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A bill to be entitled

An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revising fees; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.17, F.S.; revising provisions relating to the application for a replacement or duplicate driver's license; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

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

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.--



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30 (2) After suspension of the driver's license and privilege
 31 to drive of a person under subsection (1), the license and
 32 privilege may not be reinstated until the person complies with
 33 all obligations and penalties imposed on him or her under s.
 34 318.18 and presents to a driver license office a certificate of
 35 compliance issued by the court, ~~together~~ with the \$35 ~~\$25~~
 36 nonrefundable service fee imposed under s. 322.29, or presents
 37 the certificate of compliance and pays the aforementioned \$35
 38 \$25 service fee to the clerk of the court or tax collector
 39 clearing such suspension, with \$10 of the fee collected by the
 40 clerk of the court or tax collector to be remitted to the
 41 Department of Revenue to be deposited into the Highway Safety
 42 Operating Trust Fund. Such person shall also be in compliance
 43 with requirements of chapter 322 prior to reinstatement.

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

47 322.051 Identification cards.--

48 (2)(a) Every identification card shall expire, unless
 49 canceled earlier, on the fourth birthday of the applicant
 50 following the date of original issue. However, if an individual
 51 is 60 years of age or older, and has an identification card
 52 issued under this section, the card shall not expire unless done
 53 so by cancellation by the department or by the death of the
 54 cardholder. Renewal of any identification card shall be made
 55 for a term which shall expire on the fourth birthday of the
 56 applicant following expiration of the identification card
 57 renewed, unless surrendered earlier. Any application for
 58 renewal received later than 90 days after expiration of the
 59 identification card shall be considered the same as an



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60 application for an original identification card. The renewal
61 fee for an identification card shall be \$10, of which \$4 shall
62 be deposited into the General Revenue Fund and \$6 into the
63 Highway Safety Operating Trust Fund ~~\$3~~. The department shall, at
64 the end of 4 years and 6 months after the issuance or renewal of
65 an identification card, destroy any record of the card if it has
66 expired and has not been renewed, unless the cardholder is 60
67 years of age or older.

68 (b) Notwithstanding any other provision of this chapter,
69 if an applicant establishes his or her identity for an
70 identification card using a document authorized under sub-
71 subparagraph (a)3.d., the identification card shall expire on
72 the fourth birthday of the applicant following the date of
73 original issue or upon first renewal or duplicate issued after
74 implementation of this section. After an initial showing of such
75 documentation, he or she is exempted from having to renew or
76 obtain a duplicate in person.

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

85 (3) ~~If in the event~~ an identification card issued under
86 this section is lost, destroyed, or mutilated or a new name is
87 acquired, the person to whom it was issued may obtain a
88 duplicate upon furnishing satisfactory proof of such fact to the
89 department and upon payment of a fee of \$10 ~~\$2.50~~ for such



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90 duplicate, \$2.50 of which shall be deposited into the General
91 Revenue Fund and \$7.50 into the Highway Safety Operating Trust
92 Fund. The fee ~~which~~ shall include payment for the color
93 photograph or digital image of the applicant. Any person who
94 loses an identification card and who, after obtaining a
95 duplicate, finds the original card shall immediately surrender
96 the original card to the department. The same documentary
97 evidence shall be furnished for a duplicate as for an original
98 identification card.

99 (8) The department shall, upon receipt of the required
100 fee, issue to each qualified applicant for an identification
101 card a color photographic or digital image identification card
102 bearing a fullface photograph or digital image of the
103 identification cardholder. Notwithstanding chapter 761 or s.
104 761.05, the requirement for a fullface photograph or digital
105 image of the identification cardholder may not be waived. A
106 space shall be provided upon which the identification cardholder
107 shall affix his or her usual signature, as required in s.
108 322.14, in the presence of an authorized agent of the department
109 to ensure that the signature becomes a part of the
110 identification card.

