Ethics & Elections Committee

Wednesday, April 5, 2006
2:00 PM – 2:30 PM
306 HOB

Allan G. Bense
Speaker

Ronald Reagan
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Ethics & Elections Committee

Start Date and Time:	Wednesday, April 05, 2006 02:00 pm
End Date and Time:	Wednesday, April 05, 2006 02:30 pm
Location:	306 HOB
Duration:	0.50 hrs

Consideration of the following bill(s):

HB 861 CS Verification of Identity by Allen

NOTICE FINALIZED on 04/03/2006 15:55 by Morgan.Alyssa

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 861 CS Verification of Identity
SPONSOR(S): Allen
TIED BILLS: **IDEN./SIM. BILLS:** SB 486

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Governmental Operations Committee	6 Y, 0 N, w/CS	Brown	Williamson
2) Ethics & Elections Committee		Mitchell	Mitchell
3) State Administration Appropriations Committee			
4) State Administration Council			
5)			

SUMMARY ANALYSIS

HB 861 CS requires the Department of Highway Safety and Motor Vehicles (DHSMV) to verify the veracity of all social security numbers submitted by applicants for a Florida driver's license or identification card.

The bill also sets forth a list of documents acceptable to prove the identity of a person.

The House Governmental Operations Committee adopted a strike-all amendment on March 29, 2006, that was incorporated into the bill. The provisions of the bill no longer apply to the Florida Voters' Registration Act, eliminating any tie to elections or voter registration.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill may raise the burden of proving identity on the part of an applicant appearing before the DHSMV.

B. EFFECT OF PROPOSED CHANGES:

Florida Driver's License Requirements

Section 322.08, F.S., contains the application requirements for a Florida Driver's License. The section requires the following information:

- Full name, gender, social security card number, county of residence and mailing address, country of birth, and a brief description.
- Proof of birth date satisfactory to the department.
- Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:
    - A driver's license or identification card from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under [the next six potential requirements];
    - A certified copy of a United States birth certificate;
    - A United States passport;
    - A naturalization certificate issued by the United States Department of Homeland Security;
    - An alien registration receipt card (green card);
    - An employment authorization card issued by the United States Department of Homeland Security; or
    - Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original driver's license.

Federal REAL ID Act of 2005

On May 11, 2005, President Bush signed into law the REAL ID Act of 2005.[1] Title II of the Act "directly imposes prescriptive driver's license standards."[2] The REAL ID Act contains a provision regarding the verification of documents presented to a license-issuing state agency.[3] States must verify with all issuing agencies the issuance, validity, and completeness of all documents presented. The receiving entity also must verify a social security number, if given, with the Social Security Administration.

Basic driver's license standards also are contained in the act.[4] All licenses must contain the person's name, date of birth, gender, license number, digital photograph, and legal address and physical security features to prevent fraud or counterfeiting and a common machine-readable technology with defined data elements.

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[1] H.R. 1268, P.L. 109-13.
[2] *NCSL REAL ID Act of 2005 Title Summary,* National Conference of State Legislators, available online at http://www.ncsl.org/standcomm/sctran/realidsummary05.htm.
[3] See generally REAL ID Act, s. 202(c)(3)(A), s. 202(d)(4), and s. 202(d)(5).
[4] See generally REAL ID Act, s. 202(c) and (d).

Any state that issues a driver's license that does not conform to the REAL ID Act requirements must ensure that the license states on its face that it does not conform to the federal standards.[5] The license also must use a unique design or color indicator to alert agencies that it does not comply.[6]

Ultimately, the Act merely prohibits *federal* agencies from relying on identification documents from states that are not in compliance with the standards. This prohibition begins three years after enactment of the bill.[7] At that time, the federal Secretary of State will begin certifying states that are in compliance with the standards in the REAL ID Act.[8]

Proposed Changes

The bill requires the DHSMV, or its approved, designated agent, to verify the social security number submitted by an applicant for a Florida driver's license or identification card. The social security number is verified against federal Social Security Administration and DHSMV records. The intent of the verification is to ensure that the number belongs to the applicant and is not a duplicate or fraudulent number.

