

By Senator Garcia

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1 A bill to be entitled
2 An act relating to driver licenses and identification
3 cards; amending s. 322.08, F.S.; authorizing
4 alternative forms of identification for certain
5 applicants for a driver license or identification
6 card; requiring the department to distinguish between
7 licenses and cards that are compliant with the REAL ID
8 Act of 2005 and those that are not in certain
9 circumstances; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 322.08, Florida Statutes, is amended to
14 read:

15 322.08 Application for license; requirements for license
16 and identification card forms.—

17 (1) Each application for a driver ~~driver's~~ license shall be
18 made in a format designated by the department and sworn to or
19 affirmed by the applicant as to the truth of the statements made
20 in the application.

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

23 (a) Full name (first, middle or maiden, and last), gender,
24 proof of social security card number satisfactory to the
25 department, county of residence, mailing address, proof of
26 residential address satisfactory to the department, country of
27 birth, and a brief description. An applicant who is ineligible
28 to obtain a social security card number must provide a federal
29 individual taxpayer identification number or a number associated

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30 with the document establishing identity under paragraph (c).

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

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

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

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

42 3. A valid, unexpired United States passport;

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

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

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

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

51 8. Proof of nonimmigrant classification provided by the
52 United States Department of Homeland Security, for an original
53 driver license. In order to prove nonimmigrant classification,
54 an applicant must provide at least one of the following
55 documents. In addition, the department may require applicants to
56 produce United States Department of Homeland Security documents
57 for the sole purpose of establishing the maintenance of, or
58 efforts to maintain, continuous lawful presence:

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59 a. A notice of hearing from an immigration court scheduling
60 a hearing on any proceeding.

61 b. A notice from the Board of Immigration Appeals
62 acknowledging pendency of an appeal.

63 c. A notice of the approval of an application for
64 adjustment of status issued by the United States Bureau of
65 Citizenship and Immigration Services.

66 d. An official documentation confirming the filing of a
67 petition for asylum or refugee status or any other relief issued
68 by the United States Bureau of Citizenship and Immigration
69 Services.

70 e. A notice of action transferring any pending matter from
71 another jurisdiction to this state issued by the United States
72 Bureau of Citizenship and Immigration Services.

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

76 g. Evidence that an application is pending for adjustment
77 of status to that of an alien lawfully admitted for permanent
78 residence in the United States or conditional permanent resident
79 status in the United States, if a visa number is available
80 having a current priority date for processing by the United
81 States Bureau of Citizenship and Immigration Services.

82 h. On or after January 1, 2010, an unexpired foreign
83 passport with an unexpired United States Visa affixed,
84 accompanied by an approved I-94, documenting the most recent
85 admittance into the United States;~~;~~

86 9. A valid passport from the applicant's country of
87 citizenship; or

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88 10. A valid consular identification document issued by the
89 government of Mexico or Guatemala, or any government that has
90 security standards and protocols that are compliant with those
91 of Mexico or Guatemala, as determined by the department.

92
93 A driver license or temporary permit issued based on documents
94 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph
95 9., or subparagraph 10. is valid for a period not to exceed the
96 expiration date of the document presented or 1 year.

97 (d) Whether the applicant has previously been licensed to
98 drive, and, if so, when and by what state, and whether any such
99 license or driving privilege has ever been disqualified,
100 revoked, or suspended, or whether an application has ever been
101 refused, and, if so, the date of and reason for such
102 disqualification, suspension, revocation, or refusal.

103 (e) Each such application may include fingerprints and
104 other unique biometric means of identity.

105 (3) Each such application shall include a consent to
106 release driving record information, entitling the department to
107 request, receive, and exchange such information with other
108 jurisdictions.

109 (4) In addition to the requirements of subsections (1),
110 (2), and (3), each application for a commercial driver ~~driver's~~
111 license shall include a certification as to whether the
112 applicant is required by federal or state law to undergo
113 biennial physical examinations and other certifications required
114 by the department.

115 (5) The department may not issue a driver ~~driver's~~ license
116 to a person who has never been issued a driver ~~driver's~~ license

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117 in any jurisdiction until he or she successfully completes the
118 traffic law and substance abuse education course prescribed in
119 s. 322.095.

