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1 A bill to be entitled

2 An act relating to motor vehicles; amending s. 316.1932,
3 F.S.; revising provision for placement of consent language
4 on driver's licenses; amending s. 316.302, F.S.; deleting
5 obsolete language; amending s. 320.05, F.S.; excluding
6 information provided by the Department of Highway Safety
7 and Motor Vehicles via its Internet website from certain
8 charges; deleting provision for charges for described
9 access to certain license status reports; amending s.
10 322.051, F.S.; revising provisions relating to issuance of
11 identification cards; specifying additional proof of
12 identity for application for such card; amending s.
13 322.08, F.S.; revising provisions relating to issuance of
14 driver's license; specifying additional proof of identity
15 for application for such license; specifying documents for
16 proof of immigration classification; amending s. 322.12,
17 F.S.; revising specified fees for reissuance of suspended
18 license; providing for deposit of funds into the Highway
19 Safety Law Enforcement Trust Fund; amending s. 322.135,
20 F.S.; requiring certain driver's license agents to remit
21 funds within a specified time period; providing for method
22 of remittance; amending s. 322.142, F.S.; providing for
23 color photographic or digital imaged identification cards;
24 amending ss. 322.17, 322.18, and 322.19, F.S.; correcting
25 references; amending s. 322.20, F.S.; providing for
26 charges for described access to certain license status
27 reports; amending s. 322.53, F.S.; deleting certain
28 license and endorsement requirements for described drivers
29 with specified exemption; providing an effective date.
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31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Paragraph (e) of subsection (1) of section
34 316.1932, Florida Statutes, is amended to read:

35 316.1932 Breath, blood, and urine tests for alcohol,
36 chemical substances, or controlled substances; implied consent;
37 refusal.--

38 (1)

39 (e)1. By applying for a driver's license and by accepting
40 and using a driver's license, the person holding the driver's
41 license is deemed to have expressed his or her consent to the
42 provisions of this section.

43 2. A nonresident or any other person driving in a status
44 exempt from the requirements of the driver's license law, by his
45 or her act of driving in such exempt status, is deemed to have
46 expressed his or her consent to the provisions of this section.

47 3. A warning of the consent provision of this section
48 shall be printed ~~above the signature line~~ on each new or renewed
49 driver's license.

50 Section 2. Paragraph (i) of subsection (2) of section
51 316.302, Florida Statutes, is amended to read:

52 316.302 Commercial motor vehicles; safety regulations;
53 transporters and shippers of hazardous materials; enforcement.--

54 (2)

55 (i) A person ~~who was a regularly employed driver of a~~
56 ~~commercial motor vehicle on July 4, 1987, and~~ whose driving
57 record shows no traffic convictions, pursuant to s. 322.61,
58 during the 2-year period immediately preceding the application
59 for the commercial driver's license, and who is otherwise
60 qualified as a driver under 49 C.F.R. part 391, and who operates



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61 a commercial vehicle in intrastate commerce only, shall be
62 exempt from the requirements of 49 C.F.R. part 391, subpart E,
63 s. 391.41(b)(10). However, such operators are still subject to
64 the requirements of ss. 322.12 and 322.121. As proof of
65 eligibility such driver shall have in his or her possession a
66 physical examination form dated within the past 24 months.

67 Section 3. Paragraph (b) of subsection (3) of section
68 320.05, Florida Statutes, is amended to read:

69 320.05 Records of the department; inspection procedure;
70 lists and searches; fees.--

71 (3)

72 (b) Fees therefor shall be charged and collected as
73 follows:

74 1. For providing lists of motor vehicle or vessel records
75 for the entire state, or any part or parts thereof, divided
76 according to counties, a sum computed at a rate of not less than
77 1 cent nor more than 5 cents per item.

78 2. For providing noncertified photographic copies of motor
79 vehicle or vessel documents, \$1 per page.

80 3. For providing noncertified photographic copies of
81 micrographic records, \$1 per page.

82 4. For providing certified copies of motor vehicle or
83 vessel records, \$3 per record.

84 5. For providing noncertified computer-generated printouts
85 of motor vehicle or vessel records, 50 cents per record.

86 6. For providing certified computer-generated printouts of
87 motor vehicle or vessel records, \$3 per record.

