

CS/HB 831

2008

1 A bill to be entitled

2 An act relating to driver's license fees; amending s.
3 318.15, F.S.; increasing the nonrefundable service charge
4 paid to the Department of Highway Safety and Motor
5 Vehicles or to the clerk of the court to reinstate a
6 suspended driver's license and privilege to drive;
7 providing for distribution and use of moneys collected;
8 directing a portion of the moneys collected to be used to
9 recruit and retain officers of the Florida Highway Patrol;
10 amending s. 318.18, F.S.; increasing the additional civil
11 penalty for late payment of civil traffic penalties;
12 providing for distribution and use of moneys collected;
13 directing a portion of the moneys collected to be used to
14 recruit and retain officers of the Florida Highway Patrol;
15 amending s. 322.21, F.S.; increasing the service fees for
16 reinstating a suspended or revoked driver's license or
17 commercial motor vehicle license; revising provisions for
18 distribution and use of the funds received; requiring that
19 a certain amount of the funds be used to recruit and
20 retain officers of the Florida Highway Patrol; amending s.
21 322.29, F.S., relating to the surrender and return of a
22 license; conforming provisions to changes made by the act;
23 providing an effective date.

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

26
27 Section 1. Subsection (2) of section 318.15, Florida
28 Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0831-01-c1

29 318.15 Failure to comply with civil penalty or to appear;
 30 penalty; distribution of funds to the Florida Highway Patrol.--

31 (2) After suspension of the driver's license and privilege
 32 to drive of a person under subsection (1), the license and
 33 privilege may not be reinstated until the person complies with
 34 all obligations and penalties imposed on him or her under s.
 35 318.18 and presents to a driver license office a certificate of
 36 compliance issued by the court, together with a nonrefundable
 37 service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or
 38 presents a certificate of compliance and pays the aforementioned
 39 service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or
 40 a driver licensing agent authorized in s. 322.135 clearing such
 41 suspension. Of the charge collected by the clerk of the court or
 42 driver licensing agent, \$10 shall be remitted to the Department
 43 of Revenue to be deposited into the Highway Safety Operating
 44 Trust Fund and \$12.50 shall be remitted to the Department of
 45 Revenue to be deposited into the Department of Highway Safety
 46 and Motor Vehicles Law Enforcement Trust Fund and shall be used
 47 to recruit and retain officers of the Florida Highway Patrol,
 48 which includes all career service levels of rank. Such person
 49 shall also be in compliance with requirements of chapter 322
 50 prior to reinstatement.

51 Section 2. Paragraph (a) of subsection (8) of section
 52 318.18, Florida Statutes, is amended to read:

53 318.18 Amount of penalties.--The penalties required for a
 54 noncriminal disposition pursuant to s. 318.14 or a criminal
 55 offense listed in s. 318.17 are as follows:

56 (8)(a) Any person who fails to comply with the court's

57 requirements or who fails to pay the civil penalties specified
 58 in this section within the 30-day period provided for in s.
 59 318.14 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of
 60 which must be remitted to the Department of Revenue for deposit
 61 in the General Revenue Fund, ~~and~~ \$9.50 of which must be remitted
 62 to the Department of Revenue for deposit in the Highway Safety
 63 Operating Trust Fund, and \$8 of which must be remitted to the
 64 Department of Revenue to be deposited into the Department of
 65 Highway Safety and Motor Vehicles Law Enforcement Trust Fund.
 66 The portion of each additional fee imposed by this paragraph
 67 remitted to the Department of Highway Safety and Motor Vehicles
 68 Law Enforcement Trust Fund shall be used to recruit and retain
 69 officers of the Florida Highway Patrol, which includes all
 70 career service levels of rank. The department shall contract
 71 with the Florida Association of Court Clerks, Inc., to design,
 72 establish, operate, upgrade, and maintain an automated statewide
 73 Uniform Traffic Citation Accounting System to be operated by the
 74 clerks of the court which shall include, but not be limited to,
 75 the accounting for traffic infractions by type, a record of the
 76 disposition of the citations, and an accounting system for the
 77 fines assessed and the subsequent fine amounts paid to the
 78 clerks of the court. On or before December 1, 2001, the clerks
 79 of the court must provide the information required by this
 80 chapter to be transmitted to the department by electronic
 81 transmission pursuant to the contract.

