

By Senator Torres

15-00725-22

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1                                   A bill to be entitled  
 2       An act relating to driver license and identification  
 3       card gender designation; amending ss. 322.051 and  
 4       322.08, F.S.; requiring an application for an  
 5       identification card or a driver license, respectively,  
 6       to provide for male, female, or nonbinary gender  
 7       designation; amending ss. 98.093, 320.05, 322.091,  
 8       322.14, and 322.17, F.S.; conforming provisions to  
 9       changes made by the act; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13           Section 1. Paragraph (a) of subsection (1) of section  
 14       322.051, Florida Statutes, is amended to read:

15           322.051 Identification cards.—

16           (1) Any person who is 5 years of age or older, or any  
 17       person who has a disability, regardless of age, who applies for  
 18       a disabled parking permit under s. 320.0848, may be issued an  
 19       identification card by the department upon completion of an  
 20       application and payment of an application fee.

21           (a) The application must include the following information  
 22       regarding the applicant:

23           1.a. Full name, which must include the applicant's ~~(first,~~  
 24       ~~middle or maiden, and last names.)~~

25           b. Gender designation, which must provide for male, female,  
 26       or nonbinary designation.

27           c. Proof of social security card number satisfactory to the  
 28       department, which may include a military identification card.

29           d. County of residence.

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- 30        e. Mailing address.~~7~~
- 31        f. Proof of residential address satisfactory to the
- 32 department.~~7~~
- 33        g. Country of birth.~~7~~ ~~and~~
- 34        h. A brief description.
- 35        2. Proof of birth date satisfactory to the department.
- 36        3. Proof of identity satisfactory to the department. Such
- 37 proof must include one of the following documents issued to the
- 38 applicant:
- 39        a. A driver license record or identification card record
- 40 from another jurisdiction that required the applicant to submit
- 41 a document for identification which is substantially similar to
- 42 a document required under sub-subparagraph b., sub-subparagraph
- 43 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
- 44 f., sub-subparagraph g., or sub-subparagraph h.;
- 45        b. A certified copy of a United States birth certificate;
- 46        c. A valid, unexpired United States passport;
- 47        d. A naturalization certificate issued by the United States
- 48 Department of Homeland Security;
- 49        e. A valid, unexpired alien registration receipt card
- 50 (green card);
- 51        f. A Consular Report of Birth Abroad provided by the United
- 52 States Department of State;
- 53        g. An unexpired employment authorization card issued by the
- 54 United States Department of Homeland Security; or
- 55        h. Proof of nonimmigrant classification provided by the
- 56 United States Department of Homeland Security, for an original
- 57 identification card. In order to prove nonimmigrant
- 58 classification, an applicant must provide at least one of the

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59 following documents. In addition, the department may require  
60 applicants to produce United States Department of Homeland  
61 Security documents for the sole purpose of establishing the  
62 maintenance of, or efforts to maintain, continuous lawful  
63 presence:

64 (I) A notice of hearing from an immigration court  
65 scheduling a hearing on any proceeding.

66 (II) A notice from the Board of Immigration Appeals  
67 acknowledging pendency of an appeal.

68 (III) A notice of the approval of an application for  
69 adjustment of status issued by the United States Citizenship and  
70 Immigration Services.

71 (IV) An official documentation confirming the filing of a  
72 petition for asylum or refugee status or any other relief issued  
73 by the United States Citizenship and Immigration Services.

74 (V) A notice of action transferring any pending matter from  
75 another jurisdiction to Florida, issued by the United States  
76 Citizenship and Immigration Services.

77 (VI) An order of an immigration judge or immigration  
78 officer granting relief that authorizes the alien to live and  
79 work in the United States, including, but not limited to,  
80 asylum.

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

87 (VIII) On or after January 1, 2010, an unexpired foreign

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88 passport with an unexpired United States Visa affixed,  
89 accompanied by an approved I-94, documenting the most recent  
90 admittance into the United States.

91  
92 An identification card issued based on documents required in  
93 sub-subparagraph g. or sub-subparagraph h. is valid for a period  
94 not to exceed the expiration date of the document presented or 1  
95 year, whichever occurs first.

96 Section 2. Paragraph (a) of subsection (2) of section  
97 322.08, Florida Statutes, is amended to read:

98 322.08 Application for license; requirements for license  
99 and identification card forms.—

100 (2) Each such application shall include the following  
101 information regarding the applicant:

102 (a) 1. Full name, which must include the applicant's (first,  
103 middle or maiden, and last names.)~~—~~

104 2. Gender designation, which must provide for male, female,  
105 or nonbinary designation.

106 3. Proof of social security card number satisfactory to the  
107 department, which may include a military identification card.~~—~~

108 4. County of residence.~~—~~

109 5. Mailing address.~~—~~

110 6. Proof of residential address satisfactory to the  
111 department.~~—~~

112 7. Country of birth.~~—~~and

113 8. A brief description.

