

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Waters offered the following:

Amendment (with title amendment)

Remove: everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.--

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, ~~together~~ with the \$35 ~~\$25~~ nonrefundable service fee imposed under s. 322.29, or presents

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28 the certificate of compliance and pays the aforementioned \$35
29 \$25 service fee to the clerk of the court or tax collector
30 clearing such suspension, with \$10 of the fee collected by the
31 clerk of the court or tax collector to be remitted to the
32 Department of Revenue to be deposited into the Highway Safety
33 Operating Trust Fund. Such person shall also be in compliance
34 with requirements of chapter 322 prior to reinstatement.

35 Section 2. Subsections (2) and (3) of section 322.051,
36 Florida Statutes, are amended, and subsection (8) is added to
37 that section, to read:

38 322.051 Identification cards.--

39 (2)(a) Every identification card shall expire, unless
40 canceled earlier, on the fourth birthday of the applicant
41 following the date of original issue. However, if an individual
42 is 60 years of age or older, and has an identification card
43 issued under this section, the card shall not expire unless done
44 so by cancellation by the department or by the death of the
45 cardholder. Renewal of any identification card shall be made
46 for a term which shall expire on the fourth birthday of the
47 applicant following expiration of the identification card
48 renewed, unless surrendered earlier. Any application for
49 renewal received later than 90 days after expiration of the
50 identification card shall be considered the same as an
51 application for an original identification card. The renewal
52 fee for an identification card shall be \$10, of which \$4 shall
53 be deposited into the General Revenue Fund and \$6 into the
54 Highway Safety Operating Trust Fund ~~\$3~~. The department shall, at
55 the end of 4 years and 6 months after the issuance or renewal of
56 an identification card, destroy any record of the card if it has

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57 expired and has not been renewed, unless the cardholder is 60
58 years of age or older.

59 (b) Notwithstanding any other provision of this chapter,
60 if an applicant establishes his or her identity for an
61 identification card using a document authorized under sub-
62 subparagraph (a)3.d., the identification card shall expire on
63 the fourth birthday of the applicant following the date of
64 original issue or upon first renewal or duplicate issued after
65 implementation of this section. After an initial showing of such
66 documentation, he or she is exempted from having to renew or
67 obtain a duplicate in person.

68 (c) Notwithstanding any other provisions of this chapter,
69 if an applicant establishes his or her identity for an
70 identification card using an identification document authorized
71 under sub-subparagraphs (a)3.e.-f., the identification card
72 shall expire 2 4 years after the date of issuance or upon the
73 expiration date cited on the United States Department of Justice
74 documents, whichever date first occurs, and may not be renewed
75 or obtain a duplicate except in person.

76 (3) If ~~In the event~~ an identification card issued under
77 this section is lost, destroyed, or mutilated or a new name is
78 acquired, the person to whom it was issued may obtain a
79 duplicate upon furnishing satisfactory proof of such fact to the
80 department and upon payment of a fee of \$10 ~~\$2.50~~ for such
81 duplicate, \$2.50 of which shall be deposited into the General
82 Revenue Fund and \$7.50 into the Highway Safety Operating Trust
83 Fund. The fee ~~which~~ shall include payment for the color
84 photograph or digital image of the applicant. Any person who
85 loses an identification card and who, after obtaining a

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86 duplicate, finds the original card shall immediately surrender
87 the original card to the department. The same documentary
88 evidence shall be furnished for a duplicate as for an original
89 identification card.

90 (8) The department shall, upon receipt of the required
91 fee, issue to each qualified applicant for an identification
92 card a color photographic or digital image identification card
93 bearing a fullface photograph or digital image of the
94 identification cardholder. Notwithstanding chapter 761 or s.
95 761.05, the requirement for a fullface photograph or digital
96 image of the identification cardholder may not be waived. A
97 space shall be provided upon which the identification cardholder
98 shall affix his or her usual signature, as required in s.
99 322.14, in the presence of an authorized agent of the department
100 to ensure that the signature becomes a part of the
101 identification card.

