

By Senator Lee

23-388-01

1 A bill to be entitled
2 An act relating to driver's licenses; amending
3 s. 322.01, F.S.; defining the term "county tax
4 collector" with respect to duties of the
5 Department of Highway Safety and Motor Vehicles
6 relating to drivers' licenses; amending ss.
7 322.02, 322.03, 322.05, 322.051, 322.059,
8 322.07, 322.08, 322.09, 322.091, 322.095,
9 322.12, 322.121, 322.125, 322.13, 322.135,
10 322.14, 322.141, 322.142, 322.16, 322.161,
11 322.1615, 322.17, 322.18, 322.20, 322.21,
12 322.212, 322.22, 322.221, 322.251, 322.26,
13 322.28, 322.282, 322.32, F.S.; specifying those
14 powers and duties that the department may
15 delegate to county tax collectors; providing
16 for the disposition of fees when services are
17 performed by county tax collectors; providing
18 an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Present subsections (11) through (42) of
23 section 322.01, Florida Statutes, are renumbered as
24 subsection (12) through (43), respectively, and a new
25 subsection (11) is added to that section, to read:

26 322.01 Definitions.--As used in this chapter:
27 (11) "County tax collector" means a county tax
28 collector who is performing as an authorized agent of the
29 department.

30 Section 2. Subsection (5) is added to section 322.02,
31 Florida Statutes, to read:

1 322.02 Administration.--

2 (5) The department shall allow any county tax
3 collector that elects to do so to be a complete and total
4 authorized agent of the department, for that county only, to
5 be charged with the local administration and function of
6 enforcing this chapter.

7 Section 3. Subsection (2) and paragraph (a) of
8 subsection (3) of section 322.03, Florida Statutes, are
9 amended to read:

10 322.03 Drivers must be licensed; penalties.--

11 (2) Prior to issuing a driver's license, the
12 department or county tax collector shall require any person
13 who has been convicted two or more times of a violation of s.
14 316.193 or of a substantially similar alcohol-related or
15 drug-related offense outside this state within the preceding 5
16 years, or who has been convicted of three or more such
17 offenses within the preceding 10 years, to present proof of
18 successful completion of or enrollment in a
19 department-approved substance abuse education course. If the
20 person fails to complete such education course within 90 days
21 after issuance, the department shall cancel the license.
22 Further, prior to issuing the driver's license the department
23 or county tax collector shall require such person to present
24 proof of financial responsibility as provided in s. 324.031.
25 For the purposes of this paragraph, a previous conviction for
26 violation of former s. 316.028, former s. 316.1931, or former
27 s. 860.01 shall be considered a previous conviction for
28 violation of s. 316.193.

29 (3)(a) The department or county tax collector may not
30 issue a commercial driver's license to any person who is not a
31 resident of this state.

1 Section 4. Section 322.05, Florida Statutes, is
2 amended to read:

3 322.05 Persons not to be licensed.--The department or
4 a county tax collector may not issue a license:

5 (1) To a person who is under the age of 16 years,
6 except that the department or a county tax collector may issue
7 a learner's driver's license to a person who is at least 15
8 years of age and who meets the requirements of ss. 322.091 and
9 322.1615 and of any other applicable law or rule.

10 (2) To a person who is at least 16 years of age but is
11 under 18 years of age unless the person meets the requirements
12 of s. 322.091 and holds a valid:

13 (a) Learner's driver's license for at least 12 months,
14 with no traffic convictions, before applying for a license;

15 (b) Learner's driver's license for at least 12 months
16 and who has a traffic conviction but elects to attend a
17 traffic driving school for which adjudication must be withheld
18 pursuant to s. 318.14; or

19 (c) License that was issued in another state or in a
20 foreign jurisdiction and that would not be subject to
21 suspension or revocation under the laws of this state.

22 (3) To a person who is at least 16 years of age but
23 who is under 18 years of age, unless the parent, guardian, or
24 other responsible adult meeting the requirements of s. 322.09
25 certifies that he or she, or another licensed driver 21 years
26 of age or older, has accompanied the applicant for a total of
27 not less than 50 hours' behind-the-wheel experience, of which
28 not less than 10 hours must be at night. This subsection is
29 not intended to create a private cause of action as a result
30 of the certification. The certification is inadmissible for
31 any purpose in any civil proceeding.

1 (4) Except as provided by this subsection, to any
2 person, as a Class A licensee, Class B licensee, Class C
3 licensee, or Class D licensee, who is under the age of 18
4 years. A person age 16 or 17 years who applies for a Class D
5 driver's license is subject to all the requirements and
6 provisions of ss. 322.09 and 322.16(2) and (3). Any person
7 who applies for a Class D driver's license who is age 16 or 17
8 years must have had a learner's driver's license or a driver's
9 license for at least 90 days before he or she is eligible to
10 receive a Class D driver's license. The department may require
11 of any such applicant for a Class D driver's license such
12 examination of the qualifications of the applicant as the
13 department considers proper, and the department may limit the
14 use of any license granted as it considers proper.

15 (5) To any person whose license has been suspended,
16 during such suspension, nor to any person whose license has
17 been revoked, until the expiration of the period of revocation
18 imposed under the provisions of this chapter.

19 (6) To any person, as a commercial motor vehicle
20 operator, whose privilege to operate a commercial motor
21 vehicle has been disqualified, until the expiration of the
22 period of disqualification.

23 (7) To any person who is an habitual drunkard, or is
24 an habitual user of narcotic drugs, or is an habitual user of
25 any other drug to a degree which renders him or her incapable
26 of safely driving a motor vehicle.

27 (8) To any person who has been adjudged to be
28 afflicted with or suffering from any mental disability or
29 disease and who has not at the time of application been
30 restored to competency by the methods provided by law.

31

1 (9) To any person who is required by this chapter to
2 take an examination, unless such person shall have
3 successfully passed such examination.

4 (10) To any person, when the department has good cause
5 to believe that the operation of a motor vehicle on the
6 highways by such person would be detrimental to public safety
7 or welfare. Deafness alone shall not prevent the person
8 afflicted from being issued a Class D or Class E driver's
9 license.

10 (11) To any person who is ineligible under s. 322.056.
11 Section 5. Subsections (1), (2), (3), and (4) of
12 section 322.051, Florida Statutes, are amended to read:

13 322.051 Identification cards.--

14 (1) Any person who is 12 years of age or older, or any
15 person who has a disability, regardless of age, who applies
16 for a disabled parking permit under s. 320.0848, may be issued
17 an identification card by the department or a county tax
18 collector upon completion of an application and payment of an
19 application fee.

20 (a) Each such application shall include the following
21 information regarding the applicant:

22 1. Full name (first, middle or maiden, and last),
23 gender, social security card number, residence and mailing
24 address, and a brief description.

25 2. Proof of birth date satisfactory to the department.

26 3. Proof of identity satisfactory to the department.

27 Such proof must include one of the following unless a driver's
28 license record or identification card record has already been
29 established: a certified copy of a United States birth
30 certificate, a valid United States passport, an alien
31 registration receipt card (green card), an employment

1 authorization card issued by the United States Department of
2 Justice, or proof of nonimmigrant classification provided by
3 the United States Department of Justice, for an original
4 identification card.

5 (b) An application for an identification card must be
6 signed and verified by the applicant in a format designated by
7 the department before a person authorized to administer oaths.
8 The fee for an identification card is \$3, including payment
9 for the color photograph or digital image of the applicant. If
10 the card is provided by a county tax collector, the office of
11 the collector shall retain \$2.50 of this fee as cost
12 reimbursement.

