

By Senator Sebesta

20-1361-02

1 A bill to be entitled
2 An act relating to the issuance of drivers'
3 licenses; amending s. 322.01, F.S.; defining
4 the term "county tax collector" to mean an
5 authorized agent of the Department of Highway
6 Safety and Motor Vehicles; amending ss. 322.03,
7 322.05, F.S., relating to the issuance of
8 drivers' licenses; authorizing the county tax
9 collector to issue drivers' licenses;
10 prohibiting the county tax collector from
11 issuing licenses to certain persons; amending
12 s. 322.051, F.S.; authorizing the county tax
13 collector to issue identification cards;
14 providing for the tax collector to retain the
15 fee; amending s. 322.059, F.S.; providing for a
16 driver's license to be surrendered to the
17 county tax collector; amending ss. 322.07,
18 322.09, F.S.; authorizing the county tax
19 collector to issue instruction permits and
20 temporary licenses; amending s. 322.091, F.S.,
21 relating to requirements for school attendance;
22 conforming provisions to changes made by the
23 act; amending s. 322.12, F.S.; authorizing the
24 county tax collector to perform driver's
25 license examinations; providing for the tax
26 collector to retain a portion of the fee;
27 amending ss. 322.121, 322.13, 322.14, F.S.,
28 relating to reexaminations and examiners;
29 conforming provisions to changes made by the
30 act; amending ss. 322.141, 322.142, 322.161,
31 322.1615, F.S., relating to the color and types

1 of licenses; conforming provisions to changes
2 made by the act; amending s. 322.17, F.S.;
3 authorizing the county tax collector to issue
4 duplicate and replacement licenses and
5 change-of-address stickers; providing for the
6 tax collector to retain a portion of the fee;
7 amending s. 322.18, F.S., relating to license
8 applications and expiration of licenses;
9 conforming provisions to changes made by the
10 act; amending s. 322.20, F.S.; requiring the
11 county tax collector to maintain certain
12 records; amending s. 322.21, F.S.; requiring
13 that the county tax collector provide personnel
14 to perform the duties specified under the act;
15 providing an effective date.

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

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

23 322.01 Definitions.--As used in this chapter:
24 (11) "County tax collector" means the county tax
25 collectors of this state performing as authorized agents of
26 the department.

27 Section 2. Subsection (2) and paragraph (a) of
28 subsection (3) of section 322.03, Florida Statutes, are
29 amended to read:

30 322.03 Drivers must be licensed; penalties.--
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1 (2) Prior to issuing a driver's license, the
2 department or county tax collector shall require any person
3 who has been convicted two or more times of a violation of s.
4 316.193 or of a substantially similar alcohol-related or
5 drug-related offense outside this state within the preceding 5
6 years, or who has been convicted of three or more such
7 offenses within the preceding 10 years, to present proof of
8 successful completion of or enrollment in a
9 department-approved substance abuse education course. If the
10 person fails to complete such education course within 90 days
11 after issuance, the department shall cancel the license.
12 Further, prior to issuing the driver's license the department
13 or county tax collector shall require such person to present
14 proof of financial responsibility as provided in s. 324.031.
15 For the purposes of this paragraph, a previous conviction for
16 violation of former s. 316.028, former s. 316.1931, or former
17 s. 860.01 shall be considered a previous conviction for
18 violation of s. 316.193.

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

22 Section 3. Section 322.05, Florida Statutes, is
23 amended to read:

24 322.05 Persons not to be licensed.--The department or
25 county tax collector may not issue a license:

26 (1) To a person who is under the age of 16 years,
27 except that the department or county tax collector may issue a
28 learner's driver's license to a person who is at least 15
29 years of age and who meets the requirements of ss. 322.091 and
30 322.1615 and of any other applicable law or rule.

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

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

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

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

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

23 (4) Except as provided by this subsection, to any
24 person, as a Class A licensee, Class B licensee, Class C
25 licensee, or Class D licensee, who is under the age of 18
26 years. A person age 16 or 17 years who applies for a Class D
27 driver's license is subject to all the requirements and
28 provisions of paragraphs (2)(a) and (b) and ss. 322.09 and
29 322.16(2) and (3). The department may require of any such
30 applicant for a Class D driver's license such examination of
31 the qualifications of the applicant as the department

1 considers proper, and the department may limit the use of any
2 license granted as it considers proper.

