



134416

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/4/2008	.	
	.	
	.	

1 The Committee on Transportation (Bullard) recommended the  
 2 following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

7  
 8 Section 1. Section 318.15, Florida Statutes, is amended to  
 9 read:

10 318.15 Failure to comply with civil penalty or to appear;  
 11 penalty; distribution of funds to the highway patrol.--

12 (1) (a) If a person fails to comply with the civil  
 13 penalties provided in s. 318.18 within the time period specified  
 14 in s. 318.14(4), fails to attend driver improvement school, or  
 15 fails to appear at a scheduled hearing, the clerk of the court

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16 shall notify the Division of Driver Licenses of the Department  
17 of Highway Safety and Motor Vehicles of such failure within 10  
18 days after such failure. Upon receipt of such notice, the  
19 department shall immediately issue an order suspending the  
20 driver's license and privilege to drive of such person effective  
21 20 days after the date the order of suspension is mailed in  
22 accordance with s. 322.251(1), (2), and (6). Any such suspension  
23 of the driving privilege which has not been reinstated,  
24 including a similar suspension imposed outside Florida, shall  
25 remain on the records of the department for a period of 7 years  
26 from the date imposed and shall be removed from the records  
27 after the expiration of 7 years from the date it is imposed.

28 (b) However, a person who elects to attend driver  
29 improvement school and has paid the civil penalty as provided in  
30 s. 318.14(9), but who subsequently fails to attend the driver  
31 improvement school within the time specified by the court is  
32 ~~shall be~~ deemed to have admitted the infraction and shall be  
33 adjudicated guilty. In such case the person must pay the clerk  
34 of the court the 18 percent deducted pursuant to s. 318.14(9),  
35 and a processing fee of up to \$15, after which no additional  
36 penalties, court costs, or surcharges shall be imposed for the  
37 violation. The clerk of the court shall notify the department of  
38 the person's failure to attend driver improvement school and  
39 points shall be assessed pursuant to s. 322.27.

40 (2) After suspension of the driver's license and privilege  
41 to drive of a person under subsection (1), the license and  
42 privilege may not be reinstated until the person complies with  
43 all obligations and penalties imposed on him or her under s.

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44 318.18 and presents to a driver license office a certificate of  
45 compliance issued by the court, together with a nonrefundable  
46 service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or  
47 presents a certificate of compliance and pays the aforementioned  
48 service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or  
49 a driver licensing agent authorized in s. 322.135 clearing such  
50 suspension. Of the charge collected by the clerk of the court or  
51 driver licensing agent, \$22.50 ~~\$10~~ shall be remitted to the  
52 Department of Revenue to be deposited into the Highway Safety  
53 Operating Trust Fund. Such person shall also be in compliance  
54 with requirements of chapter 322 before ~~prior to~~ reinstatement.  
55 Of the nonrefundable service charge deposited into the Highway  
56 Safety Operating Trust Fund, \$12.50 shall be used to establish a  
57 recruitment and retention salary payment plan for officers of  
58 the highway patrol. The director of the Division of the Florida  
59 Highway Patrol may use the funds deposited in the trust fund to  
60 structure a pay scale for highway patrol officers which is  
61 competitive with the average of the salaries of the six highest-  
62 paid law enforcement agencies in the state. The director may  
63 develop a pay scale for members of the highway patrol which is  
64 based on the officer's years of service with the patrol and his  
65 or her job performance with respect to established patrol-duty  
66 requirements.

