

By Senator Webster

9-2586-03

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 318.15, F.S.; providing for driver's license
4 reinstatement; providing for disposition of
5 fees; amending s. 322.051, F.S.; revising fees;
6 providing that the requirement for a fullface
7 photograph or digital image on an
8 identification card may not be waived under ch.
9 761, F.S.; amending s. 322.12, F.S.; revising
10 provisions relating to the subsequent testing
11 of driving knowledge and skills; amending s.
12 322.142, F.S.; providing that the requirement
13 for a fullface photograph or digital image on a
14 driver's license may not be waived under ch.
15 761, F.S.; amending s. 322.17, F.S.; revising
16 provisions relating to the application for a
17 replacement or duplicate driver's license;
18 amending s. 322.21, F.S.; providing driver's
19 license reinstatement fees; providing for fee
20 distribution; amending s. 322.251, F.S.;
21 providing a conforming change; amending s.
22 322.29, F.S.; providing driver's license
23 reinstatement fees; providing for fee
24 distribution; providing for construction of the
25 act in pari materia with laws enacted during
26 the Regular Session of the Legislature;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (2) of section 318.15, Florida
2 Statutes, is amended to read:

3 318.15 Failure to comply with civil penalty or to
4 appear; penalty.--

5 (2) After suspension of the driver's license and
6 privilege to drive of a person under subsection (1), the
7 license and privilege may not be reinstated until the person
8 complies with all obligations and penalties imposed on him or
9 her under s. 318.18 and presents to a driver license office a
10 certificate of compliance issued by the court, ~~together~~ with
11 the ~~\$35~~\$25 nonrefundable service fee imposed under s. 322.29,
12 or presents the certificate of compliance and pays the
13 aforementioned ~~\$35~~\$25 service fee to the clerk of the court
14 or tax collector clearing such suspension, with \$10 of the fee
15 collected by the clerk of the court or tax collector to be
16 remitted to the Department of Revenue to be deposited into the
17 Highway Safety Operating Trust Fund. Such person shall also be
18 in compliance with requirements of chapter 322 prior to
19 reinstatement.

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

23 322.051 Identification cards.--

24 (2)(a) Every identification card shall expire, unless
25 canceled earlier, on the fourth birthday of the applicant
26 following the date of original issue. However, if an
27 individual is 60 years of age or older, and has an
28 identification card issued under this section, the card shall
29 not expire unless done so by cancellation by the department or
30 by the death of the cardholder. Renewal of any identification
31 card shall be made for a term which shall expire on the fourth

1 birthday of the applicant following expiration of the
2 identification card renewed, unless surrendered earlier. Any
3 application for renewal received later than 90 days after
4 expiration of the identification card shall be considered the
5 same as an application for an original identification card.
6 The renewal fee for an identification card shall be \$10, of
7 which \$4 shall be deposited into the General Revenue Fund and
8 \$6 into the Highway Safety Operating Trust Fund~~\$3~~. The
9 department shall, at the end of 4 years and 6 months after the
10 issuance or renewal of an identification card, destroy any
11 record of the card if it has expired and has not been renewed,
12 unless the cardholder is 60 years of age or older.

13 (b) Notwithstanding any other provision of this
14 chapter, if an applicant establishes his or her identity for
15 an identification card using a document authorized under
16 sub-subparagraph (a)3.d., the identification card shall expire
17 on the fourth birthday of the applicant following the date of
18 original issue or upon first renewal or duplicate issued after
19 implementation of this section. After an initial showing of
20 such documentation, he or she is exempted from having to renew
21 or obtain a duplicate in person.

22 (c) Notwithstanding any other provisions of this
23 chapter, if an applicant establishes his or her identity for
24 an identification card using an identification document
25 authorized under sub-subparagraphs (a)3.e.-f., the
26 identification card shall expire 2 ~~4~~ years after the date of
27 issuance or upon the expiration date cited on the United
28 States Department of Justice documents, whichever date first
29 occurs, and may not be renewed or obtain a duplicate except in
30 person.

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1 (3) ~~If in the event~~ an identification card issued
2 under this section is lost, destroyed, or mutilated or a new
3 name is acquired, the person to whom it was issued may obtain
4 a duplicate upon furnishing satisfactory proof of such fact to
5 the department and upon payment of a fee of ~~\$10~~\$2.50 for such
6 duplicate, \$2.50 of which shall be deposited into the General
7 Revenue Fund and \$7.50 into the Highway Safety Operating Trust
8 Fund. The fee which shall include payment for the color
9 photograph or digital image of the applicant. Any person who
10 loses an identification card and who, after obtaining a
11 duplicate, finds the original card shall immediately surrender
12 the original card to the department. The same documentary
13 evidence shall be furnished for a duplicate as for an original
14 identification card.

15 (8) The department shall, upon receipt of the required
16 fee, issue to each qualified applicant for an identification
17 card a color photographic or digital image identification card
18 bearing a fullface photograph or digital image of the
19 identification cardholder. Notwithstanding chapter 761 or s.
20 761.05, the requirement for a fullface photograph or digital
21 image of the identification cardholder may not be waived. A
22 space shall be provided upon which the identification
23 cardholder shall affix his or her usual signature, as required
24 in s. 322.14, in the presence of an authorized agent of the
25 department to ensure that the signature becomes a part of the
26 identification card.