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

7 (6) To any person, as a commercial motor vehicle
8 operator, whose privilege to operate a commercial motor
9 vehicle has been disqualified, until the expiration of the
10 period of disqualification.

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

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

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

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

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

31 322.051 Identification cards.--

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

7 (a) Each such application shall include the following
8 information regarding the applicant:

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

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

13 3. Proof of identity satisfactory to the department.

14 Such proof must include one of the following unless a driver's
15 license record or identification card record has already been
16 established: a certified copy of a United States birth
17 certificate, a valid United States passport, an alien
18 registration receipt card (green card), an employment
19 authorization card issued by the United States Department of
20 Justice, or proof of nonimmigrant classification provided by
21 the United States Department of Justice, for an original
22 identification card.

23 (b) An application for an identification card must be
24 signed and verified by the applicant in a format designated by
25 the department before a person authorized to administer oaths.
26 The fee for an identification card is \$3, including payment
27 for the color photograph or digital image of the applicant.
28 The county tax collector shall retain the \$3 as reimbursement
29 for the cost of providing the identification card.

30 (2) Every identification card shall expire, unless
31 canceled earlier, on the fourth birthday of the applicant

1 following the date of original issue. However, if an
2 individual is 60 years of age or older, and has an
3 identification card issued under this section, the card shall
4 not expire unless done so by cancellation by the department or
5 by the death of the cardholder. Renewal of any identification
6 card shall be made for a term which shall expire on the fourth
7 birthday of the applicant following expiration of the
8 identification card renewed, unless surrendered earlier. Any
9 application for renewal received later than 90 days after
10 expiration of the identification card shall be considered the
11 same as an application for an original identification card.
12 The renewal fee for an identification card shall be \$3. The
13 county tax collector shall retain the \$3 as reimbursement for
14 the cost of providing the identification card.The department
15 shall, at the end of 4 years and 6 months after the issuance
16 or renewal of an identification card, destroy any record of
17 the card if it has expired and has not been renewed, unless
18 the cardholder is 60 years of age or older.

19 (3) In the event an identification card issued under
20 this section is lost, destroyed, or mutilated or a new name is
21 acquired, the person to whom it was issued may obtain a
22 duplicate upon furnishing satisfactory proof of such fact to
23 the department or county tax collector and upon payment of a
24 fee of \$2.50 for such duplicate, which shall include payment
25 for the color photograph or digital image of the applicant.
26 The issuing entity shall retain the \$2.50 as reimbursement for
27 the cost of providing the duplicate card.Any person who loses
28 an identification card and who, after obtaining a duplicate,
29 finds the original card shall immediately surrender the
30 original card to the department or county tax collector. The
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1 same documentary evidence shall be furnished for a duplicate
2 as for an original identification card.

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

9 Section 5. Section 322.059, Florida Statutes, is
10 amended to read:

11 322.059 Mandatory surrender of suspended driver's
12 license and registration.--Any person whose driver's license
13 or registration has been suspended as provided in s. 322.058
14 must immediately return his or her driver's license and
15 registration to the Department of Highway Safety and Motor
16 Vehicles or county tax collector. If such person fails to
17 return his or her driver's license or registration, any law
18 enforcement agent may seize the license or registration while
19 the driver's license or registration is suspended.

20 Section 6. Section 322.07, Florida Statutes, is
21 amended to read:

22 322.07 Instruction permits and temporary licenses.--

23 (1) Any person who is at least 18 years of age and
24 who, except for his or her lack of instruction in operating a
25 motor vehicle, would otherwise be qualified to obtain a Class
26 E driver's license under this chapter, may apply for a
27 temporary instruction permit. The department or county tax
28 collector shall issue such a permit entitling the applicant,
29 while having the permit in his or her immediate possession, to
30 drive a motor vehicle of the type for which a Class E driver's
31 license is required upon the highways for a period of 90 days,

1 but, except when operating a motorcycle or moped as defined in
2 s. 316.003, the person must be accompanied by a licensed
3 driver who is 21 years of age or older, who is licensed to
4 operate the class of vehicle being operated, and who is
5 actually occupying the closest seat to the right of the
6 driver.

