

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 specified identification number for certain applicants
5 for a driver license; deleting a provision authorizing
6 the Department of Highway Safety and Motor Vehicles to
7 require applicants to produce certain documents from
8 the United States Department of Homeland Security for
9 certain purposes; authorizing additional specified
10 documents issued by foreign governments to satisfy
11 proof-of-identity requirements; providing that a
12 driver license or temporary permit issued based on
13 specified documents is valid for a specified period;
14 making technical changes; providing requirements for
15 driver licenses and temporary permits that are issued
16 based on specified documents; deleting a provision
17 authorizing applications to include fingerprints and
18 other unique biometric means of identity; amending s.
19 322.12, F.S.; prohibiting the department from waiving
20 certain tests for applicants who provide proof of
21 identity using specified foreign documents; amending
22 ss. 322.17, 322.18, and 322.19, F.S.; prohibiting a
23 licensee from obtaining a duplicate or replacement
24 instruction permit or driver license, renewing a
25 driver license, or changing his or her name or
26 address, respectively, except upon submission of
27 specified identification documents under certain
28 circumstances; conforming provisions to changes made
29 by the act; creating s. 760.45, F.S.; prohibiting a

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30 person or entity from discriminating against an
31 individual because the individual holds or presents a
32 driver license that does not comply with the REAL ID
33 Act of 2005; providing construction; prohibiting the
34 state or a local government, an agent acting on behalf
35 of the state or a local government, or a program or
36 activity that receives financial assistance from the
37 state from discriminating against an individual
38 because the individual holds or presents a driver
39 license that does not comply with the REAL ID Act of
40 2005; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Subsection (2) of section 322.08, Florida
45 Statutes, is amended to read:

46 322.08 Application for license; requirements for license
47 and identification card forms.—

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

50 (a) Full name (first, middle or maiden, and last), gender,
51 proof of social security card number satisfactory to the
52 department, which may include a military identification card,
53 county of residence, mailing address, proof of residential
54 address satisfactory to the department, country of birth, and a
55 brief description. An applicant who cannot provide a social
56 security card must provide proof of a number associated with a
57 document establishing identity, as specified in paragraph (c).

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

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

62 1. A driver license record or identification card record
63 from another jurisdiction that required the applicant to submit
64 a document for identification which is substantially similar to
65 a document required under subparagraph 2., subparagraph 3.,
66 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
67 7., or subparagraph 8.~~†~~

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

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

70 4. A naturalization certificate issued by the United States
71 Department of Homeland Security.†

72 5. A valid, unexpired alien registration receipt card
73 (green card).†

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

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

78 8. Proof of any of the following documents ~~nonimmigrant~~
79 ~~classification~~ provided by the United States Department of
80 Homeland Security, for an original driver license. ~~In order to~~
81 ~~prove nonimmigrant classification, an applicant must provide at~~
82 ~~least one of the following documents. In addition, the~~
83 ~~department may require applicants to produce United States~~
84 ~~Department of Homeland Security documents for the sole purpose~~
85 ~~of establishing the maintenance of, or efforts to maintain,~~
86 ~~continuous lawful presence:~~

87 a. A notice of hearing from an immigration court scheduling

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88 a hearing on any proceeding.

89 b. A notice from the Board of Immigration Appeals
90 acknowledging pendency of an appeal.

91 c. A notice of the approval of an application for
92 adjustment of status issued by the United States Citizenship and
93 Immigration Services.

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

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

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

103 g. Evidence that an application is pending for adjustment
104 of status to that of an alien lawfully admitted for permanent
105 residence in the United States or conditional permanent resident
106 status in the United States, if a visa number is available
107 having a current priority date for processing by the United
108 States Citizenship and Immigration Services.

109 h. On or after January 1, 2010, an unexpired foreign
110 passport with an unexpired United States Visa affixed,
111 accompanied by an approved I-94, documenting the most recent
112 admittance into the United States.

113 9. A passport issued by a foreign government which has been
114 authenticated or is capable of being authenticated by the
115 department.

116 10. A birth certificate issued by a foreign government

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117 which has been authenticated or is capable of being
118 authenticated by the department.

119 11. A consular identification document that has been
120 authenticated or is capable of being authenticated by the
121 department.

122 12. A national identification card issued by a foreign
123 government which has been authenticated or is capable of being
124 authenticated by the department.

