

By Senator Rodriguez

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

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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 identification 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

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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

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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

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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. An 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, except that if a subsequent test is
138 administered by the tax collector, the tax collector shall
139 retain such \$10 fee, less the general revenue service charge set
140 forth in s. 215.20(1). An applicant who fails to pass the
141 initial skills test incurs a \$20 fee for each subsequent test,
142 to be deposited into the Highway Safety Operating Trust Fund,
143 except that if a subsequent test is administered by the tax
144 collector, the tax collector shall retain such \$20 fee, less the
145 general revenue service charge set forth in s. 215.20(1). A

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146 person who seeks to retain a hazardous-materials endorsement,
147 pursuant to s. 322.57(1)(e), must pass the hazardous-materials
148 test, upon surrendering his or her commercial driver license, if
149 the person has not taken and passed the hazardous-materials test
150 within 2 years before applying for a commercial driver license
151 in this state.

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

154 322.14 Licenses issued to drivers.—

155 (3) If the United States Department of Homeland Security
156 notifies the department of a final deadline by which this state
157 must fully comply with ss. 201 and 202 of the REAL ID Act of
158 2005, Pub. L. No. 109-13, and determines that the state is
159 otherwise in full compliance with the act, the department must
160 mark all licenses issued after the date of full compliance to
161 indicate compliance with the act.

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

164 322.17 Replacement licenses and permits.—

165 (3) Notwithstanding any other provision ~~provisions~~ of this
166 chapter, if a licensee establishes his or her identity for a
167 driver license using an identification document authorized under
168 s. 322.08(2)(c) 7., ~~or~~ 8., 9., 10., or 11., the licensee may not
169 obtain a duplicate or replacement instruction permit or driver
170 license except in person and upon submission of an
171 identification document authorized under s. 322.08(2)(c) 7., ~~or~~
172 8., 9., 10., or 11.

173 Section 5. Paragraph (d) of subsection (2) and paragraph
174 (c) of subsection (4) of section 322.18, Florida Statutes, are

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175 amended to read:

176 322.18 Original applications, licenses, and renewals;
177 expiration of licenses; delinquent licenses.—

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

181 (d) Notwithstanding any other provision of this chapter, if
182 an applicant establishes his or her identity for a driver
183 license using a document authorized in s. 322.08(2)(c)7., ~~or 8.,~~
184 9., 10., or 11., the driver license shall expire 1 year after
185 the date of issuance or upon the expiration date cited on the
186 ~~United States Department of Homeland Security~~ documents,
187 whichever date first occurs.

188 (4)

189 (c) Notwithstanding any other provision of this chapter, if
190 a licensee establishes his or her identity for a driver license
191 using an identification document authorized under s.

192 322.08(2)(c)7., ~~or 8.,~~ 9., 10., or 11., the licensee may not
193 renew the driver license except in person and upon submission of
194 an identification document authorized under s. 322.08(2)(c)7.,
195 ~~or 8.,~~ 9., 10., or 11. A driver license renewed under this
196 paragraph expires 1 year after the date of issuance or upon the
197 expiration date cited on the ~~United States Department of~~
198 ~~Homeland Security~~ documents, whichever date first occurs.

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

201 322.19 Change of address or name.—

202 (4) Notwithstanding any other provision of this chapter, if
203 a licensee established his or her identity for a driver license

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204 using an identification document authorized under s.
205 322.08(2)(c) 7., ~~or~~ 8., 9., 10., or 11., the licensee may not
206 change his or her name or address except in person and upon
207 submission of an identification document authorized under s.
208 322.08(2)(c) 7., ~~or~~ 8., 9., 10., or 11.
209 Section 7. This act shall take effect July 1, 2019.