7 (2) The department or county tax collector may, in its
8 discretion, issue a temporary permit to an applicant for a
9 Class D or Class E driver's license permitting him or her to
10 operate a motor vehicle of the type for which a Class D or
11 Class E driver's license is required while the department is
12 completing its investigation and determination of all facts
13 relative to such applicant's right to receive a driver's
14 license. Such permit must be in his or her immediate
15 possession while operating a motor vehicle, and it shall be
16 invalid when the applicant's license has been issued or for
17 good cause has been refused.

18 (3) Any person who, except for his or her lack of
19 instruction in operating a Class D or commercial motor
20 vehicle, would otherwise be qualified to obtain a Class D or
21 commercial driver's license under this chapter, may apply for
22 a temporary Class D or temporary commercial instruction
23 permit. The department or county tax collector shall issue
24 such a permit entitling the applicant, while having the permit
25 in his or her immediate possession, to drive a Class D or
26 commercial motor vehicle on the highways, provided that:

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

29 (b) The applicant, while operating a Class D or
30 commercial motor vehicle, is accompanied by a licensed driver
31 who is 21 years of age or older, who is licensed to operate

1 the class of vehicle being operated, and who is actually
2 occupying the closest seat to the right of the driver.

3 Section 7. Subsection (3) of section 322.09, Florida
4 Statutes, is amended to read:

5 322.09 Application of minors.--

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

10 Section 8. Subsection (1), paragraph (e) of subsection
11 (2), and subsection (4) of section 322.091, Florida Statutes,
12 are amended to read:

13 322.091 Attendance requirements.--

14 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING
15 PRIVILEGES.--A minor is not eligible for driving privileges
16 unless that minor:

17 (a) Is enrolled in a public school, nonpublic school,
18 or home education program and satisfies relevant attendance
19 requirements;

20 (b) Has received a high school diploma, a high school
21 equivalency diploma, a special diploma, or a certificate of
22 high school completion;

23 (c) Is enrolled in a study course in preparation for
24 the Test of General Educational Development and satisfies
25 relevant attendance requirements;

26 (d) Is enrolled in other educational activities
27 approved by the district school board and satisfies relevant
28 attendance requirements;

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

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

1
2 The department or county tax collector may not issue a
3 driver's license or learner's driver's license to, or shall
4 suspend the driver's license or learner's driver's license of,
5 any minor concerning whom the department receives notification
6 of noncompliance with the requirements of this section.

7 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;
8 RECORD OF NONCOMPLIANCE.--

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

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

29 Section 9. Section 322.12, Florida Statutes, is
30 amended to read:

31 322.12 Examination of applicants.--

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

17 (2) The department or county tax collector shall
18 examine every applicant for a driver's license, including an
19 applicant who is licensed in another state or country, except
20 as otherwise provided in this chapter. A person who holds a
21 learner's driver's license as provided for in s. 322.1615 is
22 not required to pay a fee for successfully completing the
23 examination showing his or her ability to operate a motor
24 vehicle as provided for herein and need not pay the fee for a
25 replacement license as provided in s. 322.17(2). Any person
26 who applies for reinstatement following the suspension or
27 revocation of his or her driver's license shall pay a service
28 fee of \$25 following a suspension, and \$50 following a
29 revocation, which is in addition to the fee for a license. Any
30 person who applies for reinstatement of a commercial driver's
31 license following the disqualification of his or her privilege

1 to operate a commercial motor vehicle shall pay a service fee
2 of \$50, which is in addition to the fee for a license. The
3 department or county tax collector shall collect all of these
4 fees at the time of reinstatement, of which \$11 shall be
5 retained as a service fee if the reinstated license is
6 provided by the county tax collector. The department or county
7 tax collector shall issue proper receipts for such fees and
8 shall promptly transmit all funds received by it as follows:

9 (a) Of the \$25 fee received from a licensee for
10 reinstatement following a suspension, if issued by the
11 department, ~~shall deposit~~ \$15 shall be deposited in the
12 General Revenue Fund and the remaining \$10 shall be deposited
13 in the Highway Safety Operating Trust Fund. If the county tax
14 collector reinstates the license, the tax collector shall
15 forward \$14 of the \$25 fee to the department for deposit into
16 the General Revenue Fund and shall retain \$11 as a service
17 fee.

