

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          deleting a provision authorizing applications to  
15          include fingerprints and other unique biometric means  
16          of identity; amending s. 322.12, F.S.; prohibiting the  
17          department from waiving certain tests for applicants  
18          who provide proof of identity using specified foreign  
19          documents; amending s. 322.142, F.S.; providing a  
20          short title; defining the term "agency that primarily  
21          enforces immigration law" by identifying specific  
22          agencies that are included within the use of the term;  
23          prohibiting the department from disclosing or making  
24          accessible certain photographs and related information  
25          to any agency that primarily enforces immigration law

26 | or to any employee or agent of such agency; providing  
27 | exceptions; requiring that the department notify a  
28 | person about whom certain information was requested,  
29 | subject to certain requirements; requiring that the  
30 | department require a person or entity to certify  
31 | specified information before any such person or entity  
32 | receives or has access to certain information;  
33 | requiring such person or entity to keep certain  
34 | records for a specified period; requiring that such  
35 | records be maintained in a manner and form prescribed  
36 | by department rule and be available for inspection by  
37 | the department; amending ss. 322.17, 322.18, and  
38 | 322.19, F.S.; prohibiting a licensee from obtaining a  
39 | duplicate or replacement instruction permit or driver  
40 | license, renewing a driver license, or changing his or  
41 | her name or address, respectively, except in person  
42 | and upon submission of specified identification  
43 | documents under certain circumstances; conforming  
44 | provisions to changes made by the act; creating s.  
45 | 760.45, F.S.; prohibiting a person or entity from  
46 | discriminating against an individual because the  
47 | individual holds or presents a driver license that  
48 | does not comply with the REAL ID Act of 2005;  
49 | prohibiting an employer from requiring an employee to  
50 | present a driver license; providing exceptions;

51 providing construction; prohibiting the state or a  
 52 local government, an agent acting on behalf of the  
 53 state or a local government, or a program or activity  
 54 that receives financial assistance from the state from  
 55 discriminating against an individual because the  
 56 individual holds or presents a driver license that  
 57 does not comply with the REAL ID Act of 2005;  
 58 providing an effective date.  
 59

60 Be It Enacted by the Legislature of the State of Florida:  
 61

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

64 322.08 Application for license; requirements for license  
 65 and identification card forms.—

66 (2) Each such application shall include the following  
 67 information regarding the applicant:

68 (a) Full name (first, middle or maiden, and last), gender,  
 69 proof of social security card number satisfactory to the  
 70 department, which may include a military identification card,  
 71 county of residence, mailing address, proof of residential  
 72 address satisfactory to the department, country of birth, and a  
 73 brief description. An applicant who cannot provide a social  
 74 security card must provide proof of a number associated with a  
 75 document establishing identity, as specified in paragraph (c).

76 (b) Proof of birth date satisfactory to the department.  
 77 (c) Proof of identity satisfactory to the department. Such  
 78 proof must include one of the following documents issued to the  
 79 applicant:  
 80 1. A driver license record or identification card record  
 81 from another jurisdiction that required the applicant to submit  
 82 a document for identification which is substantially similar to  
 83 a document required under subparagraph 2., subparagraph 3.,  
 84 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph  
 85 7., or subparagraph 8.†  
 86 2. A certified copy of a United States birth certificate.†  
 87 3. A valid, unexpired United States passport.†  
 88 4. A naturalization certificate issued by the United  
 89 States Department of Homeland Security.†  
 90 5. A valid, unexpired alien registration receipt card  
 91 (green card).†  
 92 6. A Consular Report of Birth Abroad provided by the  
 93 United States Department of State.†  
 94 7. An unexpired employment authorization card issued by  
 95 the United States Department of Homeland Security.†~~or~~  
 96 8. Proof of any of the following documents ~~nonimmigrant~~  
 97 ~~classification~~ provided by the United States Department of  
 98 Homeland Security, for an original driver license. ~~In order to~~  
 99 ~~prove nonimmigrant classification, an applicant must provide at~~  
 100 ~~least one of the following documents. In addition, the~~

101 ~~department may require applicants to produce United States~~  
102 ~~Department of Homeland Security documents for the sole purpose~~  
103 ~~of establishing the maintenance of, or efforts to maintain,~~  
104 ~~continuous lawful presence:~~

105 a. A notice of hearing from an immigration court  
106 scheduling a hearing on any proceeding.

