

**ADDITIONAL MATERIAL  
REGULAR MEETING**

**APRIL 6, 2021**

**SUBMITTED AT THE REQUEST OF  
OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Annika E. Ashton, Deputy County Attorney 

**DATE:** April 1, 2021

**RE:** **FaithAction ID Cards; Item No. 98 on the April 6, 2021, County Commission Agenda**

During briefings earlier this week regarding the above item, our Office was asked to provide information regarding the laws applicable to nongovernmental identification cards as well as the ability of individuals to obtain Florida state identification cards. The information provided is summarized below. This memorandum will also be distributed as additional material under the agenda item.

Nongovernmental ID Cards: Under Florida law (Section 877.18, Florida Statutes), prior to selling/issuing nongovernmental identification cards or documents (“ID Cards”), the ID Card issuer must obtain from the applicant, and retain for a period of three years from the date of issuance, the following:

- (a) an authenticated or certified copy of proof of age (i.e., birth record/certificate; a certificate of baptism/other religious record showing the date of birth and place of baptism, accompanied by an affidavit of the parent of the baptized individual; a life insurance policy in force for at least two years; a passport or certificate of arrival in the United States; a transcript of record of age in a school record of at least four years prior to the application, stating a date of birth; or an affidavit of age by the applicant’s parent and a certificate of age signed by a public health officer or a public school physician); and
- (b) a notarized affidavit from the applicant attesting to the applicant’s age and the accuracy of the documentation provided under (a).

The ID Card must include the business name and address of the issuer, and the issuer must make the records collected under sections (a) and (b) above available for inspection by any law enforcement officer upon reasonable request without a warrant.

State ID Cards: Under Florida law, a state-issued identification card (“State ID”) may be issued to any individual five years of age or older through the Florida Department of Highway Safety and Motor Vehicles (“DHSMV”). To qualify for a State ID, the applicant must provide DHSMV the following:

- (a) full name, gender, proof of a social security card number, county of residence, a mailing address, two forms of proof of a residential address, and county of birth; and
- (b) proof of a birth date and identity satisfactory to the DHSMV. The proof of identity must include proof of US citizenship (e.g., US birth certificate, valid US passport, proof of naturalization, consular report of birth abroad, etc.), proof of valid immigrant residency status (i.e., permanent resident card or unexpired employment authorization card issued by the Department of Homeland Security), or proof of nonimmigrant classification (e.g., approved or pending refugee/asylum-seeker status with an immigration court or from the Bureau of Citizenship and Immigration Services, an order of an immigration court judge/officer authorizing the applicant to live/work in the US, etc.).

Note that one of the documents proving a residential address can be a letter from a homeless shelter, transitional service provider, or a halfway house verifying that they receive mail for the applicant.

If you have any questions regarding this matter, please contact either the County Attorney or me ([aashton@broward.org](mailto:aashton@broward.org), x5728).

AEA/mdw

c: Bertha Henry, County Administrator  
Bob Melton, County Auditor  
Andrew J. Meyers, County Attorney