

By Senator Jones

35-00633-22

2022870__

1 A bill to be entitled
2 An act relating to driver license suspensions;
3 amending s. 318.15, F.S.; deleting provisions
4 requiring driver license suspensions for specified
5 reasons; deleting a requirement for the Department of
6 Highway Safety and Motor Vehicles to maintain records
7 of such suspensions for a specified timeframe;
8 revising requirements and procedures for reinstating
9 driver licenses of certain persons; amending s.
10 322.245, F.S.; deleting a requirement for a clerk of
11 court to send a specified notice to certain persons;
12 deleting the authority for a clerk of court to collect
13 certain delinquency fees; revising requirements and
14 procedures for the reinstatement of driver licenses
15 suspended for specified reasons; deleting requirements
16 and procedures for the department relating to certain
17 driver license suspensions; amending ss. 316.192,
18 318.14, 320.03, 320.571, 322.29, 322.34, and 322.391,
19 F.S.; conforming provisions to changes made by the
20 act; providing a directive to the Division of Law
21 Revision; providing an effective date.
22

23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Section 318.15, Florida Statutes, is amended to
26 read:

27 318.15 Failure to attend driver improvement school; request
28 for hearing ~~comply with civil penalty or to appear; penalty.-~~

29 (1) (a) ~~If a person fails to comply with the civil penalties~~

35-00633-22

2022870__

30 provided in s. 318.18 within the time period specified in s.
31 318.14(4), fails to enter into or comply with the terms of a
32 penalty payment plan with the clerk of the court in accordance
33 with ss. 318.14 and 28.246, fails to attend driver improvement
34 school, or fails to appear at a scheduled hearing, the clerk of
35 the court must notify the Department of Highway Safety and Motor
36 Vehicles of such failure within 10 days after such failure. Upon
37 receipt of such notice, the department must immediately issue an
38 order suspending the driver license and privilege to drive of
39 such person effective 20 days after the date the order of
40 suspension is mailed in accordance with s. 322.251(1), (2), and
41 (6). The order also must inform the person that he or she may
42 contact the clerk of the court to establish a payment plan
43 pursuant to s. 28.246(4) to make partial payments for court-
44 related fines, fees, service charges, and court costs. Any such
45 suspension of the driving privilege which has not been
46 reinstated, including a similar suspension imposed outside of
47 this state, must remain on the records of the department for a
48 period of 7 years from the date imposed and must be removed from
49 the records after the expiration of 7 years from the date it is
50 imposed. The department may not accept the resubmission of such
51 suspension.

52 ~~(b) However,~~ A person who elects to attend driver
53 improvement school and has paid the civil penalty as provided in
54 s. 318.14(9) but who subsequently fails to attend the driver
55 improvement school within the time specified by the court is
56 deemed to have admitted the infraction and shall be adjudicated
57 guilty. If the person received an 18-percent reduction pursuant
58 to s. 318.14(9), the person must pay the clerk of the court that

35-00633-22

2022870__

59 amount and a processing fee of up to \$18, from which the clerk
60 shall remit \$3 to the Department of Revenue for deposit into the
61 General Revenue Fund, after which additional penalties, court
62 costs, or surcharges may not be imposed for the violation. In
63 all other such cases, the person must pay the clerk a processing
64 fee of up to \$18, from which the clerk shall remit \$3 to the
65 Department of Revenue for deposit into the General Revenue Fund,
66 after which additional penalties, court costs, or surcharges may
67 not be imposed for the violation. The clerk of the court shall
68 notify the department of the person's failure to attend driver
69 improvement school and points shall be assessed pursuant to s.
70 322.27.