13 (2) Every identification card shall expire, unless
14 canceled earlier, on the fourth birthday of the applicant
15 following the date of original issue. However, if an
16 individual is 60 years of age or older, and has an
17 identification card issued under this section, the card shall
18 not expire unless done so by cancellation by the department or
19 by the death of the cardholder. Renewal of any identification
20 card shall be made for a term which shall expire on the fourth
21 birthday of the applicant following expiration of the
22 identification card renewed, unless surrendered earlier. Any
23 application for renewal received later than 90 days after
24 expiration of the identification card shall be considered the
25 same as an application for an original identification card.
26 The renewal fee for an identification card shall be \$3. If the
27 card is provided by a county tax collector, the office of the
28 collector shall retain \$2.50 of this fee as cost
29 reimbursement.The department shall, at the end of 4 years and
30 6 months after the issuance or renewal of an identification
31 card, destroy any record of the card if it has expired and has

1 not been renewed, unless the cardholder is 60 years of age or
2 older.

3 (3) In the event an identification card issued under
4 this section is lost, destroyed, or mutilated or a new name is
5 acquired, the person to whom it was issued may obtain a
6 duplicate upon furnishing satisfactory proof of such fact to
7 the department or a county tax collector and upon payment of a
8 fee of \$2.50 for such duplicate, which shall be retained by
9 the issuing entity as cost reimbursement and includes ~~include~~
10 payment for the color photograph or digital image of the
11 applicant. Any person who loses an identification card and
12 who, after obtaining a duplicate, finds the original card
13 shall immediately surrender the original card to the
14 department. The same documentary evidence shall be furnished
15 for a duplicate as for an original identification card.

16 (4) When used with reference to identification cards,
17 "cancellation" means that an identification card is terminated
18 without prejudice and must be surrendered. Cancellation of the
19 card may be made when a card has been issued through error or
20 when voluntarily surrendered to the department or county tax
21 collector.

22 Section 6. Section 322.059, Florida Statutes, is
23 amended to read:

24 322.059 Mandatory surrender of suspended driver's
25 license and registration.--Any person whose driver's license
26 or registration has been suspended as provided in s. 322.058
27 must immediately return his or her driver's license and
28 registration to the Department of Highway Safety and Motor
29 Vehicles or a county tax collector. If such person fails to
30 return his or her driver's license or registration, any law
31

1 enforcement agent may seize the license or registration while
2 the driver's license or registration is suspended.

3 Section 7. Section 322.07, Florida Statutes, is
4 amended to read:

5 322.07 Instruction permits and temporary licenses.--

6 (1) Any person who is at least 18 years of age and
7 who, except for his or her lack of instruction in operating a
8 motor vehicle, would otherwise be qualified to obtain a Class
9 E driver's license under this chapter, may apply for a
10 temporary instruction permit. The department or a county tax
11 collector shall issue such a permit entitling the applicant,
12 while having the permit in his or her immediate possession, to
13 drive a motor vehicle of the type for which a Class E driver's
14 license is required upon the highways for a period of 90 days,
15 but, except when operating a motorcycle or moped as defined in
16 s. 316.003, the person must be accompanied by a licensed
17 driver who is 21 years of age or older, who is licensed to
18 operate the class of vehicle being operated, and who is
19 actually occupying the closest seat to the right of the
20 driver.

21 (2) The department or a county tax collector may, in
22 its discretion, issue a temporary permit to an applicant for a
23 Class D or Class E driver's license permitting him or her to
24 operate a motor vehicle of the type for which a Class D or
25 Class E driver's license is required while the department is
26 completing its investigation and determination of all facts
27 relative to such applicant's right to receive a driver's
28 license. Such permit must be in his or her immediate
29 possession while operating a motor vehicle, and it shall be
30 invalid when the applicant's license has been issued or for
31 good cause has been refused.

1 (3) Any person who, except for his or her lack of
2 instruction in operating a Class D or commercial motor
3 vehicle, would otherwise be qualified to obtain a Class D or
4 commercial driver's license under this chapter, may apply for
5 a temporary Class D or temporary commercial instruction
6 permit. The department or county tax collector shall issue
7 such a permit entitling the applicant, while having the permit
8 in his or her immediate possession, to drive a Class D or
9 commercial motor vehicle on the highways, provided that:

10 (a) The applicant possesses a valid driver's license
11 issued in any state; and

12 (b) The applicant, while operating a Class D or
13 commercial motor vehicle, is accompanied by a licensed driver
14 who is 21 years of age or older, who is licensed to operate
15 the class of vehicle being operated, and who is actually
16 occupying the closest seat to the right of the driver.

17 Section 8. Subsections (2) and (5) of section 322.08,
18 Florida Statutes, are amended to read:

19 322.08 Application for license.--

20 (2) Each such application shall include the following
21 information regarding the applicant:

22 (a) Full name (first, middle or maiden, and last),
23 gender, social security card number, residence and mailing
24 address, and a brief description.

25 (b) Proof of birth date satisfactory to the department
26 or county tax collector.

27 (c) Proof of identity satisfactory to the department
28 or county tax collector. Such proof must include one of the
29 following unless a driver's license record or identification
30 card record has already been established: a certified copy of
31 a United States birth certificate, a valid United States

1 passport, an alien registration receipt card (green card), an
2 employment authorization card issued by the United States
3 Department of Justice, or proof of nonimmigrant classification
4 provided by the United States Department of Justice, for an
5 original license.

6 (d) Whether the applicant has previously been licensed
7 to drive, and, if so, when and by what state, and whether any
8 such license or driving privilege has ever been disqualified,
9 revoked, or suspended, or whether an application has ever been
10 refused, and, if so, the date of and reason for such
11 disqualification, suspension, revocation, or refusal.

12 (5) The department or county tax collector may not
13 issue a driver's license to a person who has never been issued
14 a driver's license in any jurisdiction until he or she
15 successfully completes the traffic law and substance abuse
16 education course prescribed in s. 322.095.

17 Section 9. Subsection (3) of section 322.09, Florida
18 Statutes, is amended to read:

19 322.09 Application of minors.--

20 (3) The department or a county tax collector may not
21 issue a driver's license or learner's driver's license to any
22 applicant under the age of 18 years who is not in compliance
23 with the requirements of s. 322.091.

24 Section 10. Subsection (1), paragraphs (c) and (e) of
25 subsection (2), and subsection (4) of section 322.091, Florida
26 Statutes, are amended to read:

27 322.091 Attendance requirements.--

28 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING
29 PRIVILEGES.--A minor is not eligible for driving privileges
30 unless that minor:

31

1 (a) Is enrolled in a public school, nonpublic school,
2 or home education program and satisfies relevant attendance
3 requirements;

4 (b) Has received a high school diploma, a high school
5 equivalency diploma, a special diploma, or a certificate of
6 high school completion;

7 (c) Is enrolled in a study course in preparation for
8 the Test of General Educational Development and satisfies
9 relevant attendance requirements;

10 (d) Is enrolled in other educational activities
11 approved by the district school board and satisfies relevant
12 attendance requirements;

13 (e) Has been issued a certificate of exemption
14 according to s. 232.06; or

15 (f) Has received a hardship waiver under this section.
16

17 The department or a county tax collector may not issue a
18 driver's license or learner's driver's license to, or shall
19 suspend the driver's license or learner's driver's license of,
20 any minor concerning whom the department receives notification
21 of noncompliance with the requirements of this section.

