

By Senator Rodriguez

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20181294__

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; providing that
9 a driver license or temporary permit issued based on
10 specified documents is valid for a specified period;
11 amending s. 322.12, F.S.; prohibiting the Department
12 of Highway Safety and Motor Vehicles from waiving
13 certain tests for applicants who provide proof of
14 identity using specified foreign documents; amending
15 s. 322.14, F.S.; requiring the department to mark
16 licenses to indicate compliance with the REAL ID Act
17 of 2005 under specified circumstances; amending ss.
18 322.17, 322.18, and 322.19, F.S.; prohibiting a
19 licensee from obtaining a duplicate or replacement
20 instruction permit or driver license, renewing a
21 driver license, or changing his or her name or
22 address, except in person and upon submission of
23 specified identification documents under certain
24 circumstances; conforming provisions to changes made
25 by the act; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (2) of section 322.08, Florida

37-00178-18

20181294__

30 Statutes, is amended to read:

31 322.08 Application for license; requirements for license
32 and identification card forms.—

33 (2) Each such application may include fingerprints and
34 other unique biometric means of identity and ~~Each such~~
35 ~~application~~ shall include the following information regarding
36 the applicant:

37 (a) Full name (first, middle or maiden, and last), gender,
38 proof of social security card number satisfactory to the
39 department, which may include a military identification card,
40 county of residence, mailing address, proof of residential
41 address satisfactory to the department, country of birth, and a
42 brief description. An applicant who is ineligible for a social
43 security card must provide proof of a taxpayer identification
44 number or proof of a number associated with the document
45 establishing identity under paragraph (c).

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

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

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

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

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

58 4. A naturalization certificate issued by the United States

37-00178-18

20181294__

59 Department of Homeland Security.~~†~~

60 5. A valid, unexpired alien registration receipt card
61 (green card).~~†~~

62 6. A Consular Report of Birth Abroad provided by the United
63 States Department of State.~~†~~

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

66 8. Proof of nonimmigrant classification provided by the
67 United States Department of Homeland Security, for an original
68 driver license. ~~In order to prove nonimmigrant classification,~~
69 ~~an applicant must provide at least one of the following~~
70 ~~documents.~~ In addition, the department may require applicants to
71 produce United States Department of Homeland Security documents
72 for the sole purpose of establishing the maintenance of, or
73 efforts to maintain, continuous lawful presence. In order to
74 prove nonimmigrant classification, an applicant must provide at
75 least one of the following documents:

76 a. A notice of hearing from an immigration court scheduling
77 a hearing on any proceeding.

78 b. A notice from the Board of Immigration Appeals
79 acknowledging pendency of an appeal.

80 c. A notice of the approval of an application for
81 adjustment of status issued by the United States Citizenship and
82 Immigration Services.

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

86 e. A notice of action transferring any pending matter from
87 another jurisdiction to this state issued by the United States

37-00178-18

20181294__

88 Citizenship and Immigration Services.

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

92 g. Evidence that an application is pending for adjustment
93 of status to that of an alien lawfully admitted for permanent
94 residence in the United States or conditional permanent resident
95 status in the United States, if a visa number is available
96 having a current priority date for processing by the United
97 States Citizenship and Immigration Services.

98 h. On or after January 1, 2010, an unexpired foreign
99 passport with an unexpired United States Visa affixed,
100 accompanied by an approved I-94, documenting the most recent
101 admittance into the United States.

102 9. A passport issued by a foreign government.

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

104 11. A consular identification document issued by the
105 government of Mexico, or a document issued by another government
106 which the department determines is substantially similar.

107
108 A driver license or temporary permit issued based on documents
109 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph
110 9., subparagraph 10., or subparagraph 11. is valid for a period
111 not to exceed the expiration date of the document presented or 1
112 year.

113 (d) Whether the applicant has previously been licensed to
114 drive, and, if so, when and by what state, and whether any such
115 license or driving privilege has ever been disqualified,
116 revoked, or suspended, or whether an application has ever been

37-00178-18

20181294__

117 refused, and, if so, the date of and reason for such
118 disqualification, suspension, revocation, or refusal.

