

By Senator Garcia

40-1388-05

See HB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

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

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

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

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

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

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

16

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

18

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

21 322.073 Licensing of foreign nationals who visit this
22 state.--

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

28 (2) A license issued under this section is valid for 2
29 years following the date on which it is issued or for the
30 duration of the nonimmigrant visa issued to the applicant by
31 the United States Government, whichever is longer, and may be

1 renewed thereafter under the same restrictions and conditions
2 if the applicant, at the time of renewal, satisfies the
3 requirements of this section.

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

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

9 (b) A valid multiple-entry nonimmigrant visa issued to
10 the applicant by the United States Government.

11 (c) A valid and current I-94 U.S. Citizenship and
12 Immigration Services form issued to the applicant by the
13 United States Government.

14 (d) A valid driver's license from the home country of
15 the applicant.

16 (4) The department may adopt rules under ss.
17 120.536(1) and 120.54 necessary to administer this section.

18 Section 2. Section 322.075, Florida Statutes, is
19 created to read:

20 322.075 Driving permits for persons entering the
21 United States under the Cuban Adjustment Act.--

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

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

30 (a) Be an applicant for a driver's license under s.
31 322.08 who meets the applicable requirements of this chapter

1 but who is unable to satisfy the forms for proof of identity
2 prescribed in s. 322.08(2)(c).

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

5 (c) Submit to fingerprint capture, which the
6 department must maintain on file and use in reviewing an
7 application to renew a driving permit under subsection (5).

8 The department must use the fingerprints to conduct a criminal
9 background and security check through the Department of Law
10 Enforcement and the Federal Bureau of Investigation.

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

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

16 2. Is not a habitual offender of laws relating to
17 illegal drugs.

18 3. Has not been designated as a terrorist or the
19 leader of an illegal drug enterprise by the United States
20 Department of Justice.

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

25 5. Is not wanted for any offense or act listed in this
26 paragraph by any law enforcement authority in the United
27 States.

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

30
31

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

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

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

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

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

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

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

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

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

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

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

30
31

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

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

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

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

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

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

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

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

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

30 (8) A driving permit issued under this section is
31 property of the state. A person in possession of a driving

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

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

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

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

20 (11) The department may adopt rules under s.
21 120.536(1) and s. 120.54 necessary to administer this section.

22 Section 3. This act shall take effect July 1, 2005.
23
24
25
26
27
28
29
30
31