

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. 322.135, F.S.;
11 authorizing a tax collector to contract with license
12 plate agencies for the provision of specified driver
13 license services; requiring the Department of Highway
14 Safety and Motor Vehicles to enter into interagency
15 agreements with certain tax collectors, upon
16 application, for the provision of those driver license
17 services through license plate agencies; providing
18 applicability; amending ss. 212.1832, 681.117, and
19 1002.40, F.S.; conforming provisions to changes made
20 by the act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (46) is added to section 320.01,
25 Florida Statutes, to read:

26 320.01 Definitions, general.—As used in the Florida
 27 Statutes, except as otherwise provided, the term:

28 (4) "License plate agency" means an office appointed by
 29 the tax collector which is equipped with the department's
 30 Florida Real Time Vehicle Information System and managed by a
 31 governmental or private entity to process transactions related
 32 to motorist services on behalf of the department.

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

35 320.03 Registration; duties of tax collectors;
 36 International Registration Plan.—

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

51 (b) The Florida Real Time Vehicle Information System shall
52 be installed in every tax collector's office and license plate
53 agency tag agent's office in accordance with a schedule
54 established by the department in consultation with the tax
55 collectors and contingent upon funds being made available for
56 the system by the state.

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

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

76 and fines" does not include a wrecker operator's lien as
 77 described in s. 713.78(13). If the tax collector has private
 78 license plate agencies ~~tag agents~~, such license plate agencies
 79 ~~tag agents~~ are entitled to receive a pro rata share of the
 80 amount paid to the tax collector, based upon the percentage of
 81 license plates and revalidation stickers issued by the license
 82 plate agency ~~tag agent~~ compared to the total issued within the
 83 county. The authority of a ~~any~~ private license plate agent to
 84 issue license plates shall be revoked, after notice and a
 85 hearing as provided in chapter 120, if he or she issues a ~~any~~
 86 license plate or revalidation sticker contrary to the provisions
 87 of this subsection. This section applies only to the annual
 88 renewal in the owner's birth month of a motor vehicle
 89 registration and does not apply to the transfer of a
 90 registration of a motor vehicle sold by a motor vehicle dealer
 91 licensed under this chapter, except for the transfer of
 92 registrations which includes the annual renewals. This section
 93 does not affect the issuance of the title to a motor vehicle,
 94 notwithstanding s. 319.23(8)(b).

95 Section 3. Paragraph (b) of subsection (1) of section
 96 320.04, Florida Statutes, is amended to read:

97 320.04 Registration service charge.—

98 (1)

99 (b) A service charge of \$1 shall also be imposed for the
 100 issuance of each license plate validation sticker, vessel decal,

101 and mobile home sticker issued from an automated vending
102 facility or printer dispenser machine. This service charge is
103 payable to the department and shall be used to provide for
104 automated vending facilities or printer dispenser machines that
105 are used to dispense such stickers and decals by each tax
106 collector's or license plate agency's ~~tag agent's~~ employee.

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

109 320.06 Registration certificates, license plates, and
110 validation stickers generally.—

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

114 Section 5. Paragraph (b) of subsection (4) of section
115 320.0894, Florida Statutes, is amended to read:

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

123 (4)

124 (b) The applicant must provide documentation of the fact
125 that the servicemember was killed while serving and proof of

126 relationship to the servicemember to the tax collector or
 127 license plate agency ~~agent~~ before being issued a Gold Star
 128 license plate. The tax collector or license plate agent may
 129 waive the requirement for such documentation and proof if he or
 130 she has actual knowledge of the family relationship and that the
 131 servicemember was killed while serving.

132 Section 6. Subsection (1) of section 322.135, Florida
 133 Statutes, is amended to read:

134 322.135 Driver license agents.—

135 (1) (a) The department shall, upon application, authorize
 136 by interagency agreement any or all of the tax collectors who
 137 are constitutional officers under s. 1(d), Art. VIII of the
 138 State Constitution in the several counties of the state, subject
 139 to the requirements of law, in accordance with rules of the
 140 department, to serve as the department's ~~its~~ agent for the
 141 provision of specified driver license services.

142 ~~(a)~~ These services shall be limited to the issuance of
 143 driver licenses and identification cards as authorized by this
 144 chapter.

145 (b) Effective October 1, 2021, any or all of the tax
 146 collectors may contract with one or more license plate agencies
 147 for the provision of the following specified driver license
 148 services:

149 1. Processing a licensee's application for renewal of any
 150 driver license eligible for renewal using a convenience service.

151 2. Processing a licensee's application for reinstatement
152 of a suspended driver license and collecting the required fees
153 therefor, if the only condition of reinstatement is payment of
154 such fees.

155 3. Processing a licensee's or cardholder's request to
156 change his or her address and application for a replacement
157 driver license or identification card, and collecting the
158 required fees therefor, if the licensee or cardholder is not
159 required to renew in person.

160
161 If a tax collector who elects to contract with a license plate
162 agency for the provision of these services has not entered into
163 an interagency agreement with the department under paragraph
164 (a), the department shall, upon application, authorize the tax
165 collector by interagency agreement, subject to the requirements
166 of law, in accordance with rules of the department, to provide
167 these services as the department's agent through one or more
168 license plate agencies. A tax collector's election to contract
169 with a license plate agency under this paragraph does not
170 require the tax collector to provide all driver license services
171 authorized under paragraph (a). This paragraph does not
172 authorize a license plate agency to issue driver licenses or
173 identification cards or possess any blank driver licenses or
174 identification cards. If funds to be deposited into the State
175 Treasury are collected under this paragraph by a license plate

176 agency, the funds shall be paid into the State Treasury within
 177 the period specified in subsection (6) calculated from the date
 178 the funds are collected by the license plate agency.

