

1 A bill to be entitled
2 An act relating to driver license services; amending s.
3 322.01, F.S.; defining the term "tax collector"; amending
4 s. 322.051, F.S.; revising provisions for distribution of
5 the fee for a duplicate identification card; amending ss.
6 322.058 and 322.091, F.S.; specifying fees that are
7 applicable to reinstatement of a driver's license
8 suspended for failure to meet certain requirements;
9 amending s. 322.12, F.S.; revising fees for a subsequent
10 test taken by an applicant who fails to pass the initial
11 knowledge and skills tests to receive a driver's license;
12 providing for distribution of the fees collected;
13 providing for the tax collector to retain a certain amount
14 for administering a subsequent test; requiring a person
15 who holds a learner's driver's license to pay a specified
16 replacement fee for a driver's license; providing for an
17 oral examination of a driver license applicant who is
18 unable to read or understand English; requiring payment of
19 applicable fees; amending s. 322.135, F.S.; providing that
20 tax collectors shall bear all operating costs associated
21 with providing driver license services by retaining
22 certain fees; removing a fee provision; providing for a
23 tax collector to establish one or more branch offices to
24 be used to perform the duties of agent of the Department
25 of Highway Safety and Motor Vehicles; providing a
26 limitation on fees that may be collected by a tax
27 collector for driver license services; amending s. 322.17,
28 F.S.; providing for replacement of a mutilated driver's

29 license or instruction permit; amending s. 322.20, F.S.;

30 authorizing authorized tax collectors to charge and retain

31 certain fees for providing certain driver-related

32 documents and performing certain related services;

33 amending s. 322.21, F.S.; revising fees for original and

34 renewal issuance, reinstatement, and replacement of

35 licenses and identification cards; revising the fee for

36 license endorsements; providing fees for certain licensing

37 examinations; providing for the tax collector to retain a

38 portion of such fees for providing the services; amending

39 s. 322.29, F.S.; providing for applicable fees to be paid

40 for issuance of a duplicate license at the end of a period

41 of suspension; providing an effective date.

42

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

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45 Section 1. Subsections (42) through (46) of section

46 322.01, Florida Statutes, are redesignated as subsections (43)

47 through (47), respectively, and a new subsection (42) is added

48 to that section, to read:

49 322.01 Definitions.--As used in this chapter:

50 (42) "Tax collector" means a county tax collector of the

51 state performing as an authorized agent of the department.

52 Section 2. Subsection (3) of section 322.051, Florida

53 Statutes, is amended to read:

54 322.051 Identification cards.--

55 (3) If an identification card issued under this section is

56 lost, destroyed, or mutilated or a new name is acquired, the

HB 1509

2009

57 | person to whom it was issued may obtain a duplicate upon
58 | furnishing satisfactory proof of such fact to the department and
59 | upon payment of the applicable a fee imposed by s. 322.21 ~~of \$10~~
60 | ~~for such duplicate, \$2.50 of which shall be deposited into the~~
61 | ~~General Revenue Fund and \$7.50 into the Highway Safety Operating~~
62 | ~~Trust Fund.~~ The fee shall include payment for the color
63 | photograph or digital image of the applicant. Any person who
64 | loses an identification card and who, after obtaining a
65 | duplicate, finds the original card shall immediately surrender
66 | the original card to the department. The same documentary
67 | evidence shall be furnished for a duplicate as for an original
68 | identification card.

69 | Section 3. Subsection (2) of section 322.058, Florida
70 | Statutes, is amended to read:

71 | 322.058 Suspension of driving privileges due to support
72 | delinquency; reinstatement.--

73 | (2) The department must reinstate the driving privilege
74 | upon payment of the applicable fee imposed by s. 322.21(8) and
75 | allow registration of a motor vehicle when the Title IV-D agency
76 | in IV-D cases or the depository or the clerk of the court in
77 | non-IV-D cases provides to the department an affidavit stating
78 | that:

79 | (a) The person has paid the delinquency;

80 | (b) The person has reached a written agreement for payment
81 | with the Title IV-D agency or the obligee in non-IV-D cases;

82 | (c) A court has entered an order granting relief to the
83 | obligor ordering the reinstatement of the license and motor
84 | vehicle registration; or

85 (d) The person has complied with the subpoena, order to
 86 appear, order to show cause, or similar order.