102 Section 3. Subsections (1) and (2) and paragraph (a) of
103 subsection (5) of section 322.12, Florida Statutes, are amended
104 to read:

105 322.12 Examination of applicants.--

106 (1) It is the intent of the Legislature that every
107 applicant for an original driver's license in this state be
108 required to pass an examination pursuant to this section.
109 However, the department may waive the knowledge, endorsement,
110 and skills tests for an applicant who is otherwise qualified and
111 who surrenders a valid driver's license from another state or a
112 province of Canada, or a valid driver's license issued by the
113 United States Armed Forces, if the driver applies for a Florida
114 license of an equal or lesser classification. Any applicant who

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115 fails to pass the initial knowledge test will incur a \$5 fee for
116 each subsequent test, to be deposited into the Highway Safety
117 Operating Trust Fund. Any applicant who fails to pass the
118 initial skills test will incur a \$10 fee for each subsequent
119 test, to be deposited into the Highway Safety Operating Trust
120 Fund. A person who seeks to retain a hazardous-materials
121 endorsement, pursuant to s. 322.57(1)(d), must pass the
122 hazardous-materials test, upon surrendering his or her
123 commercial driver's license, if the person has not taken and
124 passed the hazardous-materials test within 2 years preceding his
125 or her application for a commercial driver's license in this
126 state.

127 (2) The department shall examine every applicant for a
128 driver's license, including an applicant who is licensed in
129 another state or country, except as otherwise provided in this
130 chapter. A person who holds a learner's driver's license as
131 provided for in s. 322.1615 is not required to pay a fee for
132 successfully completing the examination showing his or her
133 ability to operate a motor vehicle as provided for herein and
134 need not pay the fee for a replacement license as provided in s.
135 322.17(2). ~~Any person who applies for reinstatement following~~
136 ~~the suspension or revocation of his or her driver's license~~
137 ~~shall pay a service fee of \$25 following a suspension, and \$50~~
138 ~~following a revocation, which is in addition to the fee for a~~
139 ~~license. Any person who applies for reinstatement of a~~
140 ~~commercial driver's license following the disqualification of~~
141 ~~his or her privilege to operate a commercial motor vehicle shall~~
142 ~~pay a service fee of \$50, which is in addition to the fee for a~~
143 ~~license. The department shall collect all of these fees at the~~

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144 ~~time of reinstatement. The department shall issue proper~~
145 ~~receipts for such fees and shall promptly transmit all funds~~
146 ~~received by it as follows:~~

147 ~~(a) Of the \$25 fee received from a licensee for~~
148 ~~reinstatement following a suspension, the department shall~~
149 ~~deposit \$15 in the General Revenue Fund and the remaining \$10 in~~
150 ~~the Highway Safety Operating Trust Fund.~~

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

155
156 ~~If the revocation or suspension of the driver's license was for~~
157 ~~a violation of s. 316.193, or for refusal to submit to a lawful~~
158 ~~breath, blood, or urine test, an additional fee of \$105 must be~~
159 ~~charged. However, only one such \$105 fee is to be collected~~
160 ~~from one person convicted of such violations arising out of the~~
161 ~~same incident. The department shall collect the \$105 fee and~~
162 ~~deposit it into the Highway Safety Operating Trust Fund at the~~
163 ~~time of reinstatement of the person's driver's license, but the~~
164 ~~fee must not be collected if the suspension or revocation was~~
165 ~~overturned.~~

166 (5)(a) The department shall formulate a separate
167 examination for applicants for licenses to operate motorcycles.
168 Any applicant for a driver's license who wishes to operate a
169 motorcycle, and who is otherwise qualified, must successfully
170 complete such an examination, which is in addition to the
171 examination administered under subsection (3). The examination
172 must test the applicant's knowledge of the operation of a

