

By Senator Baker

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1 A bill to be entitled
2 An act relating to driver's licenses; amending s.
3 322.01, F.S.; providing a definition; amending s.
4 322.051, F.S.; revising requirements for obtaining a
5 duplicate identification card; amending ss. 322.058
6 and 322.091, F.S.; providing for reinstatement of a
7 person's driving privilege and motor vehicle
8 registration upon payment of certain fees; amending s.
9 322.12, F.S.; revising fees and providing for the
10 payment of specific fees to county tax collectors
11 acting as agents for the Department of Highway Safety
12 and Motor Vehicles; providing for an optional oral
13 skills and knowledge examination for certain
14 applicants for a driver's license; amending s.
15 322.135, F.S.; revising certain service fees for such
16 tax collectors; authorizing tax collectors to
17 establish branch offices; amending s. 322.17, F.S.;
18 providing for a replacement license or permit to
19 replace one that is mutilated; amending s. 322.20,
20 F.S.; clarifying provisions relating to the
21 disposition of certain fees for driver's licenses;
22 amending s. 322.21, F.S.; authorizing county tax
23 collectors to retain certain fees and increasing such
24 fees; amending s. 322.29, F.S.; clarifying provisions
25 governing the payment of fees upon the reinstatement
26 of a license; amending s. 322.61, F.S.; conforming a
27 cross-reference; providing an effective date.

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

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Section 1. Present subsections (12) through (45) of section 322.01, Florida Statutes, are renumbered as subsections (13) through (46), respectively, and a new subsection (12) is added to that section, to read:

322.01 Definitions.—As used in this chapter:

(12) "County tax collector" means the tax collector, as defined in s. 192.001, when acting as an authorized agent of the department.

Section 2. Subsection (3) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(3) If an identification card issued under this section is lost, destroyed, or mutilated or a new name is acquired, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the department and upon payment of the applicable fee required by s. 322.21 ~~a fee of \$10 for such duplicate, \$2.50 of which shall be deposited into the General Revenue Fund and \$7.50 into the Highway Safety Operating Trust Fund.~~ The fee shall include payment for the color photograph or digital image of the applicant. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

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

322.058 Suspension of driving privileges due to support

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59 delinquency; reinstatement.-

60 (2) The department must reinstate the driving privilege and
61 allow registration of a motor vehicle when the person pays the
62 fees required by s. 322.21(8) and the Title IV-D agency in IV-D
63 cases or the depository or the clerk of the court in non-IV-D
64 cases provides to the department an affidavit stating that:

65 (a) The person has paid the delinquency;

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

68 (c) A court has entered an order granting relief to the
69 obligor ordering the reinstatement of the license and motor
70 vehicle registration; or

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

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

75 322.091 Attendance requirements.-

76 (4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.-A
77 district school board shall provide a minor with written
78 verification that he or she is in compliance with the
79 requirements of subsection (1) if the district determines that
80 he or she has been in compliance for 30 days prior to the
81 request for verification of compliance. Upon receiving written
82 verification that the minor is again in compliance with the
83 requirements of subsection (1), the department shall reinstate
84 the minor's driving privilege upon payment of the applicable fee
85 required by s. 322.21. Thereafter, if the school district
86 determines that the minor is not in compliance with the
87 requirements of subsection (1), the department shall suspend the

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88 minor's driving privilege until the minor is 18 years of age or
89 otherwise satisfies the requirements of subsection (1),
90 whichever occurs first.

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

93 322.12 Examination of applicants.-

94 (1) It is the intent of the Legislature that every
95 applicant for an original driver's license in this state be
96 required to pass an examination pursuant to this section.
97 However, the department may waive the knowledge, endorsement,
98 and skills tests for an applicant who is otherwise qualified and
99 who surrenders a valid driver's license from another state or a
100 province of Canada, or a valid driver's license issued by the
101 United States Armed Forces, if the driver applies for a Florida
102 license of an equal or lesser classification. Any applicant who
103 fails to pass the initial knowledge test shall ~~will~~ incur a \$10
104 \$5 fee for each subsequent test, of which \$5 shall ~~to~~ be
105 deposited into the Highway Safety Operating Trust Fund and \$5
106 shall be deposited into the General Revenue Fund, except that
107 when the service is provided by a county tax collector he or she
108 shall retain \$5 for administering the subsequent knowledge test.
109 Any applicant who fails to pass the initial skills test shall
110 ~~will~~ incur a \$20 ~~\$10~~ fee for each subsequent test, of which \$10
111 shall ~~to~~ be deposited into the Highway Safety Operating Trust
112 Fund and \$10 shall be deposited into the General Revenue Fund,
113 except that when the service is provided by a county tax
114 collector he or she shall retain \$10 for administering the
115 subsequent skills test. A person who seeks to retain a
116 hazardous-materials endorsement, pursuant to s. 322.57(1)(d),