87 Section 4. Subsection (4) of section 322.091, Florida
 88 Statutes, is amended to read:

89 322.091 Attendance requirements.--

90 (4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.--A
 91 district school board shall provide a minor with written
 92 verification that he or she is in compliance with the
 93 requirements of subsection (1) if the district determines that
 94 he or she has been in compliance for 30 days prior to the
 95 request for verification of compliance. Upon receiving written
 96 verification that the minor is again in compliance with the
 97 requirements of subsection (1), the department shall reinstate
 98 the minor's driving privilege upon payment of the applicable fee
 99 imposed by s. 322.21. Thereafter, if the school district
 100 determines that the minor is not in compliance with the
 101 requirements of subsection (1), the department shall suspend the
 102 minor's driving privilege until the minor is 18 years of age or
 103 otherwise satisfies the requirements of subsection (1),
 104 whichever occurs first.

105 Section 5. Subsections (1), (2), and (3) of section
 106 322.12, Florida Statutes, are amended to read:

107 322.12 Examination of applicants.--

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

HB 1509

2009

113 | who surrenders a valid driver's license from another state or a
114 | province of Canada, or a valid driver's license issued by the
115 | United States Armed Forces, if the driver applies for a Florida
116 | license of an equal or lesser classification. Any applicant who
117 | fails to pass the initial knowledge test will incur a \$10 ~~\$5~~ fee
118 | for each subsequent test of which \$5 shall,~~to~~ be deposited into
119 | the Highway Safety Operating Trust Fund and \$5 shall be
120 | deposited into the General Revenue Fund except that, when the
121 | testing service is provided by a tax collector, \$5 shall be
122 | deposited into the Highway Safety Operating Trust Fund and the
123 | tax collector shall retain \$5 for administering the subsequent
124 | test. Any applicant who fails to pass the initial skills test
125 | will incur a \$20 ~~\$10~~ fee for each subsequent test of which \$10
126 | shall,~~to~~ be deposited into the Highway Safety Operating Trust
127 | Fund and \$10 shall be deposited into the General Revenue Fund
128 | except that, when the testing service is provided by a tax
129 | collector, \$10 shall be deposited into the Highway Safety
130 | Operating Trust Fund and the tax collector shall retain \$10 for
131 | administering the subsequent test. A person who seeks to retain
132 | a hazardous-materials endorsement, pursuant to s. 322.57(1)(d),
133 | must pass the hazardous-materials test, upon surrendering his or
134 | her commercial driver's license, if the person has not taken and
135 | passed the hazardous-materials test within 2 years preceding his
136 | or her application for a commercial driver's license in this
137 | state.

138 | (2) The department shall examine every applicant for a
139 | driver's license, including an applicant who is licensed in
140 | another state or country, except as otherwise provided in this

HB 1509

2009

141 chapter. A person who holds a learner's driver's license as
142 provided for in s. 322.1615 is ~~not~~ required to pay the
143 applicable a fee for a replacement license imposed by s.
144 322.17(2) upon successfully completing the examination showing
145 his or her ability to operate a motor vehicle as provided for
146 herein ~~and need not pay the fee for a replacement license as~~
147 ~~provided in s. 322.17(2).~~

148 (3) (a) For an applicant for a Class E driver's license,
149 such examination shall include a test of the applicant's
150 eyesight given by the driver's license examiner designated by
151 the department or by a licensed ophthalmologist, optometrist, or
152 physician and a test of the applicant's hearing given by a
153 driver's license examiner or a licensed physician. The
154 examination shall also include a test of the applicant's ability
155 to read and understand highway signs regulating, warning, and
156 directing traffic; his or her knowledge of the traffic laws of
157 this state, including laws regulating driving under the
158 influence of alcohol or controlled substances, driving with an
159 unlawful blood-alcohol level, and driving while intoxicated; and
160 his or her knowledge of the effects of alcohol and controlled
161 substances upon persons and the dangers of driving a motor
162 vehicle while under the influence of alcohol or controlled
163 substances and shall include an actual demonstration of ability
164 to exercise ordinary and reasonable control in the operation of
165 a motor vehicle.

