

By the Committee on Appropriations; and Senator Webster

309-2620-03

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 amending s. 322.12, F.S.; revising provisions
7 relating to the subsequent testing of driving
8 knowledge and skills; amending s. 322.17, F.S.;
9 revising provisions relating to the application
10 for a replacement or duplicate driver's
11 license; amending s. 322.21, F.S.; providing
12 driver's license reinstatement fees; providing
13 for fee distribution; amending s. 322.251,
14 F.S.; providing a conforming change; amending
15 s. 322.29, F.S.; providing driver's license
16 reinstatement fees; providing for fee
17 distribution; providing for construction of the
18 act in pari materia with laws enacted during
19 the Regular Session of the Legislature;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 318.15 Failure to comply with civil penalty or to
27 appear; penalty.--

28 (2) After suspension of the driver's license and
29 privilege to drive of a person under subsection (1), the
30 license and privilege may not be reinstated until the person
31 complies with all obligations and penalties imposed on him or

1 her under s. 318.18 and presents to a driver license office a
2 certificate of compliance issued by the court, ~~together~~ with
3 the ~~\$35~~\$25 nonrefundable service fee imposed under s. 322.29,
4 or presents the certificate of compliance and pays the
5 aforementioned~~\$35~~\$25 service fee to the clerk of the court
6 or tax collector clearing such suspension, with \$10 of the fee
7 collected by the clerk of the court or tax collector to be
8 remitted to the Department of Revenue to be deposited into the
9 Highway Safety Operating Trust Fund. Such person shall also be
10 in compliance with requirements of chapter 322 prior to
11 reinstatement.

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

14 322.051 Identification cards.--

15 (2)(a) Every identification card shall expire, unless
16 canceled earlier, on the fourth birthday of the applicant
17 following the date of original issue. However, if an
18 individual is 60 years of age or older, and has an
19 identification card issued under this section, the card shall
20 not expire unless done so by cancellation by the department or
21 by the death of the cardholder. Renewal of any identification
22 card shall be made for a term which shall expire on the fourth
23 birthday of the applicant following expiration of the
24 identification card renewed, unless surrendered earlier. Any
25 application for renewal received later than 90 days after
26 expiration of the identification card shall be considered the
27 same as an application for an original identification card.
28 The renewal fee for an identification card shall be \$10, of
29 which \$4 shall be deposited into the General Revenue Fund and
30 \$6 into the Highway Safety Operating Trust Fund~~\$3~~. The
31 department shall, at the end of 4 years and 6 months after the

1 issuance or renewal of an identification card, destroy any
2 record of the card if it has expired and has not been renewed,
3 unless the cardholder is 60 years of age or older.

4 (b) Notwithstanding any other provision of this
5 chapter, if an applicant establishes his or her identity for
6 an identification card using a document authorized under
7 sub-subparagraph (a)3.d., the identification card shall expire
8 on the fourth birthday of the applicant following the date of
9 original issue or upon first renewal or duplicate issued after
10 implementation of this section. After an initial showing of
11 such documentation, he or she is exempted from having to renew
12 or obtain a duplicate in person.

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

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

1 duplicate, finds the original card shall immediately surrender
2 the original card to the department. The same documentary
3 evidence shall be furnished for a duplicate as for an original
4 identification card.

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

8 322.12 Examination of applicants.--

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

30 (2) The department shall examine every applicant for a
31 driver's license, including an applicant who is licensed in

1 another state or country, except as otherwise provided in this
2 chapter. A person who holds a learner's driver's license as
3 provided for in s. 322.1615 is not required to pay a fee for
4 successfully completing the examination showing his or her
5 ability to operate a motor vehicle as provided for herein and
6 need not pay the fee for a replacement license as provided in
7 s. 322.17(2). ~~Any person who applies for reinstatement~~
8 ~~following the suspension or revocation of his or her driver's~~
9 ~~license shall pay a service fee of \$25 following a suspension,~~
10 ~~and \$50 following a revocation, which is in addition to the~~
11 ~~fee for a license. Any person who applies for reinstatement of~~
12 ~~a commercial driver's license following the disqualification~~
13 ~~of his or her privilege to operate a commercial motor vehicle~~
14 ~~shall pay a service fee of \$50, which is in addition to the~~
15 ~~fee for a license. The department shall collect all of these~~
16 ~~fees at the time of reinstatement. The department shall issue~~
17 ~~proper receipts for such fees and shall promptly transmit all~~
18 ~~funds received by it as follows:~~

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

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

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 shall collect the~~
3 ~~\$105 fee and deposit it into the Highway Safety Operating~~
4 ~~Trust Fund at the time of reinstatement of the person's~~
5 ~~driver's license, but the fee must not be collected if the~~
6 ~~suspension or revocation was overturned.~~

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

1 for the operation of a motor vehicle, and the department shall
2 indicate such a limitation on his or her license as a
3 restriction. Every first-time applicant for licensure to
4 operate a motorcycle who is under 21 years of age must provide
5 proof of completion of a motorcycle safety course, as provided
6 for in s. 322.0255, before the applicant may be licensed to
7 operate a motorcycle.

