

Bill No. CS for CS for SB 454

Barcode 703030

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development
Appropriations (Sebesta) recommended the following amendment:

Senate Amendment (with title amendment)

On page 37, between lines 13 and 14,

insert:

Section 22. Effective January 1, 2009, subsection (2)
of section 318.15, Florida Statutes, is amended to read:

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

(2) After suspension of the driver's license and
privilege to drive of a person under subsection (1), the
license and privilege may not be reinstated until the person
complies with all obligations and penalties imposed on him or
her under s. 318.18 and presents to a driver license office a
certificate of compliance issued by the court, together with a
nonrefundable reinstatement ~~service~~ charge of up to \$47.50
imposed under s. 322.29, or presents a certificate of
compliance and pays the aforementioned reinstatement ~~service~~
charge of up to \$47.50 to the clerk of the court ~~or tax~~

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1 ~~collector~~ clearing such suspension. Of the charge collected by
 2 the clerk of the court ~~or the tax collector~~, \$10 shall be
 3 remitted to the Department of Revenue to be deposited into the
 4 Highway Safety Operating Trust Fund. Such person shall also be
 5 in compliance with requirements of chapter 322 prior to
 6 reinstatement.

7 Section 23. Effective January 1, 2009, section 322.02,
 8 Florida Statutes, is amended to read:

9 322.02 ~~Legislative intent~~; Administration.--

10 ~~(1) The Legislature finds that over the past several~~
 11 ~~years the department and individual county tax collectors have~~
 12 ~~entered into contracts for the delivery of full and limited~~
 13 ~~driver license services where such contractual relationships~~
 14 ~~best served the public interest through state administration~~
 15 ~~and enforcement and local government implementation. It is~~
 16 ~~the intent of the Legislature that future interests and~~
 17 ~~processes for developing and expanding the department's~~
 18 ~~relationship with tax collectors through contractual~~
 19 ~~relationships for the delivery of driver license services be~~
 20 ~~achieved through the provisions of this chapter, thereby~~
 21 ~~serving best the public interest considering accountability,~~
 22 ~~cost effectiveness, efficiency, responsiveness, and~~
 23 ~~high quality service to the drivers in Florida.~~

24 ~~(1)(2)~~ The Department of Highway Safety and Motor
 25 Vehicles is charged with the administration and function of
 26 enforcement of the provisions of this chapter.

27 ~~(2)(3)~~ The department shall employ a director, who is
 28 charged with the duty of serving as the executive officer of
 29 the Division of Driver Licenses of the department insofar as
 30 the administration of this chapter is concerned. He or she
 31 shall be subject to the supervision and direction of the

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1 department, and his or her official actions and decisions as
2 executive officer shall be conclusive unless the same are
3 superseded or reversed by the department or by a court of
4 competent jurisdiction.

5 ~~(3)(4)~~ The department shall have the authority to
6 enter into reciprocal driver's license agreements with other
7 jurisdictions within the United States and its territories and
8 possessions and with foreign countries or political entities
9 equivalent to Florida state government within a foreign
10 country.

11 ~~(5) The tax collector in and for his or her county may~~
12 ~~be designated the exclusive agent of the department to~~
13 ~~implement and administer the provisions of this chapter as~~
14 ~~provided by s. 322.135(5).~~

15 ~~(4)(6)~~ The department shall ~~make and~~ adopt rules ~~and~~
16 ~~regulations~~ for the orderly administration of this chapter.

17 Section 24. Effective January 1, 2009, section
18 322.135, Florida Statutes, is repealed.

19 Section 25. Section 322.136, Florida Statutes, is
20 created to read:

21 322.136 Driver license agents.--

22 (1) The department shall contract by January 1, 2007,
23 with any person or entity, subject to the requirements of law
24 and in accordance with rules of the department, to serve as
25 its agents for the provision of driver license services as
26 specified by the department. The department may contract with
27 no more than five agents, including, but not limited to, tax
28 collectors, as necessary to provide the most comprehensive and
29 reliable driver license services statewide. In determining the
30 agents to provide the most comprehensive and reliable driver
31 license services statewide, the department shall give

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1 preference to agents that are an association or group of tax
2 collectors.

3 (a) Services to be provided by authorized agents may
4 include, but are not limited to, all those required by this
5 chapter, as well as chapters 97, 119, 324, 627, 765, 775, 812,
6 832, 893, and 943. Services to be provided by authorized
7 agents under the provisions of 49 C.F.R. s. 1572.11 are
8 limited to those authorized by federal regulation. These
9 services may not include those provided pursuant to a contract
10 authorized by s. 322.142 and in existence as of the effective
11 date of this act.

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

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

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

20 2. When a driver has been referred for reexamination
21 by the medical advisory board established in s. 322.125 or by
22 a law enforcement agency.

23 3. For a duplicate driver's license or identification
24 card when a police report is presented as documentation that
25 the license or identification was stolen.

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

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

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1 (3) Each person or entity serving as the department's
2 agent under this section shall give a good and sufficient
3 surety bond, payable to the department and conditioned upon
4 his or her faithfully and truly performing the duties imposed
5 upon him or her according to the requirements of law and the
6 rules of the department and upon his or her accounting for all
7 materials, records, and other property and money that come
8 into his or her possession or control by reason of performing
9 these duties. The amount of the bond shall be determined by
10 the department.

11 (4) The department shall establish a quality assurance
12 unit to monitor and provide oversight of all agents. The
13 quality assurance unit shall submit a report each year by
14 February 1 to the Governor, the Cabinet, the President of the
15 Senate, and the Speaker of the House of Representatives. The
16 report must include, but need not be limited to, a report of
17 average customer wait times, customer survey responses, and
18 revenue collections and distributions made by the agents.

19 Section 26. Effective January 1, 2009, subsection (2)
20 of section 322.29, Florida Statutes, is amended to read:

21 322.29 Surrender and return of license.--

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

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

12
13 (Redesignate subsequent sections.)

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 4, line 3, delete that line

19
20 and insert:

21 amending ss. 318.15 and 322.29, F.S.; providing
 22 for a reinstatement charge rather than a
 23 service charge for issuing a person's driver's
 24 license after reinstatement of his or her
 25 license and driving privilege; conforming
 26 provisions to changes made by the act; amending
 27 s. 322.02, F.S.; deleting legislative findings
 28 and intent with respect to the delivery of
 29 limited driver license services by county tax
 30 collectors; repealing s. 322.135, F.S.,
 31 relating to the authority of the Department of

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1 Highway Safety and Motor Vehicles to designate
2 tax collectors to act as its agents; creating
3 s. 322.136, F.S.; requiring that the
4 department, by a specified date, contract with
5 a person or entity for the provision of
6 specified driver license services; providing
7 for an authorized agent of the department to
8 charge a service fee for each transaction;
9 prohibiting a service fee for certain specified
10 services; requiring that employees of an
11 authorized agent maintain the confidentiality
12 of personal information as required by law;
13 requiring authorized agents to post a bond;
14 requiring that the department establish a
15 quality assurance unit to monitor the
16 authorized agents; requiring an annual report
17 to the executive branch and legislative branch
18 of government; providing effective dates.

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