120 (6) The department may not issue a driver ~~driver's~~ license
121 or identification card, as described in s. 322.051, to an
122 applicant if the applicant holds a valid driver ~~driver's~~ license
123 or identification card issued by any state.

124 (7) The application form for an original, renewal, or
125 replacement driver license or identification card shall include
126 language permitting the following:

127 (a) A voluntary contribution of \$1 per applicant, which
128 contribution shall be deposited into the Health Care Trust Fund
129 for organ and tissue donor education and for maintaining the
130 organ and tissue donor registry.

131 (b) A voluntary contribution of \$1 per applicant, which
132 contribution shall be distributed to the Florida Council of the
133 Blind.

134 (c) A voluntary contribution of \$2 per applicant, which
135 shall be distributed to the Hearing Research Institute,
136 Incorporated.

137 (d) A voluntary contribution of \$1 per applicant, which
138 shall be distributed to the Juvenile Diabetes Foundation
139 International.

140 (e) A voluntary contribution of \$1 per applicant, which
141 shall be distributed to the Children's Hearing Help Fund.

142 (f) A voluntary contribution of \$1 per applicant, which
143 shall be distributed to Family First, a nonprofit organization.

144 (g) A voluntary contribution of \$1 per applicant to Stop
145 Heart Disease, which shall be distributed to the Florida Heart

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146 Research Institute, a nonprofit organization.

147 (h) A voluntary contribution of \$1 per applicant to Senior
148 Vision Services, which shall be distributed to the Florida
149 Association of Agencies Serving the Blind, Inc., a not-for-
150 profit organization.

151 (i) A voluntary contribution of \$1 per applicant for
152 services for persons with developmental disabilities, which
153 shall be distributed to The Arc of Florida.

154 (j) A voluntary contribution of \$1 to the Ronald McDonald
155 House, which shall be distributed each month to Ronald McDonald
156 House Charities of Tampa Bay, Inc.

157 (k) Notwithstanding s. 322.081, a voluntary contribution of
158 \$1 per applicant, which shall be distributed to the League
159 Against Cancer/La Liga Contra el Cancer, a not-for-profit
160 organization.

161 (l) A voluntary contribution of \$1 per applicant to Prevent
162 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
163 Inc., a nonprofit organization.

164 (m) A voluntary contribution of \$1 per applicant, which
165 shall be distributed to Prevent Blindness Florida, a not-for-
166 profit organization, to prevent blindness and preserve the sight
167 of the residents of this state.

168 (n) Notwithstanding s. 322.081, a voluntary contribution of
169 \$1 per applicant to the state homes for veterans, to be
170 distributed on a quarterly basis by the department to the State
171 Homes for Veterans Trust Fund, which is administered by the
172 Department of Veterans' Affairs.

173 (o) A voluntary contribution of \$1 per applicant to the
174 Disabled American Veterans, Department of Florida, which shall

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175 be distributed quarterly to Disabled American Veterans,
176 Department of Florida, a nonprofit organization.

177 (p) A voluntary contribution of \$1 per applicant for Autism
178 Services and Supports, which shall be distributed to Achievement
179 and Rehabilitation Centers, Inc., Autism Services Fund.

180 (q) A voluntary contribution of \$1 per applicant to Support
181 Our Troops, which shall be distributed to Support Our Troops,
182 Inc., a Florida not-for-profit organization.

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184 A statement providing an explanation of the purpose of the trust
185 funds shall also be included. For the purpose of applying the
186 service charge provided in s. 215.20, contributions received
187 under paragraphs (b)-(q) are not income of a revenue nature.

188 (8) The department may collect electronic mail addresses
189 and use electronic mail in lieu of the United States Postal
190 Service for the purpose of providing renewal notices.

191 (9) If the United States Department of Homeland Security
192 notifies the department of a final deadline by which this state
193 must fully comply with the REAL ID Act of 2005, Pub. L. No. 109-
194 13, ss. 201-202, and determines that the state is otherwise
195 fully compliant with the act, any noncompliant licenses and
196 cards shall be distinguished from REAL ID-compliant licenses and
197 cards in accordance with law.

198 Section 2. This act shall take effect July 1, 2013.