107 b. A notice from the Board of Immigration Appeals  
108 acknowledging pendency of an appeal.

109 c. A notice of the approval of an application for  
110 adjustment of status issued by the United States Citizenship and  
111 Immigration Services.

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

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

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

121 g. Evidence that an application is pending for adjustment  
122 of status to that of an alien lawfully admitted for permanent  
123 residence in the United States or conditional permanent resident  
124 status in the United States, if a visa number is available  
125 having a current priority date for processing by the United

126 States Citizenship and Immigration Services.

127 h. On or after January 1, 2010, an unexpired foreign  
 128 passport with an unexpired United States Visa affixed,  
 129 accompanied by an approved I-94, documenting the most recent  
 130 admittance into the United States.

131 9. A passport issued by a foreign government.

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

133 11. A consular identification document.

134 12. A national identification card issued by a foreign  
 135 government.

136 13. A driver license issued by a foreign government. If  
 137 the foreign driver license is in a language other than English,  
 138 it must be accompanied by a certified translation or an  
 139 affidavit of translation into English.

140 14. A school document, including any document issued by a  
 141 public or private primary or secondary school or a postsecondary  
 142 institution, college, or university, which either includes the  
 143 applicant's date of birth or, if a foreign school document, is  
 144 sealed by the school and includes a photograph of the applicant  
 145 at the age the record was issued.

146 15. A court document issued by or filed with a government  
 147 within the United States in which the applicant is named as a  
 148 party to the court proceeding.

149 16. An income tax return.

150 17. A marriage license on which the applicant is named as

151 a party. If the language on the marriage license is a language  
152 other than English, the marriage license must be accompanied by  
153 a certified translation or an affidavit of translation into  
154 English.

155 18. A judgment for the dissolution of a marriage on which  
156 the applicant is named as a party. If the language on the  
157 judgment is a language other than English, the judgment must be  
158 accompanied by a certified translation or an affidavit of  
159 translation into English.

160  
161 A driver license or temporary permit issued based on documents  
162 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph  
163 9., subparagraph 10., subparagraph 11., subparagraph 12., or  
164 subparagraph 13. is valid for a period not to exceed the  
165 expiration date of the document presented or 8 years, whichever  
166 date first occurs ~~1 year~~. A driver license or temporary permit  
167 issued based on documents required in subparagraph 14.,  
168 subparagraph 15., subparagraph 16., subparagraph 17., or  
169 subparagraph 18. is valid for 8 years.

170 (d) Whether the applicant has previously been licensed to  
171 drive, and, if so, when and by what state, and whether any such  
172 license or driving privilege has ever been disqualified,  
173 revoked, or suspended, or whether an application has ever been  
174 refused, and, if so, the date of and reason for such  
175 disqualification, suspension, revocation, or refusal.

176 ~~(c) Each such application may include fingerprints and~~  
177 ~~other unique biometric means of identity.~~

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

180 322.12 Examination of applicants.—

181 (1) It is the intent of the Legislature that every  
182 applicant for an original driver license in this state be  
183 required to pass an examination pursuant to this section.  
184 However, the department may waive the knowledge, endorsement,  
185 and skills tests for an applicant who is otherwise qualified,  
186 except for an applicant who provides proof of identity under s.  
187 322.08(2)(c)9., 10., 11., 12., 13., 14., 15., 16., 17., or 18.,  
188 and who surrenders a valid driver license from another state or  
189 a province of Canada, or a valid driver license issued by the  
190 United States Armed Forces, if the driver applies for a Florida  
191 license of an equal or lesser classification. An applicant who  
192 fails to pass the initial knowledge test incurs a \$10 fee for  
193 each subsequent test, to be deposited into the Highway Safety  
194 Operating Trust Fund, except that if a subsequent test is  
195 administered by the tax collector, the tax collector shall  
196 retain such \$10 fee, less the general revenue service charge set  
197 forth in s. 215.20(1). An applicant who fails to pass the  
198 initial skills test incurs a \$20 fee for each subsequent test,  
199 to be deposited into the Highway Safety Operating Trust Fund,  
200 except that if a subsequent test is administered by the tax



201 collector, the tax collector shall retain such \$20 fee, less the  
202 general revenue service charge set forth in s. 215.20(1). A  
203 person who seeks to retain a hazardous-materials endorsement,  
204 pursuant to s. 322.57(1)(e), must pass the hazardous-materials  
205 test, upon surrendering his or her commercial driver license, if  
206 the person has not taken and passed the hazardous-materials test  
207 within 2 years before applying for a commercial driver license  
208 in this state.

