

By Senator Garcia

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1                   A bill to be entitled  
2           An act relating to issuing a restrictive driving  
3           privilege card to an illegal immigrant residing in  
4           this state; creating s. 322.045, F.S.; authorizing the  
5           Department of Highway Safety and Motor Vehicles to  
6           issue a restrictive driving privilege card to an  
7           illegal immigrant to allow the illegal immigrant to  
8           drive a motor vehicle on the highways of this state;  
9           defining terms; authorizing an illegal immigrant to  
10          apply for a restrictive driving privilege card;  
11          specifying the contents of the application;  
12          prohibiting the department from issuing a restrictive  
13          driving privilege card to a person who has never been  
14          issued a driver license in any jurisdiction until he  
15          or she successfully completes the traffic law and  
16          substance abuse education; prohibiting the department  
17          from issuing a restrictive driving privilege card to  
18          an applicant if the applicant holds a valid driver  
19          license issued by another state; requiring that the  
20          department issue the card if an applicant establishes  
21          his or her eligibility; providing that a restrictive  
22          driving privilege card expires 1 year after the date  
23          of issuance; requiring that an applicant renew the  
24          card or obtain a duplicate in person; requiring that  
25          the front of the restrictive driving privilege card  
26          clearly display specified information; authorizing a  
27          cardholder to renew a restrictive driving privilege 1  
28          year after the initial issuance of the card; requiring  
29          that a renewal application received later than 90 days

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30 after expiration of a restrictive driving privilege  
31 card be renewed using the same procedures applicable  
32 to the original card; providing procedures for the  
33 application for a duplicate if the card is lost,  
34 destroyed, or mutilated or if a new name is acquired;  
35 providing that a public entity is not liable for any  
36 loss or injury resulting directly or indirectly from  
37 false or inaccurate information contained on a  
38 restrictive driving privilege card; prohibiting an  
39 illegal immigrant from undertaking certain activities  
40 relating to a restrictive driving privilege card;  
41 requiring that a person who accepts a Florida driver  
42 license as proof of identification accept a  
43 restrictive driving privilege card in specified  
44 circumstances; providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Section 322.045, Florida Statutes, is created to  
49 read:

50 322.045 Restrictive driving privilege card for an illegal  
51 immigrant residing in this state.-

52 (1) Notwithstanding any other law, an illegal immigrant may  
53 drive a motor vehicle on the highways of this state if the  
54 illegal immigrant has been granted a restrictive driving  
55 privilege card issued by the Department of Highway Safety and  
56 Motor Vehicles under this section. An illegal immigrant may not  
57 drive a type or class of motor vehicle unless specifically  
58 granted the privilege to do so by the restrictive driving

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59 privilege card.

60 (2) As used in this section, the term:

61 (a) "Applicant" means an illegal immigrant who applies for  
62 a restrictive driving privilege card.

63 (b) "Illegal immigrant" means a person who cannot prove his  
64 or her legal resident status in this country by providing one or  
65 more of the following documents:

66 1. A certified copy of a United States birth certificate.

67 2. A valid, unexpired United States passport.

68 3. A naturalization certificate issued by the United States  
69 Department of Homeland Security.

70 4. A valid, unexpired alien registration receipt card  
71 (green card).

72 5. A Consular Report of Birth Abroad provided by the United  
73 States Department of State.

74 6. An unexpired employment authorization card issued by the  
75 United States Department of Homeland Security.

76 7. Proof of nonimmigrant classification provided by the  
77 United States Department of Homeland Security. An applicant may  
78 produce, but is not limited to, the following documents to prove  
79 that he or she is qualified for nonimmigrant classification:

80 a. Notice of a scheduled hearing on a proceeding from an  
81 immigration court.

82 b. Notice from the Board of Immigration Appeals  
83 acknowledging pendency of an appeal.

84 c. Notice of the approval of an application for adjustment  
85 of status issued by the United States Bureau of Citizenship and  
86 Immigration Services.

87 d. An official documentation confirming the filing of a

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88 petition for asylum or refugee status or any other relief issued  
89 by the United States Bureau of Citizenship and Immigration  
90 Services.

91 e. Notice of an action transferring any pending matter from  
92 another jurisdiction to this state, issued by the United States  
93 Bureau of Citizenship and Immigration Services.

94 f. Order of an immigration judge or immigration officer  
95 granting any relief that authorizes the immigrant to live and  
96 work in the United States, including, but not limited to,  
97 asylum.

98 g. Evidence that an application is pending for adjustment  
99 of status to that of an immigrant lawfully admitted for  
100 permanent resident status or conditional permanent resident  
101 status in the United States, if a visa number is available  
102 having a current priority date for processing by the United  
103 States Bureau of Citizenship and Immigration Services.

104 h. On or after January 1, 2010, an unexpired foreign  
105 passport with an unexpired United States visa affixed,  
106 accompanied by an approved I-94, documenting the most recent  
107 admittance into the United States.

108  
109 The lack of any of the documents described in this paragraph  
110 entitles the illegal immigrant to apply for a restrictive  
111 driving privilege card for a period not to exceed 1 year.