8 Section 4. Subsection (2) of section 322.17, Florida
9 Statutes, is amended to read:

10 322.17 Duplicate and replacement certificates.--

11 (2) Upon the surrender of the original license and the
12 payment of a \$10 replacement fee, the department shall issue a
13 replacement license to make a change in name, ~~address, or~~
14 restrictions. Upon request by the licensee and notification of
15 a change in address, the department shall issue a replacement
16 license or address sticker.~~Upon written request by the~~
17 ~~licensee and notification of a change in address, and the~~
18 ~~payment of a \$10 fee, the department shall issue an address~~
19 ~~sticker which shall be affixed to the back of the license by~~
20 ~~the licensee.~~Nine dollars of the fee levied in this
21 subsection shall go to the Highway Safety Operating Trust Fund
22 of the department.

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

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

27 (8) Any person who applies for reinstatement following
28 the suspension or revocation of the person's driver's license
29 shall pay a service fee of \$35 following a suspension, and \$60
30 following a revocation, which is in addition to the fee for a
31 license. Any person who applies for reinstatement of a

1 commercial driver's license following the disqualification of
2 the person's privilege to operate a commercial motor vehicle
3 shall pay a service fee of \$60, which is in addition to the
4 fee for a license. The department shall collect all of these
5 fees at the time of reinstatement. The department shall issue
6 proper receipts for such fees and shall promptly transmit all
7 funds received by it as follows:

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

12 (b) Of the \$60 fee received from a licensee for
13 reinstatement following a revocation or disqualification, the
14 department shall deposit \$35 in the General Revenue Fund and
15 \$25 in the Highway Safety Operating Trust Fund.

16
17 If the revocation or suspension of the driver's license was
18 for a violation of s. 316.193, or for refusal to submit to a
19 lawful breath, blood, or urine test, an additional fee of \$115
20 must be charged. However, only one \$115 fee may be collected
21 from one person convicted of violations arising out of the
22 same incident. The department shall collect the \$115 fee and
23 deposit the fee into the Highway Safety Operating Trust Fund
24 at the time of reinstatement of the person's driver's license,
25 but the fee may not be collected if the suspension or
26 revocation is overturned.

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

29 322.251 Notice of cancellation, suspension,
30 revocation, or disqualification of license.--

31

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

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

14 322.29 Surrender and return of license.--

15 (2) The provisions of subsection (1) to the contrary
16 notwithstanding, no examination is required for the return of
17 a license suspended under s. 318.15 or s. 322.245 unless an
18 examination is otherwise required by this chapter. Every
19 person applying for the return of a license suspended under s.
20 318.15 or s. 322.245 shall present to the department
21 certification from the court that he or she has complied with
22 all obligations and penalties imposed on him or her pursuant
23 to s. 318.15 or, in the case of a suspension pursuant to s.
24 322.245, that he or she has complied with all directives of
25 the court and the requirements of s. 322.245 and shall pay to
26 the department a nonrefundable service fee of \$35, of which
27 \$25 shall be deposited into the General Revenue Fund and \$10
28 shall be deposited into the Highway Safety Operating Trust
29 Fund~~\$25~~. If reinstated by the clerk of the court or tax
30 collector, \$25 shall be retained and \$10 shall be remitted to
31 the Department of Revenue for deposit into the Highway Safety

1 Operating Trust Fund. However, the service fee is not required
2 if the person is required to pay a ~~\$35~~^{\$25} fee or ~~\$60~~^{\$50} fee
3 under the provisions of s. 322.21 ~~s. 322.12(2)~~.

4 Section 8. If any law that is amended by this act was
5 also amended by a law enacted at the 2003 Regular Session of
6 the Legislature, such laws shall be construed as if they had
7 been enacted during the same session of the Legislature, and
8 full effect should be given to each if that is possible.

9 Section 9. This act shall take effect October 1, 2003.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 26-A

14 The committee substitute removes a provision that would have
15 prohibited the waiver of the requirement for a full-face
16 photograph or image of a driver licensee or identification
17 card holder.
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