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173 motorcycle and of any traffic laws specifically relating thereto
174 and must include an actual demonstration of his or her ability
175 to exercise ordinary and reasonable control in the operation of
176 a motorcycle. Any applicant who fails to pass the initial
177 knowledge examination will incur a \$5 fee for each subsequent
178 examination, to be deposited into the Highway Safety Operating
179 Trust Fund. Any applicant who fails to pass the initial skills
180 examination will incur a \$10 fee for each subsequent
181 examination, to be deposited into the Highway Safety Operating
182 Trust Fund. In the formulation of the examination, the
183 department shall consider the use of the Motorcycle Operator
184 Skills Test and the Motorcycle in Traffic Test offered by the
185 Motorcycle Safety Foundation. The department shall indicate on
186 the license of any person who successfully completes the
187 examination that the licensee is authorized to operate a
188 motorcycle. If the applicant wishes to be licensed to operate a
189 motorcycle only, he or she need not take the skill or road test
190 required under subsection (3) for the operation of a motor
191 vehicle, and the department shall indicate such a limitation on
192 his or her license as a restriction. Every first-time applicant
193 for licensure to operate a motorcycle who is under 21 years of
194 age must provide proof of completion of a motorcycle safety
195 course, as provided for in s. 322.0255, before the applicant may
196 be licensed to operate a motorcycle.

197 Section 4. Subsection (1) of section 322.142, Florida
198 Statutes, is amended to read:

199 322.142 Color photographic or digital imaged licenses.--

200 (1) The department shall, upon receipt of the required
201 fee, issue to each qualified applicant for a a ~~an original~~

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202 driver's license a color photographic or digital imaged driver's
203 license bearing a fullface photograph or digital image of the
204 licensee. Notwithstanding chapter 761 or s. 761.05, the
205 requirement for a fullface photograph or digital image of the
206 licensee may not be waived. A space shall be provided upon which
207 the licensee shall affix his or her usual signature, as required
208 in s. 322.14, in the presence of an authorized agent of the
209 department so as to ensure that such signature becomes a part of
210 the license.

211 Section 5. Subsection (8) is added to section 322.21,
212 Florida Statutes, to read:

213 322.21 License fees; procedure for handling and collecting
214 fees.--

215 (8) Any person who applies for reinstatement following the
216 suspension or revocation of the person's driver's license shall
217 pay a service fee of \$35 following a suspension, and \$60
218 following a revocation, which is in addition to the fee for a
219 license. Any person who applies for reinstatement of a
220 commercial driver's license following the disqualification of
221 the person's privilege to operate a commercial motor vehicle
222 shall pay a service fee of \$60, which is in addition to the fee
223 for a license. The department shall collect all of these fees at
224 the time of reinstatement. The department shall issue proper
225 receipts for such fees and shall promptly transmit all funds
226 received by it as follows:

227 (a) Of the \$35 fee received from a licensee for
228 reinstatement following a suspension, the department shall
229 deposit \$15 in the General Revenue Fund and \$20 in the Highway
230 Safety Operating Trust Fund.

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231 (b) Of the \$60 fee received from a licensee for
232 reinstatement following a revocation or disqualification, the
233 department shall deposit \$35 in the General Revenue Fund and \$25
234 in the Highway Safety Operating Trust Fund.

235
236 If the revocation or suspension of the driver's license was for
237 a violation of s. 316.193, or for refusal to submit to a lawful
238 breath, blood, or urine test, an additional fee of \$115 must be
239 charged. However, only one \$115 fee may be collected from one
240 person convicted of violations arising out of the same incident.
241 The department shall collect the \$115 fee and deposit the fee
242 into the Highway Safety Operating Trust Fund at the time of
243 reinstatement of the person's driver's license, but the fee may
244 not be collected if the suspension or revocation is overturned.