71 (b)~~(e)~~ A person ~~who is~~ charged with a traffic infraction
72 may request a hearing within 180 days after the date upon which
73 the violation occurred, ~~regardless of any action taken by the~~
74 ~~court or the department to suspend the person's driving~~
75 ~~privilege,~~ and, upon request, the clerk must set the case for
76 hearing. ~~The person shall be given a form for requesting that~~
77 ~~his or her driving privilege be reinstated.~~ If the 180th day
78 after the date upon which the violation occurred is a Saturday,
79 Sunday, or legal holiday, the person ~~who is~~ charged must request
80 a hearing within 177 days after the date upon which the
81 violation occurred; however, the court may grant a request for a
82 hearing made more than 180 days after the date upon which the
83 violation occurred. This paragraph does not affect the
84 assessment of late fees as otherwise provided in this chapter.

85 ~~(2) After the suspension of a person's driver license and~~
86 ~~privilege to drive under subsection (1), the license and~~
87 ~~privilege may not be reinstated until the person complies with~~

35-00633-22

2022870__

88 ~~the terms of a periodic payment plan or a revised payment plan~~
89 ~~with the clerk of the court pursuant to ss. 318.14 and 28.246 or~~
90 ~~with all obligations and penalties imposed under s. 318.18 and~~
91 ~~presents to a driver license office a certificate of compliance~~
92 ~~issued by the court, together with a nonrefundable service~~
93 ~~charge of \$60 imposed under s. 322.29, or presents a certificate~~
94 ~~of compliance and pays the service charge to the clerk of the~~
95 ~~court or a driver licensing agent authorized under s. 322.135~~
96 ~~clearing such suspension. Of the charge collected, \$22.50 shall~~
97 ~~be remitted to the Department of Revenue to be deposited into~~
98 ~~the Highway Safety Operating Trust Fund. Such person must also~~
99 ~~be in compliance with requirements of chapter 322 before~~
100 ~~reinstatement.~~

101 (2)(3) A person whose driver license was suspended before
102 the effective date of this act solely for nonpayment pursuant to
103 former s. 318.15 and whose license is reinstated pursuant to
104 subsection (3) or s. 322.245(4) may obtain a reinstated driver
105 license upon payment of a single reinstatement fee ~~The clerk~~
106 ~~shall notify the department of persons who were mailed a notice~~
107 ~~of violation of s. 316.074(1) or s. 316.075(1)(c)1. pursuant to~~
108 ~~s. 316.0083 and who failed to enter into, or comply with the~~
109 ~~terms of, a penalty payment plan, or order with the clerk to the~~
110 ~~local hearing officer or failed to appear at a scheduled hearing~~
111 ~~within 10 days after such failure, and shall reference the~~
112 ~~person's driver license number, or in the case of a business~~
113 ~~entity, vehicle registration number.~~

114 ~~(a) Upon receipt of such notice, the department, or~~
115 ~~authorized agent thereof, may not issue a license plate or~~
116 ~~revalidation sticker for any motor vehicle owned or co-owned by~~

35-00633-22

2022870__

117 ~~that person pursuant to s. 320.03(8) until the amounts assessed~~
118 ~~have been fully paid.~~

119 ~~(b) After the issuance of the person's license plate or~~
120 ~~revalidation sticker is withheld pursuant to paragraph (a), the~~
121 ~~person may challenge the withholding of the license plate or~~
122 ~~revalidation sticker only on the basis that the outstanding~~
123 ~~finances and civil penalties have been paid pursuant to s.~~
124 ~~320.03(8).~~

125 (3) The department shall automatically reinstate any driver
126 license that was suspended as of the effective date of this act
127 pursuant to former s. 318.15 or former s. 322.245 if the only
128 reason for the suspension was the failure to pay a financial
129 obligation for a traffic infraction or for a criminal case.

