

**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.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SB 144

INTRODUCER: Senator Hutson

SUBJECT: Identification Cards

DATE: February 23, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Wells</u>	<u>Sadberry</u>	<u>AP</u>	<b>Favorable</b>

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**I. Summary:**

SB 144 exempts additional persons from paying a fee to issue, replace, or renew an identification card. The bill requires the Department of Highway and Motor Vehicles (DHSMV) to issue, replace, or renew an identification card at no charge to a person who presents a valid Florida voter's registration card to the DHSMV and attests that he or she is experiencing a financial hardship. Additionally, the bill requires the DHSMV to issue an identification card at no charge to a person who is 80 years of age or older and whose driving privilege is denied due to failure to pass a vision test.

The bill may have an indeterminate negative fiscal impact.

The bill is effective July 1, 2022.

**II. Present Situation:**

**Identification Card**

An identification card typically is a card which contains an applicant's full name, address, age, color of hair and eyes, and often containing a photograph, which is used as identification.

In Florida any person who is five years of age or older, or any person who has a disability, may be issued an identification card by the DHSMV upon completion of an application and payment of an application fee. The application must include the following information regarding the applicant:<sup>1</sup>

- Full name, gender, proof of social security card number satisfactory to the DHSMV, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the DHSMV, country of birth, and a brief description;

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<sup>1</sup> Section 322.051(1), F.S.

- Proof of birth date satisfactory to the DHSMV; and
- Proof of identity satisfactory to the DHSMV.

However, the DHSMV may not issue a driver license or identification card to an applicant if the applicant holds a valid driver license or identification card issued by any state.<sup>2</sup>

The fee for an original, renewal, or replacement identification card issued is \$25, except that an applicant is exempt from such fee if the applicant presents evidence satisfactory to the DHSMV that the applicant is or has:

- Homeless as defined in s. 414.0252(7), F.S.;
- An annual income at or below 100 percent of the federal poverty level;
- A certified unaccompanied homeless youth;
- An inmate; or
- A juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and is receiving services pursuant to s. 985.461, F.S.<sup>3</sup>

Funds collected from fees for original, renewal, or replacement identification cards must be distributed as follows:

- For an original identification card, the fee must be deposited into the General Revenue Fund;
- For a renewal identification card, \$6 must be deposited into the Highway Safety Operating Trust Fund and \$19 must be deposited into the General Revenue Fund; and
- For a replacement identification card, \$9 must be deposited into the Highway Safety Operating Trust Fund and \$16 must be deposited into the General Revenue Fund. However, if the replacement identification card is issued by the tax collector, the tax collector must retain the \$9 that would otherwise be deposited into the Highway Safety Operating Trust Fund.<sup>4</sup>

An identification card expires, unless cancelled earlier:

- On the fourth birthday of an applicant 5 to 14 years of age following the date of issuance; and
- On the eighth birthday of an applicant 15 years of age or older following the date of issuance.<sup>5</sup>

### **Voter Registration Card**

A person must be registered in order to vote in Florida. A person may become a registered voter in the State of Florida only if that person:

- Is at least 18 years of age;
- Is a citizen of the United States;
- Is a legal resident of the State of Florida;
- Is a legal resident of the county in which that person seeks to be registered; and
- Registers pursuant to the Florida Election Code.<sup>6</sup>

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<sup>2</sup> Section 322.08(7), F.S.

<sup>3</sup> See ss. 322.21(1)(f), 322.051(9), and 743.067(2)(b), F.S.

<sup>4</sup> Section 322.21(1)(f), F.S.

<sup>5</sup> Section 322.051(2)(a), F.S.

<sup>6</sup> Section 97.041(1)(a), F.S.

