

CHAMBER ACTION

1 The Domestic Security Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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

WHEREAS, the licensing and permitting of drivers facilitates access to automobile insurance and promotes the safe operation of motor vehicles for the benefit of all Floridians, and

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

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

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

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

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

51           322.073 Licensing of foreign nationals who visit this  
 52 state.--

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

57           (2) A license issued under this section is valid for 2  
 58 years following the date on which it is issued or, if a  
 59 nonimmigrant visa is required for entry into the United States,  
 60 for the duration of the nonimmigrant visa issued to the  
 61 applicant by the United States Government, whichever period is  
 62 longer, and may be renewed thereafter under the same  
 63 restrictions and conditions as the initial issuance if the  
 64 applicant, at the time of renewal, satisfies the requirements of  
 65 this section.

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

69           (a) A valid passport from the home country of the  
 70 applicant.

71           (b) For an applicant entering from a country that is not  
 72 identified by the United States Department of Homeland Security  
 73 Bureau of Citizenship and Immigration Services as a visa waiver  
 74 country, a valid multiple-entry nonimmigrant visa issued to the  
 75 applicant by the United States Government.

76           (c) A valid and current I-94 form issued by United States  
 77 Citizenship and Immigration Services to the applicant.

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78 |       (d) A valid driver license from the home country of the  
79 | applicant.

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

82 |       Section 2. Section 322.075, Florida Statutes, is created  
83 | to read:

84 |       322.075 Driving permits for persons entering the United  
85 | States under the Cuban Adjustment Act.--

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

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

93 |       (a) Be an applicant for a driver's license under s. 322.08  
94 | who meets the applicable requirements of this chapter but who is  
95 | unable to satisfy the forms for proof of identity prescribed in  
96 | s. 322.08(2)(c).

97 |       (b) Present a form of identification that is acceptable to  
98 | the department, as prescribed by the department.

99 |       (c) Submit to fingerprint capture, which the department  
100 | must maintain on file and use in reviewing an application to  
101 | renew a driving permit under subsection (5). The department must  
102 | use the fingerprints to conduct a criminal background and  
103 | security check through the Department of Law Enforcement and the  
104 | Federal Bureau of Investigation.

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

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- 106        1. Has not been convicted of a violent felony, terrorism,  
 107 or money laundering, or conspiracy to commit a violent felony,  
 108 terrorism, or money laundering, by any state or federal court.  
 109        2. Is not a habitual offender of laws relating to illegal  
 110 drugs.  
 111        3. Has not been designated as a terrorist or the leader of  
 112 an illegal drug enterprise by the United States Department of  
 113 Justice.  
 114        4. Will not travel to any country that is on a list of  
 115 terrorist countries maintained by the United States Government  
 116 for a period not to exceed 2 years or the duration of the  
 117 driving permit authorized in this section.  
 118        5. Is not wanted for any offense or act listed in this  
 119 paragraph by any law enforcement authority in the United States.  
 120        (3) Before issuing a driving permit under this section,  
 121 the department must:  
 122            (a) Conduct a criminal background check through the  
 123 Department of Law Enforcement and the Federal Bureau of  
 124 Investigation.  
 125            (b) Verify through the Department of Law Enforcement and  
 126 Federal Bureau of Investigation that the applicant is not a  
 127 security risk to the state or the United States.  
 128            (c) Verify that the applicant has not been designated as a  
 129 terrorist or as the leader of an illegal drug enterprise by the  
 130 United States Department of Justice.  
 131            (d) Verify the identity of the individual by using the  
 132 fingerprints submitted under subsection (2).

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133        (4) A driving permit issued by the department under this  
134 section:

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

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

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

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

143        (5) A person who is issued a driving permit under this  
144 section may apply to the department to renew the driving permit  
145 if the person otherwise qualifies for renewal under this  
146 chapter. The department may renew a driving permit for a period  
147 not to exceed 2 years if:

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

150        (b) The department conducts a criminal background and  
151 security check of the individual by using the fingerprints  
152 submitted under subsection (2).

153        (c) The department verifies with the Department of Law  
154 Enforcement and Federal Bureau of Investigation that the  
155 applicant is not a security risk to the state or the United  
156 States.

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

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

162       (a) Has been convicted of a violent felony, terrorism, or  
 163 money laundering or conspiracy to commit a violent felony,  
 164 terrorism, or money laundering by any state or federal court;

165       (b) Is a habitual offender of laws relating to illegal  
 166 drugs;

167       (c) Has been designated as a terrorist or the leader of an  
 168 illegal drug enterprise by the United States Department of  
 169 Justice; or

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

172       (7) Foreign national applicants meeting the requirements  
 173 of this section must show proof satisfactory to the department.  
 174 The provisions of s. 322.212 apply to a driving permit issued  
 175 under this section, and the penalties prescribed in s. 322.212  
 176 apply to a violation of that section which occurs with respect  
 177 to such a driving permit.

178       (8) A driving permit issued under this section is property  
 179 of the state. A person in possession of a driving permit must  
 180 provide it to a law enforcement officer upon request. A law  
 181 enforcement officer having a reasonable belief that a person  
 182 possesses or is using a driving permit in violation of this  
 183 section or any other law may seize the driving permit. A person  
 184 from whom a law enforcement officer seizes a driving permit  
 185 under this subsection does not have a cause of action against  
 186 the law enforcement officer for the seizure of the driving  
 187 permit.

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

191        (10)(a) The department shall establish fees for the  
192 initial issuance and the renewal of a driving permit under this  
193 section. The fees must account for costs related to conducting  
194 criminal background checks and verifying security risks related  
195 to the applicant as required under this section.

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

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

200        Section 3. This act shall take effect February 1, 2006.