

1 A bill to be entitled
 2 An act relating to tax collector and license plate
 3 agency operations; amending s. 320.01, F.S.; defining
 4 the term "license plate agency"; amending s. 320.03,
 5 F.S.; conforming provisions to changes made by the
 6 act; requiring certain operational requirements to be
 7 the same for governmentally and privately managed
 8 license plate agencies; amending ss. 320.04, 320.06,
 9 and 320.0894, F.S.; conforming provisions to changes
 10 made by the act; amending s. 322.02, F.S.; requiring
 11 transition of specified driver license services to tax
 12 collectors and license plate agencies on a limited
 13 basis by a certain date; amending ss. 212.1832,
 14 681.117, and 1002.40, F.S.; conforming provisions to
 15 changes made by the act; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (46) is added to section 320.01,
 20 Florida Statutes, to read:

21 320.01 Definitions, general.—As used in the Florida
 22 Statutes, except as otherwise provided, the term:

23 (46) "License plate agency" means an office appointed by
 24 the tax collector which is equipped with the department's
 25 Florida Real Time Vehicle Information System and managed by a

26 | governmental or private entity to process transactions related
 27 | to motorist services on behalf of the department.

28 | Section 2. Subsections (4) and (8) of section 320.03,
 29 | Florida Statutes, are amended to read:

30 | 320.03 Registration; duties of tax collectors;
 31 | International Registration Plan.—

32 | (4) (a) Each tax collector or license plate agency tag
 33 | ~~agent who has online computer access to the department data~~
 34 | ~~center or other reasonable access thereto~~ shall, except when the
 35 | department has issued a registration renewal notice, upon
 36 | receipt of an application for the registration of a any motor
 37 | vehicle, determine from the driver file of the applicant whether
 38 | the applicant's driver license has been canceled, suspended, or
 39 | revoked and, if so, whether the applicant has surrendered his or
 40 | her license to the department as required by s. 322.251. If the
 41 | applicant has not surrendered his or her license in accordance
 42 | with s. 322.251 ~~the provisions of that section~~, the tax
 43 | collector shall refuse to register the vehicle until such time
 44 | as the applicant surrenders his or her driver license to the
 45 | department.

46 | (b) The Florida Real Time Vehicle Information System shall
 47 | be installed in every tax collector's office and license plate
 48 | agency tag agent's office in accordance with a schedule
 49 | established by the department in consultation with the tax
 50 | collectors and contingent upon funds being made available for

51 the system by the state.

52 (c) Operational requirements for license plate agencies
53 which are established by department policies and procedures,
54 including, but not limited to, purchases of equipment, license
55 plates, and validation stickers and other costs incurred by the
56 department, shall be the same for both governmentally and
57 privately managed license plate agencies.

58 (8) If the applicant's name appears on the list referred
59 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
60 713.78(13), a license plate or revalidation sticker may not be
61 issued until that person's name no longer appears on the list or
62 until the person presents a receipt from the governmental entity
63 or the clerk of court that provided the data showing that the
64 fines outstanding have been paid. This subsection does not apply
65 to the owner of a leased vehicle if the vehicle is registered in
66 the name of the lessee of the vehicle. The tax collector and the
67 clerk of the court are each entitled to receive monthly, as
68 costs for implementing and administering this subsection, 10
69 percent of the civil penalties and fines recovered from such
70 persons. As used in this subsection, the term "civil penalties
71 and fines" does not include a wrecker operator's lien as
72 described in s. 713.78(13). If the tax collector has private
73 license plate agencies ~~tag agents~~, such license plate agencies
74 ~~tag agents~~ are entitled to receive a pro rata share of the
75 amount paid to the tax collector, based upon the percentage of

76 | license plates and revalidation stickers issued by the license
 77 | plate agency ~~tag agent~~ compared to the total issued within the
 78 | county. The authority of a ~~any~~ private license plate agent to
 79 | issue license plates shall be revoked, after notice and a
 80 | hearing as provided in chapter 120, if he or she issues a ~~any~~
 81 | license plate or revalidation sticker contrary to the provisions
 82 | of this subsection. This section applies only to the annual
 83 | renewal in the owner's birth month of a motor vehicle
 84 | registration and does not apply to the transfer of a
 85 | registration of a motor vehicle sold by a motor vehicle dealer
 86 | licensed under this chapter, except for the transfer of
 87 | registrations which includes the annual renewals. This section
 88 | does not affect the issuance of the title to a motor vehicle,
 89 | notwithstanding s. 319.23(8)(b).