67 Section 2. Paragraph (a) of subsection (8) of section  
68 318.18, Florida Statutes, is amended to read:

69 318.18 Amount of penalties.--The penalties required for a  
70 noncriminal disposition pursuant to s. 318.14 or a criminal  
71 offense listed in s. 318.17 are as follows:

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72 (8) (a) Any person who fails to comply with the court's  
73 requirements or who fails to pay the civil penalties specified  
74 in this section within the 30-day period provided for in s.  
75 318.14 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of  
76 which must be remitted to the Department of Revenue for deposit  
77 in the General Revenue Fund, and \$17.50 ~~\$9.50~~ of which must be  
78 remitted to the Department of Revenue for deposit in the Highway  
79 Safety Operating Trust Fund. Of any additional civil penalty  
80 imposed by this subsection and remitted to the Highway Safety  
81 Operating Trust Fund, \$8 shall be used to establish a  
82 recruitment and retention salary payment plan for officers of  
83 the highway patrol. The department shall contract with the  
84 Florida Association of Court Clerks, Inc., to design, establish,  
85 operate, upgrade, and maintain an automated statewide Uniform  
86 Traffic Citation Accounting System to be operated by the clerks  
87 of the court which shall include, but not be limited to, the  
88 accounting for traffic infractions by type, a record of the  
89 disposition of the citations, and an accounting system for the  
90 fines assessed and the subsequent fine amounts paid to the  
91 clerks of the court. On or before December 1, 2001, the clerks  
92 of the court must provide the information required by this  
93 chapter to be transmitted to the department by electronic  
94 transmission pursuant to the contract.

95 Section 3. Section 320.07, Florida Statutes, is amended to  
96 read:

97 320.07 Expiration of registration; renewal required;  
98 delinquent fees; distribution of funds to the highway patrol;  
99 penalties.--

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100 (1) The registration of a motor vehicle or mobile home  
101 expires at midnight on the last day of the registration or  
102 extended registration period. A vehicle may ~~shall~~ not be  
103 operated on the roads of this state after expiration of the  
104 renewal period unless the registration has been renewed  
105 according to law.

106 (2) Registration must ~~shall~~ be renewed semiannually,  
107 annually, or biennially, as provided in this subsection, during  
108 the applicable renewal period, upon payment of the applicable  
109 license tax amounts required by s. 320.08, service charges  
110 required by s. 320.04, and any additional fees required by law.

111 (a) Any person who owns a motor vehicle registered under  
112 s. 320.08(4), (6)(b), or (13) may register semiannually as  
113 provided in s. 320.0705.

114 (b) Any person who owns a motor vehicle or mobile home  
115 registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6),  
116 (7), (8), (9), (10), or (11) may renew the vehicle registration  
117 biennially during the applicable renewal period upon payment of  
118 the 2-year cumulative total of all applicable license tax  
119 amounts required by s. 320.08 and service charges or surcharges  
120 required by ss. 320.03, 320.04, 320.0801, 320.08015, 320.0802,  
121 320.0804, 320.0805, 320.08046, and 320.08056 and payment of the  
122 2-year cumulative total of any additional fees required by law  
123 for an annual registration.

124 (3) The operation of any motor vehicle without having  
125 attached thereto a registration license plate and validation  
126 stickers, or the use of any mobile home without having attached  
127 thereto a mobile home sticker, for the current registration

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128 period shall subject the owner thereof, if he or she is present,  
129 or, if the owner is not present, the operator thereof to the  
130 following penalties ~~penalty provisions~~:

131 (a) Any person whose motor vehicle or mobile home  
132 registration has been expired for a period of 6 months or less  
133 commits a noncriminal traffic infraction, punishable as a  
134 nonmoving violation as provided in chapter 318.

135 (b) Any person whose motor vehicle or mobile home  
136 registration has been expired for more than 6 months, upon a  
137 first offense, is subject to the penalty provided in s. 318.14.

138 (c) Any person whose motor vehicle or mobile home  
139 registration has been expired for more than 6 months, upon a  
140 second or subsequent offense, commits a misdemeanor of the  
141 second degree, punishable as provided in s. 775.082 or s.  
142 775.083.

143 (d) However, an operator may ~~shall~~ not be charged with a  
144 violation of this subsection if the operator can show, pursuant  
145 to a valid lease agreement, that the vehicle had been leased for  
146 a period of 30 days or less at the time of the offense.

