

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 Committee on Transportation

BILL: SB 240

INTRODUCER: Senators Brandes and Gaetz

SUBJECT: Issuance of Driver Licenses and Identification Cards

DATE: March 11, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Pre-meeting
2.			ATD	
3.			RC	

I. Summary:

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

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.

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

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."

² *Id.*

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.

Identity Standards for Issuance of a Driver License or Identification Card

In Florida, each applicant for a driver license or identification card must show proof of identity satisfactory to the DHSMV.⁶ Such proof must include one of the following documents issued to the applicant⁷:

- A certified copy of a U.S. birth certificate;
- A valid, unexpired U.S. passport;
- A naturalization certificate issued by the DHS;
- A valid, unexpired alien registration receipt card (green card);
- A Consular Report of Birth Abroad provided by the U.S. Department of State;
- An unexpired employment authorization card issued by the DHS; or
- Proof of nonimmigrant classification provided by the DHS.

The DHSMV is able to electronically verify each document and clearly establish the holder's citizenship status.

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.⁸ The Uniformed

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 Section 322.08(2)(c), F.S.

⁷ *Id.*

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

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.⁹

Military personnel identification cards are not listed as an accepted form of proof of identification for the issuance of a REAL ID-compliant driver license or identification card.¹⁰ The DoD's Common Access Card was considered and rejected as proof of identity for REAL ID compliance.¹¹ The DHS believes that any holder of a Common Access Card has access to one of the acceptable documents for proof of identity. Additionally, including the Common Access Card as an accepted form of identification documentation would require the DHS to allow states to access Federal databases they currently cannot access.¹²

III. Effect of Proposed Changes:

The bill allows the DHSMV to accept an active or retired military personnel identification card issued by the United States Government as proof of identity for issuing a driver license or identification card.

Military personnel identification cards are not accepted forms of identification for issuing REAL ID-compliant driver licenses and identification cards. Passage of the bill as currently drafted could result in Florida not being in compliance with the REAL ID Act.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹ Department of Defense, *Uniformed Services ID Card*, <http://www.cac.mil/uniformed-services-id-card/> (last visited Mar. 8, 2015).

¹⁰ See 6 C.F.R. s. 37.11(c)

¹¹ *Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes*, 72 Fed. Reg. No. 46, at p. 10829 (Mar. 9, 2007).

¹² *Id.*

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 322.08 of the Florida Statutes.

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.