88 7. For providing electronic access to motor vehicle,
89 vessel, and mobile home registration data requested by tag,
90 vehicle identification number, title number, or decal number, 50



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91 cents per item, except that information provided via the
92 department's Internet website shall be free of charge.

93 ~~8. For providing electronic access to driver's license~~
94 ~~status report by name, sex, and date of birth or by driver~~
95 ~~license number, 50 cents per item.~~

96 ~~8.9.~~ For providing lists of licensed mobile home dealers
97 and manufacturers and recreational vehicle dealers and
98 manufacturers, \$15 per list.

99 ~~9.10.~~ For providing lists of licensed motor vehicle
100 dealers, \$25 per list.

101 ~~10.11.~~ For each copy of a videotape record, \$15 per tape.

102 ~~11.12.~~ For each copy of the Division of Motor Vehicles
103 Procedures Manual, \$25.

104 Section 4. Paragraph (a) of subsection (1) and paragraphs
105 (b) and (c) of subsection (2) of section 322.051, Florida
106 Statutes, are amended to read:

107 322.051 Identification cards.--

108 (1) Any person who is 12 years of age or older, or any
109 person who has a disability, regardless of age, who applies for
110 a disabled parking permit under s. 320.0848, may be issued an
111 identification card by the department upon completion of an
112 application and payment of an application fee.

113 (a) Each such application shall include the following
114 information regarding the applicant:

115 1. Full name (first, middle or maiden, and last), gender,
116 social security card number, county of residence and mailing
117 address, country of birth, and a brief description.

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



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119 3. Proof of identity satisfactory to the department. Such
120 proof must include one of the following documents issued to the
121 applicant:

122 a. A driver's license record or identification card record
123 from another jurisdiction that required the applicant to submit
124 a document for identification which is substantially similar to
125 a document required under sub-subparagraph b., sub-subparagraph
126 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
127 subparagraph f., or subparagraph g.;

128 b. A certified copy of a United States birth certificate;

129 c. A ~~valid~~ United States passport;

130 d. A naturalization certificate issued by the United
131 States Department of Justice;

132 ~~e.~~ An alien registration receipt card (green card);

133 ~~f.~~ An employment authorization card issued by the United
134 States Department of Justice; or

135 ~~g.~~ Proof of nonimmigrant classification provided by the
136 United States Department of Justice, for an original
137 identification card. In order to prove such nonimmigrant
138 classification, applicants may produce but are not limited to
139 the following documents:

140 (I) A notice of hearing from an immigration court
141 scheduling a hearing on any proceeding.

142 (II) A notice from the Board of Immigration Appeals
143 acknowledging pendency of an appeal.

144 (III) Notice of the approval of an application for
145 adjustment of status issued by the United States Immigration and
146 Naturalization Service.



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147 (IV) Any official documentation confirming the filing of a
 148 petition for asylum status or any other relief issued by the
 149 United States Immigration and Naturalization Service.

150 (V) Notice of action transferring any pending matter from
 151 another jurisdiction to Florida, issued by the United States
 152 Immigration and Naturalization Service.

153 (VI) Order of an immigration judge or immigration officer
 154 granting any relief that authorizes the alien to live and work
 155 in the United States including, but not limited to asylum.

156
 157 Presentation of any of the foregoing documents shall entitle the
 158 applicant to an identification card ~~a driver's license or~~
 159 ~~temporary permit~~ for a period not to exceed the expiration date
 160 of the document presented or 2 years, whichever first occurs.

161 (2)

162 (b) Notwithstanding any other provision of this chapter,
 163 if an applicant establishes his or her identity for an
 164 identification card using a document authorized under sub-
 165 subparagraph (1)(a)3.e. ~~(a)3.d.~~, the identification card shall
 166 expire on the fourth birthday of the applicant following the
 167 date of original issue or upon first renewal or duplicate issued
 168 after implementation of this section. After an initial showing
 169 of such documentation, he or she is exempted from having to
 170 renew or obtain a duplicate in person.

171 (c) Notwithstanding any other provisions of this chapter,
 172 if an applicant establishes his or her identity for an
 173 identification card using an identification document authorized
 174 under sub-subparagraphs (1)(a)3.f.-g. ~~(a)3.e.-f.~~, the
 175 identification card shall expire 4 years after the date of
 176 issuance or upon the expiration date cited on the United States



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177 Department of Justice documents, whichever date first occurs,
 178 and may not be renewed or obtain a duplicate except in person.