147 (e) Any servicemember, as defined in s. 250.01, whose  
148 mobile home registration expired while he or she was serving on  
149 active duty or state active duty may ~~shall~~ not be charged with a  
150 violation of this subsection if, at the time of the offense, the  
151 servicemember was serving on active duty or state active duty 35  
152 miles or more from the mobile home. The servicemember must  
153 present to the department either a copy of the official military  
154 orders or a written verification signed by the servicemember's  
155 commanding officer to receive a waiver of charges.

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156 (f) The owner of a leased motor vehicle is not responsible  
157 for any penalty specified in this subsection if the motor  
158 vehicle is registered in the name of the lessee of the motor  
159 vehicle.

160 (4) (a) In addition to a penalty provided in subsection  
161 (3), a delinquent fee based on the following schedule of license  
162 taxes shall be imposed on any applicant who fails to renew a  
163 registration before ~~prior to~~ the end of the month in which  
164 renewal registration is due. The delinquent fee shall be applied  
165 beginning on the 11th calendar day of the month succeeding the  
166 renewal period. The delinquent fee does not apply to those  
167 vehicles that have not been required to be registered during the  
168 preceding registration period or as provided in s. 320.18(2).  
169 The delinquent fee shall be imposed as follows:

- 170 1. License tax of \$5 but not more than \$25: \$5 flat.
- 171 2. License tax over \$25 but not more than \$50: \$20 ~~\$10~~  
172 flat.
- 173 3. License tax over \$50 but not more than \$100: \$25 ~~\$15~~  
174 flat.
- 175 4. License tax over \$100 but not more than \$400: \$60 ~~\$50~~  
176 flat.
- 177 5. License tax over \$400 but not more than \$600: \$120 ~~\$100~~  
178 flat.
- 179 6. License tax over \$600 and up: \$275 ~~\$250~~ flat.

181 Of the delinquent fees imposed under subparagraphs 1. through  
182 4., \$10 shall be deposited in the Highway Safety Operating Trust  
183 Fund; of the delinquent fees imposed under subparagraph 5., \$20

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184 shall be deposited in the Highway Safety Operating Trust Fund;  
185 and of the delinquent fees imposed under subparagraph 6., \$25  
186 shall be deposited in the Highway Safety Operating Trust Fund.  
187 The deposited fees shall be used to establish a recruitment and  
188 retention salary payment plan for officers of the highway  
189 patrol. The director of the Division of the Florida Highway  
190 Patrol may use the fees deposited in the trust fund to structure  
191 a pay scale for highway patrol officers which is competitive  
192 with the average of the salaries of the six highest-paid law  
193 enforcement agencies in the state. The director may develop a  
194 pay scale that is based on an officer's years of service with  
195 the patrol and his or her job performance with respect to  
196 established patrol-duty requirements.

197 (b) A person who has been assessed a penalty pursuant to  
198 s. 316.545(2) (b) for failure to have a valid vehicle  
199 registration certificate is not subject to the delinquent fee  
200 authorized by this subsection if the ~~such~~ person obtains a valid  
201 registration certificate within 10 working days after the ~~such~~  
202 penalty was assessed. The official receipt authorized by s.  
203 316.545(6) constitutes proof of payment of the penalty  
204 authorized in s. 316.545(2) (b).

205 (c) The owner of a leased motor vehicle is not responsible  
206 for any delinquent fee specified in this subsection if the motor  
207 vehicle is registered in the name of the lessee of the motor  
208 vehicle.

209 (5) Any servicemember, as defined in s. 250.01, whose  
210 motor vehicle or mobile home registration has expired while he  
211 or she was serving on active duty or state active duty may renew



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212 his or her registration upon return from active duty or state  
213 active duty without penalty, if the servicemember served on  
214 active duty or state active duty 35 miles or more from the  
215 servicemember's home of record prior to entering active duty or  
216 state active duty. The servicemember must provide to the  
217 department either a copy of the official military orders or a  
218 written verification signed by the servicemember's commanding  
219 officer to receive a waiver of delinquent fees.