18 (b) Of the \$50 fee received from a licensee for
19 reinstatement following a revocation or disqualification, if
20 issued by the department, ~~shall deposit~~ \$35 shall be deposited
21 in the General Revenue Fund and the remaining \$15 shall be
22 deposited in the Highway Safety Operating Trust Fund. If the
23 county tax collector reinstates the license, the tax collector
24 shall forward \$39 of the \$50 fee to the department for deposit
25 into the General Revenue Fund and shall retain \$11 as a
26 service fee.

27
28 If the revocation or suspension of the driver's license was
29 for a violation of s. 316.193, or for refusal to submit to a
30 lawful breath, blood, or urine test, an additional fee of \$105
31 must be charged. However, only one such \$105 fee is to be

1 collected from one person convicted of such violations arising
2 out of the same incident. The department or county tax
3 collector shall collect the \$105 fee and deposit it into the
4 Highway Safety Operating Trust Fund at the time of
5 reinstatement of the person's driver's license, but the fee
6 must not be collected if the suspension or revocation was
7 overturned.

8 (3) For an applicant for a Class D or a Class E
9 driver's license, such examination shall include a test of the
10 applicant's eyesight given by the driver's license examiner
11 designated by the department or county tax collector or by a
12 licensed ophthalmologist, optometrist, or physician and a test
13 of the applicant's hearing given by a driver's license
14 examiner or a licensed physician. The examination shall also
15 include a test of the applicant's ability to read and
16 understand highway signs regulating, warning, and directing
17 traffic; his or her knowledge of the traffic laws of this
18 state, including laws regulating driving under the influence
19 of alcohol or controlled substances, driving with an unlawful
20 blood-alcohol level, and driving while intoxicated; and his or
21 her knowledge of the effects of alcohol and controlled
22 substances upon persons and the dangers of driving a motor
23 vehicle while under the influence of alcohol or controlled
24 substances and shall include an actual demonstration of
25 ability to exercise ordinary and reasonable control in the
26 operation of a motor vehicle.

27 (4) The examination for an applicant for a commercial
28 driver's license shall include a test of the applicant's
29 eyesight given by a driver's license examiner designated by
30 the department or county tax collector or by a licensed
31 ophthalmologist, optometrist, or physician and a test of the

1 applicant's hearing given by a driver's license examiner or a
2 licensed physician. The examination shall also include a test
3 of the applicant's ability to read and understand highway
4 signs regulating, warning, and directing traffic; his or her
5 knowledge of the traffic laws of this state pertaining to the
6 class of motor vehicle which he or she is applying to be
7 licensed to operate, including laws regulating driving under
8 the influence of alcohol or controlled substances, driving
9 with an unlawful blood-alcohol level, and driving while
10 intoxicated; his or her knowledge of the effects of alcohol
11 and controlled substances and the dangers of driving a motor
12 vehicle after having consumed alcohol or controlled
13 substances; and his or her knowledge of any special skills,
14 requirements, or precautions necessary for the safe operation
15 of the class of vehicle which he or she is applying to be
16 licensed to operate. In addition, the examination shall
17 include an actual demonstration of the applicant's ability to
18 exercise ordinary and reasonable control in the safe operation
19 of a motor vehicle or combination of vehicles of the type
20 covered by the license classification which the applicant is
21 seeking, including an examination of the applicant's ability
22 to perform an inspection of his or her vehicle.

23 (a) The portion of the examination which tests an
24 applicant's safe driving ability shall be administered by the
25 department or by an entity authorized by the department to
26 administer such examination, pursuant to s. 322.56. Such
27 examination shall be administered at a location approved by
28 the department.

29 (b) A person who seeks to retain a hazardous-materials
30 endorsement must, upon renewal, pass the test for such
31 endorsement as specified in s. 322.57(1)(d), if the person has

1 not taken and passed the hazardous-materials test within 2
2 years preceding his or her application for a commercial
3 driver's license in this state.