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

30 322.12 Examination of applicants.--
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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 may waive the knowledge, endorsement,
5 and skills tests for an applicant who is otherwise qualified
6 and who surrenders a valid driver's license from another state
7 or a province of Canada, or a valid driver's license issued by
8 the United States Armed Forces, if the driver applies for a
9 Florida license of an equal or lesser classification. Any
10 applicant who fails to pass the initial knowledge test will
11 incur a \$5 fee for each subsequent test, to be deposited into
12 the Highway Safety Operating Trust Fund. Any applicant who
13 fails to pass the initial skills test will incur a \$10 fee for
14 each subsequent test, to be deposited into the Highway Safety
15 Operating Trust Fund.A person who seeks to retain a
16 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
17 must pass the hazardous-materials test, upon surrendering his
18 or her commercial driver's license, if the person has not
19 taken and passed the hazardous-materials test within 2 years
20 preceding his or her application for a commercial driver's
21 license in this state.

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

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

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

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

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

30 (5)(a) The department shall formulate a separate
31 examination for applicants for licenses to operate

1 motorcycles. Any applicant for a driver's license who wishes
2 to operate a motorcycle, and who is otherwise qualified, must
3 successfully complete such an examination, which is in
4 addition to the examination administered under subsection (3).
5 The examination must test the applicant's knowledge of the
6 operation of a motorcycle and of any traffic laws specifically
7 relating thereto and must include an actual demonstration of
8 his or her ability to exercise ordinary and reasonable control
9 in the operation of a motorcycle. Any applicant who fails to
10 pass the initial knowledge examination will incur a \$5 fee for
11 each subsequent examination, to be deposited into the Highway
12 Safety Operating Trust Fund. Any applicant who fails to pass
13 the initial skills examination will incur a \$10 fee for each
14 subsequent examination, to be deposited into the Highway
15 Safety Operating Trust Fund. In the formulation of the
16 examination, the department shall consider the use of the
17 Motorcycle Operator Skills Test and the Motorcycle in Traffic
18 Test offered by the Motorcycle Safety Foundation. The
19 department shall indicate on the license of any person who
20 successfully completes the examination that the licensee is
21 authorized to operate a motorcycle. If the applicant wishes
22 to be licensed to operate a motorcycle only, he or she need
23 not take the skill or road test required under subsection (3)
24 for the operation of a motor vehicle, and the department shall
25 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 Section 4. Subsection (1) of section 322.142, Florida
2 Statutes, is amended to read:

3 322.142 Color photographic or digital imaged
4 licenses.--

5 (1) The department shall, upon receipt of the required
6 fee, issue to each qualified applicant for a ~~an original~~
7 driver's license a color photographic or digital imaged
8 driver's license bearing a fullface photograph or digital
9 image of the licensee. Notwithstanding chapter 761 or s.
10 761.05, the requirement for a fullface photograph or digital
11 image of the licensee may not be waived.A space shall be
12 provided upon which the licensee shall affix his or her usual
13 signature, as required in s. 322.14, in the presence of an
14 authorized agent of the department so as to ensure that such
15 signature becomes a part of the license.

16 Section 5. Subsection (2) of section 322.17, Florida
17 Statutes, is amended to read:

18 322.17 Duplicate and replacement certificates.--

19 (2) Upon the surrender of the original license and the
20 payment of a \$10 replacement fee, the department shall issue a
21 replacement license to make a change in name, ~~address, or~~
22 restrictions. Upon request by the licensee and notification of
23 a change in address, the department shall issue a replacement
24 license or address sticker.~~Upon written request by the~~
25 ~~licensee and notification of a change in address, and the~~
26 ~~payment of a \$10 fee, the department shall issue an address~~
27 ~~sticker which shall be affixed to the back of the license by~~
28 ~~the licensee.~~Nine dollars of the fee levied in this
29 subsection shall go to the Highway Safety Operating Trust Fund
30 of the department.

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1 Section 6. Subsection (8) is added to section 322.21,
2 Florida Statutes, to read:

3 322.21 License fees; procedure for handling and
4 collecting fees.--

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

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

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

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

1 deposit the fee into the Highway Safety Operating Trust Fund
2 at the time of reinstatement of the person's driver's license,
3 but the fee may not be collected if the suspension or
4 revocation is overturned.

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

7 322.251 Notice of cancellation, suspension,
8 revocation, or disqualification of license.--

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

20 Section 8. Subsection (2) of section 322.29, Florida
21 Statutes, is amended to read:

22 322.29 Surrender and return of license.--

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

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

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

17 Section 10. This act shall take effect October 1,
18 2003.

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21 SENATE SUMMARY

22 Revises provisions relating to driver's licenses.
23 Provides for reinstating licenses. Prohibits the waiver
24 of a requirement that fullface images be on driver's
25 licenses or identification cards. Revises provisions
relating to subsequent testing for licenses and for
applying for replacement of duplicate licenses. Revises
several fees and provides for their distribution.