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

114 322.12 Examination of applicants.--

115 (1) It is the intent of the Legislature that every
116 applicant for an original driver's license in this state be
117 required to pass an examination pursuant to this section.
118 However, the department may waive the knowledge, endorsement,
119 and skills tests for an applicant who is otherwise qualified and



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120 who surrenders a valid driver's license from another state or a
121 province of Canada, or a valid driver's license issued by the
122 United States Armed Forces, if the driver applies for a Florida
123 license of an equal or lesser classification. Any applicant who
124 fails to pass the initial knowledge test will incur a \$5 fee for
125 each subsequent test, to be deposited into the Highway Safety
126 Operating Trust Fund. Any applicant who fails to pass the
127 initial skills test will incur a \$10 fee for each subsequent
128 test, to be deposited into the Highway Safety Operating Trust
129 Fund. A person who seeks to retain a hazardous-materials
130 endorsement, pursuant to s. 322.57(1)(d), must pass the
131 hazardous-materials test, upon surrendering his or her
132 commercial driver's license, if the person has not taken and
133 passed the hazardous-materials test within 2 years preceding his
134 or her application for a commercial driver's license in this
135 state.

136 (2) The department shall examine every applicant for a
137 driver's license, including an applicant who is licensed in
138 another state or country, except as otherwise provided in this
139 chapter. A person who holds a learner's driver's license as
140 provided for in s. 322.1615 is not required to pay a fee for
141 successfully completing the examination showing his or her
142 ability to operate a motor vehicle as provided for herein and
143 need not pay the fee for a replacement license as provided in s.
144 322.17(2). ~~Any person who applies for reinstatement following~~
145 ~~the suspension or revocation of his or her driver's license~~
146 ~~shall pay a service fee of \$25 following a suspension, and \$50~~
147 ~~following a revocation, which is in addition to the fee for a~~
148 ~~license. Any person who applies for reinstatement of a~~
149 ~~commercial driver's license following the disqualification of~~



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150 ~~his or her privilege to operate a commercial motor vehicle shall~~
151 ~~pay a service fee of \$50, which is in addition to the fee for a~~
152 ~~license. The department shall collect all of these fees at the~~
153 ~~time of reinstatement. The department shall issue proper~~
154 ~~receipts for such fees and shall promptly transmit all funds~~
155 ~~received by it as follows:~~

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

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

164
165 ~~If the revocation or suspension of the driver's license was for~~
166 ~~a violation of s. 316.193, or for refusal to submit to a lawful~~
167 ~~breath, blood, or urine test, an additional fee of \$105 must be~~
168 ~~charged. However, only one such \$105 fee is to be collected~~
169 ~~from one person convicted of such violations arising out of the~~
170 ~~same incident. The department shall collect the \$105 fee and~~
171 ~~deposit it into the Highway Safety Operating Trust Fund at the~~
172 ~~time of reinstatement of the person's driver's license, but the~~
173 ~~fee must not be collected if the suspension or revocation was~~
174 ~~overturned.~~

175 (5)(a) The department shall formulate a separate
176 examination for applicants for licenses to operate motorcycles.

177 Any applicant for a driver's license who wishes to operate a
178 motorcycle, and who is otherwise qualified, must successfully
179 complete such an examination, which is in addition to the



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

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

208 322.142 Color photographic or digital imaged licenses.--



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209 (1) The department shall, upon receipt of the required
210 fee, issue to each qualified applicant for a ~~an original~~
211 driver's license a color photographic or digital imaged driver's
212 license bearing a fullface photograph or digital image of the
213 licensee. Notwithstanding chapter 761 or s. 761.05, the
214 requirement for a fullface photograph or digital image of the
215 licensee may not be waived. A space shall be provided upon which
216 the licensee shall affix his or her usual signature, as required
217 in s. 322.14, in the presence of an authorized agent of the
218 department so as to ensure that such signature becomes a part of
219 the license.