4 (5)(a) The department shall formulate a separate
5 examination for applicants for licenses to operate
6 motorcycles. Any applicant for a driver's license who wishes
7 to operate a motorcycle, and who is otherwise qualified, must
8 successfully complete such an examination, which is in
9 addition to the examination administered under subsection (3).
10 The examination must test the applicant's knowledge of the
11 operation of a motorcycle and of any traffic laws specifically
12 relating thereto and must include an actual demonstration of
13 his or her ability to exercise ordinary and reasonable control
14 in the operation of a motorcycle. In the formulation of the
15 examination, the department shall consider the use of the
16 Motorcycle Operator Skills Test and the Motorcycle in Traffic
17 Test offered by the Motorcycle Safety Foundation. The
18 department or county tax collector shall indicate on the
19 license of any person who successfully completes the
20 examination that the licensee is authorized to operate a
21 motorcycle. If the applicant wishes to be licensed to operate
22 a motorcycle only, he or she need not take the skill or road
23 test required under subsection (3) for the operation of a
24 motor vehicle, and the department or county tax collector
25 shall indicate such a limitation on his or her license as a
26 restriction. Every first-time applicant for licensure to
27 operate a motorcycle who is under 21 years of age must provide
28 proof of completion of a motorcycle safety course, as provided
29 for in s. 322.0255, before the applicant may be licensed to
30 operate a motorcycle.

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1 (b) The department or county tax collector may exempt
2 any applicant from the examination provided in this subsection
3 if the applicant presents a certificate showing successful
4 completion of a course approved by the department, which
5 course includes a similar examination of the knowledge and
6 skill of the applicant in the operation of a motorcycle.

7 Section 10. Subsection (3) of section 322.121, Florida
8 Statutes, is amended to read:

9 322.121 Periodic reexamination of all drivers.--

10 (3) For each licensee whose driving record does not
11 show any revocations, disqualifications, or suspensions for
12 the preceding 7 years or any convictions for the preceding 3
13 years except for convictions of the following nonmoving
14 violations:

15 (a) Failure to exhibit a vehicle registration
16 certificate, rental agreement, or cab card pursuant to s.
17 320.0605;

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

21 (c) Operating a motor vehicle with an expired license
22 that has been expired for 4 months or less pursuant to s.
23 322.065;

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

26 (e) Failure to notify the department or county tax
27 collector of a change of address or name within 10 days
28 pursuant to s. 322.19,
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31

1 the department or county tax collector shall cause such
2 licensee's license to be prominently marked with the notation
3 "Safe Driver."

4 Section 11. Section 322.13, Florida Statutes, is
5 amended to read:

6 322.13 Driver's license examiners.--

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

16 (b) Those persons serving as driver's license
17 examiners are not liable for actions taken within the scope of
18 their employment or designation, except as provided by s.
19 768.28.

20 (2) The department or county tax collector shall
21 further designate employees or other persons to serve as
22 driver's license examiners to enforce all driver's license
23 laws; suspension, revocation, and cancellation orders; and
24 laws relating to the registration of motor vehicles entered in
25 compliance with the provisions of this chapter and chapters
26 320, 324, and 488. Upon designation, certain examiners shall
27 be empowered to issue uniform traffic citations to persons
28 found in violation of such chapters. Any person who fails or
29 refuses to surrender his or her driver's license, registration
30 certificate, and license plate upon lawful demand of an
31 examiner is guilty of a misdemeanor of the second degree,

1 punishable as provided in s. 775.082 or s. 775.083. Persons
2 designated as examiners by the department or county tax
3 collector shall not be considered for membership in the state
4 high-risk retirement program.

5 Section 12. Paragraph (a) of subsection (1) of section
6 322.14, Florida Statutes, is amended to read:

7 322.14 Licenses issued to drivers.--

8 (1)(a) The department or county tax collector shall,
9 upon successful completion of all required examinations and
10 payment of the required fee, issue to every applicant
11 qualifying therefor, a driver's license as applied for, which
12 license shall bear thereon a color photograph or digital image
13 of the licensee; the name of the state; a distinguishing
14 number assigned to the licensee; and the licensee's full name,
15 date of birth, and mailing address; a brief description of the
16 licensee, including, but not limited to, the licensee's gender
17 and height; and the dates of issuance and expiration of the
18 license. A space shall be provided upon which the licensee
19 shall affix his or her usual signature. No license shall be
20 valid until it has been so signed by the licensee except that
21 the signature of said licensee shall not be required if it
22 appears thereon in facsimile or if the licensee is not present
23 within the state at the time of issuance. Applicants
24 qualifying to receive a Class A, Class B, or Class C driver's
25 license must appear in person within the state for issuance of
26 a color photographic or digital imaged driver's license
27 pursuant to s. 322.142.