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117 must pass the hazardous-materials test, upon surrendering his or
118 her commercial driver's license, if the person has not taken and
119 passed the hazardous-materials test within 2 years preceding his
120 or her application for a commercial driver's license in this
121 state.

122 (2) The department shall examine every applicant for a
123 driver's license, including an applicant who is licensed in
124 another state or country, except as otherwise provided in this
125 chapter. A person who holds a learner's driver's license as
126 provided for in s. 322.1615 shall ~~is not required to~~ pay a fee
127 for a replacement license pursuant to s. 322.17(2) upon
128 successfully completing the examination showing his or her
129 ability to operate a motor vehicle as provided for herein ~~and~~
130 ~~need not pay the fee for a replacement license as provided in s.~~
131 ~~322.17(2).~~

132 (3) (a) For an applicant for a Class E driver's license,
133 such examination shall include a test of the applicant's
134 eyesight given by the driver's license examiner designated by
135 the department or by a licensed ophthalmologist, optometrist, or
136 physician and a test of the applicant's hearing given by a
137 driver's license examiner or a licensed physician. The
138 examination shall also include a test of the applicant's ability
139 to read and understand highway signs regulating, warning, and
140 directing traffic; his or her knowledge of the traffic laws of
141 this state, including laws regulating driving under the
142 influence of alcohol or controlled substances, driving with an
143 unlawful blood-alcohol level, and driving while intoxicated; and
144 his or her knowledge of the effects of alcohol and controlled
145 substances upon persons and the dangers of driving a motor

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146 vehicle while under the influence of alcohol or controlled
147 substances and shall include an actual demonstration of ability
148 to exercise ordinary and reasonable control in the operation of
149 a motor vehicle.

150 (b) An applicant for a Class E driver's license who is
151 illiterate or because of nationality is unable to understand the
152 English language may request and, upon payment of the applicable
153 fee pursuant to s. 322.21, be administered a general knowledge
154 and road sign oral examination. The applicant shall provide a
155 foreign language interpreter if lack of knowledge of English is
156 the basis of the oral examination. However, the department may
157 provide a computer speech-interpretation program in Spanish or
158 Haitian Creole if one is available.

159 Section 6. Subsections (1), (3), and (8) of section
160 322.135, Florida Statutes, are amended to read:

161 322.135 Driver's license agents.—

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

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

170 (b) Each tax collector who is authorized by the department
171 to provide driver's license services shall bear all operating
172 costs associated with providing those services by retaining the
173 reimbursement fees authorized.

174 ~~(c) A fee of \$5.25 is to be charged, in addition to the~~

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175 ~~fees set forth in this chapter, for any driver's license issued~~
176 ~~or renewed by a tax collector.~~

177 (3) (a) Each tax collector shall keep a full and complete
178 record of all materials, records, and other properties received
179 by him or her from the department, or from any other source, and
180 shall make prompt remittance of moneys collected by him or her
181 at such times and in such manner as prescribed by law, in
182 accordance with departmental rules.

183 (b) A tax collector may establish branch offices by
184 purchasing or leasing real property and providing staff and
185 equipment for such offices, subject to annual budget approval,
186 pursuant to s. 195.087(2).

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

190 Section 7. Paragraph (a) of subsection (1) of section
191 322.17, Florida Statutes, is amended to read:

192 322.17 Replacement licenses and permits.—

193 (1) (a) In the event that an instruction permit or driver's
194 license issued under the provisions of this chapter is lost,
195 mutilated, or destroyed, the person to whom the same was issued
196 may, upon payment of the appropriate fee pursuant to s. 322.21,
197 obtain a replacement upon furnishing proof satisfactory to the
198 department that such permit or license has been lost, mutilated,
199 or destroyed, and further furnishing the full name, date of
200 birth, sex, residence and mailing address, proof of birth
201 satisfactory to the department, and proof of identity
202 satisfactory to the department.

