

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

6 (2) A license issued under this section is valid for 2
7 years following the date on which it is issued or, if a
8 nonimmigrant visa is required for entry into the United States
9 by a driver license applicant, then a license issued under
10 this section is valid for the duration of the nonimmigrant
11 visa issued to the applicant by the United States Government,
12 up to a maximum of 6 years. If the nonimmigrant visa driver
13 license applicant is holding a nonimmigrant visa with less
14 than 6 years' validity remaining on the nonimmigrant visa,
15 then a license issued under this section is valid for the
16 duration remaining on the nonimmigrant visa issued to the
17 applicant by the United States Government and may be renewed
18 thereafter under the same restrictions and conditions as the
19 initial issuance if the applicant, at the time of renewal,
20 satisfies the requirements of this section.

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

24 (a) A valid passport from the home country of the
25 applicant.

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

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

3 (d) A valid driver license from the home country of
4 the applicant.

5 (4) The department may adopt rules under ss.
6 120.536(1) and 120.54 necessary to administer this section.

7 Section 2. Section 322.075, Florida Statutes, is
8 created to read:

9 322.075 Driving permits for persons entering the
10 United States under the Cuban Adjustment Act.--

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

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

19 (a) Be an applicant for a driver license under s.
20 322.08 who meets the applicable requirements of this chapter
21 but who is unable to satisfy the forms for proof of identity
22 prescribed in s. 322.08(2)(c).

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

25 (c) Submit to fingerprint capture, which the
26 department must maintain on file and use in reviewing an
27 application to renew a driving permit under subsection (5).
28 Fingerprints shall be submitted to the Department of Law
29 Enforcement for a state criminal history records check and to
30 the Federal Bureau of Investigation for a national criminal
31 history records check.

- 1 (d) Affirm to the department that he or she:
- 2 1. Has not been found guilty of, regardless of
3 adjudication, or entered a plea of nolo contendere or guilty
4 to any law relating to illegal drugs or a forcible felony,
5 facilitating or furthering any act of terrorism as provided
6 under s. 775.31 or any federal crime related to terrorism, or
7 money laundering as defined in chapter 896 and its federal
8 counterpart, or conspiracy to commit a forcible felony,
9 facilitate or further any act of terrorism, or commit money
10 laundering, in any state or federal court.
- 11 2. Has not been designated as a terrorist or the
12 leader of an illegal drug enterprise by the United States
13 Department of Justice.
- 14 3. Will not travel to any country that is on a list of
15 terrorist countries maintained by the United States Government
16 for a period not to exceed 2 years or the duration of the
17 driving permit authorized in this section.
- 18 4. Is not wanted for any offense or act listed in this
19 paragraph by any law enforcement authority in the United
20 States.
- 21 (3) Before issuing a driving permit under this
22 section, the department must:
- 23 (a) Conduct a fingerprint-based state and national
24 criminal history records check through the Department of Law
25 Enforcement and the Federal Bureau of Investigation.
- 26 (b) Verify that the applicant has not been designated
27 as a terrorist or as the leader of an illegal drug enterprise
28 by the United States Department of Justice.
- 29 (c) Verify the identity of the individual by using the
30 fingerprints submitted under subsection (2).
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1 (4) A driving permit issued by the department under
2 this section:

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

5 (b) Must be issued under the requirements of s.
6 322.142.

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

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

12 (5) A person who is issued a driving permit under this
13 section may apply to the department to renew the driving
14 permit if the person otherwise qualifies for renewal under
15 this chapter. The department may renew a driving permit for a
16 period not to exceed 2 years if:

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

19 (b) The department conducts a state and national
20 criminal history records check of the individual through the
21 Department of Law Enforcement and the Federal Bureau of
22 Investigation by using the fingerprints submitted under
23 subsection (2).

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

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

29 (a) Has been found guilty of, regardless of
30 adjudication, or entered a plea of nolo contendere or guilty
31 to any law relating to illegal drugs or a forcible felony,

1 facilitating or furthering any act of terrorism as provided in
2 s. 775.31 or any federal crime related to terrorism, or money
3 laundering as defined in chapter 896 and its federal
4 counterpart, or conspiracy to commit a forcible felony,
5 facilitate or further any act of terrorism, or commit money
6 laundering, in any state or federal court;

7 (b) Is a habitual offender of laws relating to illegal
8 drugs;

9 (c) Has been designated as a terrorist or the leader
10 of an illegal drug enterprise by the United States Department
11 of Justice; or

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

15 (7) Foreign national applicants meeting the
16 requirements of this section must show proof satisfactory to
17 the department. The provisions of s. 322.212 apply to a
18 driving permit issued under this section, and the penalties
19 prescribed in s. 322.212 apply to a violation of that section
20 which occurs with respect to such a driving permit.

21 (8) A driving permit issued under this section is
22 property of the state. A person in possession of a driving
23 permit must provide it to a law enforcement officer upon
24 request. A law enforcement officer having a reasonable belief
25 that a person possesses or is using a driving permit in
26 violation of this section or any other law may seize the
27 driving permit. A person from whom a law enforcement officer
28 seizes a driving permit under this subsection does not have a
29 cause of action against the law enforcement officer for the
30 seizure of the driving permit.

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

5 (10)(a) The department shall establish fees for the
6 initial issuance and the renewal of a driving permit under
7 this section. The fees must account for costs related to
8 conducting criminal background checks and verifying security
9 risks related to the applicant as required under this section.

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

14 (11) The department may adopt rules under s.
15 120.536(1) and s. 120.54 necessary to administer this section.

16 Section 3. This act shall take effect February 1,
17 2006.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2040

The CS provides valid time periods for nonimmigrant visa driver license holders.

This CS clarifies applicants for driving permits under the Cuban Adjustment Act are required to have his or her fingerprints submitted to the Department of Law Enforcement for a state criminal history records check and to the Federal Bureau of Investigation for a national criminal history records check. This CS also removes language requiring verification through the Department of Law Enforcement and Federal Bureau of Investigation the applicant is not a security risk to this state or the United States.

The CS clarifies a driving permit may not be issued or renewed to an applicant who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any law relating to illegal drugs or a forcible felony, facilitating or furthering any act of terrorism or any federal crime related to terrorism, or money laundering, or conspiracy to commit any of these crimes.

The CS provides the Department of Law Enforcement shall invoice the Department of Highway Safety and Motor Vehicles for the fingerprints submitted each month.