179 Section 5. Paragraph (c) of subsection (2) of section
 180 322.08, Florida Statutes, is amended to read:

181 322.08 Application for license.--

182 (2) Each such application shall include the following
 183 information regarding the applicant:

184 (c) Proof of identity satisfactory to the department. Such
 185 proof must include one of the following documents issued to the
 186 applicant:

187 1. A driver's license record or identification card record
 188 from another jurisdiction that required the applicant to submit
 189 a document for identification which is substantially similar to
 190 a document required under subparagraph 2., subparagraph 3.,
 191 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
 192 subparagraph 7.;

193 2. A certified copy of a United States birth certificate;

194 3. A ~~valid~~ United States passport;

195 4. A naturalization certificate issued by the United
 196 States Department of Justice;

197 ~~5.4.~~ An alien registration receipt card (green card);

198 ~~6.5.~~ An employment authorization card issued by the United
 199 States Department of Justice; or

200 ~~7.6.~~ Proof of nonimmigrant classification provided by the
 201 United States Department of Justice, for an original driver's
 202 license. In order to prove such nonimmigrant classification,
 203 applicants may produce, but are not limited to the following
 204 documents:

205 a. A notice of hearing from an immigration court
 206 scheduling a hearing on any proceeding.



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207 b. A notice from the Board of Immigration Appeals
 208 acknowledging pendency of an appeal.

209 c. Notice of the approval of an application for adjustment
 210 of status issued by the United States Immigration and
 211 Naturalization Service.

212 d. Any official documentation confirming the filing of a
 213 petition for asylum status or any other relief issued by the
 214 United States Immigration and Naturalization Service.

215 e. Notice of action transferring any pending matter from
 216 another jurisdiction to Florida issued by the United States
 217 Immigration and Naturalization Service.

218 f. Order of an immigration judge or immigration officer
 219 granting any relief that authorizes the alien to live and work
 220 in the United States, including, but not limited to, asylum.

221
 222 Presentation of any of the foregoing documents shall entitle the
 223 applicant to a driver's license or temporary permit for a period
 224 not to exceed the expiration date of the document presented or 2
 225 years, whichever first occurs.

226 Section 6. Subsection (2) of section 322.12, Florida
 227 Statutes, is amended to read:

228 322.12 Examination of applicants.--

229 (2) The department shall examine every applicant for a
 230 driver's license, including an applicant who is licensed in
 231 another state or country, except as otherwise provided in this
 232 chapter. A person who holds a learner's driver's license as
 233 provided for in s. 322.1615 is not required to pay a fee for
 234 successfully completing the examination showing his or her
 235 ability to operate a motor vehicle as provided for herein and
 236 need not pay the fee for a replacement license as provided in s.



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237 322.17(2). Any person who applies for reinstatement following
 238 the suspension or revocation of his or her driver's license
 239 shall pay a service fee of \$25 following a suspension, and \$50
 240 following a revocation, which is in addition to the fee for a
 241 license. Any person who applies for reinstatement of a
 242 commercial driver's license following the disqualification of
 243 his or her privilege to operate a commercial motor vehicle shall
 244 pay a service fee of \$50, which is in addition to the fee for a
 245 license. The department shall collect all of these fees at the
 246 time of reinstatement. The department shall issue proper
 247 receipts for such fees and shall promptly transmit all funds
 248 received by it as follows:

249 (a) Of the \$25 fee received from a licensee for
 250 reinstatement following a suspension, the department shall
 251 deposit \$15 in the General Revenue Fund and the remaining \$10 in
 252 the Highway Safety Operating Trust Fund.

253 (b) Of the \$50 fee received from a licensee for
 254 reinstatement following a revocation or disqualification, the
 255 department shall deposit \$35 in the General Revenue Fund and the
 256 remaining \$15 in the Highway Safety Operating Trust Fund.