220 (6) Delinquent fees imposed under this section are not  
221 apportionable under the International Registration Plan.

222 Section 4. Section 322.21, Florida Statutes, is amended to  
223 read:

224 322.21 License fees; procedure for handling and collecting  
225 fees; distribution of funds to the highway patrol.--

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

227 (a) An original or renewal commercial driver's license is  
228 \$50, which shall include the fee for driver education provided  
229 by s. 1003.48; however, if an applicant has completed training  
230 and is applying for employment or is currently employed in a  
231 public or nonpublic school system that requires the commercial  
232 license, the fee shall be the same as for a Class E driver's  
233 license. A delinquent fee of \$1 shall be added for a renewal  
234 made not more than 12 months after the license expiration date.

235 (b) An original Class E driver's license is \$20, which  
236 includes ~~shall include~~ the fee for driver's education provided  
237 by s. 1003.48; however, if an applicant has completed training  
238 and is applying for employment or is currently employed in a  
239 public or nonpublic school system that requires a commercial



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240 driver license, the fee shall be the same as for a Class E  
241 license.

242 (c) The renewal or extension of a Class E driver's license  
243 or of a license restricted to motorcycle use only is \$15, except  
244 that a delinquent fee of \$1 shall be added for a renewal or  
245 extension made not more than 12 months after the license  
246 expiration date. The fee provided in this paragraph includes  
247 ~~shall include~~ the fee for driver's education provided by s.  
248 1003.48.

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

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

253 (f) A hazardous-materials endorsement, as required by s.  
254 322.57(1)(d), shall be set by the department by rule and shall  
255 reflect the cost of the required criminal history check,  
256 including the cost of the state and federal fingerprint check,  
257 and the cost to the department of providing and issuing the  
258 license. The fee shall not exceed \$100. This fee shall be  
259 deposited in the Highway Safety Operating Trust Fund. The  
260 department may adopt rules to administer this section.

261 (2) It is the duty of the Director of the Division of  
262 Driver Licenses to set up a division in the department with the  
263 necessary personnel to perform the necessary clerical and  
264 routine work for the department in issuing and recording  
265 applications, licenses, and certificates of eligibility,  
266 including the receiving and accounting of all license funds and  
267 their payment into the State Treasury, and other incidental



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268 clerical work connected with the administration of this chapter.  
269 The department is authorized to use such electronic, mechanical,  
270 or other devices as necessary to accomplish the purposes of this  
271 chapter.

272 (3) The department shall prepare sufficient forms for  
273 certificates of eligibility, applications, notices, and license  
274 materials to supply all applicants for driver's licenses and all  
275 renewal licenses.

276 (4) If the department determines from its records or is  
277 otherwise satisfied that the holder of a license about to expire  
278 is entitled to have it renewed, the department shall mail a  
279 renewal notice to him or her at his or her last known address,  
280 not less than 30 days prior to the licensee's birthday. The  
281 licensee shall be issued a renewal license, after reexamination,  
282 if required, during the 30 days immediately preceding his or her  
283 birthday upon presenting a renewal notice, his or her current  
284 license, and the fee for renewal to the department at any  
285 driver's license examining office.

286 (5) The department shall collect and transmit all fees  
287 received by it under this section to the Chief Financial Officer  
288 to be placed in the General Revenue Fund of the state, and  
289 sufficient funds for the necessary expenses of the department  
290 shall be included in the appropriations act. The fees shall be  
291 used for the maintenance and operation of the department.