166 (b) If an applicant for a Class E drivers license is
167 illiterate, or by nationality is unable to understand English,
168 the applicant may request and, upon payment of the applicable

169 fee imposed by s. 322.21, be scheduled to take a knowledge
170 skills oral examination. The applicant shall provide his or her
171 own foreign language interpreter if lack of knowledge of English
172 is the basis of the oral examination, except that the department
173 may provide a computer speech interpretation program in Spanish
174 and French Creole if available.

175 Section 6. Subsections (1), (3), and (8) of section
176 322.135, Florida Statutes, are amended to read:

177 322.135 Driver's license agents.--

178 (1) The department may, upon application, authorize any or
179 all of the tax collectors in the several counties of the state,
180 subject to the requirements of law, in accordance with rules of
181 the department, to serve as its agent for the provision of
182 specified driver's license services.

183 (a) These services shall be limited to the issuance of
184 driver's licenses and identification cards as authorized by this
185 chapter.

186 (b) Each tax collector who is authorized by the department
187 to provide driver's license services shall bear all operating
188 costs associated with providing those services by retaining the
189 cost reimbursement fees provided by this chapter.

190 ~~(c) A fee of \$5.25 is to be charged, in addition to the~~
191 ~~fees set forth in this chapter, for any driver's license issued~~
192 ~~or renewed by a tax collector.~~

193 (3)(a) Each tax collector shall keep a full and complete
194 record of all materials, records, and other properties received
195 by him or her from the department, or from any other source, and
196 shall make prompt remittance of moneys collected by him or her

197 at such times and in such manner as prescribed by law, in
 198 accordance with departmental rules.

199 (b) A tax collector may establish one or more branch
 200 offices by acquiring title to real property or by lease
 201 agreement and staff and equip such office, subject to budget
 202 approval as defined in s. 195.087(2), to perform the expressed
 203 state duties as agent of the department for his or her county
 204 pursuant to s. 320.03 and this chapter.

205 (8) The county tax collector, as the exclusive agent of
 206 the Department of Highway Safety and Motor Vehicles, shall be
 207 paid fees for driver license services as authorized by this
 208 chapter.

209 Section 7. Paragraph (a) of subsection (1) of section
 210 322.17, Florida Statutes, is amended to read:

211 322.17 Replacement licenses and permits.--

212 (1) (a) In the event that an instruction permit or driver's
 213 license issued under the provisions of this chapter is lost,
 214 mutilated, or destroyed, the person to whom the same was issued
 215 may, upon payment of the appropriate fee pursuant to s. 322.21,
 216 obtain a replacement upon furnishing proof satisfactory to the
 217 department that such permit or license has been lost, mutilated,
 218 or destroyed, and further furnishing the full name, date of
 219 birth, sex, residence and mailing address, proof of birth
 220 satisfactory to the department, and proof of identity
 221 satisfactory to the department.

222 Section 8. Paragraph (a) of subsection (11) and subsection
 223 (12) of section 322.20, Florida Statutes, are amended to read:

224 322.20 Records of the department; fees; destruction of
 225 records.--

226 (11) (a) The department or an authorized tax collector may
 227 ~~is authorized to~~ charge the following fees for the following
 228 services and documents:

229 1. For providing a transcript of any one individual's
 230 driver history record or any portion thereof for the past 3
 231 years or for searching for such record when no record is found
 232 to be on file....\$2.10

233 2. For providing a transcript of any one individual's
 234 driver history record or any portion thereof for the past 7
 235 years or for searching for such record when no record is found
 236 to be on file....\$3.10

237 3. For providing a certified copy of a transcript of the
 238 driver history record or any portion thereof for any one
 239 individual....\$3.10

240 4. For providing a certified photographic copy of a
 241 document, per page....\$1.00

242 5. For providing an exemplified record....\$15.00

243 6. For providing photocopies of documents, papers,
 244 letters, clearances, or license or insurance status reports, per
 245 page....\$0.50

246 7. For assisting persons in searching any one individual's
 247 driver record at a terminal located at the department's general
 248 headquarters in Tallahassee....\$2.00

249 (12) The fees collected under this section shall be placed
 250 in the Highway Safety Operating Trust Fund when the service is

HB 1509

2009

251 provided by the department or shall be retained by an authorized
252 tax collector who provides the service or document.