112 (c) "Restrictive driving privilege card" means a card  
113 issued under this section to an illegal immigrant to give him or  
114 her the privilege of driving a motor vehicle in this state.

115 (3) (a) An illegal immigrant who applies for a restrictive  
116 driving privilege card may be issued such a card by the

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117 department after completing a written and driving licensing  
118 test, filing a completed application, and submitting the  
119 applicable fee pursuant to s. 322.21. An application for a  
120 restrictive driving privilege card must be signed and verified  
121 by the applicant, in a format designated by the department,  
122 before an agent of the department who is authorized to  
123 administer oaths.

124 (b) The application must include the following information:

125 1. Full name, gender, county of residence, mailing address,  
126 country of birth, and a brief description of the applicant.

127 2. Proof of the applicant's birth date which is deemed  
128 satisfactory to the department.

129 3. Proof of residence which is deemed satisfactory to the  
130 department. Such proof includes, but is not limited to, one or  
131 more of the following documents:

132 a. A driver license record or identification card record  
133 from another jurisdiction that required the applicant to submit  
134 a document for identification substantially similar to a  
135 document required under this section.

136 b. A utility bill other than a cellular phone bill.

137 c. A bank statement.

138 d. A residential rental contract.

139 e. A major credit card billing statement.

140 4. Proof of financial responsibility.

141 5. A completed medical questions and vision test.

142 6. A current photo of the applicant.

143 (c) The application must include a consent to release  
144 driving record information, entitling the department to request,  
145 receive, and exchange that information with other jurisdictions.

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146       (4) (a) The department may not issue a restrictive driving  
147 privilege card to an applicant who has never been issued a  
148 driver license in any jurisdiction until he or she successfully  
149 completes the traffic law and substance abuse education course  
150 prescribed in s. 322.095.

151       (b) The department may not issue a restrictive driving  
152 privilege card to an applicant if the applicant holds a valid  
153 driver license issued by another state.

154       (5) Notwithstanding any other provision of this chapter, if  
155 an applicant establishes his or her eligibility for a  
156 restrictive driving privilege card under this section, the  
157 department shall issue the card. The card expires 1 year after  
158 the date of issuance, and the applicant may not renew the card  
159 or obtain a duplicate except in person.

160       (6) The department, upon receipt of the required fee and  
161 documents, shall issue to the qualified applicant a restrictive  
162 driving privilege card. The front of the restrictive driving  
163 privilege card must clearly display:

164       (a) A phrase substantially similar to "FOR DRIVING  
165 PRIVILEGES ONLY IN THE STATE OF FLORIDA."

166       (b) A fullface color photograph or digital image of the  
167 cardholder. Notwithstanding chapter 761 or s. 761.05, the  
168 requirement for a fullface color photograph or digital image of  
169 the cardholder may not be waived. A space shall be provided upon  
170 which the cardholder shall affix his or her usual signature, as  
171 required in s. 322.14, in the presence of an authorized agent of  
172 the department so as to ensure that the signature becomes a part  
173 of the identification card.

174       (c) A capital "I" indicating that the restrictive driving

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175 privilege card has been issued to an illegal immigrant.

176 (d) A statement specifying any restriction applicable to  
177 the cardholder.

178 (7) A restrictive driving privilege card may be renewed  
179 within 90 days after the 1-year anniversary of the issuance of  
180 the card. A renewal application received later than 90 days  
181 after the expiration of the card must be renewed following the  
182 same procedures applicable to the original restrictive driving  
183 privilege card.

184 (8) If a restrictive driving privilege card is lost,  
185 destroyed, or mutilated or if a new name is acquired, the person  
186 to whom the card was issued may obtain a duplicate upon  
187 furnishing satisfactory proof of such fact to the department and  
188 upon payment of a fee as provided in s. 322.21. The fee must  
189 include payment for the fullface color photograph or digital  
190 image of the applicant. A person who loses a restrictive driving  
191 privilege card and who, after obtaining a duplicate, finds the  
192 original card shall immediately surrender the original card to  
193 the department. The same documentary evidence shall be furnished  
194 for the duplicate as for the original restrictive driving  
195 privilege card.

196 (9) A public entity is not liable for a loss or injury  
197 resulting directly or indirectly from false or inaccurate  
198 information contained on a restrictive driving privilege card  
199 provided for in this section.

200 (10) A person may not:

201 (a) Display, cause or permit to be displayed, or have in  
202 his or her possession a fictitious, fraudulently altered, or  
203 fraudulently obtained restrictive driving privilege card.

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204       (b) Lend his or her restrictive driving privilege card to  
205 another person or knowingly permit the use thereof by another  
206 person.

207       (c) Display or represent a restrictive driving privilege  
208 card not issued to him or her as being his or her card.

209       (d) Permit the unlawful use of a restrictive driving  
210 privilege card issued to him or her.

211       (e) Perform an act that is forbidden, or fail to perform an  
212 act that is required, by this section.

213       (11) A person accepting the Florida driver license as proof  
214 of identification must accept a restrictive driving privilege  
215 card as proof of identification if the bearer of a restrictive  
216 driving privilege card does not have a driver license.

217       Section 2. This act shall take effect July 1, 2012.