22 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;
23 RECORD OF NONCOMPLIANCE.--

24 (c) Twenty days after the date of issuance of this
25 notice, the department shall suspend the minor's operator's
26 license or learner's driver's license or record the legal
27 name, sex, date of birth, and social security number of each
28 minor who does not possess a driver's license or learner's
29 driver's license, unless the minor has provided the department
30 or a county tax collector with verification of compliance with
31 the requirements of subsection (1) or the appropriate school

1 official has provided the department or a county tax collector
2 with verification of a request for a waiver hearing.

3 (e) The department or a county tax collector may not
4 issue a driver's license or learner's driver's license to any
5 minor for whom it has a record of noncompliance with the
6 requirements of subsection (1) unless the minor submits
7 verification of compliance pursuant to subsection (4).

8 (4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.--A
9 district school board shall provide a minor with written
10 verification that he or she is in compliance with the
11 requirements of subsection (1) if the district determines that
12 he or she has been in compliance for 30 days prior to the
13 request for verification of compliance. Upon receiving
14 written verification that the minor is again in compliance
15 with the requirements of subsection (1), the department or
16 county tax collector shall reinstate the minor's driving
17 privilege. Thereafter, if the school district determines that
18 the minor is not in compliance with the requirements of
19 subsection (1), the department shall suspend the minor's
20 driving privilege until the minor is 18 years of age or
21 otherwise satisfies the requirements of subsection (1),
22 whichever occurs first.

23 Section 11. Subsection (1) of section 322.095, Florida
24 Statutes, is amended to read:

25 322.095 Traffic law and substance abuse education
26 program for driver's license applicants.--

27 (1) The Department of Highway Safety and Motor
28 Vehicles must approve traffic law and substance abuse
29 education courses that must be completed by applicants for a
30 Florida driver's license. The curricula for the courses must
31 provide instruction on the physiological and psychological

1 consequences of the abuse of alcohol and other drugs, the
2 societal and economic costs of alcohol and drug abuse, the
3 effects of alcohol and drug abuse on the driver of a motor
4 vehicle, and the laws of this state relating to the operation
5 of a motor vehicle. All instructors teaching the courses shall
6 be certified by the department or a county tax collector.

7 Section 12. Section 322.12, Florida Statutes, is
8 amended to read:

9 322.12 Examination of applicants.--

10 (1) It is the intent of the Legislature that every
11 applicant for an original driver's license in this state be
12 required to pass an examination pursuant to this section.
13 However, the department or a county tax collector may waive
14 the knowledge, endorsement, and skills tests for an applicant
15 who is otherwise qualified and who surrenders a valid driver's
16 license from another state or a province of Canada, or a valid
17 driver's license issued by the United States Armed Forces, if
18 the driver applies for a Florida license of an equal or lesser
19 classification. A person who seeks to retain a
20 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
21 must pass the hazardous-materials test, upon surrendering his
22 or her commercial driver's license, if the person has not
23 taken and passed the hazardous-materials test within 2 years
24 preceding his or her application for a commercial driver's
25 license in this state.

26 (2) The department or a county tax collector shall
27 examine every applicant for a driver's license, including an
28 applicant who is licensed in another state or country, except
29 as otherwise provided in this chapter. A person who holds a
30 learner's driver's license as provided for in s. 322.1615 is
31 not required to pay a fee for successfully completing the

1 examination showing his or her ability to operate a motor
2 vehicle as provided for herein and need not pay the fee for a
3 replacement license as provided in s. 322.17(2). Any person
4 who applies for reinstatement following the suspension or
5 revocation of his or her driver's license shall pay a service
6 fee of \$25 following a suspension, and \$50 following a
7 revocation, which is in addition to the fee for a license. Any
8 person who applies for reinstatement of a commercial driver's
9 license following the disqualification of his or her privilege
10 to operate a commercial motor vehicle shall pay a service fee
11 of \$50, which is in addition to the fee for a license. The
12 department or an authorized county tax collector shall collect
13 all of these fees at the time of reinstatement. If the
14 license is reinstated by a county tax collector, \$15 of the
15 fee shall be retained by the office of the county tax
16 collector as a service fee.The department or a county tax
17 collector shall issue proper receipts for such fees and shall
18 promptly transmit all funds received by it as follows:

19 (a) Of the \$25 fee received from a licensee for
20 reinstatement following a suspension issued by,the
21 department, ~~shall deposit~~ \$15 shall be deposited into ~~in~~ the
22 General Revenue Fund and the remaining \$10 shall be deposited
23 in the Highway Safety Operating Trust Fund. Of the \$25 fee
24 received for reinstatement of a suspension issued by a county
25 tax collector, \$10 shall be forwarded to the department for
26 deposit into the General Revenue Fund and \$15 shall be
27 retained as a service fee by the office of the county tax
28 collector.

29 (b) Of the \$50 fee received from a licensee for
30 reinstatement following a revocation or disqualification
31 issued by,the department, ~~shall deposit~~ \$35 shall be

1 deposited in the General Revenue Fund and the remaining \$15
2 shall be deposited in the Highway Safety Operating Trust Fund.
3 Of the \$50 fee received for reinstatement of a revocation or
4 disqualification issued by a county tax collector, \$35 shall
5 be forwarded to the department for deposit into the General
6 Revenue Fund and \$15 will be retained as a service fee by the
7 office of the county tax collector.

8
9 If the revocation or suspension of the driver's license was
10 for a violation of s. 316.193, or for refusal to submit to a
11 lawful breath, blood, or urine test, an additional fee of \$105
12 must be charged. However, only one such \$105 fee is to be
13 collected from one person convicted of such violations arising
14 out of the same incident. The department or county tax
15 collector shall collect the \$105 fee and deposit it into the
16 Highway Safety Operating Trust Fund at the time of
17 reinstatement of the person's driver's license, but the fee
18 must not be collected if the suspension or revocation was
19 overturned.

20 (3) For an applicant for a Class D or a Class E
21 driver's license, such examination shall include a test of the
22 applicant's eyesight given by the driver's license examiner
23 designated by the department or a county tax collector or by a
24 licensed ophthalmologist, optometrist, or physician and a test
25 of the applicant's hearing given by a driver's license
26 examiner or a licensed physician. The examination shall also
27 include a test of the applicant's ability to read and
28 understand highway signs regulating, warning, and directing
29 traffic; his or her knowledge of the traffic laws of this
30 state, including laws regulating driving under the influence
31 of alcohol or controlled substances, driving with an unlawful

1 blood-alcohol level, and driving while intoxicated; and his or
2 her knowledge of the effects of alcohol and controlled
3 substances upon persons and the dangers of driving a motor
4 vehicle while under the influence of alcohol or controlled
5 substances and shall include an actual demonstration of
6 ability to exercise ordinary and reasonable control in the
7 operation of a motor vehicle.