292 (6) Any member of the Armed Forces or his or her spouse,  
293 daughter, son, stepdaughter, or stepson, who holds a Florida  
294 driver's license and who presents an affidavit showing that he  
295 or she was out of the state due to service in the Armed Forces

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296 of the United States at the time of license expiration is exempt  
297 from paying the delinquent fee, if the application for renewal  
298 is made within 15 months after the expiration of his or her  
299 license and within 90 days after the date of discharge or  
300 transfer to a military or naval establishment in this state as  
301 shown in the affidavit. However, such a person is not exempt  
302 from any reexamination requirement.

303 (7) Any veteran honorably discharged from the Armed Forces  
304 who has been issued a valid identification card by the  
305 Department of Veterans' Affairs in accordance with s. 295.17, or  
306 has been determined by the United States Department of Veterans  
307 Affairs or its predecessor to have a 100-percent total and  
308 permanent service-connected disability rating for compensation,  
309 or has been determined to have a service-connected total and  
310 permanent disability rating of 100 percent and is in receipt of  
311 disability retirement pay from any branch of the United States  
312 Armed Services, and who is qualified to obtain a driver's  
313 license under this chapter is exempt from all fees required by  
314 this section.

315 (8) Any person who applies for reinstatement following the  
316 suspension or revocation of the person's driver's license must  
317 ~~shall~~ pay a service fee of \$45 ~~\$35~~ following a suspension, and  
318 \$75 ~~\$60~~ following a revocation, which is in addition to the fee  
319 for a license. Any person who applies for reinstatement of a  
320 commercial driver's license following the disqualification of  
321 the person's privilege to operate a commercial motor vehicle  
322 must ~~shall~~ pay a service fee of \$75 ~~\$60~~, which is in addition to  
323 the fee for a license. The department shall collect all of these

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324 fees at the time of reinstatement. The department shall issue  
325 proper receipts for such fees and shall promptly transmit all  
326 funds received by it as follows:

327 (a) Of the \$45 ~~\$35~~ fee received from a licensee for  
328 reinstatement following a suspension, the department shall  
329 deposit \$15 in the General Revenue Fund and \$30 ~~\$20~~ in the  
330 Highway Safety Operating Trust Fund.

331 (b) Of the \$75 ~~\$60~~ fee received from a licensee for  
332 reinstatement following a revocation or disqualification, the  
333 department shall deposit \$35 in the General Revenue Fund and \$40  
334 ~~\$25~~ in the Highway Safety Operating Trust Fund.

335 (c) Of the driver's license reinstatement fee that is  
336 deposited into the Highway Safety Operating Trust Fund following  
337 a revocation or disqualification of the driver's license, \$15  
338 shall be used to establish a recruitment and retention salary  
339 payment plan for officers of the highway patrol. Of the driver's  
340 license reinstatement fee deposited into the Highway Safety  
341 Operating Trust Fund following the suspension of a driver's  
342 license, \$10 shall be used to establish a recruitment and  
343 retention salary payment plan for officers of the highway  
344 patrol. The director of the Division of the Florida Highway  
345 Patrol may use the funds from these fees to structure a pay  
346 scale for highway patrol officers which is competitive with the  
347 average of the salaries of the six highest-paid law enforcement  
348 agencies in the state. The director may develop a pay scale for  
349 members of the highway patrol which is based on an officer's  
350 years of service with the patrol and his or her job performance  
351 with respect to established patrol-duty requirements.

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352  
353 If the revocation or suspension of the driver's license was for  
354 a violation of s. 316.193, or for refusal to submit to a lawful  
355 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~  
356 must be charged. However, only one \$130 ~~\$115~~ fee may be  
357 collected from one person convicted of violations arising out of  
358 the same incident. The department shall collect the \$130 ~~\$115~~  
359 fee and deposit the fee into the Highway Safety Operating Trust  
360 Fund at the time of reinstatement of the person's driver's  
361 license, but the fee may not be collected if the suspension or  
362 revocation is overturned. If the revocation or suspension of the  
363 driver's license was for a conviction for a violation of s.  
364 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is  
365 imposed for each offense. The department shall collect and  
366 deposit the additional fee into the Highway Safety Operating  
367 Trust Fund at the time of reinstatement of the person's driver's  
368 license. Of the driver's license reinstatement fee deposited  
369 into the Highway Safety Operating Trust Fund following the  
370 revocation or suspension of a driver's license due to a  
371 violation of s. 316.193, or for a refusal to submit to a lawful  
372 breath, blood, or urine test, \$15 shall be used to establish a  
373 recruitment and retention salary payment plan for officers of  
374 the highway patrol.