82 Section 3. Section 322.21, Florida Statutes, is amended to
 83 read:

84 322.21 License fees; procedure for handling and collecting

85 fees; distribution of funds to the highway patrol.--

86 (1) Except as otherwise provided herein, the fee for:

87 (a) An original or renewal commercial driver's license is
 88 \$50, which shall include the fee for driver education provided
 89 by s. 1003.48; however, if an applicant has completed training
 90 and is applying for employment or is currently employed in a
 91 public or nonpublic school system that requires the commercial
 92 license, the fee shall be the same as for a Class E driver's
 93 license. A delinquent fee of \$1 shall be added for a renewal
 94 made not more than 12 months after the license expiration date.

95 (b) An original Class E driver's license is \$20, which
 96 shall include the fee for driver's education provided by s.
 97 1003.48; however, if an applicant has completed training and is
 98 applying for employment or is currently employed in a public or
 99 nonpublic school system that requires a commercial driver
 100 license, the fee shall be the same as for a Class E license.

101 (c) The renewal or extension of a Class E driver's license
 102 or of a license restricted to motorcycle use only is \$15, except
 103 that a delinquent fee of \$1 shall be added for a renewal or
 104 extension made not more than 12 months after the license
 105 expiration date. The fee provided in this paragraph shall
 106 include the fee for driver's education provided by s. 1003.48.

107 (d) An original driver's license restricted to motorcycle
 108 use only is \$20, which shall include the fee for driver's
 109 education provided by s. 1003.48.

110 (e) Each endorsement required by s. 322.57 is \$5.

111 (f) A hazardous-materials endorsement, as required by s.
 112 322.57(1)(d), shall be set by the department by rule and shall

113 reflect the cost of the required criminal history check,
114 including the cost of the state and federal fingerprint check,
115 and the cost to the department of providing and issuing the
116 license. The fee shall not exceed \$100. This fee shall be
117 deposited in the Highway Safety Operating Trust Fund. The
118 department may adopt rules to administer this section.

119 (2) It is the duty of the Director of the Division of
120 Driver Licenses to set up a division in the department with the
121 necessary personnel to perform the necessary clerical and
122 routine work for the department in issuing and recording
123 applications, licenses, and certificates of eligibility,
124 including the receiving and accounting of all license funds and
125 their payment into the State Treasury, and other incidental
126 clerical work connected with the administration of this chapter.
127 The department is authorized to use such electronic, mechanical,
128 or other devices as necessary to accomplish the purposes of this
129 chapter.

130 (3) The department shall prepare sufficient forms for
131 certificates of eligibility, applications, notices, and license
132 materials to supply all applicants for driver's licenses and all
133 renewal licenses.

134 (4) If the department determines from its records or is
135 otherwise satisfied that the holder of a license about to expire
136 is entitled to have it renewed, the department shall mail a
137 renewal notice to him or her at his or her last known address,
138 not less than 30 days prior to the licensee's birthday. The
139 licensee shall be issued a renewal license, after reexamination,
140 if required, during the 30 days immediately preceding his or her

141 birthday upon presenting a renewal notice, his or her current
142 license, and the fee for renewal to the department at any
143 driver's license examining office.

144 (5) The department shall collect and transmit all fees
145 received by it under this section to the Chief Financial Officer
146 to be placed in the General Revenue Fund of the state, and
147 sufficient funds for the necessary expenses of the department
148 shall be included in the appropriations act. The fees shall be
149 used for the maintenance and operation of the department.

150 (6) Any member of the Armed Forces or his or her spouse,
151 daughter, son, stepdaughter, or stepson, who holds a Florida
152 driver's license and who presents an affidavit showing that he
153 or she was out of the state due to service in the Armed Forces
154 of the United States at the time of license expiration is exempt
155 from paying the delinquent fee, if the application for renewal
156 is made within 15 months after the expiration of his or her
157 license and within 90 days after the date of discharge or
158 transfer to a military or naval establishment in this state as
159 shown in the affidavit. However, such a person is not exempt
160 from any reexamination requirement.

161 (7) Any veteran honorably discharged from the Armed Forces
162 who has been issued a valid identification card by the
163 Department of Veterans' Affairs in accordance with s. 295.17, or
164 has been determined by the United States Department of Veterans
165 Affairs or its predecessor to have a 100-percent total and
166 permanent service-connected disability rating for compensation,
167 or has been determined to have a service-connected total and
168 permanent disability rating of 100 percent and is in receipt of

169 disability retirement pay from any branch of the United States
 170 Armed Services, and who is qualified to obtain a driver's
 171 license under this chapter is exempt from all fees required by
 172 this section.