114 Section 3. Paragraph (g) of subsection (2) of section  
115 98.093, Florida Statutes, is amended to read:

116 98.093 Duty of officials to furnish information relating to

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117 deceased persons, persons adjudicated mentally incapacitated,  
118 and persons convicted of a felony.—

119 (2) To the maximum extent feasible, state and local  
120 government agencies shall facilitate provision of information  
121 and access to data to the department, including, but not limited  
122 to, databases that contain reliable criminal records and records  
123 of deceased persons. State and local government agencies that  
124 provide such data shall do so without charge if the direct cost  
125 incurred by those agencies is not significant.

126 (g) The Department of Highway Safety and Motor Vehicles  
127 shall furnish monthly to the department a list of those persons  
128 whose names have been removed from the driver license database  
129 because they have been licensed in another state. The list shall  
130 contain the name, address, date of birth, gender designation  
131 ~~sex~~, social security number, and driver license number of each  
132 such person.

133 Section 4. Paragraph (b) of subsection (3) of section  
134 320.05, Florida Statutes, is amended to read:

135 320.05 Records of the department; inspection procedure;  
136 lists and searches; fees.—

137 (3)

138 (b) Fees therefor shall be charged and collected as  
139 follows:

140 1. For providing lists of motor vehicle or vessel records  
141 for the entire state, or any part or parts thereof, divided  
142 according to counties, a sum computed at a rate of not less than  
143 1 cent nor more than 5 cents per item.

144 2. For providing noncertified photographic copies of motor  
145 vehicle or vessel documents, \$1 per page.

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- 146           3. For providing noncertified photographic copies of  
147 micrographic records, \$1 per page.
- 148           4. For providing certified copies of motor vehicle or  
149 vessel records, \$3 per record.
- 150           5. For providing noncertified computer-generated printouts  
151 of motor vehicle or vessel records, 50 cents per record.
- 152           6. For providing certified computer-generated printouts of  
153 motor vehicle or vessel records, \$3 per record.
- 154           7. For providing electronic access to motor vehicle,  
155 vessel, and mobile home registration data requested by tag,  
156 vehicle identification number, title number, or decal number, 50  
157 cents per item.
- 158           8. For providing electronic access to driver license status  
159 report by name, gender designation ~~sex~~, and date of birth or by  
160 driver license number, 50 cents per item.
- 161           9. For providing lists of licensed mobile home dealers and  
162 manufacturers and recreational vehicle dealers and  
163 manufacturers, \$15 per list.
- 164           10. For providing lists of licensed motor vehicle dealers,  
165 \$25 per list.
- 166           11. For each copy of a videotape record, \$15 per tape.
- 167           12. For each copy of the Division of Motorist Services  
168 Procedures Manual, \$25.
- 169           Section 5. Subsection (5) of section 322.091, Florida  
170 Statutes, is amended to read:
- 171           322.091 Attendance requirements.—
- 172           (5) REPORTING AND ACCOUNTABILITY.—The department shall  
173 report quarterly to each school district the legal name, gender  
174 designation ~~sex~~, date of birth, and social security number of

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175 each student whose driving privileges have been suspended under  
176 this section.

177 Section 6. Paragraph (a) of subsection (1) of section  
178 322.14, Florida Statutes, is amended to read:

179 322.14 Licenses issued to drivers.—

180 (1) (a) The department shall, upon successful completion of  
181 all required examinations and payment of the required fee, issue  
182 to every qualified applicant a printed driver license that must  
183 bear a color photograph or digital image of the licensee; the  
184 name of the state; a distinguishing number assigned to the  
185 licensee; and the licensee's full name, date of birth, and  
186 residence address; a brief description of the licensee,  
187 including, but not limited to, the licensee's gender designation  
188 and height; and the dates of issuance and expiration of the  
189 license. A space shall be provided upon which the licensee shall  
190 affix his or her usual signature. A license is invalid until it  
191 has been signed by the licensee except that the signature of the  
192 licensee is not required if it appears thereon in facsimile or  
193 if the licensee is not present within the state at the time of  
194 issuance.

195 Section 7. Subsection (1) of section 322.17, Florida  
196 Statutes, is amended to read:

197 322.17 Replacement licenses and permits.—

198 (1) (a) In the event that an instruction permit or driver  
199 license issued under ~~the provisions of~~ this chapter is lost or  
200 destroyed, the person to whom the permit or license ~~same~~ was  
201 issued may, upon payment of the appropriate fee pursuant to s.  
202 322.21, obtain a replacement upon furnishing proof satisfactory  
203 to the department that such permit or license has been lost or

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204 destroyed, and further furnishing the full name, date of birth,  
205 gender designation ~~sex~~, residence and mailing address, proof of  
206 birth satisfactory to the department, and proof of identity  
207 satisfactory to the department.

208 (b) In the event that an instruction permit or driver  
209 license issued under ~~the provisions of~~ this chapter is stolen,  
210 the person to whom the permit or license ~~same~~ was issued may, at  
211 no charge, obtain a replacement upon furnishing proof  
212 satisfactory to the department that such permit or license was  
213 stolen and further furnishing the full name, date of birth,  
214 gender designation ~~sex~~, residence and mailing address, proof of  
215 birth satisfactory to the department, and proof of identity  
216 satisfactory to the department.

217 Section 8. This act shall take effect July 1, 2022.