125 13. A driver license issued by a foreign government which
126 has been authenticated or is capable of being authenticated by
127 the department.

128 14. A school document, including any document issued by a
129 public or private primary or secondary school or a postsecondary
130 institution, college, or university, which either includes the
131 applicant's date of birth or, if a foreign school document, is
132 sealed by the school and includes a photograph of the applicant
133 at the age the record was issued, and which has been
134 authenticated or is capable of being authenticated by the
135 department.

136 15. A court document issued by or filed with a government
137 within the United States in which the applicant is named as a
138 party to the court proceeding which has been authenticated or is
139 capable of being authenticated by the department.

140 16. A marriage license on which the applicant is named as a
141 party which has been authenticated or is capable of being
142 authenticated by the department.

143 17. A judgment for the dissolution of a marriage on which
144 the applicant is named as a party which has been authenticated
145 or is capable of being authenticated by the department.

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146
147 A driver license or temporary permit issued based on documents
148 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph
149 9., subparagraph 10., subparagraph 11., subparagraph 12., or
150 subparagraph 13. is valid for a period not to exceed the
151 expiration date of the document presented or 8 years, whichever
152 date first occurs ~~1 year~~. A driver license or temporary permit
153 issued based on documents required in subparagraph 14.,
154 subparagraph 15., subparagraph 16., or subparagraph 17. is valid
155 for 8 years. A driver license or temporary permit issued based
156 on documents required in subparagraph 7., subparagraph 8.,
157 subparagraph 9., subparagraph 10., subparagraph 11.,
158 subparagraph 12., subparagraph 13., subparagraph 14.,
159 subparagraph 15., subparagraph 16., or subparagraph 17. shall be
160 visually identical to a noncommercial driver license or
161 temporary permit that does not meet federal standards for
162 identification except that such licenses and permits may include
163 the text "Not for Federal Purposes" in the smallest legible font
164 size.

165 (d) Whether the applicant has previously been licensed to
166 drive, and, if so, when and by what state or United States
167 territory, and whether any such license or driving privilege has
168 ever been disqualified, revoked, or suspended, or whether an
169 application has ever been refused, and, if so, the date of and
170 reason for such disqualification, suspension, revocation, or
171 refusal.

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

174 Section 2. Subsection (1) of section 322.12, Florida

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175 Statutes, is amended to read:

176 322.12 Examination of applicants.-

177 (1) It is the intent of the Legislature that every
178 applicant for an original driver license in this state be
179 required to pass an examination pursuant to this section.
180 However, the department may waive the knowledge, endorsement,
181 and skills tests for an applicant who is otherwise qualified,
182 except for an applicant who provides proof of identity under s.
183 322.08(2)(c)9., 10., 11., 12., 13., 14., 15., 16., or 17., and
184 who surrenders a valid driver license from another state or a
185 province of Canada, or a valid driver license issued by the
186 United States Armed Forces, if the driver applies for a Florida
187 license of an equal or lesser classification. An applicant who
188 fails to pass the initial knowledge test incurs a \$10 fee for
189 each subsequent test, to be deposited into the Highway Safety
190 Operating Trust Fund, except that if a subsequent test is
191 administered by the tax collector, the tax collector shall
192 retain such \$10 fee, less the general revenue service charge set
193 forth in s. 215.20(1). An applicant who fails to pass the
194 initial skills test incurs a \$20 fee for each subsequent test,
195 to be deposited into the Highway Safety Operating Trust Fund,
196 except that if a subsequent test is administered by the tax
197 collector, the tax collector shall retain such \$20 fee, less the
198 general revenue service charge set forth in s. 215.20(1). A
199 person who seeks to retain a hazardous-materials endorsement,
200 pursuant to s. 322.57(1)(e), must pass the hazardous-materials
201 test, upon surrendering his or her commercial driver license, if
202 the person has not taken and passed the hazardous-materials test
203 within 2 years before applying for a commercial driver license

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204 in this state.

