

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; creating s.
7 832.10, F.S.; providing for the state attorney
8 to use a private debt collector or independent
9 contractor for 90 days to collect worthless
10 checks; providing for the case to be referred
11 back to the state attorney if the worthless
12 check is not collected in the time allowed;
13 creating s. 832.10, F.S.; providing an
14 alternative to the bad check diversion program;
15 providing fees for collection; amending s.
16 322.251, F.S.; providing for notification;
17 providing for conditions for reinstatement;
18 providing a fee; directing the Department of
19 Highway Safety and Motor Vehicles and the
20 Department of Law Enforcement to develop and
21 implement a plan; amending s. 322.142, relating
22 to records of the Department of Highway Safety
23 and Motor Vehicles; providing an appropriation;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 832.09, Florida Statutes, is
29 created to read:

30 832.09 Suspension of driver license after warrant or
31 capias is issued in worthless check case.--

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

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

12 Section 2. Section 832.10, Florida Statutes, is
13 created to read:

14 832.10 Alternative to bad check diversion program;
15 fees for collection.--

16 (1) Prior to presenting a complaint about a dishonored
17 check to a state attorney, a payee on such bad check may place
18 or assign the debt evidenced by the bad check for collection
19 pursuant to this section by a private debt collector
20 registered under part VI, chapter 559, Florida Statutes.

21 (2) Upon such placement or assignment the payee shall
22 be entitled to add a collection fee to offset the cost of
23 collection. This collection fee is in addition to the bad
24 check service charges authorized by law. The collection fee
25 payable to the debt collector shall be a reasonable fee in
26 accord with industry standards, based upon the total amount
27 collected.

28 (3) Unless extended by the payee, the debt collector
29 shall have 90 days from the date of placement or assignment of
30 the debt for collection within which to collect the amount of
31 the bad check, applicable bad debt charges, and the

1 collector's collection fee. Upon the expiration of such 90 day
2 period and any extensions thereof, the payee then may present
3 a complaint to the appropriate state attorney. The debt
4 collector may continue to try to collect the debt, provided
5 such collection effort does not impede the prosecution or
6 other disposition of the case by the state attorney.

7 (4) The debt collector may not compromise the amount
8 to be collected without the express consent of the payee of
9 the check. The debt collector shall remit to the payee the
10 amount collected less the collector's fee percentage on the
11 total amount collected.

12 (5) The use of such debt collector shall not affect
13 the authority of the state attorney to prosecute any person
14 for any violation of s. 832.04, s. 832.041, s. 832.05, or s.
15 832.06. The use of this section by a payee on a bad check
16 shall not affect the rights of the payee, other than as set
17 forth in this section, to present a complaint to the
18 appropriate state attorney.

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

21 322.251 Notice of cancellation, suspension,
22 revocation, or disqualification of license.--

23 (7)(a) A person whose driving privilege is suspended
24 or revoked pursuant to s. 832.09 shall be notified, pursuant
25 to this section, and the notification shall direct the person
26 to surrender himself or herself to the sheriff who entered the
27 warrant to satisfy the conditions of the warrant. A person
28 whose driving privilege is suspended or revoked under this
29 subsection shall not have his or her driving privilege
30 reinstated for any reason other than:

31

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

4 2. The cancellation of the warrant or capias from the
5 Department of Law Enforcement recorded by the entering agency;
6 and

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

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

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

17 (c) The Department of Highway Safety and Motor
18 Vehicles and the Department of Law Enforcement shall develop
19 and implement a plan to ensure the identification of any
20 person who is the subject of an outstanding warrant or capias
21 for passing worthless bank checks and to ensure the
22 identification of the person's driver's license record.

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

25 Section 322.142 Color photographic or digital imaged
26 licenses.--

27 (5) Notwithstanding any other provisions of law, the
28 department may sell copies of photographs, electronically
29 stored photographs, or digitized images and other driver's
30 license and state identification card information on file,
31 which are recorded and maintained as required, if such items

1 are to be used solely for the prevention of fraud, including,
2 but not limited to, use in mechanisms intended to prevent the
3 fraudulent use of credit cards, debit cards, or checks, or
4 fraud in other forms of financial transactions. The use of
5 such photographs, electronically stored photographs, or
6 digitized images obtained pursuant to this subsection is
7 limited to the verification of the identity of the holder of
8 an account, other form of identification, or other similar
9 uses, and may not be used for any other purpose.

10 (6) Notwithstanding any other provisions of law, the
11 department may sell copies of photographs, electronically
12 stored photographs, or digitized images maintained by the
13 department as required, upon receipt of the following from an
14 applicant:

15 (a) Proof of the identity of the applicant;

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

20 (c) Payment of a fee for the photographs,
21 electronically stored photographs, or digitized images. The
22 department shall establish a fee for providing copies of such
23 photographs, electronically stored photographs, or digitized
24 images and all fees collected pursuant to this subsection
25 shall be used to defray the costs of the department in
26 providing such copies to an applicant.

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

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