28 Section 13. Section 322.141, Florida Statutes, is
29 amended to read:

30 322.141 Color of licenses.--

31

1 (1) All licenses originally issued or reissued by the
2 department or county tax collector to persons under the age of
3 21 years for the operation of motor vehicles shall have
4 markings or color which shall be obviously separate and
5 distinct from all other licenses issued by the department or
6 county tax collector for the operation of motor vehicles.

7 (2)(a) All licenses for the operation of motor
8 vehicles originally issued or reissued by the department or
9 county tax collector to persons who have insulin-dependent
10 diabetes may, at the request of the applicant, have
11 distinctive markings separate and distinct from all other
12 licenses issued by the department or county tax collector.

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

17 Section 14. Subsections (1) and (2) of section
18 322.142, Florida Statutes, are amended to read:

19 322.142 Color photographic or digital imaged
20 licenses.--

21 (1) The department or county tax collector shall, upon
22 receipt of the required fee, issue to each qualified applicant
23 for an original driver's license a color photographic or
24 digital imaged driver's license bearing a fullface photograph
25 or digital image of the licensee. A space shall be provided
26 upon which the licensee shall affix his or her usual
27 signature, as required in s. 322.14, in the presence of an
28 authorized agent of the department or county tax collector so
29 as to ensure that such signature becomes a part of the
30 license.

31

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

6 Section 15. Paragraphs (b) and (c) of subsection (1)
7 of section 322.161, Florida Statutes, are amended to read:

8 322.161 High-risk drivers; restricted licenses.--

9 (1)

10 (b) Upon determination that any person has accumulated
11 six or more points, the department shall notify the licensee
12 and issue the licensee a restricted license for business
13 purposes only. The licensee must appear before the department
14 or county tax collector within 10 days after notification to
15 have this restriction applied. The period of restriction shall
16 be for a period of no less than 1 year beginning on the date
17 it is applied by the department or county tax collector.

18 (c) The restriction shall be automatically withdrawn
19 by the department after 1 year if the licensee does not
20 accumulate any additional points. If the licensee accumulates
21 any additional points, then the period of restriction shall be
22 extended 90 days for each point. The restriction shall also be
23 automatically withdrawn upon the licensee's 18th birthday if
24 no other grounds for restriction exist. The licensee must
25 appear before the department or county tax collector to have
26 the restriction removed and a duplicate license issued.

27 Section 16. Subsection (1) of section 322.1615,
28 Florida Statutes, is amended to read:

29 322.1615 Learner's driver's license.--

30
31

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

4 (a) Has passed the written examination for a learner's
5 driver's license;

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

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

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

12 Section 17. Section 322.17, Florida Statutes, is
13 amended to read:

14 322.17 Duplicate and replacement certificates.--

15 (1)(a) In the event that an instruction permit or
16 driver's license issued under the provisions of this chapter
17 is lost or destroyed, the person to whom the same was issued
18 may, upon payment of \$10, obtain a duplicate, or substitute
19 thereof, upon furnishing proof satisfactory to the department
20 or county tax collector that such permit or license has been
21 lost or destroyed, and further furnishing the full name, date
22 of birth, sex, residence and mailing address, proof of birth
23 satisfactory to the department or county tax collector, and
24 proof of identity satisfactory to the department. Four ~~Five~~
25 dollars of the fee levied in this paragraph shall go to the
26 Highway Safety Operating Trust Fund of the department and, if
27 the permit or license is reissued by the county tax collector,
28 the tax collector shall retain \$6 as a service fee.

29 (b) If ~~in the event that~~ an instruction permit or
30 driver's license issued under the provisions of this chapter
31 is stolen, the person to whom the same was issued may, at no

1 charge, obtain a duplicate, or substitute thereof, upon
2 furnishing proof satisfactory to the department or county tax
3 collector that such permit or license was stolen and further
4 furnishing the full name, date of birth, sex, residence and
5 mailing address, proof of birth satisfactory to the
6 department, and proof of identity satisfactory to the
7 department or county tax collector.