130 Section 2. Section 322.245, Florida Statutes, is amended to
131 read:

132 322.245 Suspension of license ~~upon failure of person~~
133 ~~charged with specified offense under chapter 316, chapter 320,~~
134 ~~or this chapter to comply with directives ordered by traffic~~
135 ~~court or upon failure to pay child support in non-IV-D cases as~~
136 ~~provided in chapter 61 or failure to pay any financial~~
137 ~~obligation in any other criminal case.-~~

138 (1) ~~If a person charged with a violation of any of the~~
139 ~~criminal offenses enumerated in s. 318.17 or with the commission~~
140 ~~of any offense constituting a misdemeanor under chapter 320 or~~
141 ~~this chapter fails to comply with all of the directives of the~~
142 ~~court within the time allotted by the court, the clerk of the~~
143 ~~court must provide the person, either electronically or by mail~~
144 ~~sent to the address specified on the uniform traffic citation, a~~
145 ~~notice of such failure, notifying him or her that, if he or she~~

35-00633-22

2022870__

146 ~~does not comply with the directives of the court within 30 days~~
147 ~~after the date of the notice and pay a delinquency fee of up to~~
148 ~~\$25 to the clerk, from which the clerk shall remit \$10 to the~~
149 ~~Department of Revenue for deposit into the General Revenue Fund,~~
150 ~~his or her driver license will be suspended. The notice must be~~
151 ~~sent no later than 5 days after such failure. The delinquency~~
152 ~~fee may be retained by the office of the clerk to defray the~~
153 ~~operating costs of the office.~~

154 ~~(2)~~ In non-IV-D cases, if a person fails to pay child
155 support under chapter 61 and the obligee so requests, the
156 depository or the clerk of the court shall mail in accordance
157 with s. 61.13016 the notice specified in that section, notifying
158 him or her that if he or she does not comply with the
159 requirements of that section and ~~pay a delinquency fee of \$25 to~~
160 ~~the depository or the clerk,~~ his or her driver license and motor
161 vehicle registration will be suspended. ~~The delinquency fee may~~
162 ~~be retained by the depository or the office of the clerk to~~
163 ~~defray the operating costs of the office after the clerk remits~~
164 ~~\$15 to the Department of Revenue for deposit into the General~~
165 ~~Revenue Fund.~~

166 (2) ~~(3)~~ If the person fails to comply with the directives of
167 ~~the court within the 30-day period, or, in non-IV-D cases, fails~~
168 ~~to comply~~ with the requirements of s. 61.13016 within the period
169 specified in that statute, the depository or the clerk of the
170 court must electronically notify the department of such failure
171 within 10 days. Upon electronic receipt of the notice, the
172 department shall immediately issue an order suspending the
173 person's driver license and privilege to drive effective 20 days
174 after the date the order of suspension is mailed in accordance

35-00633-22

2022870__

175 with s. 322.251(1), (2), and (6). The order of suspension must
176 also contain information specifying that the person may contact
177 the clerk of the court to establish a payment plan pursuant to
178 s. 28.246(4) to make partial payments for fines, fees, service
179 charges, and court costs.

180 ~~(3)(4)~~ After suspension of the driver license of a person
181 pursuant to subsection (1) or, subsection (2), ~~or subsection~~
182 ~~(3)~~, the license may not be reinstated until ~~the person complies~~
183 ~~with all court directives imposed upon him or her, including~~
184 ~~payment of the delinquency fee imposed by subsection (1), and~~
185 ~~presents certification of such compliance to a driver licensing~~
186 ~~office and complies with the requirements of this chapter or, in~~
187 ~~the case of a license suspended for nonpayment of child support~~
188 ~~in non-IV-D cases, until the person complies with the~~
189 ~~reinstatement provisions of s. 322.058 and makes payment of the~~
190 ~~delinquency fee imposed by subsection (2).~~

191 (4) The department shall automatically reinstate any driver
192 license that was suspended as of the effective date of this act
193 pursuant to former s. 318.15 or former s. 322.245 if the only
194 reason for the suspension was the failure to pay a financial
195 obligation for a traffic infraction or for a criminal case and
196 the person whose driver license was suspended pays the
197 reinstatement fee provided in s. 318.15(2).

