

1 A bill to be entitled
 2 An act relating to driver licensing; creating s. 322.073,
 3 F.S.; providing for the Department of Highway Safety and
 4 Motor Vehicles to issue driver licenses to certain foreign
 5 nationals who frequently visit the state; providing for
 6 expiration and renewal of the license; requiring
 7 submission of certain information to receive the license;
 8 authorizing the department to adopt rules; creating s.
 9 322.075, F.S.; providing for the department to issue
 10 driving permits to certain foreign nationals who entered
 11 the country under specified circumstances; providing
 12 eligibility criteria; requiring the department to conduct
 13 criminal background check and verify certain information;
 14 providing requirements for the permits; providing for
 15 period of validity; restricting validity to use in the
 16 state; providing for renewal; prohibiting certain use and
 17 providing penalties therefor; providing for fees;
 18 authorizing the department to adopt rules; providing an
 19 effective date.

21 WHEREAS, the operation of motor vehicles is critical to
 22 facilitating commerce and economic activity in this state, and

23 WHEREAS, the operation of motor vehicles contributes to
 24 the ability of individuals to seek medical care, employment,
 25 education, develop business enterprises, and provide for
 26 themselves and their families, and

27 WHEREAS, the licensing and permitting of drivers
 28 facilitates access to automobile insurance and promotes the

29 safe operation of motor vehicles for the benefit of all
 30 Floridians, and

31 WHEREAS, there are many legal nonimmigrant visitors from
 32 foreign countries traveling to this state who own property,
 33 businesses, and automobiles in this state, and

34 WHEREAS, the issuance of a driver's license or permit
 35 should be a process that emphasizes confirmation of the
 36 identity of the applicant for the license or permit, and

37 WHEREAS, establishing a secure process under which legal
 38 immigrants, legal nonimmigrants, and frequent foreign visitors
 39 may obtain lawful driving privileges promotes commerce, safety
 40 on the roadways, and personal and economic security for the
 41 people of this state, NOW, THEREFORE,

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Section 322.073, Florida Statutes, is created
 46 to read:

47 322.073 Licensing of foreign nationals who visit this
 48 state.--

49 (1) The department may, subject to the requirements of
 50 this section, issue a driver license to an applicant who is a
 51 foreign national and who legally visits this state on a frequent
 52 basis but who has not immigrated to the United States.

53 (2) A license issued under this section is valid for 2
 54 years following the date on which it is issued or for the
 55 duration of the nonimmigrant visa issued to the applicant by the
 56 United States Government, whichever is longer, and may be

57 renewed thereafter under the same restrictions and conditions if
58 the applicant, at the time of renewal, satisfies the
59 requirements of this section.

60 (3) To receive or renew a driver license under this
61 section, a legal nonimmigrant visitor applicant must submit to
62 the department all of the following:

63 (a) A valid passport from the home country of the
64 applicant.

65 (b) A valid multiple-entry nonimmigrant visa issued to the
66 applicant by the United States Government.

67 (c) A valid and current I-94 U.S. Citizenship and
68 Immigration Services form issued to the applicant by the United
69 States Government.

70 (d) A valid driver license from the home country of the
71 applicant.

72 (4) The department may adopt rules under ss. 120.536(1)
73 and 120.54 necessary to administer this section.

74 Section 2. Section 322.075, Florida Statutes, is created
75 to read:

76 322.075 Driving permits for persons entering the United
77 States under the Cuban Adjustment Act.--

78 (1) The department may, subject to the requirements of
79 this section, issue a driving permit to a foreign national who
80 entered the United States under the Cuban Adjustment Act, as
81 amended, 8 U.S.C. s. 1255, and who may not be deported to his or
82 her country of citizenship due to the absence of diplomatic
83 relations between that country and the United States.

84 (2) To be eligible under this section, the applicant must:

85 (a) Be an applicant for a driver's license under s. 322.08
 86 who meets the applicable requirements of this chapter but who is
 87 unable to satisfy the forms for proof of identity prescribed in
 88 s. 322.08(2)(c).

89 (b) Present a form of identification that is acceptable to
 90 the department, as prescribed by the department.

91 (c) Submit to fingerprint capture, which the department
 92 must maintain on file and use in reviewing an application to
 93 renew a driving permit under subsection (5). The department must
 94 use the fingerprints to conduct a criminal background and
 95 security check through the Department of Law Enforcement and the
 96 Federal Bureau of Investigation.

