

By Senator Rodriguez

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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 s. 322.02, F.S.;
9 requiring transition of specified driver license
10 services to tax collectors and license plate agencies
11 on a limited basis by a certain date; amending ss.
12 212.1832, 320.04, 320.06, 320.0894, 681.117, and
13 1002.40, F.S.; conforming provisions to changes made
14 by the act; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (46) is added to section 320.01,
19 Florida Statutes, to read:

20 320.01 Definitions, general.—As used in the Florida
21 Statutes, except as otherwise provided, the term:

22 (46) "License plate agency" means an office equipped with
23 the department's computer systems and network connections which
24 is managed by a governmental or private entity to process
25 transactions related to driver license services on behalf of the
26 department.

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

29 320.03 Registration; duties of tax collectors;

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30 International Registration Plan.—

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

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

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

57 (8) If the applicant's name appears on the list referred to
58 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.

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59 713.78(13), a license plate or revalidation sticker may not be
60 issued until that person's name no longer appears on the list or
61 until the person presents a receipt from the governmental entity
62 or the clerk of court that provided the data showing that the
63 fines outstanding have been paid. This subsection does not apply
64 to the owner of a leased vehicle if the vehicle is registered in
65 the name of the lessee of the vehicle. The tax collector and the
66 clerk of the court are each entitled to receive monthly, as
67 costs for implementing and administering this subsection, 10
68 percent of the civil penalties and fines recovered from such
69 persons. As used in this subsection, the term "civil penalties
70 and fines" does not include a wrecker operator's lien as
71 described in s. 713.78(13). If the tax collector has private
72 license plate agencies ~~tag agents~~, such license plate agencies
73 ~~tag agents~~ are entitled to receive a pro rata share of the
74 amount paid to the tax collector, based upon the percentage of
75 license plates and revalidation stickers issued by the license
76 plate agency ~~tag agent~~ compared to the total issued within the
77 county. The authority of a any private license plate agent to
78 issue license plates shall be revoked, after notice and a
79 hearing as provided in chapter 120, if he or she issues a any
80 license plate or revalidation sticker contrary to the provisions
81 of this subsection. This section applies only to the annual
82 renewal in the owner's birth month of a motor vehicle
83 registration and does not apply to the transfer of a
84 registration of a motor vehicle sold by a motor vehicle dealer
85 licensed under this chapter, except for the transfer of
86 registrations which includes the annual renewals. This section
87 does not affect the issuance of the title to a motor vehicle,

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88 notwithstanding s. 319.23(8)(b).

89 Section 3. Subsection (1) of section 322.02, Florida
90 Statutes, is amended to read:

91 322.02 Legislative intent; administration.-

92 (1) The Legislature finds that over the past several years
93 the department and individual county tax collectors have entered
94 into contracts for the delivery of full and limited driver
95 license services where such contractual relationships best
96 served the public interest through state administration and
97 enforcement and local government implementation. It is the
98 intent of the Legislature that the complete transition of all
99 driver license issuance services to tax collectors who are
100 constitutional officers under s. 1(d), Art. VIII of the State
101 Constitution be completed no later than June 30, 2015. The
102 transition of services to appointed charter county tax
103 collectors and their license plate agencies as defined in s.
104 320.01(46) shall ~~may~~ occur on a limited basis by October 31,
105 2021, as directed by the department. Such services shall
106 include:

107 (a) Renewal of a driver license using a convenience
108 service.

109 (b) Replacement of a driver license or an identification
110 card.

111 (c) Update of address on a driver license or an
112 identification card.

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

115 Section 4. Subsection (1) of section 212.1832, Florida
116 Statutes, is amended to read:

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117 212.1832 Credit for contributions to eligible nonprofit
118 scholarship-funding organizations.—

119 (1) The purchaser of a motor vehicle shall be granted a
120 credit of 100 percent of an eligible contribution made to an
121 eligible nonprofit scholarship-funding organization under s.
122 1002.40 against any tax imposed by the state under this chapter
123 and collected from the purchaser by a dealer, designated agent,
124 or private license plate agency ~~tag agent~~ as a result of the
125 purchase or acquisition of a motor vehicle, except that a credit
126 may not exceed the tax that would otherwise be collected from
127 the purchaser by a dealer, designated agent, or private license
128 plate agency ~~tag agent~~. For purposes of this subsection, the
129 term "purchase" does not include the lease or rental of a motor
130 vehicle.

131 Section 5. Paragraph (b) of subsection (1) of section
132 320.04, Florida Statutes, is amended to read:

133 320.04 Registration service charge.—

134 (1)

135 (b) A service charge of \$1 shall also be imposed for the
136 issuance of each license plate validation sticker, vessel decal,
137 and mobile home sticker issued from an automated vending
138 facility or printer dispenser machine. This service charge is
139 payable to the department and shall be used to provide for
140 automated vending facilities or printer dispenser machines that
141 are used to dispense such stickers and decals by each tax
142 collector's or license plate agency's ~~tag agent's~~ employee.

143 Section 6. Subsection (2) of section 320.06, Florida
144 Statutes, is amended to read:

145 320.06 Registration certificates, license plates, and

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146 validation stickers generally.—

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

150 Section 7. Paragraph (b) of subsection (4) of section
151 320.0894, Florida Statutes, is amended to read:

152 320.0894 Motor vehicle license plates to Gold Star family
153 members.—The department shall develop a special license plate
154 honoring the family members of servicemembers who have been
155 killed while serving in the Armed Forces of the United States.
156 The license plate shall be officially designated as the Gold
157 Star license plate and shall be developed and issued as provided
158 in this section.

159 (4)

160 (b) The applicant must provide documentation of the fact
161 that the servicemember was killed while serving and proof of
162 relationship to the servicemember to the tax collector or
163 license plate agency ~~agent~~ before being issued a Gold Star
164 license plate. The tax collector or license plate agent may
165 waive the requirement for such documentation and proof if he or
166 she has actual knowledge of the family relationship and that the
167 servicemember was killed while serving.

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

170 681.117 Fee.—

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

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

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

185 1002.40 The Hope Scholarship Program.—

186 (13) SCHOLARSHIP FUNDING TAX CREDITS.—

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

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

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

222 1. Provide the purchaser the contribution election form, as
223 provided by the Department of Revenue, at the time of purchase
224 of a motor vehicle or at the time of registration of a motor
225 vehicle that was not purchased from a dealer.

226 2. Collect eligible contributions.

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

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233 same form, the dealer or agency agent shall also report this
234 information to the Department of Revenue no later than the date
235 the return filed pursuant to s. 212.11 is due.

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

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

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

248 2. The amount of contributions received from each
249 designated agent, private license plate agency tag-agent, or
250 dealer during that reporting period.

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

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