

CHAMBER ACTION

1 The Transportation 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 checks; providing requirements for the  
18 permits; providing for period of validity; restricting  
19 validity to use in the state; providing for renewal;  
20 prohibiting certain use and providing penalties therefor;  
21 providing for seizure and cancellation of the permit under  
22 certain circumstances; providing for fees; authorizing the  
23 department to adopt rules; providing an 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, and education, to develop business enterprises, and to 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 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 by a driver license applicant, then a license issued under this  
 61 section is valid for the duration of the nonimmigrant visa  
 62 issued to the applicant by the United States Government, up to a  
 63 maximum of 6 years. If the nonimmigrant visa driver license  
 64 applicant is holding a nonimmigrant visa with less than 6 years'  
 65 validity remaining on the nonimmigrant visa, then a license  
 66 issued under this section is valid for the duration remaining on  
 67 the nonimmigrant visa issued to the applicant by the United  
 68 States Government and may be renewed thereafter under the same  
 69 restrictions and conditions as the initial issuance if the  
 70 applicant, at the time of renewal, satisfies the requirements of  
 71 this section.

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

75           (a) A valid passport from the home country of the  
 76 applicant.

77           (b) For an applicant entering from a country that is not  
 78 identified by the United States Department of Homeland Security

79 Bureau of Citizenship and Immigration Services as a visa waiver  
 80 country, a valid multiple-entry nonimmigrant visa issued to the  
 81 applicant by the United States Government.

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

84 (d) A valid driver license from the home country of the  
 85 applicant.

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

88 Section 2. Section 322.075, Florida Statutes, is created  
 89 to read:

90 322.075 Driving permits for persons entering the United  
 91 States under the Cuban Adjustment Act.--

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

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

99 (a) Be an applicant for a driver license under s. 322.08  
 100 who meets the applicable requirements of this chapter but who is  
 101 unable to satisfy the forms for proof of identity prescribed in  
 102 s. 322.08(2)(c).

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

105 (c) Submit to fingerprint capture, which the department  
 106 must maintain on file and use in reviewing an application to

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107 renew a driving permit under subsection (5). Fingerprints shall  
108 be submitted to the Department of Law Enforcement for a state  
109 criminal history records check and to the Federal Bureau of  
110 Investigation for a national criminal history records check.

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

112 1. Has not been found guilty of, regardless of  
113 adjudication, or entered a plea of nolo contendere or guilty to  
114 any law relating to illegal drugs or a forcible felony,  
115 facilitating or furthering any act of terrorism as provided  
116 under s. 775.31 or any federal crime related to terrorism, or  
117 money laundering as defined in chapter 896 and its federal  
118 counterpart, or conspiracy to commit a forcible felony,  
119 facilitate or further any act of terrorism, or commit money  
120 laundering, in any state or federal court.

121 2. Has not been designated as a terrorist or the leader of  
122 an illegal drug enterprise by the United States Department of  
123 Justice.

124 3. Will not travel to any country that is on a list of  
125 terrorist countries maintained by the United States Government  
126 for a period not to exceed 2 years or the duration of the  
127 driving permit authorized in this section.

128 4. Is not wanted for any offense or act listed in this  
129 paragraph by any law enforcement authority in the United States.

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

132 (a) Conduct a fingerprint-based state and national  
133 criminal history records check through the Department of Law  
134 Enforcement and the Federal Bureau of Investigation.

135       (b) Verify that the applicant has not been designated as a  
 136 terrorist or as the leader of an illegal drug enterprise by the  
 137 United States Department of Justice.

138       (c) Verify the identity of the individual by using the  
 139 fingerprints submitted under subsection (2).

140       (4) A driving permit issued by the department under this  
 141 section:

142       (a) Must have a background that distinguishes the permit  
 143 from a driver license issued under s. 322.08.

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

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

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

150       (5) A person who is issued a driving permit under this  
 151 section may apply to the department to renew the driving permit  
 152 if the person otherwise qualifies for renewal under this  
 153 chapter. The department may renew a driving permit for a period  
 154 not to exceed 2 years if:

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

157       (b) The department conducts a state and national criminal  
 158 history records check of the individual through the Department  
 159 of Law Enforcement and the Federal Bureau of Investigation by  
 160 using the fingerprints submitted under subsection (2).

161       (c) The department verifies that the applicant has not  
 162 been designated as a terrorist or as the leader of an illegal  
 163 drug enterprise by the United States Department of Justice.

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

166       (a) Has been found guilty of, regardless of adjudication,  
 167 or entered a plea of nolo contendere or guilty to any law  
 168 relating to illegal drugs or a forcible felony, facilitating or  
 169 furthering any act of terrorism as provided in s. 775.31 or any  
 170 federal crime related to terrorism, or money laundering as  
 171 defined in chapter 896 and its federal counterpart, or  
 172 conspiracy to commit a forcible felony, facilitate or further  
 173 any act of terrorism, or commit money laundering, in any state  
 174 or federal court;

175       (b) Is a habitual offender of laws relating to illegal  
 176 drugs;

177       (c) Has been designated as a terrorist or the leader of an  
 178 illegal drug enterprise by the United States Department of  
 179 Justice; or

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

182       (7) Foreign national applicants meeting the requirements  
 183 of this section must show proof satisfactory to the department.  
 184 The provisions of s. 322.212 apply to a driving permit issued  
 185 under this section, and the penalties prescribed in s. 322.212  
 186 apply to a violation of that section which occurs with respect  
 187 to such a driving permit.

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188       (8) A driving permit issued under this section is property  
 189 of the state. A person in possession of a driving permit must  
 190 provide it to a law enforcement officer upon request. A law  
 191 enforcement officer having a reasonable belief that a person  
 192 possesses or is using a driving permit in violation of this  
 193 section or any other law may seize the driving permit. A person  
 194 from whom a law enforcement officer seizes a driving permit  
 195 under this subsection does not have a cause of action against  
 196 the law enforcement officer for the seizure of the driving  
 197 permit.

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

201       (10)(a) The department shall establish fees for the  
 202 initial issuance and the renewal of a driving permit under this  
 203 section. The fees must account for costs related to conducting  
 204 criminal background checks and verifying security risks related  
 205 to the applicant as required under this section.

206       (b) All fees collected under this section shall be  
 207 deposited in the Highway Safety Operating Trust Fund. The  
 208 Department of Law Enforcement shall invoice the department for  
 209 the fingerprints submitted each month.

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

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