8 (2) Upon the surrender of the original license and the
9 payment of a \$10 replacement fee, the department or county tax
10 collector shall issue a replacement license to make a change
11 in name, address, or restrictions. If the department replaces
12 the license, the entire \$10 fee shall be deposited into the
13 Highway Safety Operating Trust Fund. If the county tax
14 collector replaces the license, the tax collector shall
15 forward \$4 of the \$10 fee to the department for deposit into
16 the Highway Safety Operating Trust Fund and shall retain \$6 as
17 reimbursement for the cost of replacing the license.

18 (3) Upon written request by the licensee and
19 notification of a change in address, and the payment of a \$10
20 fee, the department or county tax collector shall issue an
21 address sticker that ~~which~~ shall be affixed to the back of the
22 license by the licensee. If the department issues the address
23 sticker, the entire \$10 fee shall be deposited into the
24 Highway Safety Operating Trust Fund. If the county tax
25 collector issues the address sticker, the tax collector shall
26 forward \$5 of the \$10 fee to the department for deposit into
27 the Highway Safety Operating Trust Fund and shall retain \$5 as
28 reimbursement for the cost of issuing the sticker.~~Nine~~
29 ~~dollars of the fee levied in this subsection shall go to the~~
30 ~~Highway Safety Operating Trust Fund of the department.~~

31

1 Section 18. Subsections (1), (4), (5), (6), (7), and
2 (8) of section 322.18, Florida Statutes, are amended to read:

3 322.18 Original applications, licenses, and renewals;
4 expiration of licenses; delinquent licenses.--

5 (1)(a) Except as provided in paragraph (b), the
6 department or county tax collector may issue an original
7 driver's license only after the applicant successfully passes
8 the required examinations and presents the application to the
9 department or county tax collector.

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

16 (4) Except as otherwise provided in this chapter, all
17 licenses shall be renewable every 4 years or 6 years,
18 depending upon the terms of issuance and shall be issued or
19 extended upon application, payment of the fees required by s.
20 322.21, and successful passage of any required examination,
21 unless the department or county tax collector has reason to
22 believe that the licensee is no longer qualified to receive a
23 license.

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

27 (6) If the licensee does not receive a renewal notice,
28 the licensee or applicant may apply to the department or
29 county tax collector, under oath, at any driver's license
30 examining office. Such application shall be on a form prepared
31 and furnished by the department. The department shall make

1 such forms available to the various authorized examining
2 offices throughout the state. Upon receipt of such
3 application, the department or county tax collector shall
4 issue a license or temporary permit to the applicant or shall
5 advise the applicant that no license or temporary permit will
6 be issued and advise the applicant of the reason for his or
7 her ineligibility.

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

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

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

21 (8) The department or county tax collector shall issue
22 4-year and 6-year license extensions by mail, electronic, or
23 telephonic means without reexamination.

24 (a) If the department or county tax collector
25 determines from its records that the holder of a license about
26 to expire is eligible for renewal, the department or county
27 tax collector shall mail a renewal notice to the licensee at
28 his or her last known address, not less than 30 days prior to
29 the licensee's birthday. The renewal notice shall direct the
30 licensee to appear at an authorized ~~a~~ driver license office
31 for in-person renewal or to transmit the completed renewal

1 notice and the fees required by s. 322.21 to the department or
2 county tax collector by mail, electronically, or
3 telephonically within the 30 days preceding the licensee's
4 birthday for a license extension. License extensions shall not
5 be available to drivers directed to appear for in-person
6 renewal.

7 (b) Upon receipt of a properly completed renewal
8 notice, payment of the required fees, and upon determining
9 that the licensee is still eligible for renewal, the
10 department or county tax collector shall send a license
11 extension sticker to the licensee to affix to the expiring
12 license as evidence that the license term has been extended.

13 (c) The department or county tax collector shall issue
14 license extensions for two consecutive license expirations
15 only. Upon expiration of two consecutive license extension
16 periods, in-person renewal with reexamination as provided in
17 s. 322.121 shall be required. A person who is out of this
18 state when his or her license expires may be issued a 90-day
19 temporary driving permit without reexamination. At the end of
20 the 90-day period, the person must either return to this state
21 or apply for a license where the person is located, except for
22 a member of the Armed Forces as provided in s. 322.121(6).

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

26 (e) Any person who knowingly possesses any forged,
27 stolen, fictitious, counterfeit, or unlawfully issued license
28 extension sticker, unless possession by such person has been
29 duly authorized by the department, commits a misdemeanor of
30 the second degree, punishable as provided in s. 775.082 or s.
31 775.083.