8 (4) The examination for an applicant for a commercial
9 driver's license shall include a test of the applicant's
10 eyesight given by a driver's license examiner designated by
11 the department or a county tax collector or by a licensed
12 ophthalmologist, optometrist, or physician and a test of the
13 applicant's hearing given by a driver's license examiner or a
14 licensed physician. The examination shall also include a test
15 of the applicant's ability to read and understand highway
16 signs regulating, warning, and directing traffic; his or her
17 knowledge of the traffic laws of this state pertaining to the
18 class of motor vehicle which he or she is applying to be
19 licensed to operate, including laws regulating driving under
20 the influence of alcohol or controlled substances, driving
21 with an unlawful blood-alcohol level, and driving while
22 intoxicated; his or her knowledge of the effects of alcohol
23 and controlled substances and the dangers of driving a motor
24 vehicle after having consumed alcohol or controlled
25 substances; and his or her knowledge of any special skills,
26 requirements, or precautions necessary for the safe operation
27 of the class of vehicle which he or she is applying to be
28 licensed to operate. In addition, the examination shall
29 include an actual demonstration of the applicant's ability to
30 exercise ordinary and reasonable control in the safe operation
31 of a motor vehicle or combination of vehicles of the type

1 covered by the license classification which the applicant is
2 seeking, including an examination of the applicant's ability
3 to perform an inspection of his or her vehicle.

4 (a) The portion of the examination which tests an
5 applicant's safe driving ability shall be administered by the
6 department or a county tax collector or by an entity
7 authorized by the department to administer such examination,
8 pursuant to s. 322.56. Such examination shall be administered
9 at a location approved by the department.

10 (b) A person who seeks to retain a hazardous-materials
11 endorsement must, upon renewal, pass the test for such
12 endorsement as specified in s. 322.57(1)(d), if the person has
13 not taken and passed the hazardous-materials test within 2
14 years preceding his or her application for a commercial
15 driver's license in this state.

16 (5)(a) The department shall formulate a separate
17 examination for applicants for licenses to operate
18 motorcycles. Any applicant for a driver's license who wishes
19 to operate a motorcycle, and who is otherwise qualified, must
20 successfully complete such an examination, which is in
21 addition to the examination administered under subsection (3).
22 The examination must test the applicant's knowledge of the
23 operation of a motorcycle and of any traffic laws specifically
24 relating thereto and must include an actual demonstration of
25 his or her ability to exercise ordinary and reasonable control
26 in the operation of a motorcycle. In the formulation of the
27 examination, the department shall consider the use of the
28 Motorcycle Operator Skills Test and the Motorcycle in Traffic
29 Test offered by the Motorcycle Safety Foundation. The
30 department or county tax collector shall indicate on the
31 license of any person who successfully completes the

1 examination that the licensee is authorized to operate a
2 motorcycle. If the applicant wishes to be licensed to operate
3 a motorcycle only, he or she need not take the skill or road
4 test required under subsection (3) for the operation of a
5 motor vehicle, and the department or county tax collector
6 shall indicate such a limitation on his or her license as a
7 restriction. Every first-time applicant for licensure to
8 operate a motorcycle who is under 21 years of age must provide
9 proof of completion of a motorcycle safety course, as provided
10 for in s. 322.0255, before the applicant may be licensed to
11 operate a motorcycle.

12 (b) The department or a county tax collector may
13 exempt any applicant from the examination provided in this
14 subsection if the applicant presents a certificate showing
15 successful completion of a course approved by the department,
16 which course includes a similar examination of the knowledge
17 and skill of the applicant in the operation of a motorcycle.

18 Section 13. Subsection (3) of section 322.121, Florida
19 Statutes, is amended to read:

20 322.121 Periodic reexamination of all drivers.--

21 (3) For each licensee whose driving record does not
22 show any revocations, disqualifications, or suspensions for
23 the preceding 7 years or any convictions for the preceding 3
24 years except for convictions of the following nonmoving
25 violations:

26 (a) Failure to exhibit a vehicle registration
27 certificate, rental agreement, or cab card pursuant to s.
28 320.0605;

29 (b) Failure to renew a motor vehicle or mobile home
30 registration that has been expired for 4 months or less
31 pursuant to s. 320.07(3)(a);

1 (c) Operating a motor vehicle with an expired license
2 that has been expired for 4 months or less pursuant to s.
3 322.065;

4 (d) Failure to carry or exhibit a license pursuant to
5 s. 322.15(1); or

6 (e) Failure to notify the department or a county tax
7 collector of a change of address or name within 10 days
8 pursuant to s. 322.19,

9
10 the department or county tax collector shall cause such
11 licensee's license to be prominently marked with the notation
12 "Safe Driver."

13 Section 14. Subsection (4) of section 322.125, Florida
14 Statutes, is amended to read:

15 322.125 Medical Advisory Board.--

16 (4) Reports received or made by the board or its
17 members for the purpose of assisting the department in
18 determining whether a person is qualified to be licensed are
19 for the confidential use of the board,or the department, or a
20 county tax collector and may not be divulged to any person
21 except the licensed driver or applicant or used as evidence in
22 any trial, and are exempt from the provisions of s. 119.07(1),
23 except that the reports may be admitted in proceedings under
24 s. 322.271 or s. 322.31. Any person conducting an examination
25 pursuant to this section may be compelled to testify
26 concerning his or her observations and findings in such
27 proceedings.

28 Section 15. Section 322.13, Florida Statutes, is
29 amended to read:

30 322.13 Driver's license examiners.--

31

1 (1)(a) The department or a county tax collector shall
2 designate employees or other persons to serve as driver's
3 license examiners who, upon accepting such designation, shall
4 conduct examinations hereunder, perform other assigned duties,
5 and make factual reports of findings and recommendations to
6 the department or county tax collector as is required ~~it may~~
7 ~~require~~. In the course of his or her duties, an examiner is
8 authorized to administer oaths or have persons affirm as to
9 the truth of statements filed before him or her.

10 (b) Those persons serving as driver's license
11 examiners are not liable for actions taken within the scope of
12 their employment or designation, except as provided by s.
13 768.28.

14 (2) The department or a county tax collector shall
15 further designate employees or other persons to serve as
16 driver's license examiners to enforce all driver's license
17 laws; suspension, revocation, and cancellation orders; and
18 laws relating to the registration of motor vehicles entered in
19 compliance with the provisions of this chapter and chapters
20 320, 324, and 488. Upon designation, certain examiners shall
21 be empowered to issue uniform traffic citations to persons
22 found in violation of such chapters. Any person who fails or
23 refuses to surrender his or her driver's license, registration
24 certificate, and license plate upon lawful demand of an
25 examiner is guilty of a misdemeanor of the second degree,
26 punishable as provided in s. 775.082 or s. 775.083. Persons
27 designated as examiners by the department or a county tax
28 collector shall not be considered for membership in the state
29 high-risk retirement program.

30
31

1 Section 16. Subsection (1), paragraph (a) of
2 subsection (2), and subsection (4) of section 322.135, Florida
3 Statutes, are amended to read:

4 322.135 Driver's license agents.--

5 (1) The department may, upon application, authorize
6 any or all of the tax collectors in the several counties of
7 the state, subject to the requirements of law, in accordance
8 with rules of the department, to serve as its agent for the
9 provision of specified driver's license services.

10 (a) These services may ~~shall~~ be limited in some
11 counties to the issuance of driver's licenses and
12 identification cards as authorized by this chapter.