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

222 322.17 Duplicate and replacement certificates.--

223 (2) Upon the surrender of the original license and the
224 payment of a \$10 replacement fee, the department shall issue a
225 replacement license to make a change in name, ~~address,~~ or
226 restrictions. Upon request by the licensee and notification of a
227 change in address, the department shall issue a replacement
228 license or address sticker. ~~Upon written request by the licensee~~
229 ~~and notification of a change in address, and the payment of a~~
230 ~~\$10 fee, the department shall issue an address sticker which~~
231 ~~shall be affixed to the back of the license by the licensee.~~
232 Nine dollars of the fee levied in this subsection shall go to
233 the Highway Safety Operating Trust Fund of the department.

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

236 322.21 License fees; procedure for handling and collecting
237 fees.--



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238 (8) Any person who applies for reinstatement following the
239 suspension or revocation of the person's driver's license shall
240 pay a service fee of \$35 following a suspension, and \$60
241 following a revocation, which is in addition to the fee for a
242 license. Any person who applies for reinstatement of a
243 commercial driver's license following the disqualification of
244 the person's privilege to operate a commercial motor vehicle
245 shall pay a service fee of \$60, which is in addition to the fee
246 for a license. The department shall collect all of these fees at
247 the time of reinstatement. The department shall issue proper
248 receipts for such fees and shall promptly transmit all funds
249 received by it as follows:

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

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

258
259 If the revocation or suspension of the driver's license was for
260 a violation of s. 316.193, or for refusal to submit to a lawful
261 breath, blood, or urine test, an additional fee of \$115 must be
262 charged. However, only one \$115 fee may be collected from one
263 person convicted of violations arising out of the same incident.
264 The department shall collect the \$115 fee and deposit the fee
265 into the Highway Safety Operating Trust Fund at the time of
266 reinstatement of the person's driver's license, but the fee may
267 not be collected if the suspension or revocation is overturned.



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

270 322.251 Notice of cancellation, suspension, revocation, or
 271 disqualification of license.--

272 (4) A person whose privilege to operate a commercial motor
 273 vehicle is temporarily disqualified may, upon surrendering his
 274 or her commercial driver's license, be issued a Class D or Class
 275 E driver's license, valid for the length of his or her unexpired
 276 commercial driver's license, at no cost. Such person may, upon
 277 the completion of his or her disqualification, be issued a
 278 commercial driver's license, of the type disqualified, for the
 279 remainder of his or her unexpired license period. Any such
 280 person shall pay the reinstatement fee provided in s. 322.21 ~~s.~~
 281 ~~322.12~~ before being issued a commercial driver's license.

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

284 322.29 Surrender and return of license.--

285 (2) The provisions of subsection (1) to the contrary
 286 notwithstanding, no examination is required for the return of a
 287 license suspended under s. 318.15 or s. 322.245 unless an
 288 examination is otherwise required by this chapter. Every person
 289 applying for the return of a license suspended under s. 318.15
 290 or s. 322.245 shall present to the department certification from
 291 the court that he or she has complied with all obligations and
 292 penalties imposed on him or her pursuant to s. 318.15 or, in the
 293 case of a suspension pursuant to s. 322.245, that he or she has
 294 complied with all directives of the court and the requirements
 295 of s. 322.245 and shall pay to the department a nonrefundable
 296 service fee of \$35, of which \$25 shall be deposited into the
 297 General Revenue Fund and \$10 shall be deposited into the Highway



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298 Safety Operating Trust Fund ~~\$25~~. If reinstated by the clerk of
 299 the court or tax collector, \$25 shall be retained and \$10 shall
 300 be remitted to the Department of Revenue for deposit into the
 301 Highway Safety Operating Trust Fund. However, the service fee is
 302 not required if the person is required to pay a \$35 ~~\$25~~ fee or
 303 \$60 ~~\$50~~ fee under the provisions of s. 322.21 ~~s. 322.12(2)~~.

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

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