

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 831 Driver's License Fees
SPONSOR(S): Economic Expansion & Infrastructure, Lorente & others
TIED BILLS: **IDEN./SIM. BILLS:** SB 920

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	<u>9 Y, 0 N</u>	<u>Creamer</u>	<u>Miller</u>
2) <u>Economic Expansion & Infrastructure Council</u>	<u>14 Y, 0 N, As CS</u>	<u>Creamer</u>	<u>Tinker</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
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SUMMARY ANALYSIS

HB 831 increases the nonrefundable service charge collected by driver license offices, the clerk of the courts, or a driver licensing agent prior to reinstatement of the driver's license. A portion of the fee increases will be used to establish a recruitment and retention plan for the Department of Highway Safety's Florida Highway Patrol. Specifically the bill:

- Increases the nonrefundable service charge established in s. 318.15 (2), F.S., for reinstatement of a driver's license, from \$47.50 to \$60.00.
- Increases the fees established in s. 322.21, F.S., for reinstating a suspended driver's license or commercial driver's license from \$35.00 to \$45.00.
- Increases the service fee established in s. 322.21, F.S., to clear a revocation or disqualification from \$60.00 to \$75.00.
- Increases the administrative fee collected when the revocation or suspension of the driver's license was for violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test from \$115 to \$130.

This bill will generate approximately \$16.8 million annually to be deposited into the Law Enforcement Trust to be used to fund a recruitment and retention plan for Florida Highway Patrol law enforcement officers. The funds resulting from the proposed increases to the driver license reinstatement fees are to be deposited into the Law Enforcement Trust Fund. The bill authorizes the department to use revenue generated from reinstatement fees to establish a recruitment and retention salary payment plan for officers of the Florida Highway Patrol.

This bill is effective July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes- authorizes fee increases to be used for the recruitment and retention of the Florida Highway Patrol law enforcement officers.

Maintain Public Security- increases public safety by providing funding for the recruitment and retention of Florida Highway Patrol law enforcement officers.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Several sections of law create *additional* fees for driver's license reinstatement if the license has been suspended for particular reasons. Specifically:

- Section 318.15(1)(a), F.S., requires a fee of \$47.50 if a person is in violation of a civil penalty related to non-criminal traffic infractions. Of the \$47.50 charge collected by the clerk of the court or driver licensing agent, \$10 shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund.
- Section 318.18(8)(a), F.S., requires any person who fails to timely pay a traffic fine included in 318.15(1)(a), F.S., to pay an additional \$12 civil penalty, \$2.50 of which is remitted to the General Revenue Fund and \$9.50 of which is remitted to the Highway Safety Operating Trust Fund.
- Section 322.21, F.S., requires any person who applies for reinstatement after a the suspension or revocation of the person's driver's license shall pay a service fee of \$35 following a suspension, and \$60 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$60, which is in addition to the fee for a license. In addition, if the revocation or suspension of the driver's license was for the refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 must be charged.
- Section 322.29, F.S., requires that every person applying for the return of a license suspended for a civil penalty under s. 318.15, F.S., or for the failure to pay child support under s. 322.245, F.S., shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed and has complied with all directives of the court shall pay to the department a nonrefundable service fee of \$47.50, of which \$37.50 shall be deposited into the General Revenue Fund and \$10 shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, \$37.50 shall be retained and \$10 shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a \$35 fee or \$60 fee under the provisions of s. 322.21, F.S.

Proposed Changes

- The bill amends s. 318.15(1)(a), F.S., to increase the fees for civil penalties from \$47.50 to \$60. The increased amount of \$12.50 shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.
- The bill amends s. 318.18(8)(a), F.S., to increase the late fees civil penalties from \$12 to \$20. The increased amount of \$8 shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.
- The bill amends s. 322.21, F.S., to increase the fees for reinstatement after a the suspension or revocation of the person's driver's license from \$35 to \$45 following a suspension, and from \$60 to \$75 following a revocation, which is in addition to the fee for a license. And for reinstatement of a commercial driver's license the fee is increased from \$60 to \$75, which is in addition to the fee for a license. In addition, if the revocation or suspension of the driver's license was for the refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 is increased to \$130. The increased amounts shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.
- The bill amends s. 322.29, F.S., to increase the fees for the return of a license suspended for a civil penalty under s. 318.15, F.S., or for the failure to pay child support under s. 322.245, F.S., from \$47.50 to \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$10 shall be deposited into the Highway Safety Operating Trust Fund, and \$12.50 shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.

C. SECTION DIRECTORY:

Section 1: Amends s. 318.15 (2), F.S., increasing the nonrefundable service charge paid to the Department of Highway Safety and Motor Vehicles or to the clerk of the court to reinstate a suspended driver's license and privilege to drive; providing for distribution and use of moneys collected; directing a portion of the moneys collected to be used to recruit and retain officers of the Florida Highway Patrol;

Section 2: Amends s. 318.18, F.S.; increasing the additional civil penalty for late payment of civil traffic penalties; providing for distribution and use of moneys collected; directing a portion of the moneys collected to be used to recruit and retain officers of the Florida Highway Patrol;

Section 3: Amends s. 322.21, F.S., increasing the service fees for reinstating a suspended or revoked driver's license or commercial motor vehicle license; revising provisions for distribution and use of the funds received; requiring that a certain amount of the funds be used to recruit and retain officers of the Florida Highway Patrol;

Section 3: Amends 322.29, F.S., making conforming provisions to changes made by the act.

Section 4: Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill will generate approximately \$16.8 million annually to be deposited into the Law Enforcement Trust to be used to fund a recruitment and retention plan for Florida Highway Patrol law enforcement officers.

2. Expenditures:

If enacted, this bill will require contracted programming for modifications to the driver license software systems of which the cost will be absorbed within the Department's existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

HB 831 increases the nonrefundable service charge to reinstatement of the driver's license. Persons reinstating their driver's license would pay an increased reinstatement fee. This reinstatement fee only applies to drivers with suspensions, revocations, and disqualifications of their drivers license for violation of current laws.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HB 831 was considered by the Infrastructure Committee on March 20, 2008. An amendment was adopted that clarifies that the administrative fees addressed in s. 322.21(8)(b), F.S., and the service charges addressed in s. 318.15(2), F.S., are to be deposited into the Law Enforcement Trust Fund and must be used to fund the Florida Highway Patrol recruitment and retention plan. The fiscal impact of the amendment could generate \$16.8 million in FY 2008-09 to fund the Florida Highway Patrol recruitment and retention plan.

HB 831 as amended was considered by the Economic Expansion and Infrastructure Council on April 8, 2008. A strike all amendment was adopted by the council that conformed the bill to provisions included in the proposed budget conforming bill (HB 5067).