253 Section 9. Subsections (1) and (8) of section 322.21,
254 Florida Statutes, are amended to read:

255 322.21 License fees; procedure for handling and collecting
256 fees.--

257 (1) Except as otherwise provided herein, the fee for:

258 (a) An original or renewal commercial driver's license is
259 \$67, which shall include the fee for driver education provided
260 by s. 1003.48; however, if an applicant has completed training
261 and is applying for employment or is currently employed in a
262 public or nonpublic school system that requires the commercial
263 license, the fee shall be the same as for a Class E driver's
264 license. When a tax collector issues a renewal commercial
265 driver's license, the tax collector shall retain \$10 of the \$67
266 fee for providing the service. A delinquent fee of \$1 shall be
267 added for a renewal made not more than 12 months after the
268 license expiration date.

269 (b) An original Class E driver's license is ~~\$40~~ \$27, which
270 shall include the fee for driver's education provided by s.
271 1003.48; however, if an applicant has completed training and is
272 applying for employment or is currently employed in a public or
273 nonpublic school system that requires a commercial driver
274 license, the fee shall be the same as for a Class E license.
275 When a tax collector issues an original Class E driver's
276 license, the tax collector shall retain \$12 of the \$40 fee for
277 providing the service.

278 (c) The renewal or extension of a Class E driver's license
 279 or of a license restricted to motorcycle use only is \$30. When a
 280 tax collector issues such renewal, the tax collector shall
 281 retain \$10 of the \$30 fee for providing the service. ~~\$20, except~~
 282 ~~that~~ A delinquent fee of \$1 shall be added for a renewal or
 283 extension made not more than 12 months after the license
 284 expiration date. The fee provided in this paragraph shall
 285 include the fee for driver's education provided by s. 1003.48.

286 (d) An original driver's license restricted to motorcycle
 287 use only is \$40. When a tax collector issues the original
 288 license restricted to motorcycle use, the tax collector shall
 289 retain \$10 of the \$40 fee for providing the service. The fee
 290 provided in this paragraph ~~\$27, which~~ shall include the fee for
 291 driver's education provided by s. 1003.48.

292 (e) A replacement driver's license issued pursuant to s.
 293 322.17 is \$15 ~~\$10~~. Of this amount \$5 ~~\$7~~ shall be deposited into
 294 the Highway Safety Operating Trust Fund and \$10 ~~\$3~~ shall be
 295 deposited into the General Revenue Fund, except that, when a tax
 296 collector issues the replacement license, \$3 shall be deposited
 297 into the General Revenue Fund and the tax collector shall retain
 298 \$7 for providing the service.

299 (f) An original, renewal, or replacement identification
 300 card issued pursuant to s. 322.051 is \$15 ~~\$10~~. Funds collected
 301 from these fees shall be distributed as follows:

302 1. For an original identification card issued pursuant to
 303 s. 322.051 the fee shall be \$15 ~~\$10~~. This amount shall be
 304 deposited into the General Revenue Fund, except that, when a tax
 305 collector issues the original identification card, \$10 shall be

306 deposited into the General Revenue Fund and the tax collector
 307 shall retain \$5 of the \$15 fee for providing the service.

308 2. For a renewal identification card issued pursuant to s.
 309 322.051 the fee shall be \$15 ~~\$10~~. Of this amount, \$6 shall be
 310 deposited into the Highway Safety Operating Trust Fund and \$9 ~~\$4~~
 311 shall be deposited into the General Revenue Fund, except that,
 312 when a tax collector issues the renewal identification card, \$4
 313 shall be deposited into the General Revenue Fund and the tax
 314 collector shall retain \$5 of the \$15 fee for providing the
 315 service.

316 3. For a replacement identification card issued pursuant
 317 to s. 322.051 the fee shall be \$15 ~~\$10~~. Of this amount, \$9 shall
 318 be deposited into the Highway Safety Operating Trust Fund and \$6
 319 ~~\$1~~ shall be deposited into the General Revenue Fund, except
 320 that, when a tax collector issues the replacement identification
 321 card, \$10 shall be deposited into the General Revenue Fund and
 322 the tax collector shall retain \$5 of the \$15 fee for providing
 323 the service.

324 (g) Each endorsement required by s. 322.57 is \$12 ~~\$7~~. When
 325 a tax collector provides the endorsement, the tax collector
 326 shall retain \$5 of the \$12 fee for providing the service.

