

Potential State-Law Challenges to FLHSMV's English-Only Driver's License Testing Policy

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This memorandum analyzes potential state-law challenges to FLHSMV's English-only driver's license testing policy, including whether the policy constitutes an unadopted rule or an invalid exercise of delegated legislative authority under Florida's Administrative Procedure Act. It also evaluates constitutional claims under the Florida Constitution's equal-protection, due-process, and official-language provisions, as well as the extent to which the policy may function as a national-origin proxy or unjustifiably restrict access to licensure. Finally, the memorandum considers the viability of a claim under the Florida Civil Rights Act based on allegations of national-origin discrimination.

Working Groups

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Attachments

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