205 Section 3. Subsection (3) of section 322.17, Florida
206 Statutes, is amended to read:

207 322.17 Replacement licenses and permits.—

208 (3) Notwithstanding any other provision ~~provisions~~ of this
209 chapter, if a licensee establishes his or her identity for a
210 driver license using an identification document authorized under
211 s. 322.08(2)(c)7.-17. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may
212 not obtain a duplicate or replacement instruction permit or
213 driver license except in person and upon submission of an
214 identification document authorized under s. 322.08(2)(c)7.-17.
215 ~~s. 322.08(2)(c)7. or 8.~~

216 Section 4. Paragraph (d) of subsection (2) and paragraph
217 (c) of subsection (4) of section 322.18, Florida Statutes, are
218 amended to read:

219 322.18 Original applications, licenses, and renewals;
220 expiration of licenses; delinquent licenses.—

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

224 (d)1. Notwithstanding any other provision of this chapter,
225 if an applicant establishes his or her identity for a driver
226 license using a document authorized in s. 322.08(2)(c)7.-13. ~~s.~~
227 ~~322.08(2)(c)7. or 8.~~, the driver license shall expire 8 years ±
228 ~~year~~ after the date of issuance or upon the expiration date
229 cited on the ~~United States Department of Homeland Security~~
230 documents, whichever date first occurs.

231 2. Notwithstanding any other provision of this chapter, if
232 an applicant establishes his or her identity for a driver

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233 license using a document authorized in s. 322.08(2)(c)14.-17.,
234 the driver license shall expire 8 years after the date of
235 issuance.

236 (4)

237 (c)1. Notwithstanding any other provision of this chapter,
238 if a licensee establishes his or her identity for a driver
239 license using an identification document authorized under s.
240 322.08(2)(c)7.-13. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not
241 renew the driver license except in person and upon submission of
242 an identification document authorized under s. 322.08(2)(c)7.-
243 13. ~~s. 322.08(2)(c)7. or 8.~~ A driver license renewed under this
244 subparagraph ~~paragraph~~ expires 8 years ~~1 year~~ after the date of
245 issuance or upon the expiration date cited on the ~~United States~~
246 ~~Department of Homeland Security~~ documents, whichever date first
247 occurs.

248 2. Notwithstanding any other provision of this chapter, if
249 a licensee establishes his or her identity for a driver license
250 using an identification document authorized under s.
251 322.08(2)(c)14.-17., the licensee may not renew the driver
252 license except upon submission of an identification document
253 authorized under s. 322.08(2)(c)14.-17. A driver license renewed
254 under this subparagraph expires 8 years after the date of
255 issuance.

256 Section 5. Subsection (4) of section 322.19, Florida
257 Statutes, is amended to read:

258 322.19 Change of address or name.—

259 (4) Notwithstanding any other provision of this chapter, if
260 a licensee established his or her identity for a driver license
261 using an identification document authorized under s.

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262 322.08(2)(c)7.-17. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not
263 change his or her name or address except in person and upon
264 submission of an identification document authorized under s.
265 322.08(2)(c)7.-17. ~~s. 322.08(2)(c)7. or 8.~~

266 Section 6. Section 760.45, Florida Statutes, is created to
267 read:

268 760.45 Discrimination on the basis of certain driver
269 licenses prohibited.-

270 (1) A person or entity, including a business establishment
271 or an employer, may not discriminate against an individual
272 because the individual holds or presents a driver license that
273 does not comply with the REAL ID Act of 2005, Pub. L. No. 109-
274 13.

275 (2) This section may not be construed to do either of the
276 following:

277 (a) Alter an employer's rights or obligations under the
278 Immigration and Nationality Act, 8 U.S.C. s. 1324(a), regarding
279 obtaining documentation that evidences identity and
280 authorization for employment.

281 (b) Prohibit any other action taken by an employer which is
282 required under 8 U.S.C. s. 1324(a).

283 (3) Notwithstanding any other law, the state or a local
284 government; an agent or person acting on behalf of the state or
285 a local government; or a program or activity that is funded
286 directly by or receives financial assistance from the state may
287 not discriminate against an individual because the individual
288 holds or presents a driver license that does not comply with the
289 REAL ID Act of 2005, Pub. L. No. 109-13. This prohibition
290 includes, but is not limited to, notifying a law enforcement

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291 agency of the individual's identity or that the individual holds
292 a driver license that does not comply with the REAL ID Act of
293 2005, Pub. L. No. 109-13, if a notification is not required by
294 law or would not have been provided if the individual's driver
295 license had been compliant with such act.

296 Section 7. This act shall take effect July 1, 2020.