257
 258 If the revocation or suspension of the driver's license was for
 259 a violation of s. 316.193, or for refusal to submit to a lawful
 260 breath, blood, or urine test, an additional fee of \$115 ~~\$105~~
 261 must be charged. However, only one such \$115 ~~\$105~~ fee is to be
 262 collected from one person convicted of such violations arising
 263 out of the same incident. The department shall collect the \$115
 264 ~~\$105~~ fee and deposit \$105 ~~it~~ into the Highway Safety Operating
 265 Trust Fund and \$10 into the Highway Safety Law Enforcement Trust
 266 Fund at the time of reinstatement of the person's driver's



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267 license, but the fee must not be collected if the suspension or
268 revocation was overturned.

269 Section 7. Subsection (9) is added to section 322.135,
270 Florida Statutes, to read:

271 322.135 Driver's license agents.--

272 (9) Notwithstanding chapter 116, every county officer
273 within this state authorized to collect funds provided for in
274 this chapter shall pay all sums officially received by the
275 officer into the State Treasury no later than 5 working days
276 after the close of the business day in which the officer
277 received the funds. Payment by county officers to the state
278 shall be made by means of electronic funds transfer.

279 Section 8. Subsection (1) of section 322.142, Florida
280 Statutes, is amended to read:

281 322.142 Color photographic or digital imaged licenses and
282 identification cards.--

283 (1) The department shall, upon receipt of the required
284 fee, issue to each qualified applicant for an original driver's
285 license or an identification card issued pursuant to s. 322.051
286 a color photographic or digital imaged driver's license or
287 identification card bearing a fullface photograph or digital
288 image of the licensee or applicant for identification card. The
289 provisions of chapter 761 and s. 761.05 shall have no
290 application to the requirement for a fullface photograph or
291 digital image of the licensee or applicant for identification
292 card. A space shall be provided upon which the licensee or
293 applicant for identification card shall affix his or her usual
294 signature, as required in s. 322.14, in the presence of an
295 authorized agent of the department so as to ensure that such
296 signature becomes a part of the license or identification card.



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297 Section 9. Subsection (3) of section 322.17, Florida
 298 Statutes, is amended to read:

299 322.17 Duplicate and replacement certificates.--

300 (3) Notwithstanding any other provisions of this chapter,
 301 if a licensee establishes his or her identity for a driver's
 302 license using an identification document authorized under s.
 303 322.08(2)(c)6. or 7. ~~322.08(2)(e)5.-6.~~, the licensee may not
 304 obtain a duplicate or replacement instruction permit or driver's
 305 license except in person and upon submission of an
 306 identification document authorized under s. 322.08(2)(c)6. or 7.
 307 ~~322.08(2)(e)5.-6.~~

308 Section 10. Paragraphs (c) and (d) of subsection (2) and
 309 paragraphs (b) and (c) of subsection (4) of section 322.18,
 310 Florida Statutes, are amended to read:

311 322.18 Original applications, licenses, and renewals;
 312 expiration of licenses; delinquent licenses.--

313 (2) Each applicant who is entitled to the issuance of a
 314 driver's license, as provided in this section, shall be issued a
 315 driver's license, as follows:

316 (c) Notwithstanding any other provision of this chapter,
 317 if an applicant establishes his or her identity for a driver's
 318 license using a document authorized under s. 322.08(2)(c)5.
 319 ~~322.08(2)(e)4.~~, the driver's license shall expire in accordance
 320 with paragraph (b). After an initial showing of such
 321 documentation, he or she is exempted from having to renew or
 322 obtain a duplicate in person.

323 (d) Notwithstanding any other provision of this chapter,
 324 if applicant establishes his or her identity for a driver's
 325 license using a document authorized in s. 322.08(2)(c)6. or 7.
 326 ~~322.08(2)(e)5. or 6.~~, the driver's license shall expire 4 years



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327 after the date of issuance or upon the expiration date cited on
328 the United States Department of Justice documents, whichever
329 date first occurs.

330 (4)

331 (b) Notwithstanding any other provision of this chapter,
332 if an applicant establishes his or her identity for a driver's
333 license using a document authorized under s. 322.08(2)(c)5.
334 ~~322.08(2)(c)4.~~, the license, upon an initial showing of such
335 documentation, is exempted from having to renew or obtain a
336 duplicate in person, unless the renewal or duplication coincides
337 with the periodic reexamination of a driver as required pursuant
338 to s. 322.121.

