

By the Committee on Transportation; and Senator Sebesta

596-1982A-05

1 A bill to be entitled
2 An act relating to driver licenses and
3 identification cards; amending ss. 318.15 and
4 322.29, F.S.; providing for a reinstatement
5 charge rather than a service charge for issuing
6 a person's driver's license after reinstatement
7 of his or her license and driving privilege;
8 conforming provisions to changes made by the
9 act; amending s. 322.02, F.S.; deleting
10 legislative findings and intent with respect to
11 the delivery of limited driver license services
12 by county tax collectors; repealing s. 322.135,
13 F.S., relating to the authority of the
14 Department of Highway Safety and Motor Vehicles
15 to designate tax collectors to act as its
16 agents; creating s. 322.136, F.S.; requiring
17 that the department, by a specified date,
18 contract with a person or entity for the
19 provision of specified driver license services;
20 providing for an authorized agent of the
21 department to charge a service fee for each
22 transaction; prohibiting a service fee for
23 certain specified services; requiring that
24 employees of an authorized agent maintain the
25 confidentiality of personal information as
26 required by law; requiring authorized agents to
27 post a bond; requiring that the department
28 establish a quality assurance unit to monitor
29 the authorized agents; requiring an annual
30 report to the executive branch and legislative
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1 branch of government; providing effective
2 dates.

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

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6 Section 1. Effective January 1, 2009, subsection (2)
7 of section 318.15, Florida Statutes, is amended to read:

8 318.15 Failure to comply with civil penalty or to
9 appear; penalty.--

10 (2) After suspension of the driver's license and
11 privilege to drive of a person under subsection (1), the
12 license and privilege may not be reinstated until the person
13 complies with all obligations and penalties imposed on him or
14 her under s. 318.18 and presents to a driver license office a
15 certificate of compliance issued by the court, together with a
16 nonrefundable reinstatement ~~service~~ charge of up to \$47.50
17 imposed under s. 322.29, or presents a certificate of
18 compliance and pays the aforementioned reinstatement ~~service~~
19 charge of up to \$47.50 to the clerk of the court ~~or tax~~
20 ~~collector~~ clearing such suspension. Of the charge collected by
21 the clerk of the court ~~or the tax collector~~, \$10 shall be
22 remitted to the Department of Revenue to be deposited into the
23 Highway Safety Operating Trust Fund. Such person shall also be
24 in compliance with requirements of chapter 322 prior to
25 reinstatement.

26 Section 2. Effective January 1, 2009, section 322.02,
27 Florida Statutes, is amended to read:

28 322.02 ~~Legislative intent~~; Administration.--

29 ~~(1) The Legislature finds that over the past several~~
30 ~~years the department and individual county tax collectors have~~
31 ~~entered into contracts for the delivery of full and limited~~

1 ~~driver license services where such contractual relationships~~
2 ~~best served the public interest through state administration~~
3 ~~and enforcement and local government implementation. It is~~
4 ~~the intent of the Legislature that future interests and~~
5 ~~processes for developing and expanding the department's~~
6 ~~relationship with tax collectors through contractual~~
7 ~~relationships for the delivery of driver license services be~~
8 ~~achieved through the provisions of this chapter, thereby~~
9 ~~-serving best the public interest considering accountability,~~
10 ~~cost effectiveness, efficiency, responsiveness, and~~
11 ~~high quality service to the drivers in Florida.~~

12 (1)~~(2)~~ The Department of Highway Safety and Motor
13 Vehicles is charged with the administration and function of
14 enforcement of the provisions of this chapter.

15 (2)~~(3)~~ The department shall employ a director, who is
16 charged with the duty of serving as the executive officer of
17 the Division of Driver Licenses of the department insofar as
18 the administration of this chapter is concerned. He or she
19 shall be subject to the supervision and direction of the
20 department, and his or her official actions and decisions as
21 executive officer shall be conclusive unless the same are
22 superseded or reversed by the department or by a court of
23 competent jurisdiction.

24 (3)~~(4)~~ The department shall have the authority to
25 enter into reciprocal driver's license agreements with other
26 jurisdictions within the United States and its territories and
27 possessions and with foreign countries or political entities
28 equivalent to Florida state government within a foreign
29 country.

30 ~~(5) The tax collector in and for his or her county may~~
31 ~~be designated the exclusive agent of the department to~~

1 ~~implement and administer the provisions of this chapter as~~
2 ~~provided by s. 322.135(5).~~

3 ~~(4)(6)~~ The department shall ~~make and~~ adopt rules ~~and~~
4 ~~regulations~~ for the orderly administration of this chapter.

5 Section 3. Effective January 1, 2009, section 322.135,
6 Florida Statutes, is repealed.

7 Section 4. Section 322.136, Florida Statutes, is
8 created to read:

9 322.136 Driver license agents.--

10 (1) The department shall contract by January 1, 2007,
11 with any person or entity, subject to the requirements of law
12 and in accordance with rules of the department, to serve as
13 its agents for the provision of driver license services as
14 specified by the department. The department may contract with
15 no more than five agents, including, but not limited to, tax
16 collectors, as necessary to provide the most comprehensive and
17 reliable driver license services statewide. In determining the
18 agents to provide the most comprehensive and reliable driver
19 license services statewide, the department shall give
20 preference to agents that are an association or group of tax
21 collectors.