203 Section 8. Subsections (11) and (12) of section 322.20,

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204 Florida Statutes, are amended to read:

205 322.20 Records of the department; fees; destruction of
206 records.-

207 (11) (a) The department or a county tax collector is
208 authorized to charge the following fees for the following
209 services and documents:

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

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

218 3. For providing a certified copy of a transcript of the
219 driver history record or any portion thereof for any one
220 individual..... \$3.10

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

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

224 6. For providing photocopies of documents, papers, letters,
225 clearances, or license or insurance status reports, per
226 page..... \$0.50

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

230 (b) The department shall furnish such information without
231 charge to any local, state, or federal law enforcement agency or
232 court upon proof satisfactory to the department as to the

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233 purpose of the investigation.

234 (12) The fees collected under this section shall be placed
235 in the Highway Safety Operating Trust Fund if the service is
236 provided by the department or shall by retained by a county tax
237 collector if the tax collector provides the service.

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

240 322.21 License fees; procedure for handling and collecting
241 fees.—

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

243 (a) An original or renewal commercial driver's license is
244 \$67, which shall include the fee for driver education provided
245 by s. 1003.48; however, if an applicant has completed training
246 and is applying for employment or is currently employed in a
247 public or nonpublic school system that requires the commercial
248 license, the fee shall be the same as for a Class E driver's
249 license. A delinquent fee of \$1 shall be added for a renewal
250 made not more than 12 months after the license expiration date.
251 A county tax collector who issues the license shall retain \$10
252 of the fee.

253 (b) An original Class E driver's license is \$40 ~~\$27~~, which
254 shall include the fee for driver's education provided by s.
255 1003.48; however, if an applicant has completed training and is
256 applying for employment or is currently employed in a public or
257 nonpublic school system that requires a commercial driver
258 license, the fee shall be the same as for a Class E license. A
259 county tax collector who issues the license shall retain \$12 of
260 the fee.

261 (c) The renewal or extension of a Class E driver's license

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262 or of a license restricted to motorcycle use only is \$30 ~~\$20~~,
 263 except that a delinquent fee of \$1 shall be added for a renewal
 264 or extension made not more than 12 months after the license
 265 expiration date. The fee provided in this paragraph shall
 266 include the fee for driver's education provided by s. 1003.48. A
 267 county tax collector who issues the license shall retain \$10 of
 268 the fee.

269 (d) An original driver's license restricted to motorcycle
 270 use only is \$40 ~~\$27~~, which shall include the fee for driver's
 271 education provided by s. 1003.48. A county tax collector who
 272 issues the license shall retain \$10 of the fee.

273 (e) A replacement driver's license issued pursuant to s.
 274 322.17 is \$15 ~~\$10~~. Of this amount \$5 ~~\$7~~ shall be deposited into
 275 the Highway Safety Operating Trust Fund and \$10 ~~\$3~~ shall be
 276 deposited into the General Revenue Fund, except when \$7 is
 277 retained by the county tax collector.

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

281 1. For an original identification card issued pursuant to
 282 s. 322.051 the fee shall be \$15 ~~\$10~~. This amount shall be
 283 deposited into the General Revenue Fund, except when \$5 is
 284 retained by the county tax collector.

285 2. For a renewal identification card issued pursuant to s.
 286 322.051 the fee shall be \$15 ~~\$10~~. Of this amount, \$6 shall be
 287 deposited into the Highway Safety Operating Trust Fund and \$9 ~~\$4~~
 288 shall be deposited into the General Revenue Fund, except when \$5
 289 is retained by the county tax collector.

290 3. For a replacement identification card issued pursuant to

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291 s. 322.051 the fee shall be \$15 ~~\$10~~. Of this amount, \$9 shall be
292 deposited into the Highway Safety Operating Trust Fund and \$6 ~~\$4~~
293 shall be deposited into the General Revenue Fund, except when \$5
294 is retained by the county tax collector.

