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1 A bill to be entitled

2 An act relating to motor vehicles; amending s. 318.15,  
3 F.S.; providing for driver's license reinstatement;  
4 providing for disposition of fees; amending s. 322.051,  
5 F.S.; revising fees; providing that the requirement for a  
6 fullface photograph or digital image on an identification  
7 card may not be waived under ch. 761, F.S.; amending s.  
8 322.12, F.S.; revising provisions relating to the  
9 subsequent testing of driving knowledge and skills;  
10 amending s. 322.142, F.S.; providing that the requirement  
11 for a fullface photograph or digital image on a driver's  
12 license may not be waived under ch. 761, F.S.; amending s.  
13 322.21, F.S.; providing driver license reinstatement fees;  
14 providing for fee distribution; amending s. 322.251, F.S.;  
15 providing a conforming change; amending s. 322.29, F.S.;  
16 providing driver's license reinstatement fees; providing  
17 for fee distribution; amending s. 316.614, F.S.; deleting  
18 requirement for enforcement of the Florida Safety Belt Law  
19 as a secondary action; providing a popular name;  
20 providing for construction of the act in pari materia with  
21 laws enacted during the Regular Session of the  
22 Legislature; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

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

28 318.15 Failure to comply with civil penalty or to appear;  
29 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~~



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 (8) is added to section 322.21,  
221 Florida Statutes, to read:

222 322.21 License fees; procedure for handling and collecting  
223 fees.--

224 (8) Any person who applies for reinstatement following the  
225 suspension or revocation of the person's driver's license shall  
226 pay a service fee of \$35 following a suspension, and \$60  
227 following a revocation, which is in addition to the fee for a  
228 license. Any person who applies for reinstatement of a  
229 commercial driver's license following the disqualification of  
230 the person's privilege to operate a commercial motor vehicle  
231 shall pay a service fee of \$60, which is in addition to the fee  
232 for a license. The department shall collect all of these fees at  
233 the time of reinstatement. The department shall issue proper  
234 receipts for such fees and shall promptly transmit all funds  
235 received by it as follows:

236 (a) Of the \$35 fee received from a licensee for  
237 reinstatement following a suspension, the department shall





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238 deposit \$15 in the General Revenue Fund and \$20 in the Highway  
 239 Safety Operating Trust Fund.

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

244  
 245 If the revocation or suspension of the driver's license was for  
 246 a violation of s. 316.193, or for refusal to submit to a lawful  
 247 breath, blood, or urine test, an additional fee of \$115 must be  
 248 charged. However, only one \$115 fee may be collected from one  
 249 person convicted of violations arising out of the same incident.  
 250 The department shall collect the \$115 fee and deposit the fee  
 251 into the Highway Safety Operating Trust Fund at the time of  
 252 reinstatement of the person's driver's license, but the fee may  
 253 not be collected if the suspension or revocation is overturned.

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

256 322.251 Notice of cancellation, suspension, revocation, or  
 257 disqualification of license.--

258 (4) A person whose privilege to operate a commercial motor  
 259 vehicle is temporarily disqualified may, upon surrendering his  
 260 or her commercial driver's license, be issued a Class D or Class  
 261 E driver's license, valid for the length of his or her unexpired  
 262 commercial driver's license, at no cost. Such person may, upon  
 263 the completion of his or her disqualification, be issued a  
 264 commercial driver's license, of the type disqualified, for the  
 265 remainder of his or her unexpired license period. Any such  
 266 person shall pay the reinstatement fee provided in s. 322.21 ~~s.~~  
 267 ~~322.12~~ before being issued a commercial driver's license.



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

270 322.29 Surrender and return of license.--

271 (2) The provisions of subsection (1) to the contrary  
 272 notwithstanding, no examination is required for the return of a  
 273 license suspended under s. 318.15 or s. 322.245 unless an  
 274 examination is otherwise required by this chapter. Every person  
 275 applying for the return of a license suspended under s. 318.15  
 276 or s. 322.245 shall present to the department certification from  
 277 the court that he or she has complied with all obligations and  
 278 penalties imposed on him or her pursuant to s. 318.15 or, in the  
 279 case of a suspension pursuant to s. 322.245, that he or she has  
 280 complied with all directives of the court and the requirements  
 281 of s. 322.245 and shall pay to the department a nonrefundable  
 282 service fee of \$35, of which \$25 shall be deposited into the  
 283 General Revenue Fund and \$10 shall be deposited into the Highway  
 284 Safety Operating Trust Fund \$25. If reinstated by the clerk of  
 285 the court or tax collector, \$25 shall be retained and \$10 shall  
 286 be remitted to the Department of Revenue for deposit into the  
 287 Highway Safety Operating Trust Fund. However, the service fee is  
 288 not required if the person is required to pay a \$35 ~~\$25~~ fee or  
 289 \$60 ~~\$50~~ fee under the provisions of s. 322.21 ~~s. 322.12(2)~~.

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

292 316.614 Safety belt usage.--

293 (8) Any person who violates the provisions of this section  
 294 commits a nonmoving violation, punishable as provided in chapter  
 295 318. ~~However, except for violations of s. 316.613, enforcement~~  
 296 ~~of this section by state or local law enforcement agencies must~~  
 297 ~~be accomplished only as a secondary action when a driver of a~~



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298 ~~motor vehicle has been detained for a suspected violation of~~  
299 ~~another section of this chapter, chapter 320, or chapter 322.~~

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

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

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