173 (8) Any person who applies for reinstatement following the
 174 suspension or revocation of the person's driver's license shall
 175 pay a service fee of \$45 ~~\$35~~ following a suspension, and \$75 ~~\$60~~
 176 following a revocation, which is in addition to the fee for a
 177 license. Any person who applies for reinstatement of a
 178 commercial driver's license following the disqualification of
 179 the person's privilege to operate a commercial motor vehicle
 180 shall pay a service fee of \$75 ~~\$60~~, which is in addition to the
 181 fee for a license. The department shall collect all of these
 182 fees at the time of reinstatement. The department shall issue
 183 proper receipts for such fees and shall promptly transmit all
 184 funds received by it as follows:

185 (a) Of the \$45 ~~\$35~~ fee received from a licensee for
 186 reinstatement following a suspension, the department shall
 187 deposit \$15 in the General Revenue Fund, ~~and~~ \$20 in the Highway
 188 Safety Operating Trust Fund, and \$10 in the Department of
 189 Highway Safety and Motor Vehicles Law Enforcement Trust Fund.

190 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
 191 reinstatement following a revocation or disqualification, the
 192 department shall deposit \$35 in the General Revenue Fund, ~~and~~
 193 \$25 in the Highway Safety Operating Trust Fund, and \$15 in the
 194 Department of Highway Safety and Motor Vehicles Law Enforcement
 195 Trust Fund.

196 (c) The driver's license reinstatement fee that is

197 deposited into the Department of Highway Safety and Motor
 198 Vehicles Law Enforcement Trust Fund shall be used to recruit and
 199 retain officers of the Florida Highway Patrol, which includes
 200 all career service levels of rank.

201
 202 If the revocation or suspension of the driver's license was for
 203 a violation of s. 316.193, or for refusal to submit to a lawful
 204 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~
 205 must be charged. However, only one \$130 ~~\$115~~ fee may be
 206 collected from one person convicted of violations arising out of
 207 the same incident. The department shall collect the \$130 ~~\$115~~
 208 fee and deposit \$115 of the fee into the Highway Safety
 209 Operating Trust Fund and \$15 of the fee into the Department of
 210 Highway Safety and Motor Vehicles Law Enforcement Trust Fund at
 211 the time of reinstatement of the person's driver's license, but
 212 the fee may not be collected if the suspension or revocation is
 213 overturned. If the revocation or suspension of the driver's
 214 license was for a conviction for a violation of s. 817.234(8) or
 215 (9) or s. 817.505, an additional fee of \$180 is imposed for each
 216 offense. The department shall collect and deposit the additional
 217 fee into the Highway Safety Operating Trust Fund at the time of
 218 reinstatement of the person's driver's license. The portion of
 219 each additional fee imposed by this subsection remitted to the
 220 Department of Highway Safety and Motor Vehicles Law Enforcement
 221 Trust Fund shall be used to recruit and retain officers of the
 222 Florida Highway Patrol, which includes all career service levels
 223 of rank.

224 Section 4. Subsection (2) of section 322.29, Florida

225 Statutes, is amended to read:

226 322.29 Surrender and return of license.--

227 (2) The provisions of subsection (1) to the contrary
 228 notwithstanding, no examination is required for the return of a
 229 license suspended under s. 318.15 or s. 322.245 unless an
 230 examination is otherwise required by this chapter. Every person
 231 applying for the return of a license suspended under s. 318.15
 232 or s. 322.245 shall present to the department certification from
 233 the court that he or she has complied with all obligations and
 234 penalties imposed on him or her pursuant to s. 318.15 or, in the
 235 case of a suspension pursuant to s. 322.245, that he or she has
 236 complied with all directives of the court and the requirements
 237 of s. 322.245 and shall pay to the department a nonrefundable
 238 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
 239 into the General Revenue Fund, ~~and~~ \$10 shall be deposited into
 240 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 241 deposited into the Department of Highway Safety and Motor
 242 Vehicles Law Enforcement Trust Fund. If reinstated by the clerk
 243 of the court or tax collector, \$37.50 shall be retained, ~~and~~ \$10
 244 shall be remitted to the Department of Revenue for deposit into
 245 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 246 remitted to the Department of Revenue for deposit into the
 247 Department of Highway Safety and Motor Vehicles Law Enforcement
 248 Trust Fund. However, the service fee is not required if the
 249 person is required to pay a \$45 ~~\$35~~ fee or a \$75 ~~\$60~~ fee under
 250 the provisions of s. 322.21. The portion of each additional fee
 251 imposed by this subsection remitted to the Department of Highway
 252 Safety and Motor Vehicles Law Enforcement Trust Fund shall be

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253 | used to recruit and retain officers of the Florida Highway
254 | Patrol, which includes all career service levels of rank.
255 | Section 5. This act shall take effect July 1, 2008.