

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

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

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

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

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

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

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

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

76 | document establishing identity, as specified in paragraph (c).

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

78 | (c) Proof of identity satisfactory to the department. Such

79 | proof must include one of the following documents issued to the

80 | applicant:

81 | 1. A driver license record or identification card record

82 | from another jurisdiction that required the applicant to submit

83 | a document for identification which is substantially similar to

84 | a document required under subparagraph 2., subparagraph 3.,

85 | subparagraph 4., subparagraph 5., subparagraph 6., subparagraph

86 | 7., or subparagraph 8.~~†~~

87 | 2. A certified copy of a United States birth certificate.~~†~~

88 | 3. A valid, unexpired United States passport.~~†~~

89 | 4. A naturalization certificate issued by the United

90 | States Department of Homeland Security.~~†~~

91 | 5. A valid, unexpired alien registration receipt card

92 | (green card).~~†~~

93 | 6. A Consular Report of Birth Abroad provided by the

94 | United States Department of State.~~†~~

95 | 7. An unexpired employment authorization card issued by

96 | the United States Department of Homeland Security.~~†~~~~or~~

97 | 8. Proof of any of the following documents ~~nonimmigrant~~

98 | ~~classification~~ provided by the United States Department of

99 | Homeland Security, for an original driver license. ~~In order to~~

100 | ~~prove nonimmigrant classification, an applicant must provide at~~

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

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

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

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

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

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

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

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

126 | having a current priority date for processing by the United
 127 | States Citizenship and Immigration Services.

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

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

133 | 10. A birth certificate issued by a foreign government.

134 | 11. A consular identification document.

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

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

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

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

150 | 16. An income tax return.

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

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

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

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

176 | disqualification, suspension, revocation, or refusal.

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

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

181 | 322.12 Examination of applicants.—

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

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

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

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

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

224 | (2) The department shall, upon receipt of the required
225 | fee, issue to each qualified licensee applying for a renewal

226 | license in accordance with s. 322.18 a color photographic or
 227 | digital imaged license as provided for in subsection (1).

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

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

245 | (a) For departmental administrative purposes.†

246 | (b) For the issuance of duplicate licenses.†

247 | (c) In response to law enforcement agency requests, except
 248 | as provided in subsection (5).†

249 | (d) To the Department of Business and Professional
 250 | Regulation and the Department of Health pursuant to an

251 interagency agreement for the purpose of accessing digital
 252 images for reproduction of licenses issued by the Department of
 253 Business and Professional Regulation or the Department of
 254 Health.†

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

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

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

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

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

276 (j) To the Department of Financial Services pursuant to an
 277 interagency agreement to facilitate the location of owners of
 278 unclaimed property, the validation of unclaimed property claims,
 279 the identification of fraudulent or false claims, and the
 280 investigation of allegations of violations of the insurance code
 281 by licensees and unlicensed persons.†

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

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

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

- 293 1. A justice or judge of this state;
- 294 2. An employee of the state courts system who works in a
 295 position that is designated in writing for access by the Chief
 296 Justice of the Supreme Court or a chief judge of a district or
 297 circuit court, or by his or her designee; or
- 298 3. A government employee who performs functions on behalf
 299 of the state courts system in a position that is designated in
 300 writing for access by the Chief Justice or a chief judge, or by

301 his or her designee. ~~;~~ ~~or~~

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

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

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

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

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

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

323 (c) Except as required for the department to issue or
324 renew a driver license or learner's driver license that meets
325 federal standards for identification, the department may not

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

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

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

350 (e) In addition to any records required to be kept

351 pursuant to 18 U.S.C. s. 2721(c), any person or entity that
 352 receives or has access to information from the department under
 353 this subsection must keep for a period of 5 years records:

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

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

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

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

363 322.17 Replacement licenses and permits.—

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

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

375 322.18 Original applications, licenses, and renewals;

376 expiration of licenses; delinquent licenses.—

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

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

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

392 (4)

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

401 issuance or upon the expiration date cited on the ~~United States~~
402 ~~Department of Homeland Security~~ documents, whichever date first
403 occurs.

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

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

414 322.19 Change of address or name.—

415 (4) Notwithstanding any other provision of this chapter,
416 if a licensee established his or her identity for a driver
417 license using an identification document authorized under s.
418 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~, the licensee may not
419 change his or her name or address except in person and upon
420 submission of an identification document authorized under s.
421 322.08(2)(c)7.-18. ~~s. 322.08(2)(c)7. or 8.~~

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

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

426 (1) A person or entity, including a business establishment
427 or an employer, may not discriminate against an individual
428 because the individual holds or presents a driver license that
429 does not comply with the REAL ID Act of 2005, Pub. L. No. 109-
430 13.

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

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

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

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

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

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

457 Section 8. This act shall take effect July 1, 2020.