245 Section 6. Subsection (4) of section 322.251, Florida
246 Statutes, is amended to read:

247 322.251 Notice of cancellation, suspension, revocation, or
248 disqualification of license.--

249 (4) A person whose privilege to operate a commercial motor
250 vehicle is temporarily disqualified may, upon surrendering his
251 or her commercial driver's license, be issued a Class D or Class
252 E driver's license, valid for the length of his or her unexpired
253 commercial driver's license, at no cost. Such person may, upon
254 the completion of his or her disqualification, be issued a
255 commercial driver's license, of the type disqualified, for the
256 remainder of his or her unexpired license period. Any such
257 person shall pay the reinstatement fee provided in s. 322.21 ~~s.~~
258 ~~322.12~~ before being issued a commercial driver's license.

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259 Section 7. Subsection (2) of section 322.29, Florida
260 Statutes, is amended to read:

261 322.29 Surrender and return of license.--

262 (2) The provisions of subsection (1) to the contrary
263 notwithstanding, no examination is required for the return of a
264 license suspended under s. 318.15 or s. 322.245 unless an
265 examination is otherwise required by this chapter. Every person
266 applying for the return of a license suspended under s. 318.15
267 or s. 322.245 shall present to the department certification from
268 the court that he or she has complied with all obligations and
269 penalties imposed on him or her pursuant to s. 318.15 or, in the
270 case of a suspension pursuant to s. 322.245, that he or she has
271 complied with all directives of the court and the requirements
272 of s. 322.245 and shall pay to the department a nonrefundable
273 service fee of \$35, of which \$25 shall be deposited into the
274 General Revenue Fund and \$10 shall be deposited into the Highway
275 Safety Operating Trust Fund \$25. If reinstated by the clerk of
276 the court or tax collector, \$25 shall be retained and \$10 shall
277 be remitted to the Department of Revenue for deposit into the
278 Highway Safety Operating Trust Fund. However, the service fee is
279 not required if the person is required to pay a \$35 \$25 fee or
280 \$60 \$50 fee under the provisions of s. 322.21 s. 322.12(2).

281 Section 8. (1) Subsection (8) of section 316.614, Florida
282 Statutes, is amended to read:

283 316.614 Safety belt usage.--

284 (8) Any person who violates the provisions of this section
285 commits a nonmoving violation, punishable as provided in chapter
286 318. ~~However, except for violations of s. 316.613, enforcement~~
287 ~~of this section by state or local law enforcement agencies must~~

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288 ~~be accomplished only as a secondary action when a driver of a~~
289 ~~motor vehicle has been detained for a suspected violation of~~
290 ~~another section of this chapter, chapter 320, or chapter 322.~~

291 (2) This section shall be known by the popular name the
292 "Dori Slosberg Safety Belt Law."

293 Section 9. If any law that is amended by this act was also
294 amended by a law enacted at the 2003 Regular Session of the
295 Legislature, such laws shall be construed as if they had been
296 enacted during the same session of the Legislature, and full
297 effect should be given to each if that is possible.

298 Section 10. This act shall take effect October 1, 2003.

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300

301 ===== T I T L E A M E N D M E N T =====

302 Remove: the entire title

303

304 and insert:

305 A bill to be entitled
306 An act relating to motor vehicles; amending s. 318.15,
307 F.S.; providing for driver's license reinstatement;
308 providing for disposition of fees; amending s. 322.051,
309 F.S.; revising fees; providing that the requirement for a
310 fullface photograph or digital image on an identification
311 card may not be waived under ch. 761, F.S.; amending s.
312 322.12, F.S.; revising provisions relating to the
313 subsequent testing of driving knowledge and skills;
314 amending s. 322.142, F.S.; providing that the requirement
315 for a fullface photograph or digital image on a driver's
316 license may not be waived under ch. 761, F.S.; amending s.

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317 322.21, F.S.; providing driver license reinstatement fees;
318 providing for fee distribution; amending s. 322.251, F.S.;
319 providing a conforming change; amending s. 322.29, F.S.;
320 providing driver's license reinstatement fees; providing
321 for fee distribution; amending s. 316.614, F.S.; deleting
322 requirement for enforcement of the Florida Safety Belt Law
323 as a secondary action; providing a popular name; providing
324 for construction of the act in pari materia with laws
325 enacted during the Regular Session of the Legislature;
326 providing an effective date.