

By Senator Soto

14-01440-13

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1                   A bill to be entitled  
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 the 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.

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19          WHEREAS, over the past 3 years, the Obama administration  
20          has undertaken an unprecedented effort to transform the  
21          immigration enforcement system into one that focuses on public  
22          safety, border security, and the integrity of the immigration  
23          system, and

24          WHEREAS, as the United States Department of Homeland  
25          Security continues to focus its enforcement resources on the  
26          removal of individuals who pose a danger to national security or  
27          a risk to public safety, including individuals convicted of  
28          crimes with particular emphasis on violent criminals, felons,  
29          and repeat offenders, the United States Department of Homeland

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30 Security intends to exercise prosecutorial discretion as  
31 appropriate to ensure that enforcement resources are not  
32 expended on low priority cases, such as individuals who came to  
33 the United States as children and meet other key guidelines, and

34 WHEREAS, individuals who demonstrate that they meet  
35 specified guidelines established by the department may request  
36 consideration under the Deferred Action for Childhood Arrivals  
37 program for a period of 2 years, subject to renewal, and may be  
38 eligible for employment authorization, and

39 WHEREAS, an individual may request consideration under the  
40 Deferred Action for Childhood Arrivals program if he or she was  
41 under the age of 31 as of June 15, 2012; came to the United  
42 States before reaching his or her 16th birthday; has  
43 continuously resided in the United States since June 15, 2007;  
44 was physically present in the United States on June 15, 2012,  
45 and at the time of making his or her request for consideration  
46 of deferred action with the United States Citizenship and  
47 Immigration Services; entered the United States without  
48 inspection before June 15, 2012, or experienced expiration of  
49 his or her lawful immigration status as of June 15, 2012; is  
50 currently in school, has graduated or obtained a certificate of  
51 completion from high school, has obtained a general education  
52 development (GED) certificate, or is an honorably discharged  
53 veteran of the Coast Guard or Armed Forces of the United States;  
54 and has not been convicted of a felony, significant misdemeanor,  
55 three or more other misdemeanors, and does not otherwise pose a  
56 threat to national security or public safety, NOW, THEREFORE,

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58 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

3. A valid, unexpired United States passport;

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

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

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

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

8. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original driver license. In order to prove nonimmigrant classification,

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88 an applicant must provide at least one of the following  
89 documents. In addition, the department may require applicants to  
90 produce United States Department of Homeland Security documents  
91 for the sole purpose of establishing the maintenance of, or  
92 efforts to maintain, continuous lawful presence:

93 a. A notice of hearing from an immigration court scheduling  
94 a hearing on any proceeding.

95 b. A notice from the Board of Immigration Appeals  
96 acknowledging pendency of an appeal.

97 c. A notice of the approval of an application for  
98 adjustment of status issued by the United States Bureau of  
99 Citizenship and Immigration Services.

100 d. An official documentation confirming the filing of a  
101 petition for asylum or refugee status or any other relief issued  
102 by the United States Bureau of Citizenship and Immigration  
103 Services.

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

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

110 g. Evidence that an application is pending for adjustment  
111 of status to that of an alien lawfully admitted for permanent  
112 residence in the United States or conditional permanent resident  
113 status in the United States, if a visa number is available  
114 having a current priority date for processing by the United  
115 States Bureau of Citizenship and Immigration Services.

116 h. On or after January 1, 2010, an unexpired foreign

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117 passport with an unexpired United States Visa affixed,  
118 accompanied by an approved I-94, documenting the most recent  
119 admittance into the United States.

120 i. A notice of the approval of an application for Deferred  
121 Action for Childhood Arrivals status issued by the United States  
122 Citizenship and Immigration Services.

123  
124 A driver license or temporary permit issued based on documents  
125 required in subparagraph 7. or subparagraph 8. is valid for a  
126 period not to exceed the expiration date of the document  
127 presented or 1 year.

128 Section 2. For the purpose of incorporating the amendment  
129 made by this act to section 322.08, Florida Statutes, in  
130 references thereto, subsection (3) of section 322.17, Florida  
131 Statutes, is reenacted to read:

132 322.17 Replacement licenses and permits.—

133 (3) Notwithstanding any other provisions of this chapter,  
134 if a licensee establishes his or her identity for a driver's  
135 license using an identification document authorized under s.  
136 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or  
137 replacement instruction permit or driver's license except in  
138 person and upon submission of an identification document  
139 authorized under s. 322.08(2)(c)7. or 8.

140 Section 3. For the purpose of incorporating the amendment  
141 made by this act to section 322.08, Florida Statutes, in  
142 references thereto, paragraph (d) of subsection (2) and  
143 paragraph (c) of subsection (4) of section 322.18, Florida  
144 Statutes, are reenacted to read:

145 322.18 Original applications, licenses, and renewals;

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146 expiration of licenses; delinquent licenses.—

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

150 (d) Notwithstanding any other provision of this chapter, if  
151 an applicant establishes his or her identity for a driver's  
152 license using a document authorized in s. 322.08(2)(c)7. or 8.,  
153 the driver's license shall expire 1 year after the date of  
154 issuance or upon the expiration date cited on the United States  
155 Department of Homeland Security documents, whichever date first  
156 occurs.

157 (4)

158 (c) Notwithstanding any other provision of this chapter, if  
159 a licensee establishes his or her identity for a driver's  
160 license using an identification document authorized under s.  
161 322.08(2)(c)7. or 8., the licensee may not renew the driver's  
162 license except in person and upon submission of an  
163 identification document authorized under s. 322.08(2)(c)7. or 8.  
164 A driver's license renewed under this paragraph expires 1 year  
165 after the date of issuance or upon the expiration date cited on  
166 the United States Department of Homeland Security documents,  
167 whichever date first occurs.

168 Section 4. For the purpose of incorporating the amendment  
169 made by this act to section 322.08, Florida Statutes, in  
170 references thereto, subsection (4) of section 322.19, Florida  
171 Statutes, is reenacted to read:

172 322.19 Change of address or name.—

173 (4) Notwithstanding any other provision of this chapter, if  
174 a licensee established his or her identity for a driver's

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175 license using an identification document authorized under s.  
176 322.08(2)(c)7. or 8., the licensee may not change his or her  
177 name or address except in person and upon submission of an  
178 identification document authorized under s. 322.08(2)(c)7. or 8.  
179 Section 5. This act shall take effect July 1, 2013.