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HB 235, Engrossed 1

2013 Legislature

1
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.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (c) of subsection (2) of section
22 322.08, Florida Statutes, is amended to read:

23 322.08 Application for license; requirements for license
24 and identification card forms.—

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

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



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29 applicant:

30 1. A driver license record or identification card record

31 from another jurisdiction that required the applicant to submit

32 a document for identification which is substantially similar to

33 a document required under subparagraph 2., subparagraph 3.,

34 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph

35 7., or subparagraph 8.;

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

37 3. A valid, unexpired United States passport;

38 4. A naturalization certificate issued by the United

39 States Department of Homeland Security;

40 5. A valid, unexpired alien registration receipt card

41 (green card);

42 6. A Consular Report of Birth Abroad provided by the

43 United States Department of State;

44 7. An unexpired employment authorization card issued by

45 the United States Department of Homeland Security; or

46 8. Proof of nonimmigrant classification provided by the

47 United States Department of Homeland Security, for an original

48 driver license. In order to prove nonimmigrant classification,

49 an applicant must provide at least one of the following

50 documents. In addition, the department may require applicants to

51 produce United States Department of Homeland Security documents

52 for the sole purpose of establishing the maintenance of, or

53 efforts to maintain, continuous lawful presence:

54 a. A notice of hearing from an immigration court

55 scheduling a hearing on any proceeding.

56 b. A notice from the Board of Immigration Appeals



57 | acknowledging pendency of an appeal.

58 | c. A notice of the approval of an application for
 59 | adjustment of status issued by the United States Bureau of
 60 | Citizenship and Immigration Services.

61 | d. An official documentation confirming the filing of a
 62 | petition for asylum or refugee status or any other relief issued
 63 | by the United States Bureau
 64 | of Citizenship and Immigration Services.

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

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

71 | g. Evidence that an application is pending for adjustment
 72 | of status to that of an alien lawfully admitted for permanent
 73 | residence in the United States or conditional permanent resident
 74 | status in the United States, if a visa number is available
 75 | having a current priority date for processing by the United
 76 | States Bureau of Citizenship and Immigration Services.

77 | h. On or after January 1, 2010, an unexpired foreign
 78 | passport with an unexpired United States Visa affixed,
 79 | accompanied by an approved I-94, documenting the most recent
 80 | admittance into the United States.

81 | i. A notice of the approval of an application for Deferred
 82 | Action for Childhood Arrivals status issued by United States
 83 | Citizenship and Immigration Services.

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85 | A driver license or temporary permit issued based on documents
86 | required in subparagraph 7. or subparagraph 8. is valid for a
87 | period not to exceed the expiration date of the document
88 | presented or 1 year.

89 | Section 2. For the purpose of incorporating the amendment
90 | made by this act to section 322.08, Florida Statutes, in
91 | references thereto, subsection (3) of section 322.17, Florida
92 | Statutes, is reenacted to read:

93 | 322.17 Replacement licenses and permits.—

94 | (3) Notwithstanding any other provisions of this chapter,
95 | if a licensee establishes his or her identity for a driver's
96 | license using an identification document authorized under s.
97 | 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
98 | replacement instruction permit or driver's license except in
99 | person and upon submission of an identification document
100 | authorized under s. 322.08(2)(c)7. or 8.

101 | Section 3. For the purpose of incorporating the amendment
102 | made by this act to section 322.08, Florida Statutes, in
103 | references thereto, paragraph (d) of subsection (2) and
104 | paragraph (c) of subsection (4) of section 322.18, Florida
105 | Statutes, is reenacted to read:

106 | 322.18 Original applications, licenses, and renewals;
107 | expiration of licenses; delinquent licenses.—

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

111 | (d) Notwithstanding any other provision of this chapter,
112 | if an applicant establishes his or her identity for a driver's



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113 license using a document authorized in s. 322.08(2)(c)7. or 8.,
114 the driver's license shall expire 1 year after the date of
115 issuance or upon the expiration date cited on the United States
116 Department of Homeland Security documents, whichever date first
117 occurs.

118 (4)

119 (c) Notwithstanding any other provision of this chapter,
120 if a licensee establishes his or her identity for a driver's
121 license using an identification document authorized under s.
122 322.08(2)(c)7. or 8., the licensee may not renew the driver's
123 license except in person and upon submission of an
124 identification document authorized under s. 322.08(2)(c)7. or 8.
125 A driver's license renewed under this paragraph expires 1 year
126 after the date of issuance or upon the expiration date cited on
127 the United States Department of Homeland Security documents,
128 whichever date first occurs.

129 Section 4. For the purpose of incorporating the amendment
130 made by this act to section 322.08, Florida Statutes, in
131 references thereto, subsection (4) of section 322.19, Florida
132 Statutes, is reenacted to read:

133 322.19 Change of address or name.—

134 (4) Notwithstanding any other provision of this chapter,
135 if a licensee established his or her identity for a driver's
136 license using an identification document authorized under s.
137 322.08(2)(c)7. or 8., the licensee may not change his or her
138 name or address except in person and upon submission of an
139 identification document authorized under s. 322.08(2)(c)7. or 8.

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