

January 26, 2024

TO: County Tax Collectors

FROM: Robert Kynoch   
Deputy Executive Director-HSMV

SUBJECT: Driver License Operation Manual-Issuance requirements-IR08-Gender requirements (Recission)

The Department has undertaken a review of current practices, policies, and directives to better align the services provided by the Department and its partners to our stakeholders. As part of this review, the Department is reviewing practices, policies, and directives to ensure all guidance provided by the Department is consistent with Florida Law.

The Department hereby rescinds the Driver License Operations Manual, Issuance Requirements, IR08-Gender Requirements (Revised 05.16.22). This guidance directed personnel to issue a new license in the event that a licensee wished to alter the gender marker on his or her license. The provisions of IR08-Gender Requirements (Revised 05.16.22) are not supported by statutory authority. Under s. 322.17 F.S., the Department can issue a replacement license only when a license or permit is lost or stolen, or when there is a subsequent change in the licensee's name, address, or restrictions.

Furthermore, the term "gender" in s. 322.08, F.S., does not refer to a person's internal sense of his or her gender role or identification, but has historically and commonly been understood as a synonym for "sex," which is determined by innate and immutable biological and genetic characteristics. Additionally, a driver license is an identification document and, as such, serves a critical role in assisting public and private entities in correctly establishing the identity of a person presenting the license. Permitting an individual to alter his or her license to reflect an internal sense of gender role or identity, which is neither immutable nor objectively verifiable, undermines the purpose of an identification record and can frustrate the state's ability to enforce its laws.

Establishing gender on a newly issued Florida Driver License is based on the supporting documents provided with an application. These documents must be sufficient to establish the identity of the applicant under s. 322.08, F.S. Furthermore, misrepresenting one's gender, understood as sex, on a driver license constitutes fraud under s. 322.212, F.S., and subjects an offender to criminal and civil penalties, including cancellation, suspension, or revocation of his or her driver license, e.g., s. 322.22. and 322.27, F.S.