

1 A bill to be entitled
2 An act relating to requirements for driver licenses;
3 amending s. 322.08, F.S.; including notice of the
4 approval of an application for Deferred Action for
5 Childhood Arrivals status issued by United States
6 Citizenship and Immigration Services as valid proof of
7 identity for purposes of applying for a driver
8 license; reenacting ss. 322.17(3), 322.18(2)(d) and
9 (4)(c), and 322.19(4), F.S., relating to conditions
10 and limitations with respect to obtaining a duplicate
11 or replacement instruction permit or driver license,
12 expiration of and renewal of a driver license, and
13 change of name or address on a driver license for
14 licensees who establish their identity in a specified
15 manner, to incorporate the amendments made by the act
16 to s. 322.08, F.S., in references thereto; providing
17 an effective date.

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19 WHEREAS, over the past 3 years, the Obama administration
20 has undertaken an unprecedented effort to transform the
21 immigration enforcement system into one that focuses on public
22 safety, border security, and the integrity of the immigration
23 system, and

24 WHEREAS, as the United States Department of Homeland
25 Security continues to focus its enforcement resources on the
26 removal of individuals who pose a danger to national security or
27 a risk to public safety, including individuals convicted of
28 crimes with particular emphasis on violent criminals, felons,

29 | and repeat offenders, the United States Department of Homeland
30 | Security intends to exercise prosecutorial discretion as
31 | appropriate to ensure that enforcement resources are not
32 | expended on low priority cases, such as individuals who came to
33 | the United States as children and meet other key guidelines, and

34 | WHEREAS, individuals who demonstrate that they meet
35 | specified guidelines established by the department may request
36 | consideration under the Deferred Action for Childhood Arrivals
37 | program for a period of 2 years, subject to renewal, and may be
38 | eligible for employment authorization, and

39 | WHEREAS, an individual may request consideration under the
40 | Deferred Action for Childhood Arrivals program if he or she was
41 | under the age of 31 as of June 15, 2012; came to the United
42 | States before reaching his or her 16th birthday; has
43 | continuously resided in the United States since June 15, 2007;
44 | was physically present in the United States on June 15, 2012,
45 | and at the time of making his or her request for consideration
46 | of deferred action with United States Citizenship and
47 | Immigration Services; entered the United States without
48 | inspection before June 15, 2012, or experienced expiration of
49 | his or her lawful immigration status as of June 15, 2012; is
50 | currently in school, has graduated or obtained a certificate of
51 | completion from high school, has obtained a general education
52 | development (GED) certificate, or is an honorably discharged
53 | veteran of the Coast Guard or Armed Forces of the United States;
54 | and has not been convicted of a felony, significant misdemeanor,
55 | three or more other misdemeanors, and does not otherwise pose a
56 | threat to national security or public safety, NOW, THEREFORE,

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

Section 1. Paragraph (c) of subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(2) Each such application shall include the following information regarding the applicant:

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., or subparagraph 8.;

2. A certified copy of a United States birth certificate;

3. A valid, unexpired United States passport;

4. A naturalization certificate issued by the United States Department of Homeland Security;

5. A valid, unexpired alien registration receipt card (green card);

6. A Consular Report of Birth Abroad provided by the United States Department of State;

7. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

85 | 8. Proof of nonimmigrant classification provided by the
86 | United States Department of Homeland Security, for an original
87 | driver license. In order to prove nonimmigrant classification,
88 | an applicant must provide at least one of the following
89 | documents. In addition, the department may require applicants to
90 | produce United States Department of Homeland Security documents
91 | for the sole purpose of establishing the maintenance of, or
92 | efforts to maintain, continuous lawful presence:

93 | a. A notice of hearing from an immigration court
94 | scheduling a hearing on any proceeding.

95 | b. A notice from the Board of Immigration Appeals
96 | acknowledging pendency of an appeal.

97 | c. A notice of the approval of an application for
98 | adjustment of status issued by the United States Bureau of
99 | Citizenship and Immigration Services.

