

HB 109

2012

1 A bill to be entitled  
2 An act relating to the issuance and renewal of  
3 driver's licenses and identification cards; creating  
4 s. 322.0805, F.S.; providing legislative intent;  
5 prohibiting the Department of Highway Safety and Motor  
6 Vehicles from copying and retaining certain  
7 verification documents of any United States citizens  
8 who is obtaining, renewing, or modifying a driver's  
9 license or identification card; limiting requirements  
10 to provide verification documents; requiring  
11 destruction of such documents received and retained by  
12 the department; exempting certain licensed persons or  
13 identification card holders from requirements to  
14 provide proof of address; requiring the department to  
15 use existing records for identity verification for a  
16 normal renewal, reinstatement, or modification of a  
17 license or identification card; prohibiting the  
18 department from using certain standards for  
19 photographs, incorporating any electronic tracking  
20 device upon or within any driver's license or  
21 identification card, and obtaining fingerprints or  
22 biometric DNA material of citizens; allowing use of a  
23 nonresidential address for certain persons; providing  
24 for application; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28 Section 1. Section 322.0805, Florida Statutes, is created  
29 to read:

30 322.0805 Florida Driver's License Citizen Protection Act.—

31 (1) It is the intent of the Legislature to minimize any  
32 inconvenience to citizens transacting business with the  
33 department while maintaining security for the issuance of  
34 driver's licenses and identification cards to citizens and  
35 aliens legally residing within the state.

36 (2) (a) Notwithstanding any law to the contrary, the  
37 department may not copy or retain in any form or format any  
38 document submitted by a United States citizen as proof of  
39 identification, proof of Social Security number, or proof of  
40 residence or any other verification document required or  
41 formerly required under this chapter for original issuance,  
42 normal renewal, reinstatement, or modification, such as an  
43 endorsement or address change, of a driver's license or  
44 identification card. Proof of citizenship required for issuance  
45 of an original driver's license or identification card may not  
46 be copied or retained by the department but shall be noted in  
47 the department's records when received and returned. Once  
48 established, proof of identity or citizenship may not be  
49 required by the department for renewal, reinstatement, or  
50 modification of a license or identification card. By September  
51 11, 2012, the department shall securely destroy so as to make  
52 irretrievable any such verification documents that have been  
53 obtained from United States citizens.

54 (b) Notwithstanding any law to the contrary, if a citizen  
55 is currently licensed to drive in this state or holds a valid

56 Florida identification card, the department shall grant a normal  
57 renewal, reinstatement, or modification, such as an endorsement  
58 or address change, of the license or identification card in the  
59 name already existing in the records of the department and the  
60 citizen may not be required by the department to provide further  
61 proof of identity. The department may not require a citizen who  
62 has held a valid Florida driver's license or a valid Florida  
63 identification card for at least 10 years to submit proof of his  
64 or her residence address for renewal of the license or  
65 identification card. In all cases, the department shall  
66 primarily use the existing photographs in its records as the  
67 best evidence for identification upon renewal or modification of  
68 a driver's license or identification card.

69 (3) The department may not use any national or  
70 international standard for the photographs required under this  
71 chapter and may not incorporate any radio frequency  
72 identification device, any device known as a RFID, or any  
73 similar electronic tracking device upon or within any driver's  
74 license or identification card issued. The department may not  
75 obtain any fingerprints or biometric DNA material from a United  
76 States citizen for purposes of any issuance, renewal,  
77 reinstatement, or modification of a driver's license or  
78 identification card.

79 (4) A residential address is not required to be displayed  
80 on the driver's license or identification card of any person  
81 whose residential address is protected from disclosure by law in  
82 s. 119.071(4) (d) or s. 741.403.

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83           (5) This section does not prohibit the copying and  
84 retention of documents submitted by noncitizens when applying  
85 for a driver's license or identification card.

86           Section 2. This act shall take effect July 1, 2012.