375 Section 5. Subsection (2) of section 322.29, Florida  
376 Statutes, is amended to read:

377 322.29 Surrender and return of license.--

378 (2) The provisions of subsection (1) to the contrary  
379 notwithstanding, no examination is required for the return of a



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380 license suspended under s. 318.15 or s. 322.245 unless an  
 381 examination is otherwise required by this chapter. Every person  
 382 applying for the return of a license suspended under s. 318.15  
 383 or s. 322.245 shall present to the department certification from  
 384 the court that he or she has complied with all obligations and  
 385 penalties imposed on him or her pursuant to s. 318.15 or, in the  
 386 case of a suspension pursuant to s. 322.245, that he or she has  
 387 complied with all directives of the court and the requirements  
 388 of s. 322.245 and shall pay to the department a nonrefundable  
 389 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited  
 390 into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited  
 391 into the Highway Safety Operating Trust Fund. If reinstated by  
 392 the clerk of the court or tax collector, \$37.50 shall be  
 393 retained and \$22.50 ~~\$10~~ shall be remitted to the Department of  
 394 Revenue for deposit into the Highway Safety Operating Trust  
 395 Fund. However, the service fee is not required if the person is  
 396 required to pay a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the  
 397 provisions of s. 322.21.

398 Section 6. This act shall take effect July 1, 2008.

399  
400 ===== T I T L E A M E N D M E N T =====

401 And the title is amended as follows:

402  
403 Delete everything before the enacting clause  
404 and insert:

405  
406 A bill to be entitled

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407 An act relating to driver's license fees; amending s.  
408 318.15, F.S.; increasing the nonrefundable service charge  
409 paid to the Department of Highway Safety and Motor  
410 Vehicles or to the clerk of the court to reinstate a  
411 suspended driver's license and privilege to drive;  
412 requiring that the deposited funds be used to establish a  
413 recruitment and retention salary plan for officers of the  
414 highway patrol; authorizing the director of the Division  
415 of the Florida Highway Patrol to structure a salary scale  
416 for highway patrol officers to remain competitive with  
417 other law enforcement agencies; amending s. 318.18, F.S.;  
418 increasing the civil penalty a person must pay for a late  
419 payment of civil traffic penalties; requiring that a  
420 specified amount of the collected penalty be used to  
421 establish a recruitment retention salary plan for officers  
422 of the highway patrol; amending s. 320.07, F.S.;  
423 increasing the delinquency fee for late payment of vehicle  
424 registration renewal; requiring that specified deposited  
425 funds be used to establish a recruitment and retention  
426 salary plan for officers of the highway patrol;  
427 authorizing the director to use the delinquency fees for a  
428 salary scale for highway patrol officers which is  
429 competitive with other law enforcement agencies; amending  
430 s. 322.21, F.S.; increasing the fees for reinstating a  
431 suspended or revoked driver's license or commercial motor  
432 vehicle license; requiring that the fees collected from  
433 reinstating a suspended or revoked driver's license be  
434 used to establish a recruitment and retention salary plan



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435 | for officers of the highway patrol; authorizing the  
436 | director to use the license reinstating fees for a salary  
437 | scale for highway patrol officers which is competitive  
438 | with other law enforcement agencies; amending s. 322.29,  
439 | F.S., relating to the surrender and return of a license;  
440 | conforming provisions to changes made by the act;  
441 | providing an effective date.