

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Zapata offered the following:

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3 **Amendment to Senate Amendment (400706) (with title**
4 **amendment)**

5 On page 56, lines 10-11,
6 remove: all of said lines

7

8 and insert:

9 Section 15. Effective February 1, 2006, section 322.073,
10 Florida Statutes, is created to read:

11 322.073 Licensing of foreign nationals who visit this
12 state.--

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

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17 (2) A license issued under this section is valid for 2
18 years following the date on which it is issued or, if a
19 nonimmigrant visa is required for entry into the United States
20 by a driver license applicant, then a license issued under this
21 section is valid for the duration of the nonimmigrant visa
22 issued to the applicant by the United States Government, up to a
23 maximum of 6 years. If the nonimmigrant visa driver license
24 applicant is holding a nonimmigrant visa with less than 6 years'
25 validity remaining on the nonimmigrant visa, a license issued
26 under this section is valid for the duration of the nonimmigrant
27 visa issued to the applicant by the United States Government and
28 may be renewed thereafter under the same restrictions and
29 conditions as the initial issuance if the applicant, at the time
30 of renewal, satisfies the requirements of this section.

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

34 (a) A valid passport from the home country of the
35 applicant.

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

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

43 (d) A valid driver license from the home country of the
44 applicant.

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

47 Section 16. Effective February 1, 2006, section 322.075,
48 Florida Statutes, is created to read:

49 322.075 Driving permits for persons entering the United
50 States under the Cuban Adjustment Act.--

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

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

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

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

64 (c) Submit to fingerprint capture, which the department
65 must maintain on file and use in reviewing an application to
66 renew a driving permit under subsection (5). Fingerprints shall
67 be submitted to the Department of Law Enforcement for a state
68 criminal history records check and to the Federal Bureau of
69 Investigation for a national criminal history records check.

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

71 1. Has not been found guilty of, regardless of
72 adjudication, or entered a plea of nolo contendere or guilty to,

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73 a violation of any law relating to illegal drugs or a forcible
74 felony, facilitating or furthering any act of terrorism as
75 provided under s. 775.31 or any federal crime related to
76 terrorism, or money laundering as defined in chapter 896 and its
77 federal counterpart, or conspiracy to commit a forcible felony,
78 facilitate or further any act of terrorism, or commit money
79 laundering, in any state or federal court.

80 2. Has not been designated as a terrorist or the leader of
81 an illegal drug enterprise by the United States Department of
82 Justice.

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

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

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

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

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

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

99 (4) A driving permit issued by the department under this
100 section:

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

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

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

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

109 (5) A person who is issued a driving permit under this
110 section may apply to the department to renew the driving permit
111 if the person otherwise qualifies for renewal under this
112 chapter. The department may renew a driving permit for a period
113 not to exceed 2 years if:

114 (a) The applicant for renewal of a driving permit submits
115 proof of identification that satisfies the requirements of
116 subsection (2).

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

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

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

126 (a) Has been found guilty of, regardless of adjudication,
127 or entered a plea of nolo contendere or guilty to, a violation
128 of any law relating to illegal drugs or a forcible felony,

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129 facilitating or furthering any act of terrorism as provided in
130 s. 775.31 or any federal crime related to terrorism, or money
131 laundering as defined in chapter 896 and its federal
132 counterpart, or conspiracy to commit a forcible felony,
133 facilitate or further any act of terrorism, or commit money
134 laundering, in any state or federal court;

135 (b) Is a habitual offender of laws relating to illegal
136 drugs;

137 (c) Has been designated as a terrorist or the leader of an
138 illegal drug enterprise by the United States Department of
139 Justice; or

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

142 (7) Foreign national applicants meeting the requirements
143 of this section must show proof satisfactory to the department.
144 The provisions of s. 322.212 apply to a driving permit issued
145 under this section, and the penalties prescribed in s. 322.212
146 apply to a violation of that section which occurs with respect
147 to such a driving permit.

148 (8) A driving permit issued under this section is property
149 of the state. A person in possession of a driving permit must
150 provide it to a law enforcement officer upon request. A law
151 enforcement officer having a reasonable belief that a person
152 possesses or is using a driving permit in violation of this
153 section or any other law may seize the driving permit. A person
154 from whom a law enforcement officer seizes a driving permit
155 under this subsection does not have a cause of action against

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156 | the law enforcement officer for the seizure of the driving
157 | permit.

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

161 | (10)(a) The department shall establish fees for the
162 | initial issuance and the renewal of a driving permit under this
163 | section. The fees must account for costs related to conducting
164 | criminal history records checks and verifying security risks
165 | related to the applicant as required under this section.

166 | (b) All fees collected under this section shall be
167 | deposited in the Highway Safety Operating Trust Fund. The
168 | Department of Law Enforcement shall invoice the department for
169 | the fingerprints submitted each month.

170 | (11) The department may adopt rules under ss. 120.536(1)
171 | and 120.54 necessary to administer this section.

172 | Section 17. Except as otherwise provided herein, this act
173 | shall take effect upon becoming a law.

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176 | ===== T I T L E A M E N D M E N T =====

177 | On page 60, line(s) 30-31,

178 | remove: All of said lines,

179 |

180 | and insert:

181 | include an implementation plan; creating s. 322.073, F.S. ;
182 | providing for the Department of Highway Safety and Motor
183 | Vehicles to issue driver licenses to certain foreign

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184 nationals who frequently visit the state; providing for
185 expiration and renewal of the license; requiring
186 submission of certain information to receive the license;
187 authorizing the department to adopt rules; creating s.
188 322.075, F.S.; providing for the department to issue
189 driving permits to certain foreign nationals who entered
190 the country under specified circumstances; providing
191 eligibility criteria; requiring the department to conduct
192 criminal history records checks; providing requirements
193 for the permits; providing for period of validity;
194 restricting validity to use in the state; providing for
195 renewal; prohibiting certain use and providing penalties
196 therefor; providing for seizure and cancellation of the
197 permit under certain circumstances; providing for fees;
198 authorizing the department to adopt rules; providing
199 effective dates.

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