

STORAGE NAME: h0223.tr.doc
DATE: January 4, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 223
RELATING TO: Driver Licenses/Foreign Residents
SPONSOR(S): Representative(s) Ritter
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION
 - (2) READY INFRASTRUCTURE COUNCIL
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

In the wake of the September 11, 2001 terrorist attacks the Governor ordered the Department of Highway Safety and Motor Vehicles (DHSMV) to limit the duration of a driver license to the duration of pertinent Immigration and Naturalization Service documents. DHSMV is currently complying with this order under authority inferred from multiple provisions of the Florida Statutes. The bill expressly requires that a driver license issued to a foreign resident will expire after four years or upon the expiration of the foreign resident's visa, whichever occurs first. It also provides that a foreign resident may not renew a driver license without first presenting proof of a valid visa.

This bill may have a fiscal impact on DHSMV, but according to the agency, these additional costs can be absorbed using existing resources. See the FISCAL COMMENTS section below for more detail.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|----------------------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

Individual Freedom

The bill tends to reduce individual freedom in that it makes requirements of certain driver license holders that it does not make of others. That is, foreign residents may have shortened validity periods for their driver licenses and may be required to renew driver licenses in person whereas non-foreign license holders will not.

B. PRESENT SITUATION:

Currently in Florida, *non-residents* – including those from other countries – are permitted to obtain a Florida Driver license or ID card. To obtain an original driver license or Florida ID card, an applicant must present proof of identity. Documents that are accepted as proof of identity include:

- Certified copy of a U.S. birth certificate;
- Valid U.S. passport;
- Valid alien registration receipt card (green card);
- Employment authorization card issued by the U.S. Department of Justice;
- Proof of non-immigrant classification provided by the U.S. Department of Justice Immigration and Naturalization Service (INS). Among these are:
 - 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.

Once DHSMV has issued a driver license or ID card, these cards are valid for six years in the case of a driver license, or between four and five years for an ID card. These periods of validity are, in most cases, longer than the periods for which INS issued documents authorize the presence of a foreign resident in this country. This discrepancy allows a foreign resident here on a student, tourist, or other type of visa to remain in the United States beyond the expiration of the visa and still be able to present a valid form of government issued identification when required.

In addition, Florida law currently allows DHSMV to issue four and six-year license extensions by mail, electronic, or telephonic means, without reexamination, for two consecutive license expirations. Only after two extensions is the licensee required to appear in person for renewal and

reexamination. Under this licensing and renewal process, a foreign resident who remains in this country illegally, could, in theory, maintain a valid driver license for as long as eighteen years.

In his Executive Order No. 01-300 issued in response to the terrorist attacks, Gov. Jeb Bush ordered DHSMV to continue researching methods to reduce the fraudulent issue of driver licenses. The order specifically directed DHSMV to begin:

- Electronic sharing of information with FDLE and other criminal justice agencies;
- Issuing 30-day temporary driving permits when time is necessary to research and verify an applicant's identity;
- Limiting the duration of driver licenses to the duration of pertinent INS documents;
- Providing additional training to necessary personnel on foreign document verification, and otherwise enhancing audit and quality control processes; and
- Retaining electronic copies of all foreign documents used to establish identity.

Following that Executive Order, DHSMV currently limits the validity period of a drivers license held by a foreign resident to the period of time that any INS documents offered by the foreign resident as proof of identity in an application for a driver license remain valid. DHSMV interprets Florida Statutes as granting them this authority, although it is not expressly granted in the Statutes.

C. EFFECT OF PROPOSED CHANGES:

The bill amends s. 322.031, F.S., to provide that a driver license issued to a foreign resident who is in Florida under permission granted in a visa shall expire four years from the date of issuance or upon the expiration of the visa, whichever occurs first. In addition, the bill provides that such foreign resident may not renew a driver license without presenting proof of a valid visa to DHSMV prior to issuance of the renewal driver license.

This language gives express statutory authority to DHSMV to limit the driver license validity period to that of the lawful presence of foreign residents.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that a driver license issued to a foreign resident will expire after four years or upon the expiration of the foreign resident's visa, whichever occurs first. Also provides that a foreign resident may not renew a driver license without first presenting proof of a valid visa.

Section 2. Provides that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS below.

2. Expenditures:

See FISCAL COMMENTS below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will require contracted programming modifications to the driver license software systems at a non-recurring cost of \$83,700. In addition, by requiring foreign residents to present proof of a valid visa to DHSMV prior to renewal of a driver license, the bill may increase the number of in-person customers at driver license offices, thereby increasing the workload in processing driver license applicants. DHSMV reports that any costs associated with such an increase in workload would be absorbed within existing agency resources.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to expend funds or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not expand or reduce the rule-making authority of any state agency.

C. OTHER COMMENTS:

Florida currently issues an identification card that is similar to the driver license in all respects except that it does not authorize the holder to operate a motor vehicle. Both are widely accepted as

STORAGE NAME: h0223.tr.doc

DATE: January 4, 2002

PAGE: 5

valid forms of state-issued identification. The bill does not address the expiration and renewal of Florida identification cards.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

William C. Garner

Phillip B. Miller