209 Section 3. Section 322.142, Florida Statutes, is amended  
210 to read:

211 322.142 Color photographic or digital imaged licenses;  
212 protection of personal information.—

213 (1) The department shall, upon receipt of the required  
214 fee, issue to each qualified applicant for a driver license a  
215 color photographic or digital imaged driver license bearing a  
216 fullface photograph or digital image of the licensee.  
217 Notwithstanding chapter 761 or s. 761.05, the requirement for a  
218 fullface photograph or digital image of the licensee may not be  
219 waived. A space shall be provided upon which the licensee shall  
220 affix his or her usual signature, as required in s. 322.14, in  
221 the presence of an authorized agent of the department so as to  
222 ensure that such signature becomes a part of the license.

223 (2) The department shall, upon receipt of the required  
224 fee, issue to each qualified licensee applying for a renewal  
225 license in accordance with s. 322.18 a color photographic or

226 digital imaged license as provided for in subsection (1).

227 (3) The department may conduct negotiations and enter into  
 228 contracts with qualified firms possessing the requisite  
 229 qualifications for the development and production of  
 230 photographic or digital imaged identification documents to  
 231 assure efficient and economical processing of such licenses in  
 232 sufficient quantity and of acceptable quality to meet the  
 233 requirements and intent of this section, and to ensure adequate  
 234 service at a sufficient number of locations, at the lowest  
 235 competitive sealed bid price.

236 (4) The department may maintain a film negative or print  
 237 file. The department shall maintain a record of the digital  
 238 images and signatures ~~image and signature~~ of the licensees,  
 239 together with other data required by the department for  
 240 identification and retrieval. Reproductions from the file or  
 241 digital record are exempt from ~~the provisions of~~ s. 119.07(1)  
 242 and may be made and issued only for any of the following  
 243 purposes:

- 244 (a) For departmental administrative purposes. ~~†~~
- 245 (b) For the issuance of duplicate licenses. ~~†~~
- 246 (c) In response to law enforcement agency requests, except  
 247 as provided in subsection (5). ~~†~~
- 248 (d) To the Department of Business and Professional  
 249 Regulation and the Department of Health pursuant to an  
 250 interagency agreement for the purpose of accessing digital

251 images for reproduction of licenses issued by the Department of  
 252 Business and Professional Regulation or the Department of  
 253 Health.†

254 (e) To the Department of State pursuant to an interagency  
 255 agreement to facilitate determinations of eligibility of voter  
 256 registration applicants and registered voters in accordance with  
 257 ss. 98.045 and 98.075.†

258 (f) To the Department of Revenue pursuant to an  
 259 interagency agreement for use in establishing paternity and  
 260 establishing, modifying, or enforcing support obligations in  
 261 Title IV-D cases.†

262 (g) To the Department of Children and Families pursuant to  
 263 an interagency agreement to conduct protective investigations  
 264 under part III of chapter 39 and chapter 415.†

265 (h) To the Department of Children and Families pursuant to  
 266 an interagency agreement specifying the number of employees in  
 267 each of that department's regions to be granted access to the  
 268 records for use as verification of identity to expedite the  
 269 determination of eligibility for public assistance and for use  
 270 in public assistance fraud investigations.†

271 (i) To the Agency for Health Care Administration pursuant  
 272 to an interagency agreement for the purpose of authorized  
 273 agencies verifying photographs in the Care Provider Background  
 274 Screening Clearinghouse authorized under s. 435.12.†

275 (j) To the Department of Financial Services pursuant to an

276 interagency agreement to facilitate the location of owners of  
 277 unclaimed property, the validation of unclaimed property claims,  
 278 the identification of fraudulent or false claims, and the  
 279 investigation of allegations of violations of the insurance code  
 280 by licensees and unlicensed persons.†

