

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.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 986

INTRODUCER: Senator Soto

SUBJECT: Requirements for Driver Licenses

DATE: March 29, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 986 amends s. 322.08(2)(c), F.S., to include a notice of an approved application for Deferred Action for Childhood Arrivals as one of the documents acceptable for proving identity when applying for a driver license.

This bill substantially amends s. 322.08, Florida Statutes.

The bill reenacts the following sections of the Florida Statutes: 322.17(3), 322.18(2)(d), 322.18(4)(c), and 322.19(4).

II. Present Situation:

Proof of Identity Requirements for Driver License Application

Section 322.08, F.S., provides requirements for the issuance of a driver license, one of which is proof of an applicant's identity. Paragraph (c) of subsection (2) of s. 322.08, F.S., lists the documents that an applicant may use to prove his or her identity. An applicant may prove identity by producing one of the following:

1. A driver license issued by another jurisdiction that requires substantially similar proof of identity;
2. A certified copy of a United States (U.S.) birth certificate;
3. A valid U.S. passport;
4. A naturalization certificate issued by the U.S. Department of Homeland Security (DHS);
5. A valid alien registration receipt card (commonly known as a "green card");

6. A Consular Report of Birth Abroad from the U.S. Department of State;
7. An unexpired employment authorization card issued by the U.S. Department of Homeland Security (DHS); or
8. Proof of nonimmigrant classification provided by the U.S. DHS in the form of at least one of the following:
 - a. A notice of hearing from an immigration court scheduling a hearing on any proceeding;
 - b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
 - c. A notice of approval of an application for adjustment of status issued by the U.S. Bureau of Citizenship and Immigration Status (USCIS);
 - d. An official document issued by the USCIS confirming a petition for asylum or refugee status;
 - e. A notice of action issued by the USCIS transferring any pending matter to this state;
 - f. An order of an immigration judge or officer authorizing the person to live and work in the U.S., such as for asylum;
 - g. Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the U.S., if a visa number is available having a current priority date for processing by the USCIS; and
 - h. An unexpired foreign passport with an unexpired U.S. Visa attached, accompanied by an approved I-94, documenting the most recent U.S. entry.

Deferred Action for Childhood Arrivals (DACA)

On June 15, 2012, the DHS announced that it would extend temporary safety from deportation along with work authorization to certain individuals who had come to the U.S. as children.¹ The Deferred Action for Childhood Arrivals policy offers “deferred action,” to this population on the basis that the DHS considers them a low priority for immigration enforcement. The DHS reserves the right to revoke deferred action at any time. Deferred action does not provide lawful immigration status or a path to a green card or citizenship.²

An individual may request consideration of deferred action for childhood arrivals if he or she:

- Was younger than 31 years old as of June 15, 2012;
- Came to the United States before turning 16 years old;
- Has continuously resided in the U.S. since June 15, 2007, up to the date of the application for deferred action;

¹ Koh, Jennifer Lee, *Waiving Due Process (Goodbye); Stipulated Orders of Removal and the Crisis in Immigration Adjudication*, 91 N. C. L. Rev. 475, FN 348 (Jan. 2013).

² USCIS, *Consideration of Deferred Action for Childhood Arrivals Process*, available at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f2ef2f19470f7310VgnVCM100000082ca60aRCRD&vgnnextchannel=f2ef2f19470f7310VgnVCM100000082ca60aRCRD> (last visited March 28, 2013).

- Was physically present in the U.S. on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
- Entered without inspection before June 15, 2012, or lawful immigration status expired as of June 15, 2012;
- Is currently in school, graduated or obtained a certificate of completion from high school, obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a public safety or security threat.³

Requests for deferred action are authorized only for immigrants who are 15 years old or older, unless they are currently in removal proceedings or have a final order of removal or voluntary departure, in which case they may apply if they are under age 15.

Deferred action is granted for a 2-year period, and recipients may request renewal. According to DHS, individuals are eligible for future renewals of deferred action as long as they were under the age of 31 on June 15, 2012.

According to the DHSMV, persons who have been approved for DACA are currently not considered eligible for a driver license based on the approved application alone. Rather, once a person is approved for deferred action, they become eligible for an employment eligibility card. Once the person receives the employment authorization card, DHSMV will issue a driver license or state identification card.

III. Effect of Proposed Changes:

The bill amends s. 322.08(2)(c), F.S., to include a notice of an approved application for Deferred Action for Childhood Arrivals as an acceptable form of identification when applying for a driver license. According to the DHSMV, the majority of those approved for deferred action status also receive an employment authorization card from DHS, which is itself acceptable proof of identification for driver license applicants. Therefore, the impact of this bill is negligible since this population of people already has a legal path to a driver license.

The bill takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³*Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.