

Bill No. SB 2040

Barcode 815152

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Margolis) 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, for the duration of the nonimmigrant visa issued to the applicant by the United States Government, whichever

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1 period is longer, and may be renewed thereafter under the same  
2 restrictions and conditions as the initial issuance if the  
3 applicant, at the time of renewal, satisfies the requirements  
4 of this section.

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

8 (a) A valid passport from the home country of the  
9 applicant.

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

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

17 (d) A valid driver license from the home country of  
18 the applicant.

19 (4) The department may adopt rules under ss.  
20 120.536(1) and 120.54 necessary to administer this section.

21 Section 2. Section 322.075, Florida Statutes, is  
22 created to read:

23 322.075 Driving permits for persons entering the  
24 United States under the Cuban Adjustment Act.--

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

31 (2) To be eligible under this section, the applicant

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1 must:

2       (a) Be an applicant for a driver's license under s.  
3 322.08 who meets the applicable requirements of this chapter  
4 but who is unable to satisfy the forms for proof of identity  
5 prescribed in s. 322.08(2)(c).

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

8       (c) Submit to fingerprint capture, which the  
9 department must maintain on file and use in reviewing an  
10 application to renew a driving permit under subsection (5).  
11 The department must use the fingerprints to conduct a criminal  
12 background and security check through the Department of Law  
13 Enforcement and the Federal Bureau of Investigation.

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

15           1. Has not been convicted of a violent felony,  
16 terrorism, or money laundering, or conspiracy to commit a  
17 violent felony, terrorism, or money laundering, by any state  
18 or federal court.

19           2. Is not a habitual offender of laws relating to  
20 illegal drugs.

21           3. Has not been designated as a terrorist or the  
22 leader of an illegal drug enterprise by the United States  
23 Department of Justice.

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

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

31       (3) Before issuing a driving permit under this

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1 section, the department must:

2 (a) Conduct a criminal background check through the  
3 Department of Law Enforcement and the Federal Bureau of  
4 Investigation.

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

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

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

13 (4) A driving permit issued by the department under  
14 this section:

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

17 (b) Must be issued under the requirements of s.  
18 322.142.

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

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

24 (5) A person who is issued a driving permit under this  
25 section may apply to the department to renew the driving  
26 permit if the person otherwise qualifies for renewal under  
27 this chapter. The department may renew a driving permit for a  
28 period not to exceed 2 years if:

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

31 (b) The department conducts a criminal background and

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1 security check of the individual by using the fingerprints  
2 submitted under subsection (2).

3 (c) The department verifies with the Department of Law  
4 Enforcement and Federal Bureau of Investigation that the  
5 applicant is not a security risk to the state or the United  
6 States.

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

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

12 (a) Has been convicted of a violent felony, terrorism,  
13 or money laundering or conspiracy to commit a violent felony,  
14 terrorism, or money laundering by any state or federal court;

15 (b) Is a habitual offender of laws relating to illegal  
16 drugs;

17 (c) Has been designated as a terrorist or the leader  
18 of an illegal drug enterprise by the United States Department  
19 of Justice; or

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

23 (7) Foreign national applicants meeting the  
24 requirements of this section must show proof satisfactory to  
25 the department. The provisions of s. 322.212 apply to a  
26 driving permit issued under this section, and the penalties  
27 prescribed in s. 322.212 apply to a violation of that section  
28 which occurs with respect to such a driving permit.

29 (8) A driving permit issued under this section is  
30 property of the state. A person in possession of a driving  
31 permit must provide it to a law enforcement officer upon

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1 request. A law enforcement officer having a reasonable belief  
 2 that a person possesses or is using a driving permit in  
 3 violation of this section or any other law may seize the  
 4 driving permit. A person from whom a law enforcement officer  
 5 seizes a driving permit under this subsection does not have a  
 6 cause of action against the law enforcement officer for the  
 7 seizure of the driving permit.

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

12 (10)(a) The department shall establish fees for the  
 13 initial issuance and the renewal of a driving permit under  
 14 this section. The fees must account for costs related to  
 15 conducting criminal background checks and verifying security  
 16 risks related to the applicant as required under this section.

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

19 (11) The department may adopt rules under s.  
 20 120.536(1) and s. 120.54 necessary to administer this section.

21 Section 3. This act shall take effect February 1,  
 22 2006.

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

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28  
 29 and insert:

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A bill to be entitled

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

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

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

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

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1 Floridians, and

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

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

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

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