

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.; requiring proof of a
4 taxpayer identification number or other specified
5 identification number for certain applicants for a
6 driver license; authorizing additional specified
7 documents that are issued by foreign governments to
8 satisfy proof-of-identity requirements; amending s.
9 322.12, F.S.; prohibiting the Department of Highway
10 Safety and Motor Vehicles from waiving certain tests
11 for applicants who provide proof of identity using
12 specified foreign documents; amending s. 322.14, F.S.;
13 requiring the department to mark licenses to indicate
14 compliance with the REAL ID Act of 2005 under
15 specified circumstances; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

21 322.08 Application for license; requirements for license
22 and identification card forms.—

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

25 (a) Full name (first, middle or maiden, and last), gender,
26 proof of social security card number satisfactory to the
27 department, which may include a military identification card,
28 county of residence, mailing address, proof of residential
29 address satisfactory to the department, country of birth, and a
30 brief description. An applicant who is ineligible for a social
31 security card must provide proof of a taxpayer identification
32 number or proof of a number associated with the document

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33 establishing identity under paragraph (c).

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

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

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

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

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

46 4. A naturalization certificate issued by the United States
47 Department of Homeland Security.†

48 5. A valid, unexpired alien registration receipt card
49 (green card).†

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

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

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

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62 a. A notice of hearing from an immigration court scheduling
63 a hearing on any proceeding.

64 b. A notice from the Board of Immigration Appeals
65 acknowledging pendency of an appeal.

66 c. A notice of the approval of an application for
67 adjustment of status issued by the United States Citizenship and
68 Immigration Services.

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

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

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

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

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

88 9. A passport issued by a foreign government.

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

90 11. A consular identification document issued by the

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91 government of Mexico, or a document issued by another government
92 which the department determines is substantially similar.

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

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

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

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

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

114 322.12 Examination of applicants.—

115 (1) It is the intent of the Legislature that every
116 applicant for an original driver license in this state be
117 required to pass an examination pursuant to this section.
118 However, the department may waive the knowledge, endorsement,
119 and skills tests for an applicant who is otherwise qualified,

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

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

139 322.14 Licenses issued to drivers.—

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

147 Section 4. This act shall take effect July 1, 2016.