100 | d. An official documentation confirming the filing of a
101 | petition for asylum or refugee status or any other relief issued
102 | by the United States Bureau
103 | of Citizenship and Immigration Services.

104 | e. A notice of action transferring any pending matter from
105 | another jurisdiction to this state issued by the United States
106 | Bureau of Citizenship and Immigration Services.

107 | f. An order of an immigration judge or immigration officer
108 | granting relief that authorizes the alien to live and work in
109 | the United States, including, but not limited to, asylum.

110 | g. Evidence that an application is pending for adjustment
111 | of status to that of an alien lawfully admitted for permanent
112 | residence in the United States or conditional permanent resident

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113 status in the United States, if a visa number is available
114 having a current priority date for processing by the United
115 States Bureau of Citizenship and Immigration Services.

116 h. On or after January 1, 2010, an unexpired foreign
117 passport with an unexpired United States Visa affixed,
118 accompanied by an approved I-94, documenting the most recent
119 admittance into the United States.

120 i. A notice of the approval of an application for Deferred
121 Action for Childhood Arrivals status issued by United States
122 Citizenship and Immigration Services.

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124 A driver license or temporary permit issued based on documents
125 required in subparagraph 7. or subparagraph 8. is valid for a
126 period not to exceed the expiration date of the document
127 presented or 1 year.

128 Section 2. For the purpose of incorporating the amendment
129 made by this act to section 322.08, Florida Statutes, in
130 references thereto, subsection (3) of section 322.17, Florida
131 Statutes, is reenacted to read:

132 322.17 Replacement licenses and permits.—

133 (3) Notwithstanding any other provisions of this chapter,
134 if a licensee establishes his or her identity for a driver's
135 license using an identification document authorized under s.
136 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
137 replacement instruction permit or driver's license except in
138 person and upon submission of an identification document
139 authorized under s. 322.08(2)(c)7. or 8.

140 Section 3. For the purpose of incorporating the amendment

141 made by this act to section 322.08, Florida Statutes, in
 142 references thereto, paragraph (d) of subsection (2) and
 143 paragraph (c) of subsection (4) of section 322.18, Florida
 144 Statutes, is reenacted to read:

145 322.18 Original applications, licenses, and renewals;
 146 expiration of licenses; delinquent licenses.—

147 (2) Each applicant who is entitled to the issuance of a
 148 driver's license, as provided in this section, shall be issued a
 149 driver's license, as follows:

150 (d) Notwithstanding any other provision of this chapter,
 151 if an applicant establishes his or her identity for a driver's
 152 license using a document authorized in s. 322.08(2)(c)7. or 8.,
 153 the driver's license shall expire 1 year after the date of
 154 issuance or upon the expiration date cited on the United States
 155 Department of Homeland Security documents, whichever date first
 156 occurs.

157 (4)

158 (c) Notwithstanding any other provision of this chapter,
 159 if a licensee establishes his or her identity for a driver's
 160 license using an identification document authorized under s.
 161 322.08(2)(c)7. or 8., the licensee may not renew the driver's
 162 license except in person and upon submission of an
 163 identification document authorized under s. 322.08(2)(c)7. or 8.
 164 A driver's license renewed under this paragraph expires 1 year
 165 after the date of issuance or upon the expiration date cited on
 166 the United States Department of Homeland Security documents,
 167 whichever date first occurs.

168 Section 4. For the purpose of incorporating the amendment

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169 made by this act to section 322.08, Florida Statutes, in
170 references thereto, subsection (4) of section 322.19, Florida
171 Statutes, is reenacted to read:

172 322.19 Change of address or name.—

173 (4) Notwithstanding any other provision of this chapter,
174 if a licensee established his or her identity for a driver's
175 license using an identification document authorized under s.
176 322.08(2)(c)7. or 8., the licensee may not change his or her
177 name or address except in person and upon submission of an
178 identification document authorized under s. 322.08(2)(c)7. or 8.

179 Section 5. This act shall take effect July 1, 2013.