

1 A bill to be entitled
2 An act relating to driver licenses; amending s.
3 322.08, F.S.; requiring proof of a taxpayer
4 identification number or other specified
5 identification number for certain applicants for a
6 driver license; authorizing certain documents issued
7 by foreign governments to satisfy proof-of-identity
8 requirements; providing that a driver license or
9 temporary permit issued based on such documents is
10 valid for a specified period; amending s. 322.12,
11 F.S.; prohibiting the Department of Highway Safety and
12 Motor Vehicles from waiving certain tests for
13 applicants who establish identity using such
14 documents; amending s. 322.14, F.S.; requiring the
15 department to mark licenses to indicate compliance
16 with the REAL ID Act of 2005 under specified
17 circumstances; amending ss. 322.17, 322.18, and
18 322.19, F.S.; prohibiting a licensee who establishes
19 identity using such documents 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 under certain
23 circumstances; conforming provisions to changes made
24 by the act; providing an effective date.
25

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

27 |

28 | Section 1. Subsection (2) of section 322.08, Florida
29 | Statutes, is amended to read:

30 | 322.08 Application for license; requirements for license
31 | and identification card forms.—

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

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

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

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

48 | 1. A driver license record or identification card record
49 | from another jurisdiction that required the applicant to submit
50 | a document for identification which is substantially similar to

51 a document required under subparagraph 2., subparagraph 3.,
 52 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 53 7., or subparagraph 8.~~†~~

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

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

56 4. A naturalization certificate issued by the United
 57 States Department of Homeland Security.†

58 5. A valid, unexpired alien registration receipt card
 59 (green card).†

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

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

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

74 a. A notice of hearing from an immigration court
 75 scheduling a hearing on any proceeding.

76 | b. A notice from the Board of Immigration Appeals
77 | acknowledging pendency of an appeal.

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

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

84 | e. A notice of action transferring any pending matter from
85 | another jurisdiction to this state issued by the United States
86 | Citizenship and Immigration Services.

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

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

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

100 | 9. A passport issued by a foreign government.

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

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

105
 106 A driver license or temporary permit issued based on documents
 107 required in subparagraph 7., ~~or~~ subparagraph 8., subparagraph
 108 9., subparagraph 10., or subparagraph 11. is valid for a period
 109 not to exceed the expiration date of the document presented or 1
 110 year.

111 (d) Whether the applicant has previously been licensed to
 112 drive, and, if so, when and by what state, and whether any such
 113 license or driving privilege has ever been disqualified,
 114 revoked, or suspended, or whether an application has ever been
 115 refused, and, if so, the date of and reason for such
 116 disqualification, suspension, revocation, or refusal.

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

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

121 322.12 Examination of applicants.—

122 (1) It is the intent of the Legislature that every
 123 applicant for an original driver license in this state be
 124 required to pass an examination pursuant to this section.
 125 However, the department may waive the knowledge, endorsement,

126 and skills tests for an applicant who is otherwise qualified,
127 except for an applicant who establishes his or her identity
128 using an identification document authorized under s.
129 322.08(2)(c)9., 10., or 11., and who surrenders a valid driver
130 license from another state or a province of Canada, or a valid
131 driver license issued by the United States Armed Forces, if the
132 driver applies for a Florida license of an equal or lesser
133 classification. An applicant who fails to pass the initial
134 knowledge test incurs a \$10 fee for each subsequent test, to be
135 deposited into the Highway Safety Operating Trust Fund, except
136 that if a subsequent test is administered by the tax collector,
137 the tax collector shall retain such \$10 fee, less the general
138 revenue service charge set forth in s. 215.20(1). An applicant
139 who fails to pass the initial skills test incurs a \$20 fee for
140 each subsequent test, to be deposited into the Highway Safety
141 Operating Trust Fund, except that if a subsequent test is
142 administered by the tax collector, the tax collector shall
143 retain such \$20 fee, less the general revenue service charge set
144 forth in s. 215.20(1). A person who seeks to retain a hazardous-
145 materials endorsement, pursuant to s. 322.57(1)(e), must pass
146 the hazardous-materials test, upon surrendering his or her
147 commercial driver license, if the person has not taken and
148 passed the hazardous-materials test within 2 years before
149 applying for a commercial driver license in this state.

150 Section 3. Subsection (3) is added to section 322.14,

151 Florida Statutes, to read:

152 322.14 Licenses issued to drivers.—

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

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

162 322.17 Replacement licenses and permits.—

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

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

174 322.18 Original applications, licenses, and renewals;
175 expiration of licenses; delinquent licenses.—

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

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

186 (4)

187 (c) Notwithstanding any other provision of this chapter,
 188 if a licensee establishes his or her identity for a driver
 189 license using an identification document authorized under s.
 190 322.08(2)(c)7., ~~8.,~~ 9., 10., or 11., the licensee may not
 191 renew the driver license except in person and upon submission of
 192 an identification document authorized under s. 322.08(2)(c)7.,
 193 ~~8.,~~ 9., 10., or 11. A driver license renewed under this
 194 paragraph expires 1 year after the date of issuance or upon the
 195 expiration date cited on the ~~United States Department of~~
 196 ~~Homeland Security~~ documents, whichever date first occurs.

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

199 322.19 Change of address or name.—

200 (4) Notwithstanding any other provision of this chapter,

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201 | if a licensee established his or her identity for a driver
202 | license using an identification document authorized under s.
203 | 322.08(2)(c) 7., ~~8.~~, 9., 10., or 11., the licensee may not
204 | change his or her name or address except in person and upon
205 | submission of an identification document authorized under s.
206 | 322.08(2)(c) 7., ~~8.~~, 9., 10., or 11.

207 | Section 7. This act shall take effect July 1, 2019.