

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 520

SPONSOR: Transportation Committee, Senators Brown-Waite, Burt, Geller, and Dyer

SUBJECT: Driver's Licenses

DATE: January 11, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS revises the application for Florida identification cards and driver licenses to include country of birth. The CS authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to incorporate fingerprints and other unique biometric means of identity into the application for identification cards and driver licenses. In addition, the CS limits reciprocity for purposes of establishing proof of identity to those jurisdictions whose proof of identity requirements are at least as stringent as Florida's requirements.

The CS provides that driver licenses issued to foreign nationals relying on certain United States Department of Justice documents for proof of identity shall expire 4 years from the date of issuance or upon the expiration of the applicable Department of Justice document, whichever occurs first. Licensees subject to this provision may not renew their license except in person and upon submission of the appropriate identification documentation. The CS also provides it is unlawful to sell, manufacture, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or similar document. Violation of this provision would constitute a second-degree felony punishable by a term of imprisonment of 15 years and a \$10,000 fine.

This CS substantially amends the following sections of the Florida Statutes: 322.051, 322.08, 322.17, 322.18, 322.19, and 322.212.

II. Present Situation:

Sections 322.051, and 322.08, F.S., establish requirements for the issuance of Florida identification cards and driver licenses. Currently, applicants must include the following information: full name (first, middle or maiden, and last), gender, social security number,

residence and mailing address, and a brief description. In addition, applicants must provide proof of birth date and identity which are satisfactory to DHSMV. Such proof must include one of the following five primary identification documents: (1) a certified copy of a United States birth certificate; (2) a valid United States passport; (3) an alien registration receipt card (green card); (4) an employment authorization card issued by the United States Department of Justice; or (5) proof of nonimmigrant classification provided by the United States Department of Justice. Florida residents and individuals moving to Florida from another state, who hold a driver's license or identification card from another state, may present their license or ID card as a primary identification document for the issuance in Florida of either one, along with an approved secondary identification document. Identification cards are valid for a period of four years.

Section 322.17, F.S., provides that if a driver's license is lost or destroyed, a licensee may obtain a duplicate, or substitute, upon furnishing proof that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth, and proof of identity satisfactory to DHSMV. This same section provides that upon the surrender of the original license, DHSMV shall issue a replacement license to make a change in name, address, or restrictions.

Section 322.18, F.S., provides that driver licenses shall be renewable every 4 years or 6 years, depending upon the terms of issuance and shall be issued or extended upon application, payment of the required fees, and successful passage of any required examination. Drivers may renew through the mail, electronic, or telephonic means for two consecutive license expirations without reexamination. Upon expiration of two consecutive license extension periods, in-person renewal with reexamination is required. This provision allows individuals designated as "safe drivers" (no traffic violations for 3 years) to renew their driver's license for up 18 years without submitting for reexamination in-person.

Section 322.19, F.S., provides that whenever a licensee changes his or her legal name, that person must within 10 days thereafter obtain a replacement license that reflects the change. Similarly, this section provides that whenever a licensee changes the residence or mailing address in the application or license, the person must, within 10 calendar days, either obtain a replacement license that reflects the change or request in writing a change-of-address sticker.

Section 322.212, F.S., provides it is unlawful for any person to possess or to display any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of a driver's license or identification card. Similarly, this section provides it is unlawful for any person to have in his or her possession any instrument in the similitude of a driver's license issued by DHSMV or its duly authorized agents for the purpose of operating a motor vehicle. Violation of this section is punishable as a third-degree felony (5 years imprisonment and \$5,000 fine). However, anyone who provides a false age in an application or who possesses a driver's license, identification card, or similar document on which the date of birth has been altered is guilty of a misdemeanor of the second-degree. While current law addresses the possession or display of specified documents, there is no provision in statute that addresses the sale, manufacture, or delivery of such documents.

III. Effect of Proposed Changes:

This CS amends s. 322.051, F.S., to require that applicants for a Florida identification card must identify their country of birth. Similarly, the CS limits reciprocity for the purpose of verifying the applicant's identity to those states that have adopted proof of identity requirements that are at least as stringent as Florida's. In addition, the CS provides that identification cards issued to foreign nationals who rely on certain United States Department of Justice documents (an employment authorization card (form I-688b), or proof of nonimmigrant classification (form I-94)) to establish proof of identity shall expire 4 years from the date of issuance or upon the expiration date cited on the applicable Department of Justice document, whichever date occurs first. Identification cards issued to specified foreign nationals may not be renewed or duplicated except in person. Finally, the CS authorizes DHSMV to incorporate fingerprints and other unique biometric means of identity into the application for an identification card.