1 (f) The department shall develop a plan for the
2 equitable distribution of license extensions and renewals and
3 the orderly implementation of this section.

4 Section 19. Subsections (1), (3), (4), (11), (12),
5 (13), and (14) of section 322.20, Florida Statutes, are
6 amended to read:

7 322.20 Records of the department; fees; destruction of
8 records.--

9 (1) The department shall maintain a record of every
10 application for license received by it or the county tax
11 collectors. The possession of such an application form,
12 whether filled out or in blank, or of a counterfeit thereof,
13 not authorized by the department or its personnel constitutes
14 a misdemeanor of the second degree, punishable as provided in
15 s. 775.082 or s. 775.083.

16 (3) The department shall maintain convenient records
17 or make suitable notations, in order that the individual
18 driver history record of each licensee is readily available
19 for the consideration of the department or county tax
20 collector upon application for renewal of a license and at
21 other suitable times. The release by the department of the
22 driver history record, with respect to crashes involving a
23 licensee, shall not include any notation or record of the
24 occurrence of a motor vehicle crash unless the licensee
25 received a traffic citation as a direct result of the crash,
26 and to this extent such notation or record is exempt from the
27 provisions of s. 119.07(1).

28 (4) It is unlawful for any person to falsify, alter,
29 erase, remove, or destroy, or cause to be altered, erased,
30 removed, or destroyed, any record maintained by the department

31

1 or county tax collector unless the alteration, erasure,
2 removal, or destruction has been duly authorized.

3 (11)(a) The department or county tax collector may is
4 ~~authorized to~~ charge the following fees for the following
5 services and documents:

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

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

14 3. For providing a certified copy of a transcript of
15 the driver history record or any portion thereof for any one
16 individual.....\$3.10

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

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

20 6. For providing photocopies of documents, papers,
21 letters, clearances, or license or insurance status reports,
22 per page.....\$0.50

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

26 (b) The department shall furnish such information
27 without charge to any local, state, or federal law enforcement
28 agency or court upon proof satisfactory to the department as
29 to the purpose of the investigation.

30 (12) If the service is provided by the department, the
31 fees collected under this section shall be placed in the

1 Highway Safety Operating Trust Fund. If the service is
2 provided by the county tax collector, the fees collected under
3 this section shall be retained by the tax collector as
4 reimbursement for providing the service as agent of the
5 department.

6 (13) The department or county tax collector may is
7 ~~authorized~~ in accordance with chapter 257, ~~to~~ destroy reports,
8 records, documents, papers, and correspondence in the Division
9 of Driver Licenses or the tax collector's office which are
10 ~~considered~~ obsolete.

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

22 Section 20. Subsections (2) and (3) of section 322.21,
23 Florida Statutes, are amended to read:

24 322.21 License fees; procedure for handling and
25 collecting fees.--

26 (2) ~~It is the duty of~~ The Director of the Division of
27 Driver Licenses shall to set up a division in the department
28 with the necessary personnel to perform the necessary clerical
29 and routine work for the department and the county tax
30 collector shall provide sufficient personnel to perform all
31 clerical and routine work for the tax collector in issuing and

1 recording applications, licenses, and certificates of
2 eligibility, including the receiving, and accounting, and
3 proper disbursement of all license funds ~~and their payment~~
4 ~~into the State Treasury,~~ and performing other incidental
5 clerical work connected with the administration of this
6 chapter. The department or county tax collector may is
7 ~~authorized~~ to use such electronic, mechanical, or other
8 devices as necessary to accomplish the purposes of this
9 chapter.

10 (3) The department shall prepare sufficient forms for
11 certificates of eligibility, applications, notices, and
12 license materials to supply all authorized agents and all
13 applicants for driver's licenses and all renewal licenses.

14 Section 21. This act shall take effect October 1,
15 2002.

16 *****

17
18 SENATE SUMMARY

19 Authorizes the county tax collectors to issue drivers'
20 licenses and identification cards as agents of the
21 Department of Highway Safety and Motor Vehicles. Provides
22 for the tax collectors to retain a portion of the license
23 fees as reimbursement for the costs of issuance. Requires
24 that the county tax collectors maintain records and
25 provide personnel to perform the duties required under
26 the act. (See bill for details.)
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