

Bill No. CS for SB 26-A

Amendment No. 5 Barcode 593788

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 26-A recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete 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 the certificate of compliance and pays the aforementioned ~~\$35\$25~~ service fee to the clerk of the court or tax collector clearing such suspension, with \$10 of the fee

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1 collected by the clerk of the court or tax collector to be
2 remitted to the Department of Revenue to be deposited into the
3 Highway Safety Operating Trust Fund. Such person shall also be
4 in compliance with requirements of chapter 322 prior to
5 reinstatement.

6 Section 2. Subsections (2) and (3) of section 322.051,
7 Florida Statutes, are amended to read:

8 322.051 Identification cards.--

9 (2)(a) Every identification card shall expire, unless
10 canceled earlier, on the fourth birthday of the applicant
11 following the date of original issue. However, if an
12 individual is 60 years of age or older, and has an
13 identification card issued under this section, the card shall
14 not expire unless done so by cancellation by the department or
15 by the death of the cardholder. Renewal of any identification
16 card shall be made for a term which shall expire on the fourth
17 birthday of the applicant following expiration of the
18 identification card renewed, unless surrendered earlier. Any
19 application for renewal received later than 90 days after
20 expiration of the identification card shall be considered the
21 same as an application for an original identification card.

22 The renewal fee for an identification card shall be \$10, of
23 which \$4 shall be deposited into the General Revenue Fund and
24 \$6 into the Highway Safety Operating Trust Fund~~\$3~~. The
25 department shall, at the end of 4 years and 6 months after the
26 issuance or renewal of an identification card, destroy any
27 record of the card if it has expired and has not been renewed,
28 unless the cardholder is 60 years of age or older.

29 (b) Notwithstanding any other provision of this
30 chapter, if an applicant establishes his or her identity for
31 an identification card using a document authorized under

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1 sub-subparagraph (a)3.d., the identification card shall expire
2 on the fourth birthday of the applicant following the date of
3 original issue or upon first renewal or duplicate issued after
4 implementation of this section. After an initial showing of
5 such documentation, he or she is exempted from having to renew
6 or obtain a duplicate in person.

7 (c) Notwithstanding any other provisions of this
8 chapter, if an applicant establishes his or her identity for
9 an identification card using an identification document
10 authorized under sub-subparagraphs (a)3.e.-f., the
11 identification card shall expire 2 ~~4~~ years after the date of
12 issuance or upon the expiration date cited on the United
13 States Department of Justice documents, whichever date first
14 occurs, and may not be renewed or obtain a duplicate except in
15 person.

16 (3) ~~If in the event~~ an identification card issued
17 under this section is lost, destroyed, or mutilated or a new
18 name is acquired, the person to whom it was issued may obtain
19 a duplicate upon furnishing satisfactory proof of such fact to
20 the department and upon payment of a fee of ~~\$10~~~~\$2.50~~ for such
21 duplicate, \$2.50 of which shall be deposited into the General
22 Revenue Fund and \$7.50 into the Highway Safety Operating Trust
23 Fund. The fee which shall include payment for the color
24 photograph or digital image of the applicant. Any person who
25 loses an identification card and who, after obtaining a
26 duplicate, finds the original card shall immediately surrender
27 the original card to the department. The same documentary
28 evidence shall be furnished for a duplicate as for an original
29 identification card.

30 Section 3. Subsections (1) and (2) and paragraph (a)
31 of subsection (5) of section 322.12, Florida Statutes, are

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1 amended to read:

2 322.12 Examination of applicants.--

3 (1) It is the intent of the Legislature that every
4 applicant for an original driver's license in this state be
5 required to pass an examination pursuant to this section.
6 However, the department may waive the knowledge, endorsement,
7 and skills tests for an applicant who is otherwise qualified
8 and who surrenders a valid driver's license from another state
9 or a province of Canada, or a valid driver's license issued by
10 the United States Armed Forces, if the driver applies for a
11 Florida license of an equal or lesser classification. Any
12 applicant who fails to pass the initial knowledge test will
13 incur a \$5 fee for each subsequent test, to be deposited into
14 the Highway Safety Operating Trust Fund. Any applicant who
15 fails to pass the initial skills test will incur a \$10 fee for
16 each subsequent test, to be deposited into the Highway Safety
17 Operating Trust Fund. A person who seeks to retain a
18 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
19 must pass the hazardous-materials test, upon surrendering his
20 or her commercial driver's license, if the person has not
21 taken and passed the hazardous-materials test within 2 years
22 preceding his or her application for a commercial driver's
23 license in this state.

24 (2) The department shall examine every applicant for a
25 driver's license, including an applicant who is licensed in
26 another state or country, except as otherwise provided in this
27 chapter. A person who holds a learner's driver's license as
28 provided for in s. 322.1615 is not required to pay a fee for
29 successfully completing the examination showing his or her
30 ability to operate a motor vehicle as provided for herein and
31 need not pay the fee for a replacement license as provided in

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1 ~~s. 322.17(2). Any person who applies for reinstatement~~
2 ~~following the suspension or revocation of his or her driver's~~
3 ~~license shall pay a service fee of \$25 following a suspension,~~
4 ~~and \$50 following a revocation, which is in addition to the~~
5 ~~fee for a license. Any person who applies for reinstatement of~~
6 ~~a commercial driver's license following the disqualification~~
7 ~~of his or her privilege to operate a commercial motor vehicle~~
8 ~~shall pay a service fee of \$50, which is in addition to the~~
9 ~~fee for a license. The department shall collect all of these~~
10 ~~fees at the time of reinstatement. The department shall issue~~
11 ~~proper receipts for such fees and shall promptly transmit all~~
12 ~~funds received by it as follows:~~