The bill also sets forth a list of documents "acceptable to prove the identity of a person." The documents are:

- A valid, unexpired passport issued by the United States;
- An immigration document issued by the Federal Government;
- Any document issued by an agency of the Federal Government or the Armed Services of the United States which bears a photograph of the person;
- A valid, unexpired passport issued by a foreign government if the passport includes or is accompanied by a document proving that the alien is lawfully in the United States; or
- A valid, unexpired identification document issued by another state or political subdivision, if the document:
    - Bears a recent photograph of the person;
    - Is issued by a state or political subdivision which prohibits the issuance of identification cards to illegal immigrants; and
    - The state or political subdivision requires independent verification of the records offered by the person to prove identity when applying for the identification document.

The bill now expressly provides that it does not apply to Part II of Chapter 97, F.S, the Florida Voter Registration Act.

C. SECTION DIRECTORY:

Section 1 creates an unnumbered statute requiring verification of social security numbers of DHSMV applicants, and providing a list of documents suitable for verification of identity.

Section 2 provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

[5] REAL ID Act. s. 202(d)(11).
[6] *Id.*
[7] Presumably May 11, 2008. See REAL ID Act s. 202(a)(1).
[8] REAL ID Act, s. 202(a)(2).

The bill does not create, modify, amend, or eliminate a state revenue source.

2. Expenditures:

The bill may result in an unspecified expenditure related to systems changes required to meet the verification standards promulgated by the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a local expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Identity Verification

It is unclear to what agencies the second paragraph applies. In the original bill the "reliable documents" section applied to all agencies receiving applications for "public benefits, licenses, or permits." As a result of the amendment, there does not appear to be any specific agency directed to follow the standards delineated in the second paragraph.

The requirements are similar (if not identical)[9] to those contained in the federal REAL ID Act of 2005 and appear to be an attempt to coordinate with the REAL ID Act in advance of the federal deadline in 2008. However, there is no clear connection between the provisions of subsection (1) regarding social security number verification and the much larger set of requirements contained in subsection (2).

[9] See REAL ID Act, s. 202(b)(1) through (9).

Other Comments: Photo ID
The bill requires photo identification to include a "recent" photograph, but no direction is given regarding the definition of "recent."

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

CHAMBER ACTION

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1 The Governmental Operations Committee recommends the following:
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3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to verification of identity; requiring the
7 Department of Highway Safety and Motor Vehicles, or its
8 agent, to verify social security numbers of driver's
9 license or identity card applicants; providing specified
10 documents that are acceptable to prove identification of a
11 person; providing that the act does not apply to part II
12 of ch. 97, F.S., relating to the Florida Voter
13 Registration Act; providing an effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Verification of identity.--
18 (1) The Department of Highway Safety and Motor Vehicles,
19 or its approved designated agent, shall verify that the social
20 security number submitted by the applicant for a driver's
21 license or state identification card does belong to the
22 applicant and is not a duplicated or fraudulent number through

23 verification by the Social Security Administration and
24 Department of Highway Safety and Motor Vehicles records.
25 (2) Documents acceptable to prove the identity of a person
26 are limited to:
27 (a) A valid, unexpired passport issued by the United
28 States, an immigration document issued by the Federal
29 Government, and any document issued by an agency of the Federal
30 Government or the Armed Services of the United States that bears
31 a photograph of the person.
32 (b) A valid, unexpired passport issued by a foreign
33 government if the passport includes or is accompanied by a
34 document proving that the alien is lawfully in the United
35 States.
36 (c) An authentic identification document issued by a state
37 or political subdivision if the document bears a recent
38 photograph of the individual, the issuing state or political
39 subdivision prohibits the issuance of the identification
40 document to an alien who is unlawfully in the United States, and
41 the state or political subdivision requires independent
42 verification of the records offered by the person to prove
43 identity when applying for the identification document.
44 (d) A document that satisfies the verification process
45 specified in the REAL ID Act of 2005, Pub. L. No. 109-13, Div.
46 B, 119 Stat. 302.
47 (3) This section does not apply to part II of chapter 97,
48 Florida Statutes.
49 Section 2. This act shall take effect July 1, 2006.