22 (a) Services to be provided by authorized agents may
23 include, but are not limited to, all those required by this
24 chapter, as well as chapters 97, 119, 324, 627, 765, 775, 812,
25 832, 893, and 943. Services to be provided by authorized
26 agents under the provisions of 49 C.F.R. s. 1572.11 are
27 limited to those authorized by federal regulation. These
28 services may not include those provided pursuant to a contract
29 authorized by s. 322.142 and in existence as of the effective
30 date of this act.

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1 (b) Each person or entity that is authorized by the
2 department to provide a service shall bear all costs
3 associated with providing that service.

4 (c) A service fee, not to exceed \$25, may be charged
5 to any person completing a transaction with an authorized
6 agent. However, a service fee may not be charged:

7 1. For multiple transactions arising from a single
8 visit to an agent's location.

9 2. When a driver has been referred for reexamination
10 by the medical advisory board established in s. 322.125 or by
11 a law enforcement agency.

12 3. For a duplicate driver's license or identification
13 card when a police report is presented as documentation that
14 the license or identification was stolen.

15 4. For a replacement driver's license or
16 identification card when the address of the customer was
17 changed by the state, county, or federal government.

18 (2) All employees of authorized agents must maintain
19 the confidentiality of all personal information collected by
20 the agent as required in s. 119.07(6)(aa).

21 (3) Each person or entity serving as the department's
22 agent under this section shall give a good and sufficient
23 surety bond, payable to the department and conditioned upon
24 his or her faithfully and truly performing the duties imposed
25 upon him or her according to the requirements of law and the
26 rules of the department and upon his or her accounting for all
27 materials, records, and other property and money that come
28 into his or her possession or control by reason of performing
29 these duties. The amount of the bond shall be determined by
30 the department.

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1 (4) The department shall establish a quality assurance
2 unit to monitor and provide oversight of all agents. The
3 quality assurance unit shall submit a report each year by
4 February 1 to the Governor, the Cabinet, the President of the
5 Senate, and the Speaker of the House of Representatives. The
6 report must include, but need not be limited to, a report of
7 average customer wait times, customer survey responses, and
8 revenue collections and distributions made by the agents.

9 Section 5. Effective January 1, 2009, subsection (2)
10 of section 322.29, Florida Statutes, is amended to read:

11 322.29 Surrender and return of license.--

12 (2) The provisions of subsection (1) to the contrary
13 notwithstanding, no examination is required for the return of
14 a license suspended under s. 318.15 or s. 322.245 unless an
15 examination is otherwise required by this chapter. Every
16 person applying for the return of a license suspended under s.
17 318.15 or s. 322.245 shall present to the department
18 certification from the court that he or she has complied with
19 all obligations and penalties imposed on him or her pursuant
20 to s. 318.15 or, in the case of a suspension pursuant to s.
21 322.245, that he or she has complied with all directives of
22 the court and the requirements of s. 322.245 and shall pay to
23 the department a nonrefundable reinstatement ~~service~~ fee of
24 \$35, of which \$25 shall be deposited into the General Revenue
25 Fund and \$10 shall be deposited into the Highway Safety
26 Operating Trust Fund. If reinstated by the clerk of the court
27 ~~or tax collector~~, \$25 shall be retained and \$10 shall be
28 remitted to the Department of Revenue for deposit into the
29 Highway Safety Operating Trust Fund. However, the
30 reinstatement ~~service~~ fee is not required if the person is
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1 required to pay a \$35 fee or \$60 fee under the provisions of
2 s. 322.21.

3 Section 6. Except as otherwise expressly provided in
4 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2082

4 Deletes the reference to tax collectors and changes the
5 reference of "service" charge to "reinstatement" charge;

6 Specifies the Department of Highway Safety and Motor Vehicles
7 may contract with no more than five agents, including, but not
8 limited to tax collectors, as necessary to provide the most
9 comprehensive and reliable driver license services statewide.
10 In addition, preference must be given to agents that are an
11 association or group of tax collectors. The CS also requires
12 the following provisions:

13 -- Services provided may include, but are not limited to
14 chs., 97, 119, 322, 324, 627, 765, 775, 812, 832, 893,
15 and 943. Services provided under the provisions of 49
16 C.F.R. 572.11 are limited to those authorized by federal
17 regulation. However, services provided pursuant to a
18 contract authorized by s. 322.142, F.S., and in existence
19 as of the effective date of the act are not included;

20 -- Each person or entity authorized to provide a service
21 must bear all costs associated with providing such
22 service;

23 -- A service fee, not to exceed \$25, may be charged to any
24 person completing a transaction with an authorized agent.
25 However, a service fee may not be charged: (1) for
26 multiple transactions arising from a single visit to an
27 agent's location; (2) when a driver has been referred for
28 reexamination by the medical advisory board or law
29 enforcement agency; (3) for a duplicate driver's license
30 or identification card when a police report is presented
31 as documentation the license or identification card was
stolen; or (4) for a replacement driver's license or
identification card when the address of the customer was
changed by the state, county, or federal government.

Requires all employees of authorized agents must maintain the
confidentiality of all personal information collected by the
agent as required in s. 119.07(6)(aa), F.S.

Provides for the creation of a quality assurance unit to
monitor and provide oversight of all agents. The quality
assurance unit is to submit a report each year no later than
February 1, which must include, but not limited to, a report
of average customer wait times, customer survey responses, and
revenue collections and distributions made by the agencies.
The report shall be issued to the Senate President, the
Speaker of the House of Representatives and the Executive
Office of the Governor.

Provides except as otherwise expressly provided in the act,
the act shall take effect upon becoming a law.