179 (c)~~(b)~~ Each tax collector who is authorized by the
 180 department to provide driver license services shall bear all
 181 costs associated with providing those services.

182 (d)~~(e)~~ A service fee of \$6.25 must be charged, in addition
 183 to the fees set forth in this chapter, for providing all
 184 services pursuant to this chapter. The service fee may not be
 185 charged:

186 1. More than once per customer during a single visit to a
 187 tax collector's office.

188 2. For a reexamination requested by the Medical Advisory
 189 Board or required pursuant to s. 322.221.

190 3. For a voter registration transaction.

191 4. In violation of any federal or state law.

192 5. To a veteran receiving any service pursuant to this
 193 chapter, upon presentation of a copy of the veteran's:

194 a. DD Form 214, issued by the United States Department of
 195 Defense;

196 b. Veteran health identification card, issued by the
 197 United States Department of Veterans Affairs;

198 c. Veteran identification card, issued by the United
 199 States Department of Veterans Affairs pursuant to the Veterans
 200 Identification Card Act of 2015, Pub. L. No. 114-31; or

201 d. Other acceptable form specified by the Department of
 202 Veterans' Affairs.

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

205 212.1832 Credit for contributions to eligible nonprofit
 206 scholarship-funding organizations.—

207 (1) The purchaser of a motor vehicle shall be granted a
 208 credit of 100 percent of an eligible contribution made to an
 209 eligible nonprofit scholarship-funding organization under s.
 210 1002.40 against any tax imposed by the state under this chapter
 211 and collected from the purchaser by a dealer, designated agent,
 212 or private license plate agency ~~tag agent~~ as a result of the
 213 purchase or acquisition of a motor vehicle, except that a credit
 214 may not exceed the tax that would otherwise be collected from
 215 the purchaser by a dealer, designated agent, or private license
 216 plate agency ~~tag agent~~. For purposes of this subsection, the
 217 term "purchase" does not include the lease or rental of a motor
 218 vehicle.

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

221 681.117 Fee.—

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

226 a motor vehicle. Such fees shall be remitted to the county tax
 227 collector or private license plate ~~tag~~ agency acting as agent
 228 for the Department of Revenue. If the purchaser or lessee
 229 removes the motor vehicle from the state for titling and
 230 registration outside this state, the fee shall be remitted to
 231 the Department of Revenue. All fees, less the cost of
 232 administration, shall be transferred monthly to the department
 233 for deposit into the Motor Vehicle Warranty Trust Fund.

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

236 1002.40 The Hope Scholarship Program.—

237 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

238 (a) A tax credit is available under s. 212.1832(1) for use
 239 by a person that makes an eligible contribution. Eligible
 240 contributions shall be used to fund scholarships under this
 241 section and may be used to fund scholarships under s. 1002.395.
 242 Each eligible contribution is limited to a single payment of
 243 \$105 per motor vehicle purchased at the time of purchase of a
 244 motor vehicle or a single payment of \$105 per motor vehicle
 245 purchased at the time of registration of a motor vehicle that
 246 was not purchased from a dealer, except that a contribution may
 247 not exceed the state tax imposed under chapter 212 that would
 248 otherwise be collected from the purchaser by a dealer,
 249 designated agent, or private license plate agency ~~tag agent~~.
 250 Payments of contributions shall be made to a dealer at the time

251 of purchase of a motor vehicle or to a designated agent or
252 private license plate agency ~~tag agent~~ at the time of
253 registration of a motor vehicle that was not purchased from a
254 dealer. An eligible contribution shall be accompanied by a
255 contribution election form provided by the Department of
256 Revenue. The form shall include, at a minimum, the following
257 brief description of the Hope Scholarship Program and the
258 Florida Tax Credit Scholarship Program: "THE HOPE SCHOLARSHIP
259 PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN
260 INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO
261 APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL
262 RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT. THE FLORIDA
263 TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW-INCOME STUDENT THE
264 OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE
265 PRIVATE SCHOOL." The form shall also include, at a minimum, a
266 section allowing the consumer to designate, from all
267 participating scholarship funding organizations, which
268 organization will receive his or her donation. For purposes of
269 this subsection, the term "purchase" does not include the lease
270 or rental of a motor vehicle.

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

273 1. Provide the purchaser the contribution election form,
274 as provided by the Department of Revenue, at the time of
275 purchase of a motor vehicle or at the time of registration of a

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

277 | 2. Collect eligible contributions.

278 | 3. Using a form provided by the Department of Revenue,
 279 | which shall include the dealer's or agency's ~~agent's~~ federal
 280 | employer identification number, remit to an organization no
 281 | later than the date the return filed pursuant to s. 212.11 is
 282 | due the total amount of contributions made to that organization
 283 | and collected during the preceding reporting period. Using the
 284 | same form, the dealer or agency ~~agent~~ shall also report this
 285 | information to the Department of Revenue no later than the date
 286 | the return filed pursuant to s. 212.11 is due.

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

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

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

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

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301 dealer during that reporting period.

302 (g) A ~~Any~~ dealer, designated agent, private license plate
303 agency tag agent, or organization that fails to timely submit
304 reports to the Department of Revenue as required in paragraphs
305 (b) and (c) is subject to a penalty of \$1,000 for every month,
306 or part thereof, the report is not provided, up to a maximum
307 amount of \$10,000. Such penalty shall be collected by the
308 Department of Revenue and shall be transferred into the General
309 Revenue Fund. Such penalty must be settled or compromised if it
310 is determined by the Department of Revenue that the
311 noncompliance is due to reasonable cause and not due to willful
312 negligence, willful neglect, or fraud.

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