281 (k) To the Department of Economic Opportunity pursuant to  
 282 an interagency agreement to facilitate the validation of  
 283 reemployment assistance claims and the identification of  
 284 fraudulent or false reemployment assistance claims.†

285 (l) To district medical examiners pursuant to an  
 286 interagency agreement for the purpose of identifying a deceased  
 287 individual, determining cause of death, and notifying next of  
 288 kin of any investigations, including autopsies and other  
 289 laboratory examinations, authorized in s. 406.11.†

290 (m) To the following persons for the purpose of  
 291 identifying a person as part of the official work of a court:

292 1. A justice or judge of this state;

293 2. An employee of the state courts system who works in a  
 294 position that is designated in writing for access by the Chief  
 295 Justice of the Supreme Court or a chief judge of a district or  
 296 circuit court, or by his or her designee; or

297 3. A government employee who performs functions on behalf  
 298 of the state courts system in a position that is designated in  
 299 writing for access by the Chief Justice or a chief judge, or by  
 300 his or her designee.†~~†~~

301 (n) To the Agency for Health Care Administration pursuant  
 302 to an interagency agreement to prevent health care fraud. If the  
 303 Agency for Health Care Administration enters into an agreement  
 304 with a private entity to carry out duties relating to health  
 305 care fraud prevention, such contracts shall include, but need  
 306 not be limited to:

307 1. Provisions requiring internal controls and audit  
 308 processes to identify access, use, and unauthorized access of  
 309 information.

310 2. A requirement to report unauthorized access or use to  
 311 the Agency for Health Care Administration within 1 business day  
 312 after the discovery of the unauthorized access or use.

313 3. Provisions for liquidated damages for unauthorized  
 314 access or use of no less than \$5,000 per occurrence.

315 (5) (a) This subsection shall be known and may be cited as  
 316 the "Driver License Privacy Act."

317 (b) For purposes of this subsection, the term "agency that  
 318 primarily enforces immigration law" includes, but is not limited  
 319 to, United States Immigration and Customs Enforcement, United  
 320 States Customs and Border Protection, or any successor agencies  
 321 that have similar duties.

322 (c) Except as required for the department to issue or  
 323 renew a driver license or learner's driver license that meets  
 324 federal standards for identification, the department may not  
 325 disclose or make accessible, in any manner, photographs and

326 related information pertaining to persons whose image or  
 327 personal identifying information is possessed by the department  
 328 to any agency that primarily enforces immigration law or to any  
 329 employee or agent of such agency, unless the department is  
 330 presented with a lawful court order or judicial warrant signed  
 331 by a judge appointed pursuant to Article III of the United  
 332 States Constitution. Within 3 days after receiving a request for  
 333 information under this subsection from such an agency, the  
 334 department must notify the person about whom such information  
 335 was requested of the request and the identity of the agency that  
 336 made such request.

337 (d) Before any person or entity receives or has access to  
 338 information from the department under this subsection, the  
 339 department must require such person or entity to certify to the  
 340 department that the person or entity will not:

- 341 1. Use such information for civil immigration purposes; or  
 342 2. Disclose such information to any agency that primarily  
 343 enforces immigration law or to any employee or agent of any such  
 344 agency unless such disclosure is pursuant to a cooperative  
 345 arrangement between municipal, state, and federal agencies, if  
 346 the arrangement does not enforce immigration law and if the  
 347 disclosure is limited to the specific information being sought  
 348 pursuant to the arrangement.

349 (e) In addition to any records required to be kept  
 350 pursuant to 18 U.S.C. s. 2721(c), any person or entity that

351 receives or has access to information from the department under  
 352 this subsection must keep for a period of 5 years records:

353 1. Of all the uses of such department information; and

354 2. That identify each person or entity that primarily  
 355 enforces immigration law which receives such department  
 356 information from the person or entity.

357 (f) The records identified in subparagraphs (e)1. and 2.  
 358 must be maintained in a manner and form prescribed by department  
 359 rule and must be available for inspection by the department.