13 (b) Each tax collector who is authorized by the
14 department to provide driver's license services shall receive
15 compensation as defined for each transaction fee identified
16 within the Florida Statutes ~~bear all costs associated with~~
17 ~~providing those services.~~

18 (c) A fee of \$5.25 is to be charged and retained as
19 compensation, in addition to the fees set forth in this
20 chapter, for any driver's license issued or renewed by a tax
21 collector performing only limited services as described in
22 paragraph (a). County tax collectors providing full driver
23 license service as complete county agents for the department
24 may not charge or collect this \$5.25 fee ~~One dollar of the~~
25 ~~\$5.25 fee must be deposited into the Highway Safety Operating~~
26 ~~Trust Fund.~~

27 (2) Each tax collector is required to give a good and
28 sufficient surety bond, payable to the department, conditioned
29 upon his or her faithfully and truly performing the duties
30 imposed upon him or her according to the requirements of law
31 and the rules of the department and upon his or her accounting

1 for all materials, records, and other property and money that
2 come into his or her possession or control by reason of
3 performing these duties.

4 (a) The amount of the bond must be determined by the
5 department as an amount not less than 10 percent above the
6 average of the daily deposits collected as an agent for the
7 department by ~~of~~ each tax collector.

8 (4) A limited service tax collector, as described in
9 paragraph (1)(a), may not issue or renew a driver's license if
10 he or she has any reason to believe that the licensee or
11 prospective licensee is physically or mentally unqualified to
12 operate a motor vehicle. ~~The tax collector shall direct any~~
13 Such licensee shall be directed to the department or a county
14 tax collector for examination or reexamination under s.
15 322.221.

16 Section 17. Paragraph (a) of subsection (1) of section
17 322.14, Florida Statutes, is amended to read:

18 322.14 Licenses issued to drivers.--

19 (1)(a) The department or a county tax collector shall,
20 upon successful completion of all required examinations and
21 payment of the required fee, issue to every applicant
22 qualifying therefor, a driver's license as applied for, which
23 license shall bear thereon a color photograph or digital image
24 of the licensee; the name of the state; a distinguishing
25 number assigned to the licensee; and the licensee's full name,
26 date of birth, and mailing address; a brief description of the
27 licensee, including, but not limited to, the licensee's gender
28 and height; and the dates of issuance and expiration of the
29 license. A space shall be provided upon which the licensee
30 shall affix his or her usual signature. No license shall be
31 valid until it has been so signed by the licensee except that

1 the signature of said licensee shall not be required if it
2 appears thereon in facsimile or if the licensee is not present
3 within the state at the time of issuance. Applicants
4 qualifying to receive a Class A, Class B, or Class C driver's
5 license must appear in person within the state for issuance of
6 a color photographic or digital imaged driver's license
7 pursuant to s. 322.142.

8 Section 18. Section 322.141, Florida Statutes, is
9 amended to read:

10 322.141 Color of licenses.--

11 (1) All licenses originally issued or reissued by the
12 department or a county tax collector to persons under the age
13 of 21 years for the operation of motor vehicles shall have
14 markings or color which shall be obviously separate and
15 distinct from all other licenses issued by the department or
16 county tax collector for the operation of motor vehicles.

17 (2)(a) All licenses for the operation of motor
18 vehicles originally issued or reissued by the department or a
19 county tax collector to persons who have insulin-dependent
20 diabetes may, at the request of the applicant, have
21 distinctive markings separate and distinct from all other
22 licenses issued by the department or county tax collector.

23 (b) At the time of application for original license or
24 reissue, the department or county tax collector shall require
25 such proof as it deems appropriate that a person has
26 insulin-dependent diabetes.

27 Section 19. Section 322.142, Florida Statutes, is
28 amended to read:

29 322.142 Color photographic or digital imaged
30 licenses.--

31

1 (1) The department or a county tax collector shall,
2 upon receipt of the required fee, issue to each qualified
3 applicant for an original driver's license a color
4 photographic or digital imaged driver's license bearing a
5 fullface photograph or digital image of the licensee. A space
6 shall be provided upon which the licensee shall affix his or
7 her usual signature, as required in s. 322.14, in the presence
8 of an authorized agent of the department so as to ensure that
9 such signature becomes a part of the license.

10 (2) The department or a county tax collector shall,
11 upon receipt of the required fee, issue to each qualified
12 licensee applying for a renewal license in accordance with s.
13 322.18 a color photographic or digital imaged license as
14 provided for in subsection (1).

15 (3) The department or a county tax collector may
16 conduct negotiations and enter into contracts with qualified
17 firms possessing the requisite qualifications for the
18 development and production of photographic or digital imaged
19 identification documents to assure efficient and economical
20 processing of such licenses in sufficient quantity and of
21 acceptable quality to meet the requirements and intent of this
22 section, and to ensure adequate service at a sufficient number
23 of locations, at the lowest competitive sealed bid price.

24 (4) The department may maintain a film negative or
25 print file. The department shall maintain a record of the
26 digital image and signature of the licensees, together with
27 other data required by the department for identification and
28 retrieval. Reproductions from the file or digital record shall
29 be made and issued only for departmental administrative
30 purposes or those of a county tax collector, for the issuance
31 of duplicate licenses, or in response to law enforcement

1 agency requests and are exempt from the provisions of s.
2 119.07(1).

3 Section 20. Paragraphs (a) and (b) of subsection (1)
4 of section 322.16, Florida Statutes, are amended to read:

5 322.16 License restrictions.--

6 (1)(a) The department or a county tax collector, upon
7 issuing a driver's license, may, whenever good cause appears,
8 impose restrictions suitable to the licensee's driving ability
9 with respect to the type of special mechanical control devices
10 required on a motor vehicle that the licensee may operate,
11 including, but not limited to, restricting the licensee to
12 operating only vehicles equipped with air brakes, or imposing
13 upon the licensee such other restrictions as the department or
14 county tax collector determines are appropriate to assure the
15 safe operation of a motor vehicle by the licensee.

16 (b) The department or a county tax collector may
17 further impose other suitable restrictions on use of the
18 license with respect to time and purpose of use, including,
19 but not limited to, a restriction providing for intrastate
20 operation only, or may impose any other condition or
21 restriction that the department considers necessary for driver
22 improvement, safety, or control of drivers in this state.

23 Section 21. Paragraphs (b) and (c) of subsection (1)
24 of section 322.161, Florida Statutes, are amended to read:

25 322.161 High-risk drivers; restricted licenses.--

26 (1)

27 (b) Upon determination that any person has accumulated
28 four or more points, the department shall notify the licensee
29 and issue the licensee a restricted license for business
30 purposes only. The licensee must appear before the department
31 or a county tax collector within 10 days after notification to

1 have this restriction applied. The period of restriction
2 shall be for a period of no less than 1 year beginning on the
3 date it is applied by the department or county tax collector.

4 (c) The restriction shall be automatically withdrawn
5 by the department after 1 year if the licensee does not
6 accumulate any additional points. If the licensee accumulates
7 any additional points, then the period of restriction shall be
8 extended 90 days for each point. The restriction shall also
9 be automatically withdrawn upon the licensee's 18th birthday
10 if no other grounds for restriction exist. The licensee must
11 appear before the department or a county tax collector to have
12 the restriction removed and a duplicate license issued.

13 Section 22. Subsection (1) of section 322.1615,
14 Florida Statutes, is amended to read:

15 322.1615 Learner's driver's license.--

16 (1) The department or a county tax collector may issue
17 a learner's driver's license to a person who is at least 15
18 years of age and who:

19 (a) Has passed the written examination for a learner's
20 driver's license;

21 (b) Has passed the vision and hearing examination
22 administered under s. 322.12;

23 (c) Has completed the traffic law and substance abuse
24 education course prescribed in s. 322.095; and

25 (d) Meets all other requirements set forth in law and
26 by rule of the department.