90 | Section 3. Paragraph (b) of subsection (1) of section
 91 | 320.04, Florida Statutes, is amended to read:

92 | 320.04 Registration service charge.—

93 | (1)

94 | (b) A service charge of \$1 shall also be imposed for the
 95 | issuance of each licenseplate validation sticker, vessel decal,
 96 | and mobile home sticker issued from an automated vending
 97 | facility or printer dispenser machine. This service charge is
 98 | payable to the department and shall be used to provide for
 99 | automated vending facilities or printer dispenser machines that
 100 | are used to dispense such stickers and decals by each tax

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101 collector's or license plate agency's ~~tag agent's~~ employee.

102 Section 4. Subsection (2) of section 320.06, Florida
103 Statutes, is amended to read:

104 320.06 Registration certificates, license plates, and
105 validation stickers generally.—

106 (2) The department shall provide the several tax
107 collectors and license plate agencies ~~agents~~ with the necessary
108 number of validation stickers.

109 Section 5. Paragraph (b) of subsection (4) of section
110 320.0894, Florida Statutes, is amended to read:

111 320.0894 Motor vehicle license plates to Gold Star family
112 members.—The department shall develop a special license plate
113 honoring the family members of servicemembers who have been
114 killed while serving in the Armed Forces of the United States.
115 The license plate shall be officially designated as the Gold
116 Star license plate and shall be developed and issued as provided
117 in this section.

118 (4)

119 (b) The applicant must provide documentation of the fact
120 that the servicemember was killed while serving and proof of
121 relationship to the servicemember to the tax collector or
122 license plate agency ~~agent~~ before being issued a Gold Star
123 license plate. The tax collector or license plate agent may
124 waive the requirement for such documentation and proof if he or
125 she has actual knowledge of the family relationship and that the

126 | servicemember was killed while serving.

127 | Section 6. Subsection (1) of section 322.02, Florida
 128 | Statutes, is amended to read:

129 | 322.02 Legislative intent; administration.—

130 | (1) The Legislature finds that over the past several years
 131 | the department and individual county tax collectors have entered
 132 | into contracts for the delivery of full and limited driver
 133 | license services where such contractual relationships best
 134 | served the public interest through state administration and
 135 | enforcement and local government implementation. It is the
 136 | intent of the Legislature that the complete transition of all
 137 | driver license issuance services to tax collectors who are
 138 | constitutional officers under s. 1(d), Art. VIII of the State
 139 | Constitution be completed no later than June 30, 2015. The
 140 | transition of services to appointed charter county tax
 141 | collectors and their license plate agencies as defined in s.
 142 | 320.01(46) shall ~~may~~ occur on a limited basis by October 31,
 143 | 2021, as directed by the department. Such services shall
 144 | include:

145 | (a) Renewal of a driver license using a convenience
 146 | service.

147 | (b) Replacement of a driver license or identification
 148 | card.

149 | (c) Update of address on a driver license or
 150 | identification card.

151 (d) Reinstatement of a suspended driver license when the
 152 only condition of such reinstatement is payment of fees.

153 Section 7. Subsection (1) of section 212.1832, Florida
 154 Statutes, is amended to read:

155 212.1832 Credit for contributions to eligible nonprofit
 156 scholarship-funding organizations.—

157 (1) The purchaser of a motor vehicle shall be granted a
 158 credit of 100 percent of an eligible contribution made to an
 159 eligible nonprofit scholarship-funding organization under s.
 160 1002.40 against any tax imposed by the state under this chapter
 161 and collected from the purchaser by a dealer, designated agent,
 162 or private license plate agency ~~tag agent~~ as a result of the
 163 purchase or acquisition of a motor vehicle, except that a credit
 164 may not exceed the tax that would otherwise be collected from
 165 the purchaser by a dealer, designated agent, or private license
 166 plate agency ~~tag agent~~. For purposes of this subsection, the
 167 term "purchase" does not include the lease or rental of a motor
 168 vehicle.

169 Section 8. Subsection (1) of section 681.117, Florida
 170 Statutes, is amended to read:

171 681.117 Fee.—

172 (1) A \$2 fee shall be collected by a motor vehicle dealer,
 173 or by a person engaged in the business of leasing motor
 174 vehicles, from the consumer at the consummation of the sale of a
 175 motor vehicle or at the time of entry into a lease agreement for

176 a motor vehicle. Such fees shall be remitted to the county tax
 177 collector or private license plate ~~tag~~ agency acting as agent
 178 for the Department of Revenue. If the purchaser or lessee
 179 removes the motor vehicle from the state for titling and
 180 registration outside this state, the fee shall be remitted to
 181 the Department of Revenue. All fees, less the cost of
 182 administration, shall be transferred monthly to the department
 183 for deposit into the Motor Vehicle Warranty Trust Fund.