198 ~~(5)(a) When the department receives notice from a clerk of~~
199 ~~the court that a person licensed to operate a motor vehicle in~~
200 ~~this state under the provisions of this chapter has failed to~~
201 ~~pay financial obligations for any criminal offense other than~~
202 ~~those specified in subsection (1), in full or in part under a~~
203 ~~payment plan pursuant to s. 28.246(4), the department must~~

35-00633-22

2022870__

204 ~~suspend the license of the person named in the notice. The~~
205 ~~department shall mail an order of suspension in accordance with~~
206 ~~s. 322.251(1), (2), and (6), which must also contain information~~
207 ~~specifying that the person may contact the clerk of the court to~~
208 ~~establish a payment plan pursuant to s. 28.246(4) to make~~
209 ~~partial payments for fines, fees, service charges, and court~~
210 ~~costs.~~

211 ~~(b) The department must reinstate the driving privilege~~
212 ~~when the clerk of the court provides an affidavit to the~~
213 ~~department stating that:~~

214 ~~1. The person has satisfied the financial obligation in~~
215 ~~full or made all payments currently due under a payment plan;~~

216 ~~2. The person has entered into a written agreement for~~
217 ~~payment of the financial obligation if not presently enrolled in~~
218 ~~a payment plan; or~~

219 ~~3. A court has entered an order granting relief to the~~
220 ~~person ordering the reinstatement of the license.~~

221 ~~(5)(e)~~ The department shall not be held liable for any
222 license suspension resulting from the discharge of its duties
223 under this section.

224 Section 3. Subsection (5) of section 316.192, Florida
225 Statutes, is amended to read:

226 316.192 Reckless driving.—

227 (5) In addition to any other penalty provided under this
228 section, if the court has reasonable cause to believe that the
229 use of alcohol, chemical substances set forth in s. 877.111, or
230 substances controlled under chapter 893 contributed to a
231 violation of this section, the court shall direct the person so
232 convicted to complete a DUI program substance abuse education

35-00633-22

2022870__

233 course and evaluation as provided in s. 316.193(5) within a
234 reasonable period of time specified by the court. If the DUI
235 program conducting such course and evaluation refers the person
236 to an authorized substance abuse treatment provider for
237 substance abuse evaluation and treatment, the directive of the
238 court requiring completion of such course, evaluation, and
239 treatment shall be enforced as provided in former s. 322.245,
240 Florida Statutes 2021. The referral to treatment resulting from
241 the DUI program evaluation may not be waived without a
242 supporting independent psychosocial evaluation conducted by an
243 authorized substance abuse treatment provider, appointed by the
244 court, which shall have access to the DUI program psychosocial
245 evaluation before the independent psychosocial evaluation is
246 conducted. The court shall review the results and
247 recommendations of both evaluations before determining the
248 request for waiver. The offender shall bear the full cost of
249 this procedure. If a person directed to a DUI program substance
250 abuse education course and evaluation or referred to treatment
251 under this subsection fails to report for or complete such
252 course, evaluation, or treatment, the DUI program shall notify
253 the court and the department of the failure. Upon receipt of
254 such notice, the department shall cancel the person's driving
255 privilege, notwithstanding the terms of the court order or any
256 suspension or revocation of the driving privilege. The
257 department may reinstate the driving privilege upon verification
258 from the DUI program that the education, evaluation, and
259 treatment are completed. The department may temporarily
260 reinstate the driving privilege on a restricted basis upon
261 verification that the offender is currently participating in

35-00633-22

2022870__

262 treatment and has completed the DUI education course and
263 evaluation requirement. If the DUI program notifies the
264 department of the second failure to complete treatment, the
265 department shall reinstate the driving privilege only after
266 notice of successful completion of treatment from the DUI
267 program.

