

1                   A bill to be entitled  
2           An act relating to driver licenses; amending s.  
3           322.08, F.S.; requiring proof of a taxpayer  
4           identification number or other specified  
5           identification number for certain applicants for a  
6           driver license; authorizing certain documents issued  
7           by foreign governments to satisfy proof-of-identity  
8           requirements; providing that a driver license or  
9           temporary permit issued based on such documents is  
10          valid for a specified period; amending s. 322.12,  
11          F.S.; prohibiting the Department of Highway Safety and  
12          Motor Vehicles from waiving certain tests for  
13          applicants who establish identity using such  
14          documents; amending s. 322.14, F.S.; requiring the  
15          department to mark licenses to indicate compliance  
16          with the REAL ID Act of 2005 under specified  
17          circumstances; amending ss. 322.17, 322.18, and  
18          322.19, F.S.; prohibiting a licensee who establishes  
19          identity using such documents from obtaining a  
20          duplicate or replacement instruction permit or driver  
21          license, renewing a driver license, or changing his or  
22          her name or address, except under certain  
23          circumstances; conforming provisions to changes made  
24          by the act; providing an effective date.  
25

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

27 |

28 |       Section 1. Subsection (2) of section 322.08, Florida  
29 | Statutes, is amended to read:

30 |       322.08 Application for license; requirements for license  
31 | and identification card forms.—

32 |       (2) Each such application may include fingerprints and  
33 | other unique biometric means of identity and shall include the  
34 | following information regarding the applicant:

35 |       (a) Full name (first, middle or maiden, and last), gender,  
36 | proof of social security card number satisfactory to the  
37 | department, which may include a military identification card,  
38 | county of residence, mailing address, proof of residential  
39 | address satisfactory to the department, country of birth, and a  
40 | brief description. An applicant who is ineligible for a social  
41 | security card must provide proof of a taxpayer identification  
42 | number or proof of a number associated with the document  
43 | establishing identity under paragraph (c).

44 |       (b) Proof of birth date satisfactory to the department.

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

48 |       1. A driver license record or identification card record  
49 | from another jurisdiction that required the applicant to submit  
50 | a document for identification which is substantially similar to

51 a document required under subparagraph 2., subparagraph 3.,  
 52 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph  
 53 7., or subparagraph 8.~~†~~

54 2. A certified copy of a United States birth certificate.†

55 3. A valid, unexpired United States passport.†

56 4. A naturalization certificate issued by the United  
 57 States Department of Homeland Security.†

58 5. A valid, unexpired alien registration receipt card  
 59 (green card).†

60 6. A Consular Report of Birth Abroad provided by the  
 61 United States Department of State.†

62 7. An unexpired employment authorization card issued by  
 63 the United States Department of Homeland Security.~~†~~~~or~~

64 8. Proof of nonimmigrant classification provided by the  
 65 United States Department of Homeland Security, for an original  
 66 driver license. ~~In order to prove nonimmigrant classification,~~  
 67 ~~an applicant must provide at least one of the following~~  
 68 ~~documents.~~ In addition, the department may require applicants to  
 69 produce United States Department of Homeland Security documents  
 70 for the sole purpose of establishing the maintenance of, or  
 71 efforts to maintain, continuous lawful presence. In order to  
 72 prove nonimmigrant classification, an applicant must provide at  
 73 least one of the following documents:

74 a. A notice of hearing from an immigration court  
 75 scheduling a hearing on any proceeding.

76 b. A notice from the Board of Immigration Appeals  
77 acknowledging pendency of an appeal.

78 c. A notice of the approval of an application for  
79 adjustment of status issued by the United States Citizenship and  
80 Immigration Services.

81 d. An official documentation confirming the filing of a  
82 petition for asylum or refugee status or any other relief issued  
83 by the United States Citizenship and Immigration Services.

84 e. A notice of action transferring any pending matter from  
85 another jurisdiction to this state issued by the United States  
86 Citizenship and Immigration Services.

87 f. An order of an immigration judge or immigration officer  
88 granting relief which ~~that~~ authorizes the alien to live and work  
89 in the United States, including, but not limited to, asylum.

90 g. Evidence that an application is pending for adjustment  
91 of status to that of an alien lawfully admitted for permanent  
92 residence in the United States or conditional permanent resident  
93 status in the United States, if a visa number is available  
94 having a current priority date for processing by the United  
95 States Citizenship and Immigration Services.

96 h. ~~On or after January 1, 2010,~~ An unexpired foreign  
97 passport with an unexpired United States Visa affixed,  
98 accompanied by an approved I-94, documenting the most recent  
99 admittance into the United States.

100 9. A passport issued by a foreign government.

101           10. A birth certificate issued by a foreign government.

102           11. A consular identification document issued by the  
 103 government of Mexico or a document issued by another government  
 104 which the department determines is substantially similar.

105  
 106 A driver license or temporary permit issued based on documents  
 107 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph  
 108 9., subparagraph 10., or subparagraph 11. is valid for a period  
 109 not to exceed the expiration date of the document presented or 1  
 110 year.