295 (g) Each endorsement required by s. 322.57 is \$12 ~~\$7~~. A
296 county tax collector who issues the endorsement shall retain \$5
297 of the fee.

298 (h) A hazardous-materials endorsement, as required by s.
299 322.57(1)(d), shall be set by the department by rule and shall
300 reflect the cost of the required criminal history check,
301 including the cost of the state and federal fingerprint check,
302 and the cost to the department of providing and issuing the
303 license. The fee shall not exceed \$100. This fee shall be
304 deposited in the Highway Safety Operating Trust Fund. The
305 department may adopt rules to administer this section.

306 (i)1. Each general knowledge and road sign oral examination
307 given pursuant to s. 322.12(3)(b) by means of a computer speech-
308 interpretation program is \$25. A county tax collector who
309 administers the examination shall retain \$20 and \$5 shall be
310 deposited into the General Revenue Fund.

311 2. Each general knowledge and road sign oral examination
312 given pursuant to s. 322.12(3)(b) by means other than a computer
313 speech-interpretation program is \$45. A county tax collector who
314 administers the examination shall retain \$40 and \$5 shall be
315 deposited into the General Revenue Fund.

316 (8) Any person who applies for reinstatement following the
317 suspension or revocation of the person's driver's license shall
318 pay a service fee of \$35 following a suspension, and \$60
319 following a revocation, which is in addition to the fee for a

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320 license. Any person who applies for reinstatement of a
321 commercial driver's license following the disqualification of
322 the person's privilege to operate a commercial motor vehicle
323 shall pay a service fee of \$60, which is in addition to the fee
324 for a license. The department shall collect all of these fees at
325 the time of reinstatement. The department shall issue proper
326 receipts for such fees and shall promptly transmit all funds
327 received by it as follows:

328 (a) Of the \$35 fee received from a licensee for
329 reinstatement following a suspension, the department shall
330 deposit \$15 in the General Revenue Fund and \$20 in the Highway
331 Safety Operating Trust Fund, except when \$20 is retained by the
332 county tax collector.

333 (b) Of the \$60 fee received from a licensee for
334 reinstatement following a revocation or disqualification, the
335 department shall deposit \$35 in the General Revenue Fund and \$25
336 in the Highway Safety Operating Trust Fund, except when \$25 is
337 retained by the county tax collector.

338
339 If the revocation or suspension of the driver's license was for
340 a violation of s. 316.193, or for refusal to submit to a lawful
341 breath, blood, or urine test, an additional fee of \$115 must be
342 charged. However, only one \$115 fee may be collected from one
343 person convicted of violations arising out of the same incident.
344 The department shall collect the \$115 fee and deposit the fee
345 into the Highway Safety Operating Trust Fund at the time of
346 reinstatement of the person's driver's license, but the fee may
347 not be collected if the suspension or revocation is overturned.
348 If the revocation or suspension of the driver's license was for

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349 a conviction for a violation of s. 817.234(8) or (9) or s.
350 817.505, an additional fee of \$180 is imposed for each offense.
351 The department shall collect and deposit the additional fee into
352 the Highway Safety Operating Trust Fund at the time of
353 reinstatement of the person's driver's license.

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

356 322.29 Surrender and return of license.—

357 (1) The department, upon suspending or revoking a license,
358 shall require that such license be surrendered to the
359 department. At the end of the period of suspension, such license
360 so surrendered shall be returned, or a duplicate license issued,
361 to the licensee after the applicant has successfully passed the
362 vision, sign, and traffic law examinations and paid the
363 applicable fee pursuant to s. 322.21. In addition, pursuant to
364 s. 322.221, the department may require the licensee to
365 successfully complete a driving examination. The department is
366 prohibited from requiring the surrender of a license except as
367 authorized by this chapter.

368 Section 11. Subsection (4) of section 322.61, Florida
369 Statutes, is amended to read:

370 322.61 Disqualification from operating a commercial motor
371 vehicle.—

372 (4) Any person who is transporting hazardous materials as
373 defined in s. 322.01 ~~s. 322.01(24)~~ shall, upon conviction of an
374 offense specified in subsection (3), be disqualified from
375 operating a commercial motor vehicle for a period of 3 years.
376 The penalty provided in this subsection shall be in addition to
377 any other applicable penalty.

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Section 12. This act shall take effect July 1, 2009.