97 (d) Affirm to the department that he or she:

98 1. Has not been convicted of a violent felony, terrorism,
 99 or money laundering, or conspiracy to commit a violent felony,
 100 terrorism, or money laundering, by any state or federal court.

101 2. Is not a habitual offender of laws relating to illegal
 102 drugs.

103 3. Has not been designated as a terrorist or the leader of
 104 an illegal drug enterprise by the United States Department of
 105 Justice.

106 4. Will not travel to any country that is on a list of
 107 terrorist countries maintained by the United States Government
 108 for a period not to exceed 2 years or the duration of the
 109 driving permit authorized in this section.

110 5. Is not wanted for any offense or act listed in this
 111 paragraph by any law enforcement authority in the United States.

112 (3) Before issuing a driving permit under this section,
 113 the department must:

114 (a) Conduct a criminal background check through the
 115 Department of Law Enforcement and the Federal Bureau of
 116 Investigation.

117 (b) Verify through the Department of Law Enforcement and
 118 Federal Bureau of Investigation that the applicant is not a
 119 security risk to the state or the United States.

120 (c) Verify that the applicant has not been designated as a
 121 terrorist or as the leader of an illegal drug enterprise by the
 122 United States Department of Justice.

123 (d) Verify the identity of the individual by using the
 124 fingerprints submitted under subsection (2).

125 (4) A driving permit issued by the department under this
 126 section:

127 (a) Must have a background that distinguishes the permit
 128 from a driver's license issued under s. 322.08.

129 (b) Must be issued under the requirements of s. 322.142.

130 (c) Is valid for a period not to exceed 2 years following
 131 the date the department issues the permit.

132 (d) Is valid for use in this state only and must include a
 133 statement prominently placed that the driving permit is valid
 134 for use in this state only.

135 (5) A person who is issued a driving permit under this
 136 section may apply to the department to renew the driving permit
 137 if the person otherwise qualifies for renewal under this
 138 chapter. The department may renew a driving permit for a period
 139 not to exceed 2 years if:

140 (a) The applicant for renewal of a driving permit submits
 141 proof of identification that satisfies subsection (2).

142 (b) The department conducts a criminal background and
 143 security check of the individual by using the fingerprints
 144 submitted under subsection (2).

145 (c) The department verifies with the Department of Law
 146 Enforcement and Federal Bureau of Investigation that the
 147 applicant is not a security risk to the state or the United
 148 States.

149 (d) The department verifies that the applicant has not
 150 been designated as a terrorist or as the leader of an illegal
 151 drug enterprise by the United States Department of Justice.

152 (6) The department may not issue or renew a driving permit
 153 under this section if the applicant:

154 (a) Has been convicted of a violent felony, terrorism, or
 155 money laundering or conspiracy to commit a violent felony,
 156 terrorism, or money laundering by any state or federal court;

157 (b) Is a habitual offender of laws relating to illegal
 158 drugs;

159 (c) Has been designated as a terrorist or the leader of an
 160 illegal drug enterprise by the United States Department of
 161 Justice; or

162 (d) Has traveled to any country that is on a list of
 163 terrorist countries maintained by the United States Government.

164 (7) Foreign national applicants meeting the requirements
 165 of this section must show proof satisfactory to the department.

166 The provisions of s. 322.212 apply to a driving permit issued
 167 under this section, and the penalties prescribed in s. 322.212

168 apply to a violation of that section which occurs with respect
169 to such a driving permit.

170 (8) A driving permit issued under this section is property
171 of the state. A person in possession of a driving permit must
172 provide it to a law enforcement officer upon request. A law
173 enforcement officer having a reasonable belief that a person
174 possesses or is using a driving permit in violation of this
175 section or any other law may seize the driving permit. A person
176 from whom a law enforcement officer seizes a driving permit
177 under this subsection does not have a cause of action against
178 the law enforcement officer for the seizure of the driving
179 permit.

180 (9) The department may cancel any driving permit issued
181 under this section upon determining that the foreign national is
182 no longer entitled to the issuance of the driving permit.

183 (10)(a) The department shall establish fees for the
184 initial issuance and the renewal of a driving permit under this
185 section. The fees must account for costs related to conducting
186 criminal background checks and verifying security risks related
187 to the applicant as required under this section.

188 (b) All fees collected under this section shall be
189 deposited in the Highway Safety Operating Trust Fund.

190 (11) The department may adopt rules under s. 120.536(1)
191 and s. 120.54 necessary to administer this section.

192 Section 3. This act shall take effect July 1, 2005.