327 (h) A hazardous-materials endorsement, as required by s.
 328 322.57(1)(d), shall be set by the department by rule and shall
 329 reflect the cost of the required criminal history check,
 330 including the cost of the state and federal fingerprint check,
 331 and the cost to the department of providing and issuing the
 332 license. The fee shall not exceed \$100. This fee shall be

333 deposited in the Highway Safety Operating Trust Fund. The
 334 department may adopt rules to administer this section.

335 (i)1. Each knowledge skills oral examination given
 336 pursuant to s. 322.12(3)(b) by a computer language
 337 interpretation program provided by the department in Spanish or
 338 French Creole is \$25, which shall be deposited into the General
 339 Revenue Fund, except that, when a tax collector provides the
 340 computer oral examination, \$5 shall be deposited into the
 341 General Revenue Fund and the tax collector shall retain \$20 of
 342 the \$25 fee for providing the service.

343 2. Each knowledge skills oral examination given pursuant
 344 to s. 322.12(3)(b) without computer program assistance is \$45,
 345 which shall be deposited into the General Revenue Fund, except
 346 that, when a tax collector provides the knowledge skills oral
 347 examination, \$5 shall be deposited into the General Revenue Fund
 348 and the tax collector shall retain \$40 of the \$45 fee for
 349 providing the service.

350 (8) Any person who applies for reinstatement following the
 351 suspension or revocation of the person's driver's license shall
 352 pay a service fee of \$35 following a suspension, and \$60
 353 following a revocation, which is in addition to the fee for a
 354 license. Any person who applies for reinstatement of a
 355 commercial driver's license following the disqualification of
 356 the person's privilege to operate a commercial motor vehicle
 357 shall pay a service fee of \$60, which is in addition to the fee
 358 for a license. The department shall collect all of these fees at
 359 the time of reinstatement. The department shall issue proper

360 receipts for such fees and shall promptly transmit all funds
 361 received by it as follows:

362 (a) Of the \$35 fee received from a licensee for
 363 reinstatement following a suspension, the department shall
 364 deposit \$15 in the General Revenue Fund and \$20 in the Highway
 365 Safety Operating Trust Fund, except that, when a tax collector
 366 provides the reinstatement, \$15 shall be deposited into the
 367 General Revenue Fund and the tax collector shall retain \$20 of
 368 the \$35 fee for providing the reinstatement.

369 (b) Of the \$60 fee received from a licensee for
 370 reinstatement following a revocation or disqualification, the
 371 department shall deposit \$35 in the General Revenue Fund and \$25
 372 in the Highway Safety Operating Trust Fund, except that, when a
 373 tax collector provides the reinstatement, \$35 shall be deposited
 374 into the General Revenue Fund and the tax collector shall retain
 375 \$25 of the \$60 fee for providing the reinstatement.

376
 377 If the revocation or suspension of the driver's license was for
 378 a violation of s. 316.193, or for refusal to submit to a lawful
 379 breath, blood, or urine test, an additional fee of \$115 must be
 380 charged. However, only one \$115 fee may be collected from one
 381 person convicted of violations arising out of the same incident.
 382 The department shall collect the \$115 fee and deposit the fee
 383 into the Highway Safety Operating Trust Fund at the time of
 384 reinstatement of the person's driver's license, but the fee may
 385 not be collected if the suspension or revocation is overturned.
 386 If the revocation or suspension of the driver's license was for
 387 a conviction for a violation of s. 817.234(8) or (9) or s.

HB 1509

2009

388 817.505, an additional fee of \$180 is imposed for each offense.
389 The department shall collect and deposit the additional fee into
390 the Highway Safety Operating Trust Fund at the time of
391 reinstatement of the person's driver's license.

392 Section 10. Subsection (1) of section 322.29, Florida
393 Statutes, is amended to read:

394 322.29 Surrender and return of license.--

395 (1) The department, upon suspending or revoking a license,
396 shall require that such license be surrendered to the
397 department. At the end of the period of suspension, such license
398 so surrendered shall be returned, or a duplicate license issued
399 upon payment of the applicable replacement license fee imposed
400 by s. 322.21, to the licensee after the applicant has
401 successfully passed the vision, sign, and traffic law
402 examinations. In addition, pursuant to s. 322.221, the
403 department may require the licensee to successfully complete a
404 driving examination. The department is prohibited from requiring
405 the surrender of a license except as authorized by this chapter.

406 Section 11. This act shall take effect July 1, 2009.