.);
- Commercial telephone seller or entity providing substance abuse marketing services (**Section 9**, amending s. 501.605, F.S.);
- Telemarketing salesperson (**Section 10**, amending s. 501.607, F.S.);

³⁷ The fee will be deposited into the Highway Safety Operating Trust Fund (HSOTF).

- Mover and moving broker (**Section 11**, amending s. 507.03, F.S.);
- Liquefied petroleum gas related license (**Section 12**, amending s. 527.02, F.S.);
- Pawnbroker (**Section 13**, amending s. 539.001, F.S.);
- Motor vehicle repair shop (**Section 14**, amending s. 559.904, F.S.);
- Seller of travel (**Section 15**, amending s. 559.928, F.S.); and
- Insurance agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary (**Section 16**, amending s. 626.171, F.S.).

Lastly, **section 17**, amending s. 790.06, F.S., provides that the veteran identification card may be used as proof of veteran status for expedited processing of an application to carry concealed weapons or firearms.

The bill takes effect January 1, 2019.

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:

The total cost of the state veteran identification card will be \$16.25. The bill provides for a \$10 fee for the card, and local tax collector offices are authorized to charge a service fee of \$6.25 when providing services under ch. 322, F.S.³⁸ The Revenue Estimating Conference estimates that the bill will result in insignificant increases in revenues deposited into the Highway Safety Operating Trust Fund and for local governments (tax collector offices performing driver license services).³⁹

B. Private Sector Impact:

A veteran will be required to pay at least a \$10 fee if he or she chooses to apply for a state veteran identification card created by this bill.

³⁸ See s. 322.135, F.S.

³⁹ Office of Economic and Demographic Research, Revenue Estimating Conference, *Highway Safety Fees: HB 107 and SB 328* (Oct. 27, 2018), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page70-74.pdf (last visited Jan. 12, 2018).

C. Government Sector Impact:

DHSMV estimates between 40,000 and 65,000 veterans may apply for the state veteran identification card in the first year, generating \$400,000 to \$650,000 of revenue to be deposited into the HSOTF.⁴⁰ To implement the bill, the DHSMV will incur programming, card stock, and printer costs to make the cards available at all 320 issuance offices throughout Florida. The DHSMV estimates that these costs will be approximately \$272,265.⁴¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 100 (2017), if passed by the Legislature during the 2018 Session, will eliminate all fees that a veteran will pay to have the word “Veteran” displayed on a driver license or identification card issued pursuant to ss. 322.14 or 322.051, F.S.

VIII. Statutes Affected:

This bill creates section 322.0511 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 472.015, 493.6105, 493.6107, 493.6202, 493.6302, 493.6402, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, 559.928, 626.171, and 790.06.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

⁴⁰ DHSMV, *2018 Agency Legislative Bill Analysis: SB 328* (Nov. 23, 2017).

⁴¹ *Id.*