27 Section 23. Section 322.17, Florida Statutes, is
28 amended to read:

29 322.17 Duplicate and replacement certificates.--

30 (1)(a) In the event that an instruction permit or
31 driver's license issued under the provisions of this chapter

1 is lost or destroyed, the person to whom the same was issued
2 may, upon payment of \$10, obtain a duplicate, or substitute
3 thereof, upon furnishing proof satisfactory to the department
4 or a county tax collector that such permit or license has been
5 lost or destroyed, and further furnishing the full name, date
6 of birth, sex, residence and mailing address, proof of birth
7 ~~satisfactory to the department~~, and proof of identity
8 satisfactory to the department or county tax collector. Five
9 dollars of the fee levied in this paragraph shall go to the
10 Highway Safety Operating Trust Fund of the department. If the
11 duplicate or substitute is issued by a county tax collector,
12 \$5 shall be retained as a service fee by the office of the
13 county tax collector.

14 (b) In the event that an instruction permit or
15 driver's license issued under the provisions of this chapter
16 is stolen, the person to whom the same was issued may, at no
17 charge, obtain a duplicate, or substitute thereof, upon
18 furnishing proof satisfactory to the department or a county
19 tax collector that such permit or license was stolen and
20 further furnishing the full name, date of birth, sex,
21 residence and mailing address, proof of birth ~~satisfactory to~~
22 ~~the department~~, and proof of identity satisfactory to the
23 department or county tax collector.

24 (2) Upon the surrender of the original license and the
25 payment of a \$10 replacement fee, the department or a county
26 tax collector shall issue a replacement license to make a
27 change in name, address, or restrictions. If the original
28 license is replaced by the department, the entire \$10 fee will
29 be deposited into the Highway Safety Operating Trust Fund. If
30 the original license is replaced by a county tax collector, \$5
31 of the \$10 fee will be retained by the office of the county

1 tax collector as cost reimbursement and \$5 will be deposited
2 into the Highway Safety Operating Trust Fund.

3 (3) Upon written request by the licensee and
4 notification of a change in address, and the payment of a \$10
5 fee, the department or a county tax collector shall issue an
6 address sticker which shall be affixed to the back of the
7 license by the licensee. If the address sticker is processed
8 and affixed by a county tax collector, \$2 of the \$10 fee will
9 be retained by the office of the county tax collector as cost
10 reimbursement and \$8 ~~Nine dollars of the fee levied in this~~
11 ~~subsection~~ shall go to the Highway Safety Operating Trust Fund
12 of the department. Otherwise, the whole fee will be deposited
13 into the Highway Safety Operating Trust Fund.

14 Section 24. Subsections (1), (4), (5), (6), (7), and
15 (8) of section 322.18, Florida Statutes, are amended to read:

16 322.18 Original applications, licenses, and renewals;
17 expiration of licenses; delinquent licenses.--

18 (1)(a) Except as provided in paragraph (b), the
19 department or a county tax collector may issue an original
20 driver's license only after the applicant successfully passes
21 the required examinations and presents the application to the
22 department or county tax collector.

23 (b) The department or a county tax collector may waive
24 the driver's license examination requirement if the applicant
25 is otherwise qualified and surrenders a valid license issued
26 by another state, a province of Canada, or the United States
27 Armed Forces which is of an equal or lesser classification as
28 provided in s. 322.12.

29 (4) Except as otherwise provided in this chapter, all
30 licenses shall be renewable every 4 years or 6 years,
31 depending upon the terms of issuance and shall be issued or

1 extended upon application, payment of the fees required by s.
2 322.21, and successful passage of any required examination,
3 unless the department or county tax collector has reason to
4 believe that the licensee is no longer qualified to receive a
5 license.

6 (5) All renewal driver's licenses may be issued after
7 the applicant licensee has been determined to be eligible by
8 the department or county tax collector.

9 (6) If the licensee does not receive a renewal notice,
10 the licensee or applicant may apply to the department or a
11 county tax collector, under oath, at any authorized driver's
12 license examining office. Such application shall be on a form
13 prepared and furnished by the department. The department
14 shall make such forms available to the various authorized
15 examining offices throughout the state. Upon receipt of such
16 application, the department or county tax collector shall
17 issue a license or temporary permit to the applicant or shall
18 advise the applicant that no license or temporary permit will
19 be issued and advise the applicant of the reason for his or
20 her ineligibility.

21 (7) An expired Florida driver's license may be renewed
22 any time within 12 months after the expiration date, with
23 reexamination, if required, upon payment of the required
24 delinquent fee or taking and passing the written examination.
25 If the final date upon which a license may be renewed under
26 this section falls upon a Saturday, Sunday, or legal holiday,
27 the renewal period shall be extended to midnight of the next
28 regular working day. The department or county tax collector
29 may refuse to issue any license if:

30 (a) It has reason to believe the licensee is no longer
31 qualified to receive a license.

1 (b) Its records reflect that the applicant's driving
2 privilege is under suspension or revocation.

3 (8) The department or county tax collector shall issue
4 4-year and 6-year license extensions by mail, electronic, or
5 telephonic means without reexamination.

6 (a) If the department or county tax collector
7 determines from its records that the holder of a license about
8 to expire is eligible for renewal, the department or county
9 tax collector shall mail a renewal notice to the licensee at
10 his or her last known address, not less than 30 days prior to
11 the licensee's birthday. The renewal notice shall direct the
12 licensee to appear at an authorized ~~a~~ driver license office
13 for in-person renewal or to transmit the completed renewal
14 notice and the fees required by s. 322.21 to the department or
15 county tax collector by mail, electronically, or
16 telephonically within the 30 days preceding the licensee's
17 birthday for a license extension. License extensions shall not
18 be available to drivers directed to appear for in-person
19 renewal.

20 (b) Upon receipt of a properly completed renewal
21 notice, payment of the required fees, and upon determining
22 that the licensee is still eligible for renewal, the
23 department or county tax collector shall send a license
24 extension sticker to the licensee to affix to the expiring
25 license as evidence that the license term has been extended.

26 (c) The department or county tax collector shall issue
27 license extensions for two consecutive license expirations
28 only. Upon expiration of two consecutive license extension
29 periods, in-person renewal with reexamination as provided in
30 s. 322.121 shall be required. A person who is out of this
31 state when his or her license expires may be issued a 90-day

1 temporary driving permit without reexamination. At the end of
2 the 90-day period, the person must either return to this state
3 or apply for a license where the person is located, except for
4 a member of the Armed Forces as provided in s. 322.121(6).

5 (d) In-person renewal at an authorized ~~a~~ driver
6 license office shall not be available to drivers whose records
7 indicate they were directed to apply for a license extension.

8 (e) Any person who knowingly possesses any forged,
9 stolen, fictitious, counterfeit, or unlawfully issued license
10 extension sticker, unless possession by such person has been
11 duly authorized by the department, commits a misdemeanor of
12 the second degree, punishable as provided in s. 775.082 or s.
13 775.083.

14 (f) The department shall develop a plan for the
15 equitable distribution of license extensions and renewals and
16 the orderly implementation of this section.

