

By Senator Garcia

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20141402__

1 A bill to be entitled
2 An act relating to driver licenses and identification
3 cards; amending s. 322.08, F.S.; requiring proof of a
4 taxpayer identification number for certain applicants
5 for a driver license or identification card; amending
6 s. 322.12, F.S.; authorizing additional forms of
7 identification that certain applicants may provide;
8 amending s. 322.14, F.S.; requiring the department to
9 mark licenses and identification cards to indicate
10 compliance with the REAL ID Act of 2005 under
11 specified circumstances; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Subsection (2) of section 322.08, Florida
16 Statutes, is amended to read:

17 322.08 Application for license; requirements for license
18 and identification card forms.—

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

21 (a) Full name (first, middle or maiden, and last), gender,
22 proof of social security ~~card~~ number satisfactory to the
23 department, county of residence, mailing address, proof of
24 residential address satisfactory to the department, country of
25 birth, and a brief description. An applicant who is ineligible
26 for a social security number must provide proof of a taxpayer
27 identification number or proof of a number associated with the
28 document establishing identity under paragraph (c).

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

38-00750B-14

20141402__

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

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

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

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

41 4. A naturalization certificate issued by the United States
42 Department of Homeland Security.†

43 5. A valid, unexpired alien registration receipt card
44 (green card).†

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

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

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

57 a. A notice of hearing from an immigration court scheduling
58 a hearing on any proceeding.

38-00750B-14

20141402__

59 b. A notice from the Board of Immigration Appeals
60 acknowledging pendency of an appeal.

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

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

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

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

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

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

84 9. A passport issued by a foreign government.

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

86 11. A consular identification document issued by the
87 government of Mexico, or a document issued by another government

38-00750B-14

20141402__

88 which the department determines is substantially similar.

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90 A driver license or temporary permit issued based on documents
91 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph
92 9., subparagraph 10., or subparagraph 11. is valid for a period
93 not to exceed the expiration date of the document presented or 1
94 year.

95 (d) In addition to the documents required under
96 subparagraph (c)8., the department may require applicants to
97 produce United States Department of Homeland Security documents
98 for the sole purpose of establishing the maintenance of, or
99 efforts to maintain, continuous lawful presence.

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

106 (f) ~~(e)~~ Each such application may include fingerprints and
107 other unique biometric means of identity.

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

110 322.12 Examination of applicants.—

111 (1) It is the intent of the Legislature that every
112 applicant for an original driver ~~driver's~~ license in this state
113 be required to pass an examination pursuant to this section.
114 However, the department may waive the knowledge, endorsement,
115 and skills tests for an applicant who is otherwise qualified,
116 except for an applicant who provides proof of identity under s.

38-00750B-14

20141402__

117 322.08(2)(c)9., s. 322.08(2)(c)10., or s. 322.08(2)(c)11., and
118 who surrenders a valid driver ~~driver's~~ license from another
119 state or a province of Canada, or a valid driver ~~driver's~~
120 license issued by the United States Armed Forces, if the driver
121 applies for a Florida license of an equal or lesser
122 classification. Any applicant who fails to pass the initial
123 knowledge test incurs a \$10 fee for each subsequent test, to be
124 deposited into the Highway Safety Operating Trust Fund. Any
125 applicant who fails to pass the initial skills test incurs a \$20
126 fee for each subsequent test, to be deposited into the Highway
127 Safety Operating Trust Fund. A person who seeks to retain a
128 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
129 must pass the hazardous-materials test, upon surrendering his or
130 her commercial driver ~~driver's~~ license, if the person has not
131 taken and passed the hazardous-materials test within 2 years
132 before applying for a commercial driver ~~driver's~~ license in this
133 state.

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

136 322.14 Licenses issued to drivers.—

137 (3) If the United States Department of Homeland Security
138 notifies the department of a final deadline by which this state
139 must fully comply with the REAL ID Act of 2005, Pub. L. No. 109-
140 13, ss. 201-202, and determines that the state is otherwise in
141 full compliance with the act, the department shall mark all
142 licenses issued after the date of full compliance to indicate
143 compliance with the act.

144 Section 4. This act shall take effect July 1, 2014.