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

362 322.17 Replacement licenses and permits.—

363 (3) Notwithstanding any other provision ~~provisions~~ of this  
 364 chapter, if a licensee establishes his or her identity for a  
 365 driver license using an identification document authorized under  
 366 s. 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may  
 367 not obtain a duplicate or replacement instruction permit or  
 368 driver license except in person and upon submission of an  
 369 identification document authorized under s. 322.08(2)(c)7.-18.  
 370 ~~s. 322.08(2)(c)7. or 8.~~

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

374 322.18 Original applications, licenses, and renewals;  
 375 expiration of licenses; delinquent licenses.—

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

379 (d)1. Notwithstanding any other provision of this chapter,  
380 if an applicant establishes his or her identity for a driver  
381 license using a document authorized in s. 322.08(2)(c)7.-13. ~~s.~~  
382 ~~322.08(2)(e)7. or 8.~~, the driver license shall expire 8 years ±  
383 ~~year~~ after the date of issuance or upon the expiration date  
384 cited on the ~~United States Department of Homeland Security~~  
385 documents, whichever date first occurs.

386 2. Notwithstanding any other provision of this chapter, if  
387 an applicant establishes his or her identity for a driver  
388 license using a document authorized in s. 322.08(2)(c)14.-18.,  
389 the driver license shall expire 8 years after the date of  
390 issuance.

391 (4)

392 (c)1. Notwithstanding any other provision of this chapter,  
393 if a licensee establishes his or her identity for a driver  
394 license using an identification document authorized under s.  
395 322.08(2)(c)7.-13. ~~s. 322.08(2)(e)7. or 8.~~, the licensee may not  
396 renew the driver license except in person and upon submission of  
397 an identification document authorized under s. 322.08(2)(c)7.-  
398 13. ~~s. 322.08(2)(e)7. or 8.~~ A driver license renewed under this  
399 subparagraph ~~paragraph~~ expires 8 years ± ~~1 year~~ after the date of  
400 issuance or upon the expiration date cited on the ~~United States~~



401 ~~Department of Homeland Security~~ documents, whichever date first  
402 occurs.

403 2. Notwithstanding any other provision of this chapter, if  
404 a licensee establishes his or her identity for a driver license  
405 using an identification document authorized under s.  
406 322.08(2)(c)14.-18., the licensee may not renew the driver  
407 license except in person and upon submission of an  
408 identification document authorized under s. 322.08(2)(c)14.-18.  
409 A driver license renewed under this subparagraph expires 8 years  
410 after the date of issuance.

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

413 322.19 Change of address or name.—

414 (4) Notwithstanding any other provision of this chapter,  
415 if a licensee established his or her identity for a driver  
416 license using an identification document authorized under s.  
417 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not  
418 change his or her name or address except in person and upon  
419 submission of an identification document authorized under s.  
420 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~

421 Section 7. Section 760.45, Florida Statutes, is created to  
422 read:

423 760.45 Discrimination on the basis of certain driver  
424 licenses prohibited.—

425 (1) A person or entity, including a business establishment

426 or an employer, may not discriminate against an individual  
427 because the individual holds or presents a driver license that  
428 does not comply with the REAL ID Act of 2005, Pub. L. No. 109-  
429 13.

430 (2) An employer may not require an employee to present a  
431 driver license unless possessing a driver license is required by  
432 law or is lawfully required by the employer. This subsection may  
433 not be construed to limit or expand an employer's authority to  
434 require a person to possess a driver license.

435 (3) This section may not be construed to do either of the  
436 following:

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

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

443 (4) The state or a local government; an agent or person  
444 acting on behalf of the state or a local government; or a  
445 program or activity that is funded directly by, or receives  
446 financial assistance from, the state may not discriminate  
447 against an individual because the individual holds or presents a  
448 driver license that does not comply with the REAL ID Act of  
449 2005, Pub. L. No. 109-13. This prohibition includes, but is not  
450 limited to, notifying a law enforcement agency of the

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451 individual's identity or that the individual holds a driver  
452 license that does not comply with the REAL ID Act of 2005, Pub.  
453 L. No. 109-13, if a notification is not required by law or would  
454 not have been provided if the individual's driver license had  
455 been compliant with such act.

456 Section 8. This act shall take effect July 1, 2021.