17 Section 25. Subsections (3), (4), (11), (12), (13),
18 and (14) of section 322.20, Florida Statutes, are amended to
19 read:

20 322.20 Records of the department; fees; destruction of
21 records.--

22 (3) The department shall maintain convenient records
23 or make suitable notations, in order that the individual
24 driver history record of each licensee is readily available
25 for the consideration of the department or a county tax
26 collector upon application for renewal of a license and at
27 other suitable times. The release by the department of the
28 driver history record, with respect to crashes involving a
29 licensee, shall not include any notation or record of the
30 occurrence of a motor vehicle crash unless the licensee
31 received a traffic citation as a direct result of the crash,

1 and to this extent such notation or record is exempt from the
2 provisions of s. 119.07(1).

3 (4) It is unlawful for any person to falsify, alter,
4 erase, remove, or destroy, or cause to be altered, erased,
5 removed, or destroyed, any record maintained by the department
6 or a county tax collector unless the alteration, erasure,
7 removal, or destruction has been duly authorized.

8 (11)(a) The department or a county tax collector is
9 authorized to charge the following fees for the following
10 services and documents:

11 1. For providing a transcript of any one individual's
12 driver history record or any portion thereof for the past 3
13 years or for searching for such record when no record is found
14 to be on file.....\$2.10

15 2. For providing a transcript of any one individual's
16 driver history record or any portion thereof for the past 7
17 years or for searching for such record when no record is found
18 to be on file.....\$3.10

19 3. For providing a certified copy of a transcript of
20 the driver history record or any portion thereof for any one
21 individual.....\$3.10

22 4. For providing a certified photographic copy of a
23 document, per page.....\$1.00

24 5. For providing an exemplified record.....\$15.00

25 6. For providing photocopies of documents, papers,
26 letters, clearances, or license or insurance status reports,
27 per page.....\$0.50

28 7. For assisting persons in searching any one
29 individual's driver record at a terminal located at the
30 department's general headquarters in Tallahassee.....\$2.00

31

1 (b) The department shall furnish such information
2 without charge to any local, state, or federal law enforcement
3 agency or court upon proof satisfactory to the department as
4 to the purpose of the investigation.

5 (12) The fees collected under this section shall be
6 placed in the Highway Safety Operating Trust Fund when the
7 service is provided by the department or retained as cost
8 reimbursement by the office of a county tax collector
9 providing the service as agent for the department.

10 (13) The department or a county tax collector is
11 authorized in accordance with chapter 257 to destroy reports,
12 records, documents, papers, and correspondence in the Division
13 of Driver Licenses or local county tax collector office which
14 are considered obsolete.

15 (14) The department or a county tax collector is
16 authorized to photograph, microphotograph, or reproduce on
17 film such documents, records, and reports as it may select.
18 The photographs or microphotographs in the form of film or
19 print of any records made in compliance with the provisions of
20 this section shall have the same force and effect as the
21 originals thereof and shall be treated as originals for the
22 purpose of their admissibility in evidence. Duly certified or
23 authenticated reproductions of such photographs or
24 microphotographs shall be admitted in evidence equally with
25 the original photographs or microphotographs.

26 Section 26. Subsections (2), (3), (4), and (5) of
27 section 322.21, Florida Statutes, are amended to read:

28 322.21 License fees; procedure for handling and
29 collecting fees.--

30 (2) It is the duty of the Director of the Division of
31 Driver Licenses to set up a division in the department with

1 the necessary personnel to perform the necessary clerical and
2 routine work for the department, and it is the duty of each
3 county tax collector to provide sufficient personnel to
4 perform all clerical and routine work, in issuing and
5 recording applications, licenses, and certificates of
6 eligibility, including the receiving, ~~and~~ accounting, and
7 proper disbursement of all license funds ~~and their payment~~
8 ~~into the State Treasury,~~ and performing other incidental
9 clerical work connected with the administration of this
10 chapter. The department and county tax collectors are ~~is~~
11 authorized to use such electronic, mechanical, or other
12 devices as necessary to accomplish the purposes of this
13 chapter.

14 (3) The department shall prepare sufficient forms for
15 certificates of eligibility, applications, notices, and
16 license materials to supply all authorized agents and all
17 applicants for driver's licenses and all renewal licenses.

18 (4) If the department or a county tax collector
19 determines from its records or is otherwise satisfied that the
20 holder of a license about to expire is entitled to have it
21 renewed, the department or county tax collector shall mail a
22 renewal notice to him or her at his or her last known address,
23 not less than 30 days prior to the licensee's birthday. The
24 licensee shall be issued a renewal license, after
25 reexamination, if required, during the 30 days immediately
26 preceding his or her birthday upon presenting a renewal
27 notice, his or her current license, and the fee for renewal to
28 the department or county tax collector at any driver's license
29 examining office.

30 (5)(a) The department shall collect and transmit all
31 fees received by it under this section to the Treasurer to be

1 placed in the General Revenue Fund of the state, and
2 sufficient funds for the necessary expenses of the department
3 shall be included in the appropriations act. The fees shall
4 be used for the maintenance and operation of the department.

5 (b) A county tax collector serving as local countywide
6 agent for the department shall retain the following amounts as
7 reimbursement for actual services rendered:

8 1. For issuance of an original or renewal commercial
9 driver's license described in paragraph (1)(a), \$30 of the \$50
10 fee plus, when applicable, the \$1 delinquent fee. The balance
11 will be distributed in accordance with paragraph (a).

12 2. For issuance of an original Class D or Class E
13 driver's license under paragraph (1)(b) or a learner driver's
14 license under s. 322.1615, \$18 of the \$20 fee. The balance
15 will be distributed in accordance with paragraph (a).

16 3. For renewal or extension of a Class D or Class E
17 driver's license or of a license restricted to motorcycle use
18 only under paragraph (1)(c), \$10 of the \$15 fee plus, when
19 applicable, the \$1 delinquent fee. The balance will be
20 distributed in accordance with paragraph (a).

21 4. For issuance of an original driver's license
22 restricted to motorcycle use only, \$16 of the \$20 fee. The
23 balance will be distributed in accordance with paragraph (a).

24 5. For each endorsement required by s. 322.57 \$5.

25 Section 27. Subsection (3) of section 322.212, Florida
26 Statutes, is amended to read:

27 322.212 Unauthorized possession of, and other unlawful
28 acts in relation to, driver's license or identification
29 card.--

30 (3) It is unlawful for any employee of the department
31 or a county tax collector to allow or permit the issuance of a

1 driver's license or identification card when he or she knows
2 that the applicant has not lawfully fulfilled the requirements
3 of this chapter for the issuance of such license or
4 identification card.

5 Section 28. Section 322.22, Florida Statutes, is
6 amended to read:

7 322.22 Authority ~~of department~~ to cancel license.--

8 (1) The department or a county tax collector is
9 authorized to cancel any driver's license, upon determining
10 that the licensee was not entitled to the issuance thereof, or
11 that the licensee failed to give the required or correct
12 information in his or her application or committed any fraud
13 in making such application, or that the licensee has two or
14 more licenses on file with the department, each in a different
15 name but bearing the photograph of the licensee, unless the
16 licensee has complied with the requirements of this chapter in
17 obtaining the licenses. The department or county tax collector
18 may cancel any driver's license if the licensee fails to pay
19 the correct fee or pays for the license or pays any
20 administrative, delinquency, or reinstatement fee by a
21 dishonored check.

22 (2) Upon such cancellation, the licensee must
23 surrender to the department or county tax collector the
24 license so canceled.

