

Bill No. SB 2040

Barcode 611558

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Bennett) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

(2) A license issued under this section is valid for 2 years following the date on which it is issued or, if a nonimmigrant visa is required for entry into the United States by a driver license applicant, then a license issued under this section is valid for the duration of the nonimmigrant

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1 visa issued to the applicant by the United States Government,
2 up to a maximum of 6 years. If the nonimmigrant visa driver
3 license applicant is holding a nonimmigrant visa with less
4 than 6 years' validity remaining on the nonimmigrant visa,
5 then a license issued under this section is valid for the
6 duration remaining on the nonimmigrant visa issued to the
7 applicant by the United States Government and may be renewed
8 thereafter under the same restrictions and conditions as the
9 initial issuance if the applicant, at the time of renewal,
10 satisfies the requirements of this section.

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

14 (a) A valid passport from the home country of the
15 applicant.

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

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

23 (d) A valid driver license from the home country of
24 the applicant.

25 (4) The department may adopt rules under ss.
26 120.536(1) and 120.54 necessary to administer this section.

27 Section 2. Section 322.075, Florida Statutes, is
28 created to read:

29 322.075 Driving permits for persons entering the
30 United States under the Cuban Adjustment Act.--

31 (1) The department may, subject to the requirements of

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1 this section, issue a driving permit to a foreign national who
 2 entered the United States under the Cuban Adjustment Act, as
 3 amended, 8 U.S.C. s. 1255, and who may not be deported to his
 4 or her country of citizenship due to the absence of diplomatic
 5 relations between that country and the United States.

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

8 (a) Be an applicant for a driver license under s.
 9 322.08 who meets the applicable requirements of this chapter
 10 but who is unable to satisfy the forms for proof of identity
 11 prescribed in s. 322.08(2)(c).

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

14 (c) Submit to fingerprint capture, which the
 15 department must maintain on file and use in reviewing an
 16 application to renew a driving permit under subsection (5).
 17 Fingerprints shall be submitted to the Department of Law
 18 Enforcement for a state criminal history records check and to
 19 the Federal Bureau of Investigation for a national criminal
 20 history records check.

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

22 1. Has not been found guilty of, regardless of
 23 adjudication, or entered a plea of nolo contendere or guilty
 24 to any law relating to illegal drugs or a forcible felony,
 25 facilitating or furthering any act of terrorism as provided
 26 under s. 775.31 or any federal crime related to terrorism, or
 27 money laundering as defined in chapter 896 and its federal
 28 counterpart, or conspiracy to commit a forcible felony,
 29 facilitate or further any act of terrorism, or commit money
 30 laundering, in any state or federal court.

31 2. Has not been designated as a terrorist or the

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1 leader of an illegal drug enterprise by the United States
2 Department of Justice.

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

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

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

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

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

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

20 (4) A driving permit issued by the department under
21 this section:

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

24 (b) Must be issued under the requirements of s.
25 322.142.

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

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

31 (5) A person who is issued a driving permit under this

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1 section may apply to the department to renew the driving
2 permit if the person otherwise qualifies for renewal under
3 this chapter. The department may renew a driving permit for a
4 period not to exceed 2 years if:

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

7 (b) The department conducts a state and national
8 criminal history records check of the individual through the
9 Department of Law Enforcement and the Federal Bureau of
10 Investigation by using the fingerprints submitted under
11 subsection (2).

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

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

17 (a) Has been found guilty of, regardless of
18 adjudication, or entered a plea of nolo contendere or guilty
19 to any law relating to illegal drugs or a forcible felony,
20 facilitating or furthering any act of terrorism as provided in
21 s. 775.31 or any federal crime related to terrorism, or money
22 laundering as defined in chapter 896 and its federal
23 counterpart, or conspiracy to commit a forcible felony,
24 facilitate or further any act of terrorism, or commit money
25 laundering, in any state or federal court;

26 (b) Is a habitual offender of laws relating to illegal
27 drugs;

28 (c) Has been designated as a terrorist or the leader
29 of an illegal drug enterprise by the United States Department
30 of Justice; or

31 (d) Has traveled to any country that is on a list of

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1 terrorist countries maintained by the United States
2 Government.

3 (7) Foreign national applicants meeting the
4 requirements of this section must show proof satisfactory to
5 the department. The provisions of s. 322.212 apply to a
6 driving permit issued under this section, and the penalties
7 prescribed in s. 322.212 apply to a violation of that section
8 which occurs with respect to such a driving permit.

9 (8) A driving permit issued under this section is
10 property of the state. A person in possession of a driving
11 permit must provide it to a law enforcement officer upon
12 request. A law enforcement officer having a reasonable belief
13 that a person possesses or is using a driving permit in
14 violation of this section or any other law may seize the
15 driving permit. A person from whom a law enforcement officer
16 seizes a driving permit under this subsection does not have a
17 cause of action against the law enforcement officer for the
18 seizure of the driving permit.

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

23 (10)(a) The department shall establish fees for the
24 initial issuance and the renewal of a driving permit under
25 this section. The fees must account for costs related to
26 conducting criminal background checks and verifying security
27 risks related to the applicant as required under this section.

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

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1 (11) The department may adopt rules under s.
2 120.536(1) and s. 120.54 necessary to administer this section.

3 Section 3. This act shall take effect February 1,
4 2006.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

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11 and insert:

12

 A bill to be entitled

13

 An act relating to driver licensing; creating
14 s. 322.073, F.S.; providing for the Department
15 of Highway Safety and Motor Vehicles to issue
16 driver licenses to certain foreign nationals
17 who frequently visit the state; providing for
18 expiration and renewal of the license;
19 requiring submission of certain information to
20 receive the license; authorizing the department
21 to adopt rules; creating s. 322.075, F.S.;
22 providing for the department to issue driving
23 permits to certain foreign nationals who
24 entered the country under specified
25 circumstances; providing eligibility criteria;
26 requiring the department to conduct criminal
27 background checks; providing requirements for
28 the permits; providing for period of validity;
29 restricting validity to use in the state;
30 providing for renewal; prohibiting certain use
31 and providing penalties therefor; providing for

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1 seizure and cancellation of the permit under
2 certain circumstances; providing for fees;
3 authorizing the department to adopt rules;
4 providing an effective date.
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