

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 against whom a warrant or capias is  
6           issued in a worthless check case; amending s.  
7           322.251, F.S.; providing for notification;  
8           providing for conditions for reinstatement;  
9           providing a fee; directing the Department of  
10          Highway Safety and Motor Vehicles and the  
11          Department of Law Enforcement to develop and  
12          implement a plan; amending s. 322.142, relating  
13          to records of the Department of Highway Safety  
14          and Motor Vehicles; providing an appropriation;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Section 832.09, Florida Statutes, is  
20          created to read:

21           832.09 Suspension of driver license after warrant or  
22          capias is issued in worthless check case.--

23           (1) Any person who is being prosecuted for passing a  
24          worthless check in violation of s. 832.05, who fails to appear  
25          before the court and against whom a warrant or capias for  
26          failure to appear is issued by the court shall have his or her  
27          driver's license suspended or revoked pursuant to s. 322.251.

28           (2) Within 5 working days after the issuance of a  
29          warrant or capias for failure to appear the clerk of the court  
30          in the county where the warrant or capias is issued, shall  
31          notify the Department of Highway Safety and Motor Vehicles by

1 the most efficient method available of the action of the  
2 court.

3 Section 2. Section 832.10, Florida Statutes, is  
4 created to read:

5 832.10 Alternative to bad check diversion program;  
6 fees for collection.--

7 (1) In lieu of referring a case to the bad check  
8 diversion program, the state attorney may refer the case to a  
9 private debt collector or an independent contractor, for the  
10 purpose of diverting from prosecution certain persons accused  
11 of a violation of s. 832.04, s. 832.041, s. 832.05, or s.  
12 832.06. The use of such debt collector or independent  
13 contractor shall not affect the authority of the state  
14 attorney to prosecute any person for any such violation.

15 (2) Upon receipt of the referral by the state  
16 attorney, the private debt collector or independent contractor  
17 shall have a period of 90 days during which to collect the  
18 face value of the worthless check. If the full face value of  
19 the worthless check is not collected by the private debt  
20 collector or independent contractor within this time, the case  
21 shall be referred back to the state attorney.

22 (3) A private debt collector or independent contractor  
23 who collects and remits to the payee the full amount of a  
24 worthless check under this section shall be entitled to a  
25 collection fee not to exceed the service fees authorized under  
26 s. 832.05(5) or 5 percent of the face amount of the worthless  
27 check, whichever is greater, prior to the debt collector or  
28 independent contractor collecting a fee from the drawer of the  
29 check.

1           (4) The debt collector or independent contractor may  
2 compromise the amount to be collected only with the express  
3 consent of the payee of the check.

4           Section 3. Subsection (7) is added to section 322.251,  
5 Florida Statutes, to read:

6           322.251 Notice of cancellation, suspension,  
7 revocation, or disqualification of license.--

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

16           1. Full payment of any restitution, court costs, and  
17 fees incurred as a result of a warrant or capias being issued  
18 pursuant to s. 832.09;

19           2. The cancellation of the warrant or capias from the  
20 Department of Law Enforcement recorded by the entering agency;  
21 and

22           3. The payment of an additional fee of \$10 to the  
23 Department of Highway Safety and Motor Vehicles to be paid  
24 into the Highway Safety Operating Trust Fund; or

25           4. The department has modified the suspension or  
26 revocation of the license pursuant to s. 322.271 restoring the  
27 driving privilege solely for business or employment purposes.

28           (b) The Department of Law Enforcement shall provide  
29 electronic access to the department for the purpose of  
30 identifying any person who is the subject of an outstanding  
31 warrant or capias for passing worthless bank checks.

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

7           Section 4. Subsections (5) and (6) are added to  
8 Section 322.142, Florida Statutes, to read:

9           Section 322.142 Color photographic or digital imaged  
10 licenses.--

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

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

30           (a) Proof of the identity of the applicant;  
31

1           (b) A declaration, in such form as is required by the  
2 department, describing how the applicant will use such  
3 photographs, electronically stored photographs, or digitized  
4 images for the prevention of fraud; and

5           (c) Payment of a fee for the photographs,  
6 electronically stored photographs, or digitized images. The  
7 department shall establish a fee for providing copies of such  
8 photographs, electronically stored photographs, or digitized  
9 images and all fees collected pursuant to this subsection  
10 shall be used to defray the costs of the department in  
11 providing such copies to an applicant.

12           Section 5. \$35,000 is hereby appropriated from the  
13 Highway Safety Operating Trust fund to implement the  
14 provisions of this legislation.

15           Section 6. This act shall take effect July 1 of the  
16 year in which enacted.