25 Section 29. Section 322.221, Florida Statutes, is
26 amended to read:

27 322.221 Department or county tax collector may require
28 reexamination.--

29 (1) The department or a county tax collector, having
30 good cause to believe that a licensed driver is incompetent or
31 otherwise not qualified to be licensed, may, at any time upon

1 written notice of at least 5 days to the licensee, require him
2 or her to submit to an examination or reexamination. Good
3 cause as used herein shall be construed to mean that a
4 licensee's driving record, a report as provided in s. 322.126,
5 or other evidence is sufficient to indicate that his or her
6 driving privilege is detrimental to public safety.

7 (2)(a) The department may require an examination or
8 reexamination to determine the competence and driving ability
9 of any driver causing or contributing to the cause of any
10 crash resulting in death, personal injury, or property damage.

11 (b) The department or a county tax collector may, in
12 its discretion, require any licensed driver to submit to an
13 examination or reexamination prior to his or her normal
14 renewal date upon receipt of a recommendation from a court
15 having jurisdiction of traffic offenses, a law enforcement
16 agency, or a physician stating that the driver's ability to
17 operate a motor vehicle safely is questionable. At the time
18 of renewal of his or her license a driver may be required to
19 submit to an examination or reexamination at the discretion of
20 the examiner if the physical appearance or actions of the
21 licensee give rise to serious doubt as to his or her ability
22 to operate a vehicle safely.

23 (c) If the department or a county tax collector has
24 reason to believe that a licensee is physically or mentally
25 unqualified to operate a motor vehicle, it may require the
26 licensee to submit medical reports regarding his or her
27 physical or mental condition to the department's medical
28 advisory board for its review and recommendation. The
29 submission of medical reports shall be made without expense to
30 the state.

31

1 (3) Upon the conclusion of such examination or
2 reexamination the department shall take action as may be
3 appropriate and may suspend or revoke the license of such
4 person or permit him or her to retain such license, or may
5 issue a license subject to restrictions as permitted under s.
6 322.16. Refusal or neglect of the licensee to submit to such
7 examination or reexamination shall be ground for suspension or
8 revocation of his or her license.

9 Section 30. Subsections (3) and (6) of section
10 322.251, Florida Statutes, are amended to read:

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

13 (3) Whenever the driving privilege is suspended,
14 revoked, or disqualified under the provisions of this chapter,
15 the period of such suspension, revocation, or disqualification
16 shall be indicated on the order of suspension, revocation, or
17 disqualification, and the department shall require the
18 licensee whose driving privilege is suspended, revoked, or
19 disqualified to surrender all licenses then held by him or her
20 to the department or a county tax collector. However, should
21 the person fail to surrender such licenses, the suspension,
22 revocation, or disqualification period shall not expire until
23 a period identical to the period for which the driving
24 privilege was suspended, revoked, or disqualified has expired
25 after the date of surrender of the licenses, or the date an
26 affidavit swearing such licenses are lost has been filed with
27 the department or county tax collector. In any instance where
28 the suspension, revocation, or disqualification order is
29 mailed as provided herein, and the license is not surrendered
30 to the department, and such license thereafter expires, the
31 department or a county tax collector shall not renew that

1 license until a period of time identical to the period of such
2 suspension, revocation, or disqualification imposed has
3 expired.

4 (6) Whenever a cancellation, suspension, revocation,
5 or disqualification occurs, the department shall enter the
6 cancellation, suspension, revocation, or disqualification
7 order on the licensee's driver file 20 days after the notice
8 was actually placed in the mail. Any inquiry into the file
9 after the 20-day period shall reveal that the license is
10 canceled, suspended, revoked, or disqualified and whether the
11 license has been received by the department or a county tax
12 collector.

13 Section 31. Subsection (5) of section 322.26, Florida
14 Statutes, is amended to read:

15 322.26 Mandatory revocation of license by
16 department.--The department shall forthwith revoke the license
17 or driving privilege of any person upon receiving a record of
18 such person's conviction of any of the following offenses:

19 (5) Perjury or the making of a false affidavit or
20 statement under oath to the department or a county tax
21 collector under this law, or under any other law relating to
22 the ownership or operation of motor vehicles.

23 Section 32. Paragraph (d) of subsection (2) of section
24 322.28, Florida Statutes, is amended to read:

25 322.28 Period of suspension or revocation.--

26 (2) In a prosecution for a violation of s. 316.193 or
27 former s. 316.1931, the following provisions apply:

28 (d) When any driver's license or driving privilege has
29 been revoked pursuant to the provisions of this section, the
30 department shall not grant a new license, except upon
31 reexamination of the licensee after the expiration of the

1 period of revocation so prescribed. However, the court may, in
2 its sound discretion, issue an order of reinstatement on a
3 form furnished by the department which the person may take to
4 any authorized Florida driver's license examining office for
5 reinstatement by the department pursuant to s. 322.282.

6 Section 33. Paragraphs (a) and (b) of subsection (2)
7 of section 322.282, Florida Statutes, are amended to read:

8 322.282 Procedure when court revokes or suspends
9 license or driving privilege and orders reinstatement.--When a
10 court suspends or revokes a person's license or driving
11 privilege and, in its discretion, orders reinstatement as
12 provided by s. 322.28(2)(d) or former s. 322.261(5):

13 (2)(a) The court shall issue an order of
14 reinstatement, on a form to be furnished by the department,
15 which the person may take to any driver's license examining
16 office. The department or a county tax collector shall issue a
17 temporary driver's permit to a licensee who presents the
18 court's order of reinstatement, proof of completion of a
19 department-approved driver training or substance abuse
20 education course, and a written request for a hearing under s.
21 322.271. The permit shall not be issued if a record check by
22 the department or county tax collector shows that the person
23 has previously been convicted for a violation of s. 316.193,
24 former s. 316.1931, former s. 316.028, former s. 860.01, or a
25 previous conviction outside this state for driving under the
26 influence, driving while intoxicated, driving with an unlawful
27 blood-alcohol level, or any similar alcohol-related or
28 drug-related traffic offense; that the person's driving
29 privilege has been previously suspended for refusal to submit
30 to a lawful test of breath, blood, or urine; or that the
31 person is otherwise not entitled to issuance of a driver's

1 license. This paragraph shall not be construed to prevent the
2 reinstatement of a license or driving privilege that is
3 presently suspended for driving with an unlawful blood-alcohol
4 level or a refusal to submit to a breath, urine, or blood test
5 and is also revoked for a conviction for a violation of s.
6 316.193 or former s. 316.1931, if the suspension and
7 revocation arise out of the same incident.

8 (b) The temporary driver's permit shall be restricted
9 to either business or employment purposes described in s.
10 322.271, as determined by the department or county tax
11 collector, and shall not be used for pleasure, recreational,
12 or nonessential driving.

13 Section 34. Subsection (4) of section 322.32, Florida
14 Statutes, is amended to read:

15 322.32 Unlawful use of license.--It is a misdemeanor
16 of the second degree, punishable as provided in s. 775.082 or
17 s. 775.083, for any person:

18 (4) To fail or refuse to surrender to the department,
19 to a county tax collector, or to any law enforcement officer,
20 upon lawful demand, any driver's license in his or her
21 possession that has been suspended, revoked, disqualified, or
22 canceled.

23 Section 35. This act shall take effect July 1, 2001.

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26 SENATE SUMMARY

27 Authorizes the Department of Highway Safety and Motor
28 Vehicles to delegate to willing county tax collectors, as
29 its agent, certain responsibilities relating to the
30 issuance, renewal, and revocation of driver's licenses
31 within those tax collectors' counties.