The CS amends s. 322.08, F.S., to require that applicants for a Florida driver's license identify their country of birth. The CS authorizes DHSMV to incorporate fingerprints and other unique biometric means of identity into the application for a driver's license. The CS limits reciprocity for purposes of verifying the applicant's identity to those states that have adopted proof of identify requirements that are at least as stringent as Florida's. Under this provision, Florida would continue to accept valid driver licenses issued through other jurisdictions for purposes of determining the applicant's driving qualifications, however, Florida would limit reciprocity for identification purposes to those jurisdictions that have adopted comparable proof of identity documentation requirements. Currently, Florida accepts the following five primary identification documents: (1) a certified copy of a United States birth certificate; (2) a valid United States passport; (3) an alien registration receipt card (green card); (4) an employment authorization card issued by the United States Department of Justice; or (5) proof of nonimmigrant classification provided by the United States Department of Justice.

The CS amends s. 322.17, F.S., to provide that a licensee who establishes his or her identity for a driver's license using certain Department of Justice documents (an employment authorization card (form I-688b), or proof of nonimmigrant classification (form I-94)) may not obtain a duplicate or replacement driver's license except in person and upon submission of the appropriate identification documentation.

The CS amends s. 322.18, F.S., to provide that driver licenses issued to foreign nationals who rely on certain Department of Justice documents (an employment authorization card (form I-688b), or proof of nonimmigrant classification (form I-94)) to establish proof of identity shall expire 4 years from the date of issuance or upon the expiration date cited on the applicable Department of Justice document, whichever date first occurs. Driver licenses issued to specified foreign nationals may not be renewed or duplicated except in person and upon submission of the appropriate identification documentation.

The CS amends s. 322.19, F.S., to provide that a licensee who establishes his or her identity for a driver's license using certain Department of Justice documents (an employment authorization card (form I-688b), or proof of nonimmigrant classification (form I-94)) may not change his or her name or address except in person and upon submission of the appropriate identification documentation.

The CS amends s. 322.212, F.S., to provide it is unlawful to sell, manufacture, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or similar document without approval by DHSMV. Violation of this section would constitute a second-degree felony punishable by a term of imprisonment of 15 years and a \$10,000 fine. The CS also provides that violations may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

All applicants for a driver's license or identification card would be required to identify their country of birth. DHSMV is authorized to incorporate fingerprints and other unique biometric means of identity into the application for a driver's license and identification card. Licensees and cardholders who relied on certain identification documents issued through the U.S. Department of Justice would be required to renew their driver's license or identification card every 4 years, or upon the expiration date reflected on the applicable Department of Justice document, whichever occurs first. Similarly, specified cardholders and licensees would be required to conduct certain transactions in person and to submit the appropriate identification documentation.

The CS provides that the sale, manufacture, or delivery of a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or similar document would be punishable as a second-degree felony. Possession or display of such a document would continue to be a third-degree felony.

C. Government Sector Impact:

According to DHSMV, the CS will increase the number of transactions processed at driver license offices due to the reduction in expiration dates and the requirement that

specified individuals must conduct identification card and driver license transactions in person. The impact of this change on DHSMV costs is indeterminate. The reduction in the expiration period for certain licensees will increase revenue to the DHSMV, however, the total revenue impact is indeterminate.

DHSMV anticipates that these changes will require \$40,500 in computer programming modifications.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Florida's requirements relating to the issuance of driver licenses and identification cards have received considerable scrutiny in the wake of the events of September 11, 2001. A number of parties have called attention to the fact that of the 19 confirmed hijackers, 13 had Florida driver's licenses or identification cards. While a driver's license is not required to board a plane (any photo identification is acceptable), possession of a driver's license or identification card may have provided some legitimacy to the terrorists, lowering the risk of suspicion as they rented apartments, hotel rooms, and cars. It should be noted that investigators have determined that all 13 of the subject hijackers obtained their Florida driver's license or identification card through legitimate means. It is also important to note that the existence of these records were critical in enabling investigators to reconstruct the movements and activities of the terrorists during the time leading up to the events of September 11, 2001.

The CS provides that it is illegal to sell, manufacture, or deliver a fraudulent driver's license. This provision will strengthen law enforcement's efforts to curb identity theft and related criminal activity.

VIII. Amendments:

None.