119 ~~(e) Each such application may include fingerprints and~~
120 ~~other unique biometric means of identity.~~

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

123 322.12 Examination of applicants.—

124 (1) It is the intent of the Legislature that every
125 applicant for an original driver license in this state be
126 required to pass an examination pursuant to this section.
127 However, the department may waive the knowledge, endorsement,
128 and skills tests for an applicant who is otherwise qualified,
129 except for an applicant who provides proof of identity under s.
130 322.08(2)(c)9., s. 322.08(2)(c)10., or s. 322.08(2)(c)11., and
131 who surrenders a valid driver license from another state or a
132 province of Canada, or a valid driver license issued by the
133 United States Armed Forces, if the driver applies for a Florida
134 license of an equal or lesser classification. Any applicant who
135 fails to pass the initial knowledge test incurs a \$10 fee for
136 each subsequent test, to be deposited into the Highway Safety
137 Operating Trust Fund. Any applicant who fails to pass the
138 initial skills test incurs a \$20 fee for each subsequent test,
139 to be deposited into the Highway Safety Operating Trust Fund. A
140 person who seeks to retain a hazardous-materials endorsement,
141 pursuant to s. 322.57(1)(e), must pass the hazardous-materials
142 test, upon surrendering his or her commercial driver license, if
143 the person has not taken and passed the hazardous-materials test
144 within 2 years before applying for a commercial driver license
145 in this state.

37-00178-18

20181294__

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

148 322.14 Licenses issued to drivers.—

149 (3) If the United States Department of Homeland Security
150 notifies the department of a final deadline by which this state
151 must fully comply with ss. 201 and 202 of the REAL ID Act of
152 2005, Pub. L. No. 109-13, and determines that the state is
153 otherwise in full compliance with the act, the department shall
154 mark all licenses issued after the date of full compliance to
155 indicate compliance with the act.

156 Section 4. Subsection (3) of section 322.17, Florida
157 Statutes, is amended to read:

158 322.17 Replacement licenses and permits.—

159 (3) Notwithstanding any other provision ~~provisions~~ of this
160 chapter, if a licensee establishes his or her identity for a
161 driver license using an identification document authorized under
162 s. 322.08(2)(c) 7., ~~or~~ 8., 9., 10., or 11., the licensee may not
163 obtain a duplicate or replacement instruction permit or driver
164 license except in person and upon submission of an
165 identification document authorized under s. 322.08(2)(c) 7., ~~or~~
166 8., 9., 10., or 11.

167 Section 5. Paragraph (d) of subsection (2) and paragraph
168 (c) of subsection (4) of section 322.18, Florida Statutes, are
169 amended to read:

170 322.18 Original applications, licenses, and renewals;
171 expiration of licenses; delinquent licenses.—

172 (2) Each applicant who is entitled to the issuance of a
173 driver license, as provided in this section, shall be issued a
174 driver license, as follows:

37-00178-18

20181294__

175 (d) Notwithstanding any other provision of this chapter, if
176 an applicant establishes his or her identity for a driver
177 license using a document authorized in s. 322.08(2)(c)7., ~~or 8.,~~
178 9., 10., or 11., the driver license shall expire 1 year after
179 the date of issuance or upon the expiration date cited on the
180 ~~United States Department of Homeland Security~~ documents,
181 whichever date first occurs.

182 (4)

183 (c) Notwithstanding any other provision of this chapter, if
184 a licensee establishes his or her identity for a driver license
185 using an identification document authorized under s.
186 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11., the licensee may not
187 renew the driver license except in person and upon submission of
188 an identification document authorized under s. 322.08(2)(c)7.,
189 ~~or 8.,~~ 9., 10., or 11. A driver license renewed under this
190 paragraph expires 1 year after the date of issuance or upon the
191 expiration date cited on the ~~United States Department of~~
192 ~~Homeland Security~~ documents, whichever date first occurs.

193 Section 6. Subsection (4) of section 322.19, Florida
194 Statutes, is amended to read:

195 322.19 Change of address or name.—

196 (4) Notwithstanding any other provision of this chapter, if
197 a licensee established his or her identity for a driver license
198 using an identification document authorized under s.
199 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11., the licensee may not
200 change his or her name or address except in person and upon
201 submission of an identification document authorized under s.
202 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11.

203 Section 7. This act shall take effect July 1, 2018.