

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 Transportation

BILL: SB 986
 INTRODUCER: Senator Soto
 SUBJECT: Requirements for Driver Licenses
 DATE: March 11, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Eichin	TR	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____
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 status as one of the documents acceptable for proving one’s identity when applying for a driver license.

This bill substantially amends s. 322.08 of the Florida Statutes.

The bill reenacts sections 322.17(3), 322.18(2)(d), 322.18(4)(c), and 322.09(4), Florida Statutes.

II. Present Situation:

Proof of Identity Requirements for Driver License Application

Section 322.08, F.S., provides the requirements for the issuance of a driver license. One such requirement is the proof of an applicant’s identity. Paragraph (c) of subsection (2) of s. 322.08, F.S., lists the documents or credentials that are acceptable to the Department of Highway Safety and Motor Vehicles (DHSMV) for proving an individual’s identity. In order to prove one’s identity, an applicant must provide one of the following:

1. A driver license issued by another jurisdiction that substantially meets the requirements below;
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 (colloquially 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. 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 issued by the U.S. Bureau of Citizenship and Immigration Status approving of an application for adjustment of status;
 - d. An official document issued by the U.S. Bureau of Citizenship and Immigration Status confirming a petition for asylum or refugee status;
 - e. A notice of action issued by the U.S. Bureau of Citizenship and Immigration Status 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. (*e.g.*, 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 U.S. Bureau of Citizenship and Immigration Services; and
 - h. An unexpired foreign passport with an unexpired U.S. Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the U.S.

Deferred Action for Childhood Arrivals

Deferred Action for Childhood Arrivals (DACA) is an initiative announced on June 15, 2012 by the U.S. DHS, which offers “deferred action,” and effectively postpones deportation of persons who were brought to the U.S. as children, provided they meet other specific requirements. When an immigrant is granted “deferred action,” it means the DHS has deemed the individual a low priority for immigration enforcement and has chosen to exercise its discretion and not deport the individual. Deferred action provides temporary relief from enforcement but may be revoked at any time. Deferred action is not amnesty or immunity. It does not provide lawful immigration status or a path to a green card or citizenship. It does not extend to any family members of the person granted deferred action.

An individual may request consideration of deferred action for childhood arrivals if they:

1. Were under the age of 31 as of June 15, 2012;
2. Came to the United States before reaching their 16th birthday;
3. Have continuously resided in the United States since June 15, 2007, up to the present time;
4. Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with USCIS;
5. Entered without inspection before June 15, 2012, or your lawful immigration status expired as of June 15, 2012;
6. Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Requests for deferred action will only be considered for immigrants who are age 15 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.

Under the childhood arrivals initiative, deferred action will be granted for a two-year period, after which recipients may request a renewal. According to DHS, individuals will be eligible for future renewals of deferred action so long as they were under age 31 on June 15, 2012.

According to DHSMV, persons that have applied for and 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, and 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 status as one of the documents acceptable for proving one's identity when applying for a driver license. According to DHSMV, the majority of those approved for deferred action status also receive an employment authorization card from DHS, thus making them eligible to make application for a Florida driver license under s. 322.08(2)(c)7, F.S. Therefore, the impact of this bill would be negligible since this population of people has a legal path to a driver license in current law.

The bill reenacts ss. 322.17(3), 322.18(2)(d), 322.18(4)(c), and 322.09(4), F.S., for the purpose of incorporating the revision made in s. 322.08, F.S.

The bill becomes effective July 1, 2013.

Other Potential Implications:

The bill does not include identification cards as described in s. 322.051, F.S., which serve as an alternative identification credential for persons who do not desire to drive or cannot meet driver license requirements unrelated to identification issues (*e.g.*, visual impairment).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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.