268 Section 4. Paragraph (a) of subsection (10) of section
269 318.14, Florida Statutes, is amended to read:

270 318.14 Noncriminal traffic infractions; exception;
271 procedures.-

272 (10) (a) Any person who does not hold a commercial driver
273 license or commercial learner's permit and who is cited while
274 driving a noncommercial motor vehicle for an offense listed
275 under this subsection may, in lieu of payment of fine or court
276 appearance, elect to enter a plea of nolo contendere and provide
277 proof of compliance to the clerk of the court, designated
278 official, or authorized operator of a traffic violations bureau.
279 In such case, adjudication shall be withheld; however, a person
280 may not make an election under this subsection if the person has
281 made an election under this subsection in the preceding 12
282 months. A person may not make more than three elections under
283 this subsection. This subsection applies to the following
284 offenses:

285 1. Operating a motor vehicle without a valid driver license
286 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
287 operating a motor vehicle with a license that has been suspended
288 for failure to appear, failure to pay civil penalty, or failure
289 to attend a driver improvement course pursuant to s. 322.291.

290 2. Operating a motor vehicle without a valid registration

35-00633-22

2022870__

291 in violation of s. 320.0605, s. 320.07, or s. 320.131.

292 3. Operating a motor vehicle in violation of s. 316.646.

293 4. Operating a motor vehicle with a license that has been
294 suspended under s. 61.13016 or s. 322.245 for failure to pay
295 child support ~~or for failure to pay any other financial~~
296 ~~obligation as provided in s. 322.245; however, this subparagraph~~
297 ~~does not apply if the license has been suspended pursuant to s.~~
298 ~~322.245(1).~~

299 5. Operating a motor vehicle with a license that has been
300 suspended under s. 322.091 for failure to meet school attendance
301 requirements.

302 Section 5. Subsection (8) of section 320.03, Florida
303 Statutes, is amended to read:

304 320.03 Registration; duties of tax collectors;
305 International Registration Plan.—

306 (8) If the applicant's name appears on the list referred to
307 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.
308 713.78(13), a license plate or revalidation sticker may not be
309 issued until that person's name no longer appears on the list or
310 until the person presents a receipt from the governmental entity
311 or the clerk of court that provided the data showing that the
312 fines outstanding have been paid. This subsection does not apply
313 to the owner of a leased vehicle if the vehicle is registered in
314 the name of the lessee of the vehicle. The tax collector and the
315 clerk of the court are each entitled to receive monthly, as
316 costs for implementing and administering this subsection, 10
317 percent of the civil penalties and fines recovered from such
318 persons. As used in this subsection, the term "civil penalties
319 and fines" does not include a wrecker operator's lien as

35-00633-22

2022870__

320 described in s. 713.78(13). If the tax collector has private tag
321 agents, such tag agents are entitled to receive a pro rata share
322 of the amount paid to the tax collector, based upon the
323 percentage of license plates and revalidation stickers issued by
324 the tag agent compared to the total issued within the county.
325 The authority of any private agent to issue license plates shall
326 be revoked, after notice and a hearing as provided in chapter
327 120, if he or she issues any license plate or revalidation
328 sticker contrary to the provisions of this subsection. This
329 section applies only to the annual renewal in the owner's birth
330 month of a motor vehicle registration and does not apply to the
331 transfer of a registration of a motor vehicle sold by a motor
332 vehicle dealer licensed under this chapter, except for the
333 transfer of registrations which includes the annual renewals.
334 This section does not affect the issuance of the title to a
335 motor vehicle, notwithstanding s. 319.23(8)(b).

336 Section 6. Section 320.571, Florida Statutes, is amended to
337 read:

338 320.571 Failure of person charged with misdemeanor under
339 this chapter to comply with court-ordered directives; suspension
340 of license.—Any person who has been charged with the commission
341 of an offense which constitutes a misdemeanor under this chapter
342 and who fails to comply with all of the directives of the court
343 is subject to the provisions of former s. 322.245, Florida
344 Statutes 2021.