111           (d) Whether the applicant has previously been licensed to  
 112 drive, and, if so, when and by what state, and whether any such  
 113 license or driving privilege has ever been disqualified,  
 114 revoked, or suspended, or whether an application has ever been  
 115 refused, and, if so, the date of and reason for such  
 116 disqualification, suspension, revocation, or refusal.

117           ~~(c) Each such application may include fingerprints and~~  
 118 ~~other unique biometric means of identity.~~

119           Section 2. Subsection (1) of section 322.12, Florida  
 120 Statutes, is amended to read:

121           322.12 Examination of applicants.—

122           (1) It is the intent of the Legislature that every  
 123 applicant for an original driver license in this state be  
 124 required to pass an examination pursuant to this section.  
 125 However, the department may waive the knowledge, endorsement,

126 and skills tests for an applicant who is otherwise qualified,  
 127 except for an applicant who establishes his or her identity  
 128 using an identification document authorized under s.  
 129 322.08(2)(c)9., 10., or 11., and who surrenders a valid driver  
 130 license from another state or a province of Canada, or a valid  
 131 driver license issued by the United States Armed Forces, if the  
 132 driver applies for a Florida license of an equal or lesser  
 133 classification. An ~~Any~~ applicant who fails to pass the initial  
 134 knowledge test incurs a \$10 fee for each subsequent test, to be  
 135 deposited into the Highway Safety Operating Trust Fund. An ~~Any~~  
 136 applicant who fails to pass the initial skills test incurs a \$20  
 137 fee for each subsequent test, to be deposited into the Highway  
 138 Safety Operating Trust Fund. A person who seeks to retain a  
 139 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),  
 140 must pass the hazardous-materials test, upon surrendering his or  
 141 her commercial driver license, if the person has not taken and  
 142 passed the hazardous-materials test within 2 years before  
 143 applying for a commercial driver license in this state.

144 Section 3. Subsection (3) is added to section 322.14,  
 145 Florida Statutes, to read:

146 322.14 Licenses issued to drivers.—

147 (3) If the United States Department of Homeland Security  
 148 notifies the department of a final deadline by which this state  
 149 must fully comply with ss. 201 and 202 of the REAL ID Act of  
 150 2005, Pub. L. No. 109-13, and determines that the state is

151 otherwise in compliance with the act, the department shall mark  
152 all licenses issued after the date of full compliance to  
153 indicate compliance with the act.

154 Section 4. Subsection (3) of section 322.17, Florida  
155 Statutes, is amended to read:

156 322.17 Replacement licenses and permits.—

157 (3) Notwithstanding any other provisions of this chapter,  
158 if a licensee establishes his or her identity for a driver  
159 license using an identification document authorized under s.  
160 322.08(2)(c)7., ~~8.~~, 9., 10., or 11., the licensee may not  
161 obtain a duplicate or replacement instruction permit or driver  
162 license except in person and upon submission of an  
163 identification document authorized under s. 322.08(2)(c)7., ~~8.~~  
164 8., 9., 10., or 11.

165 Section 5. Paragraph (d) of subsection (2) and paragraph  
166 (c) of subsection (4) of section 322.18, Florida Statutes, are  
167 amended to read:

168 322.18 Original applications, licenses, and renewals;  
169 expiration of licenses; delinquent licenses.—

170 (2) Each applicant who is entitled to the issuance of a  
171 driver license, as provided in this section, shall be issued a  
172 driver license, as follows:

173 (d) Notwithstanding any other provision of this chapter,  
174 if an applicant establishes his or her identity for a driver  
175 license using a document authorized in s. 322.08(2)(c)7., ~~8.~~,

176 9., 10., or 11., the driver license shall expire 1 year after  
 177 the date of issuance or upon the expiration date cited on the  
 178 ~~United States Department of Homeland Security~~ documents,  
 179 whichever date first occurs.

180 (4)

181 (c) Notwithstanding any other provision of this chapter,  
 182 if a licensee establishes his or her identity for a driver  
 183 license using an identification document authorized under s.  
 184 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11., the licensee may not  
 185 renew the driver license except in person and upon submission of  
 186 an identification document authorized under s. 322.08(2)(c)7.,  
 187 ~~or 8.,~~ 9., 10., or 11. A driver license renewed under this  
 188 paragraph expires 1 year after the date of issuance or upon the  
 189 expiration date cited on the ~~United States Department of~~  
 190 ~~Homeland Security~~ documents, whichever date first occurs.

191 Section 6. Subsection (4) of section 322.19, Florida  
 192 Statutes, is amended to read:

193 322.19 Change of address or name.—

194 (4) Notwithstanding any other provision of this chapter,  
 195 if a licensee established his or her identity for a driver  
 196 license using an identification document authorized under s.  
 197 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11., the licensee may not  
 198 change his or her name or address except in person and upon  
 199 submission of an identification document authorized under s.  
 200 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11.



HB 241

2018

201 | Section 7. This act shall take effect July 1, 2018. |