339 (c) Notwithstanding any other provision of this chapter,
340 if a licensee establishes his or her identity for a driver's
341 license using an identification document authorized under s.
342 322.08(2)(c)6. or 7. ~~322.08(2)(c)5. or 6.~~, the licensee may not
343 renew the driver's license except in person and upon submission
344 of an identification document authorized under s.
345 322.08(2)(c)5.-7. ~~322.08(2)(c)4.-6.~~ A driver's license renewed
346 under this paragraph expires 4 years after the date of issuance
347 or upon the expiration date cited on the United States
348 Department of Justice documents, whichever date first occurs.

349 Section 11. Subsection (4) of section 322.19, Florida
350 Statutes, is amended to read:

351 322.19 Change of address or name.--

352 (4) Notwithstanding any other provision of this chapter,
353 if a licensee established his or her identity for a driver's
354 license using an identification document authorized under s.
355 322.08(2)(c)6. or 7. ~~322.08(2)(c)5.-6.~~, the licensee may not
356 change his or her name or address except in person and upon



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357 submission of an identification document authorized under s.
 358 322.08(2)(c)5.-7. ~~322.08(2)(c)4.-6.~~

359 Section 12. Paragraph (a) of subsection (11) of section
 360 322.20, Florida Statutes, is amended to read:

361 322.20 Records of the department; fees; destruction of
 362 records.--

363 (11)(a) The department is authorized to charge the
 364 following fees for the following services and documents:

365 1. For providing a transcript of any one individual's
 366 driver history record or any portion thereof for the past 3
 367 years or for searching for such record when no record is found
 368 to be on file.....

369 \$2.10

370 2. For providing a transcript of any one individual's
 371 driver history record or any portion thereof for the past 7
 372 years or for searching for such record when no record is found
 373 to be on file.....

374 \$3.10

375 3. For providing a certified copy of a transcript of the
 376 driver history record or any portion thereof for any one
 377 individual..... \$3.10

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

380 5. For providing an exemplified record \$15.00

381 6. For providing photocopies of documents, papers,
 382 letters, clearances, or license or insurance status reports, per
 383 page

384 \$0.50



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

388 8. For providing electronic access to driver's license
 389 status report by name, sex, and date of birth or by driver's
 390 license number, 50 cents per item, except that information
 391 provided via the department's Internet website shall be free of
 392 charge.

393 Section 13. Subsections (4), (5), and (6) of section
 394 322.53, Florida Statutes, are amended to read:

395 322.53 License required; exemptions.--

396 (2) The following persons are exempt from the requirement
 397 to obtain a commercial driver's license:

398 (a) Drivers of authorized emergency vehicles.

399 (b) Military personnel driving military vehicles.

400 (c) Farmers transporting farm supplies or farm machinery
 401 within 150 miles of their farm, or transporting agricultural
 402 products to or from the first place of storage or processing or
 403 directly to or from market, within 150 miles of their farm.

404 (d) Drivers of recreational vehicles, as defined in s.
 405 320.01.

406 (e) Drivers who operate straight trucks, as defined in s.
 407 316.003, that are exclusively transporting their own tangible
 408 personal property which is not for sale.

409 (f) An employee of a publicly owned transit system who is
 410 limited to moving vehicles for maintenance or parking purposes
 411 exclusively within the restricted-access confines of a transit
 412 system's property.

413 ~~(4) A resident who is exempt from obtaining a commercial~~
 414 ~~driver's license pursuant to paragraph (2)(a) or paragraph~~



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415 ~~(2)(c) and who drives a commercial motor vehicle must obtain a~~
416 ~~Class D driver's license endorsed to authorize the operation of~~
417 ~~the particular type of vehicle for which his or her exemption is~~
418 ~~granted.~~

419 (4)(5) A resident who is exempt from obtaining a
420 commercial driver's license pursuant to paragraph (2)(b),
421 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
422 drive a commercial motor vehicle pursuant to the exemption
423 granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e),
424 or paragraph (2)(f) if he or she possesses a valid Class D or
425 Class E driver's license or a military license.

426 (5)(6) The department shall adopt rules and enter into
427 necessary agreements with other jurisdictions to provide for the
428 operation of commercial vehicles by nonresidents pursuant to the
429 exemption granted in subsection (2).

430 Section 14. This act shall take effect July 1, 2003.