

1 A bill to be entitled
2 An act relating to worthless checks; creating
3 s. 832.09, F.S.; providing for the suspension
4 of a driver's license with respect to certain
5 persons who do not fulfill an agreement for a
6 bad check diversion program or against whom a
7 warrant or capias is issued in a worthless
8 check case; amending s. 322.251, F.S.;
9 providing for notification; providing for
10 conditions for reinstatement; providing a fee;
11 directing the Department of Highway Safety and
12 Motor Vehicles and the Department of Law
13 Enforcement to develop and implement a plan;
14 amending s. 322.142, F.S.; allowing the
15 Department of Highway Safety and Motor Vehicles
16 to sell copies of certain records of the
17 department; creating s. 832.10, F.S.; providing
18 for the use of private debt collectors;
19 providing an effective date.

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

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23 Section 1. Section 832.09, Florida Statutes, is
24 created to read:

25 832.09 Suspension of driver license after warrant or
26 capias is issued in worthless check case.--

27 (1) Any person who does not fulfill the agreements for
28 a bad check diversion program pursuant to s. 832.08 or who is
29 being prosecuted for passing a worthless check in violation of
30 s. 832.05, who fails to appear before the court and against
31 whom a warrant or capias for failure to appear is issued by

1 the court shall have his or her driver's license suspended or
2 revoked pursuant to s. 322.251.

3 (2) Within 5 working days after the issuance of a
4 warrant or capias for failure to appear the clerk of the court
5 in the county where the warrant or capias is issued, shall
6 notify the Department of Highway Safety and Motor Vehicles by
7 the most efficient method available of the action of the
8 court.

9 Section 2. Subsection (7) is added to section 322.251,
10 Florida Statutes, to read:

11 322.251 Notice of cancellation, suspension,
12 revocation, or disqualification of license.--

13 (7)(a) A person whose driving privilege is suspended
14 or revoked pursuant to s. 832.09 shall be notified, pursuant
15 to this section, and the notification shall direct the person
16 to surrender himself or herself to the sheriff who entered the
17 warrant to satisfy the conditions of the warrant. A person
18 whose driving privilege is suspended or revoked under this
19 subsection shall not have his or her driving privilege
20 reinstated for any reason other than:

21 1. Full payment of any restitution, court costs, and
22 fees incurred as a result of a warrant or capias being issued
23 pursuant to s. 832.09.

24 2. The cancellation of the warrant or capias from the
25 Department of Law Enforcement recorded by the entering agency.

26 3. The payment of an additional fee of \$10 to the
27 Department of Highway Safety and Motor Vehicles to be paid
28 into the Highway Safety Operating Trust Fund.

29 (b) The Department of Law Enforcement shall provide
30 electronic access to the department for the purpose of

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1 identifying any person who is the subject of an outstanding
2 warrant or capias for passing worthless bank checks.

3 (c) The Department of Highway Safety and Motor
4 Vehicles and the Department of Law Enforcement shall develop
5 and implement a plan to ensure the identification of any
6 person who is the subject of an outstanding warrant or capias
7 for passing worthless bank checks and to ensure the
8 identification of the person's driver's license record.

9 Section 3. Subsections (5) and (6) are added to
10 section 322.142, Florida Statutes, to read:

11 322.142 Color photographic or digital imaged
12 licenses.--

13 (5) Notwithstanding any other provisions of law, the
14 department may sell copies of photographs, electronically
15 stored photographs, or digitized images and other driver's
16 license and state identification card information on file,
17 which are recorded and maintained as required, if such items
18 are to be used solely for the prevention of fraud, including,
19 but not limited to, use in mechanism intended to prevent the
20 fraudulent use of credit cards, debit cards, or checks or
21 fraud in other forms of financial transactions. The use of
22 such photographs, electronically stored photographs, or
23 digitized images obtained pursuant to this subsection is
24 limited to the verification of the identity of the holder of
25 an account, other form of identification, or other similar
26 uses and may not be used for any other purpose.

27 (6) Notwithstanding any other provisions of law, the
28 department may sell copies of photographs, electronically
29 stored photographs, or digitized images maintained by the
30 department as required, upon receipt of the following from an
31 applicant:

- 1 (a) Proof of the identity of the applicant;
2 (b) A declaration, in such form as is required by the
3 department, describing how the applicant will use such
4 photographs, electronically stored photographs, or digitized
5 images for the prevention of fraud; and
6 (c) Payment of a fee for the photographs,
7 electronically stored photographs, or digitized images. The
8 department shall establish a fee for providing copies of such
9 photographs, electronically stored photographs, or digitized
10 images and all fees collected pursuant to this subsection
11 shall be used to defray the costs of the department in
12 providing such copies to an applicant.

13 Section 4. Section 832.10, Florida Statutes, is
14 created to read:

15 832.10 Alternative to bad check diversion program;
16 fees for collection.--

17 (1) In lieu of referring a complaint to a bad check
18 diversion program, the state attorney may initiate a debt
19 collection process involving collection by a private debt
20 collector registered under part VI of chapter 559, for the
21 purpose of diverting from prosecution certain persons accused
22 of a violation of s. 832.04, s. 832.041, s. 832.05, or s.
23 832.06. The use of such debt collector shall not affect the
24 authority of the state attorney to prosecute any person for
25 any such violation.

26 (2) Upon receipt of the notification from the state
27 attorney initiating the debt collection process authorized by
28 this section, the payee on the bad check shall place or assign
29 the debt evidenced by the bad check for collection by such
30 debt collector. Upon such placement or assignment, the payee
31 is entitled to add a collection fee to offset the cost of

1 collection. This collection fee is in addition to the bad
2 check service charges authorized by law. The collection fee
3 payable to the debt collector must be a reasonable fee in
4 accordance with industry standards and based upon the total
5 amount collected.

6 (3) Unless extended by the state attorney, the debt
7 collector shall have 90 days after the date of placement or
8 assignment of the debt for collection within which to collect
9 the amount of the bad check, applicable bad debt charges, and
10 the collector's collection fee. Upon the expiration of the
11 90-day period and any extensions thereof, the state attorney
12 shall proceed with prosecution or other disposition of the
13 case. The debt collector may continue to try to collect the
14 debt, provided that such collection effort does not impede the
15 prosecution or other disposition of the case by the state
16 attorney. The debt collector shall remit to the payee the
17 amount collected less the collector's fee percentage on the
18 total amount collected.

19 (4) The debt collector may compromise the amount to be
20 collected only with the express consent of the payee of the
21 check.

22 Section 5. This act shall take effect July 1, 1998.
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