A person who is otherwise qualified may preregister on or after their 16th birthday and may vote in any election occurring on or after their 18th birthday.<sup>7</sup> However, a person who has been adjudicated mentally incapacitated with respect to voting and a person who has been convicted of any felony by any court of record are not entitled to register or vote, unless they have had their right to vote restored pursuant to law.<sup>8</sup>

Voter registration applications, changes in registration, and requests for replacement voter information cards must be accepted in the office of any supervisor of elections, the Division of Elections of the Department of State, a driver license office, a voter registration agency, or an armed forces recruitment office.<sup>9</sup>

A person wishing to vote must fill out a registration application that contains certain information necessary to establish the applicant's eligibility, including:

- The applicant's name;
- The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate;
- The applicant's date of birth;
- The applicant's:
  - Current and valid Florida driver license number or the identification number from a Florida identification card;
  - If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number; or
  - If the applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, such affirmation of this fact as prescribed in the uniform statewide voter registration application;
- A mark in the appropriate checkbox affirming that the applicant:
  - Is a citizen of the United States;
  - Has not been convicted of a felony or that, if convicted, has had his or her voting rights restored; and
  - Has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored; and
- The original signature or a digital signature transmitted by the DHSMV of the applicant swearing or affirming that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, F.S.<sup>10</sup>

A voter registration application, including an application with a change in name, address, or party affiliation, may be accepted as valid only after the Department of State has verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant.<sup>11</sup>

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<sup>7</sup> Section 97.041(1)(b), F.S.

<sup>8</sup> Section 97.041(2), F.S.

<sup>9</sup> Section 97.053, F.S.

<sup>10</sup> Section 97.053(5), F.S.

<sup>11</sup> Section 97.053(6), F.S.

### **Driver License Examinations/Vision Test**

A renewal driver license may be issued after the applicant licensee has been determined to be eligible by the DHSMV.

A licensee who is otherwise eligible for renewal and who is at least 80 years of age must submit to and pass a vision test administered at any driver license office. If the licensee applies for renewal using a convenience service, the licensee must:

- Submit to a vision test administered by a licensed physician; a licensed optometrist; or a licensed physician at a federally established veterans' hospital;
- Send the results of that test to the DHSMV on the department form, signed by the health care practitioner; and
- Meet vision standards that are equivalent to the standards for passing the DHSMV vision test.<sup>12</sup>

A licensee who is at least 80 years of age may not submit an application for renewal by a convenience service unless the results of a vision test have been electronically submitted in advance by the physician or optometrist.<sup>13</sup>

### **III. Effect of Proposed Changes:**

The bill amends ss. 322.051 and 322.21, F.S., to require the DHSMV to issue, replace, or renew an identification card at no charge to a person who presents a valid Florida voter's registration card to the DHSMV and attests that he or she is experiencing a financial hardship. The DHSMV may not require a person to present evidence of a financial hardship.

The bill amends ss. 322.051, 322.18, and 322.21, F.S., to require the DHSMV to issue an identification card at no charge to a person who is 80 years of age or older and whose driving privilege is denied due to failure to pass a vision test.

The bill is effective July 1, 2022.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the

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<sup>12</sup> Section 322.18(5), F.S.

<sup>13</sup> *Ibid.*

mandates requirements do not apply to laws having an insignificant impact, which is \$2.3 million or less for Fiscal Year 2022-2023.<sup>14</sup>

The bill creates two new groups that qualify for the issuance of an identification card at no charge. The Revenue Estimating Conference has not yet adopted an estimate for the impact of the bill on revenues. However, based on staff review of current revenues it appears that the mandates provision does not apply because the impact will be insignificant.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

The bill creates two new groups that qualify for the issuance of an identification card at no charge. The Revenue Estimating Conference has not yet adopted an estimate for the impact of the bill on fee collections for issuance, renewal, or replacement of identification cards.

**B. Private Sector Impact:**

Individuals who qualify under one of the new exemptions may be able to request the DHSMV to issue, replace, or renew an identification card at no charge.

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<sup>14</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited February 20, 2021). This calculation is based on the Demographic Estimating Conference's estimated population adopted on March 3, 2021. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/archives/210303demographic.pdf> (last visited February 20, 2022).

**C. Government Sector Impact:**

For Fiscal Year 2022-2023, total anticipated revenues for all identification card fees is \$10.7 million to the General Revenue Fund; \$949,000 to the Highway Safety Operating Trust Fund; and \$785,500 to the tax collectors. There may be an indeterminate negative fiscal impact to the General Revenue Fund, the Highway Safety Operating Trust Fund, and tax collectors due to the new fee exemptions.

The bill creates two new groups that qualify for the issuance of an identification card at no charge. It is unknown how many individuals would seek an identification card at no charge so the impact is indeterminate. The Revenue Estimating Conference has not yet to adopted an estimate for the impact of the bill on revenues.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.18, and 322.21.

**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.