184 Section 9. Paragraphs (a), (b), (c), and (g) of subsection
 185 (13) of section 1002.40, Florida Statutes, are amended to read:

186 1002.40 The Hope Scholarship Program.—

187 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

188 (a) A tax credit is available under s. 212.1832(1) for use
 189 by a person that makes an eligible contribution. Eligible
 190 contributions shall be used to fund scholarships under this
 191 section and may be used to fund scholarships under s. 1002.395.
 192 Each eligible contribution is limited to a single payment of
 193 \$105 per motor vehicle purchased at the time of purchase of a
 194 motor vehicle or a single payment of \$105 per motor vehicle
 195 purchased at the time of registration of a motor vehicle that
 196 was not purchased from a dealer, except that a contribution may
 197 not exceed the state tax imposed under chapter 212 that would
 198 otherwise be collected from the purchaser by a dealer,
 199 designated agent, or private license plate agency ~~tag agent~~.
 200 Payments of contributions shall be made to a dealer at the time

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201 of purchase of a motor vehicle or to a designated agent or
202 private license plate agency ~~tag agent~~ at the time of
203 registration of a motor vehicle that was not purchased from a
204 dealer. An eligible contribution shall be accompanied by a
205 contribution election form provided by the Department of
206 Revenue. The form shall include, at a minimum, the following
207 brief description of the Hope Scholarship Program and the
208 Florida Tax Credit Scholarship Program: "THE HOPE SCHOLARSHIP
209 PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN
210 INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO
211 APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL
212 RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT. THE FLORIDA
213 TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW-INCOME STUDENT THE
214 OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE
215 PRIVATE SCHOOL." The form shall also include, at a minimum, a
216 section allowing the consumer to designate, from all
217 participating scholarship funding organizations, which
218 organization will receive his or her donation. For purposes of
219 this subsection, the term "purchase" does not include the lease
220 or rental of a motor vehicle.

221 (b) A dealer, designated agent, or private license plate
222 agency ~~tag agent~~ shall:

223 1. Provide the purchaser the contribution election form,
224 as provided by the Department of Revenue, at the time of
225 purchase of a motor vehicle or at the time of registration of a

226 | motor vehicle that was not purchased from a dealer.

227 | 2. Collect eligible contributions.

228 | 3. Using a form provided by the Department of Revenue,
 229 | which shall include the dealer's or agency's ~~agent's~~ federal
 230 | employer identification number, remit to an organization no
 231 | later than the date the return filed pursuant to s. 212.11 is
 232 | due the total amount of contributions made to that organization
 233 | and collected during the preceding reporting period. Using the
 234 | same form, the dealer or agency ~~agent~~ shall also report this
 235 | information to the Department of Revenue no later than the date
 236 | the return filed pursuant to s. 212.11 is due.

237 | 4. Report to the Department of Revenue on each return
 238 | filed pursuant to s. 212.11 the total amount of credits granted
 239 | under s. 212.1832 for the preceding reporting period.

240 | (c) An organization shall report to the Department of
 241 | Revenue, on or before the 20th day of each month, the total
 242 | amount of contributions received pursuant to paragraph (b) in
 243 | the preceding calendar month on a form provided by the
 244 | Department of Revenue. Such report shall include:

245 | 1. The federal employer identification number of each
 246 | designated agent, private license plate agency ~~tag-agent~~, or
 247 | dealer who remitted contributions to the organization during
 248 | that reporting period.

249 | 2. The amount of contributions received from each
 250 | designated agent, private license plate agency ~~tag-agent~~, or

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251 dealer during that reporting period.

252 (g) A ~~Any~~ dealer, designated agent, private license plate
253 agency tag ~~agent~~, or organization that fails to timely submit
254 reports to the Department of Revenue as required in paragraphs
255 (b) and (c) is subject to a penalty of \$1,000 for every month,
256 or part thereof, the report is not provided, up to a maximum
257 amount of \$10,000. Such penalty shall be collected by the
258 Department of Revenue and shall be transferred into the General
259 Revenue Fund. Such penalty must be settled or compromised if it
260 is determined by the Department of Revenue that the
261 noncompliance is due to reasonable cause and not due to willful
262 negligence, willful neglect, or fraud.

263 Section 10. This act shall take effect July 1, 2021.