345 Section 7. Subsection (2) of section 322.29, Florida
346 Statutes, is amended to read:

347 322.29 Surrender and return of license.—

348 (2) Notwithstanding subsection (1), an examination is not

35-00633-22

2022870__

349 required for the return of a license suspended under ~~s. 318.15~~
350 ~~or~~ s. 322.245 unless an examination is otherwise required by
351 this chapter. A person applying for the return of a license
352 suspended under ~~s. 318.15 or~~ s. 322.245 must present to the
353 department certification from the court that he or she has
354 complied with all ~~obligations and penalties imposed pursuant to~~
355 ~~s. 318.15 or, in the case of a suspension pursuant to s.~~
356 ~~322.245, that he or she has complied with all directives of the~~
357 ~~court and the~~ requirements of s. 322.245 and shall pay to the
358 department a nonrefundable service fee of \$60, of which \$37.50
359 shall be deposited into the General Revenue Fund and \$22.50
360 shall be deposited into the Highway Safety Operating Trust Fund.
361 If reinstated by the clerk of the court or tax collector, \$37.50
362 shall be retained and \$22.50 shall be remitted to the Department
363 of Revenue for deposit into the Highway Safety Operating Trust
364 Fund. However, the service fee is not required if the person is
365 required to pay a \$45 fee or \$75 fee under s. 322.21(8).

366 Section 8. Subsection (10) of section 322.34, Florida
367 Statutes, is amended to read:

368 322.34 Driving while license suspended, revoked, canceled,
369 or disqualified.—

370 (10) (a) Notwithstanding any other provision of this
371 section, if a person does not have a prior forcible felony
372 conviction as defined in s. 776.08, the penalties provided in
373 paragraph (b) apply if a person's driver license or driving
374 privilege is canceled, suspended, or revoked, or the person is
375 under suspension or revocation equivalent status, for:

376 1. Failing to pay child support as provided in s. 322.245
377 or s. 61.13016;

35-00633-22

2022870__

378 2. ~~Failing to pay any other financial obligation as~~
379 ~~provided in s. 322.245 other than those specified in s.~~
380 ~~322.245(1);~~

381 3. ~~Failing to comply with a civil penalty required in s.~~
382 ~~318.15;~~

383 4. Failing to maintain vehicular financial responsibility
384 as required by chapter 324;

385 3.5. Failing to comply with attendance or other
386 requirements for minors as set forth in s. 322.091; or

387 4.6. Having been designated a habitual traffic offender
388 under s. 322.264(1)(d) as a result of suspensions of his or her
389 driver license or driver privilege for any underlying violation
390 listed in subparagraphs 1.-3. ~~1.-5.~~

391 (b)1. Upon a first conviction for knowingly driving while
392 his or her license is suspended, revoked, or canceled, or while
393 under suspension or revocation equivalent status, for any of the
394 underlying violations listed in subparagraphs (a)1.-4. ~~(a)1.-6.~~,
395 a person commits a misdemeanor of the second degree, punishable
396 as provided in s. 775.082 or s. 775.083.

397 2. Upon a second or subsequent conviction for the same
398 offense of knowingly driving while his or her license is
399 suspended, revoked, or canceled, or while under suspension or
400 revocation equivalent status, for any of the underlying
401 violations listed in subparagraphs (a)1.-4. ~~(a)1.-6.~~, a person
402 commits a misdemeanor of the first degree, punishable as
403 provided in s. 775.082 or s. 775.083.

404 Section 9. Section 322.391, Florida Statutes, is amended to
405 read:

406 322.391 Failure of person charged with misdemeanor under

35-00633-22

2022870__

407 this chapter to comply with court-ordered directives; suspension
408 of license.—A person charged with the commission of a
409 misdemeanor under this chapter who fails to comply with all of
410 the directives of the court is subject to the provisions of
411 former s. 322.245, Florida Statutes 2021.

412 Section 10. The Division of Law Revision is directed to
413 replace the phrase “the effective date of this act” wherever it
414 occurs in this act with the date this act becomes a law.

415 Section 11. This act shall take effect upon becoming a law.