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

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

21
22 ~~If the revocation or suspension of the driver's license was~~
23 ~~for a violation of s. 316.193, or for refusal to submit to a~~
24 ~~lawful breath, blood, or urine test, an additional fee of \$105~~
25 ~~must be charged. However, only one such \$105 fee is to be~~
26 ~~collected from one person convicted of such violations arising~~
27 ~~out of the same incident. The department shall collect the~~
28 ~~\$105 fee and deposit it into the Highway Safety Operating~~
29 ~~Trust Fund at the time of reinstatement of the person's~~
30 ~~driver's license, but the fee must not be collected if the~~
31 ~~suspension or revocation was overturned.~~

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

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1 operate a motorcycle.

2 Section 4. Subsection (8) is added to section 322.21,
3 Florida Statutes, to read:

4 322.21 License fees; procedure for handling and
5 collecting fees.--

6 (8) Any person who applies for reinstatement following
7 the suspension or revocation of the person's driver's license
8 shall pay a service fee of \$35 following a suspension, and \$60
9 following a revocation, which is in addition to the fee for a
10 license. Any person who applies for reinstatement of a
11 commercial driver's license following the disqualification of
12 the person's privilege to operate a commercial motor vehicle
13 shall pay a service fee of \$60, which is in addition to the
14 fee for a license. The department shall collect all of these
15 fees at the time of reinstatement. The department shall issue
16 proper receipts for such fees and shall promptly transmit all
17 funds received by it as follows:

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

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

26
27 If the revocation or suspension of the driver's license was
28 for a violation of s. 316.193, or for refusal to submit to a
29 lawful breath, blood, or urine test, an additional fee of \$115
30 must be charged. However, only one \$115 fee may be collected
31 from one person convicted of violations arising out of the

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1 same incident. The department shall collect the \$115 fee and
2 deposit the fee into the Highway Safety Operating Trust Fund
3 at the time of reinstatement of the person's driver's license,
4 but the fee may not be collected if the suspension or
5 revocation is overturned.

6 Section 5. Subsection (4) of section 322.251, Florida
7 Statutes, is amended to read:

8 322.251 Notice of cancellation, suspension,
9 revocation, or disqualification of license.--

10 (4) A person whose privilege to operate a commercial
11 motor vehicle is temporarily disqualified may, upon
12 surrendering his or her commercial driver's license, be issued
13 a Class D or Class E driver's license, valid for the length of
14 his or her unexpired commercial driver's license, at no cost.
15 Such person may, upon the completion of his or her
16 disqualification, be issued a commercial driver's license, of
17 the type disqualified, for the remainder of his or her
18 unexpired license period. Any such person shall pay the
19 reinstatement fee provided in s. 322.21 ~~s. 322.12~~ before being
20 issued a commercial driver's license.

21 Section 6. Subsection (2) of section 322.29, Florida
22 Statutes, is amended to read:

23 322.29 Surrender and return of license.--

24 (2) The provisions of subsection (1) to the contrary
25 notwithstanding, no examination is required for the return of
26 a license suspended under s. 318.15 or s. 322.245 unless an
27 examination is otherwise required by this chapter. Every
28 person applying for the return of a license suspended under s.
29 318.15 or s. 322.245 shall present to the department
30 certification from the court that he or she has complied with
31 all obligations and penalties imposed on him or her pursuant

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1 to s. 318.15 or, in the case of a suspension pursuant to s.
 2 322.245, that he or she has complied with all directives of
 3 the court and the requirements of s. 322.245 and shall pay to
 4 the department a nonrefundable service fee of \$35, of which
 5 \$25 shall be deposited into the General Revenue Fund and \$10
 6 shall be deposited into the Highway Safety Operating Trust
 7 Fund~~\$25~~. If reinstated by the clerk of the court or tax
 8 collector, \$25 shall be retained and \$10 shall be remitted to
 9 the Department of Revenue for deposit into the Highway Safety
 10 Operating Trust Fund. However, the service fee is not required
 11 if the person is required to pay a ~~\$35~~\$25 fee or ~~\$60~~\$50 fee
 12 under the provisions of s. 322.21 ~~s. 322.12(2)~~.

13 Section 7. If any law that is amended by this act was
 14 also amended by a law enacted at the 2003 Regular Session of
 15 the Legislature, such laws shall be construed as if they had
 16 been enacted during the same session of the Legislature, and
 17 full effect should be given to each if that is possible.

18 Section 8. This act shall take effect October 1, 2003.
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 20

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

22 And the title is amended as follows:

23 Delete everything before the enacting clause
 24

25 and insert:

26 A bill to be entitled
 27 An act relating to motor vehicles; amending s.
 28 318.15, F.S.; providing for driver's license
 29 reinstatement; providing for disposition of
 30 fees; amending s. 322.051, F.S.; revising fees;
 31 amending s. 322.12, F.S.; revising provisions

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1 relating to the subsequent testing of driving
2 knowledge and skills; amending s. 322.21, F.S.;
3 providing driver's license reinstatement fees;
4 providing for fee distribution; amending s.
5 322.251, F.S.; providing a conforming change;
6 amending s. 322.29, F.S.; providing driver's
7 license reinstatement fees; providing for fee
8 distribution; providing for construction of the
9 act in pari materia with laws enacted during
10 the Regular Session of the Legislature;
11 providing an effective date.

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