

By the Committee on Transportation; and Senators Fasano, Posey, Wise, Lawson, Baker, Gaetz, Oelrich, Alexander, Ring and Margolis

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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 requiring that the deposited funds be used to establish a
8 recruitment and retention salary plan for officers of the
9 highway patrol; authorizing the director of the Division
10 of the Florida Highway Patrol to structure a salary scale
11 for highway patrol officers to remain competitive with
12 other law enforcement agencies; amending s. 318.18, F.S.;
13 increasing the civil penalty a person must pay for a late
14 payment of civil traffic penalties; requiring that a
15 specified amount of the collected penalty be used to
16 establish a recruitment retention salary plan for officers
17 of the highway patrol; amending s. 320.07, F.S.;
18 increasing the delinquency fee for late payment of vehicle
19 registration renewal; requiring that specified deposited
20 funds be used to establish a recruitment and retention
21 salary plan for officers of the highway patrol;
22 authorizing the director to use the delinquency fees for a
23 salary scale for highway patrol officers which is
24 competitive with other law enforcement agencies; amending
25 s. 322.21, F.S.; increasing the fees for reinstating a
26 suspended or revoked driver's license or commercial motor
27 vehicle license; requiring that the fees collected from
28 reinstating a suspended or revoked driver's license be
29 used to establish a recruitment and retention salary plan

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30 for officers of the highway patrol; authorizing the
31 director to use the license reinstating fees for a salary
32 scale for highway patrol officers which is competitive
33 with other law enforcement agencies; amending s. 322.29,
34 F.S., relating to the surrender and return of a license;
35 conforming provisions to changes made by the act;
36 providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. Section 318.15, Florida Statutes, is amended to
41 read:

42 318.15 Failure to comply with civil penalty or to appear;
43 penalty; distribution of funds to the highway patrol.--

44 (1)(a) If a person fails to comply with the civil penalties
45 provided in s. 318.18 within the time period specified in s.
46 318.14(4), fails to attend driver improvement school, or fails to
47 appear at a scheduled hearing, the clerk of the court shall
48 notify the Division of Driver Licenses of the Department of
49 Highway Safety and Motor Vehicles of such failure within 10 days
50 after such failure. Upon receipt of such notice, the department
51 shall immediately issue an order suspending the driver's license
52 and privilege to drive of such person effective 20 days after the
53 date the order of suspension is mailed in accordance with s.
54 322.251(1), (2), and (6). Any such suspension of the driving
55 privilege which has not been reinstated, including a similar
56 suspension imposed outside Florida, shall remain on the records
57 of the department for a period of 7 years from the date imposed
58 and shall be removed from the records after the expiration of 7

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59 | years from the date it is imposed.

60 | (b) However, a person who elects to attend driver
61 | improvement school and has paid the civil penalty as provided in
62 | s. 318.14(9), but who subsequently fails to attend the driver
63 | improvement school within the time specified by the court is
64 | ~~shall be~~ deemed to have admitted the infraction and shall be
65 | adjudicated guilty. In such case the person must pay the clerk of
66 | the court the 18 percent deducted pursuant to s. 318.14(9), and a
67 | processing fee of up to \$15, after which no additional penalties,
68 | court costs, or surcharges shall be imposed for the violation.
69 | The clerk of the court shall notify the department of the
70 | person's failure to attend driver improvement school and points
71 | shall be assessed pursuant to s. 322.27.

72 | (2) After suspension of the driver's license and privilege
73 | to drive of a person under subsection (1), the license and
74 | privilege may not be reinstated until the person complies with
75 | all obligations and penalties imposed on him or her under s.
76 | 318.18 and presents to a driver license office a certificate of
77 | compliance issued by the court, together with a nonrefundable
78 | service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or
79 | presents a certificate of compliance and pays the aforementioned
80 | service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or a
81 | driver licensing agent authorized in s. 322.135 clearing such
82 | suspension. Of the charge collected by the clerk of the court or
83 | driver licensing agent, \$22.50 ~~\$10~~ shall be remitted to the
84 | Department of Revenue to be deposited into the Highway Safety
85 | Operating Trust Fund. Such person shall also be in compliance
86 | with requirements of chapter 322 before ~~prior to~~ reinstatement.
87 | Of the nonrefundable service charge deposited into the Highway

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88 Safety Operating Trust Fund, \$12.50 shall be used to establish a
89 recruitment and retention salary payment plan for officers of the
90 highway patrol. The director of the Division of the Florida
91 Highway Patrol may use the funds deposited in the trust fund to
92 structure a pay scale for highway patrol officers which is
93 competitive with the average of the salaries of the six highest-
94 paid law enforcement agencies in the state. The director may
95 develop a pay scale for members of the highway patrol which is
96 based on the officer's years of service with the patrol and his
97 or her job performance with respect to established patrol-duty
98 requirements.

99 Section 2. Paragraph (a) of subsection (8) of section
100 318.18, Florida Statutes, is amended to read:

101 318.18 Amount of penalties.--The penalties required for a
102 noncriminal disposition pursuant to s. 318.14 or a criminal
103 offense listed in s. 318.17 are as follows:

104 (8) (a) Any person who fails to comply with the court's
105 requirements or who fails to pay the civil penalties specified in
106 this section within the 30-day period provided for in s. 318.14
107 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of which
108 must be remitted to the Department of Revenue for deposit in the
109 General Revenue Fund, and \$17.50 ~~\$9.50~~ of which must be remitted
110 to the Department of Revenue for deposit in the Highway Safety
111 Operating Trust Fund. Of any additional civil penalty imposed by
112 this subsection and remitted to the Highway Safety Operating
113 Trust Fund, \$8 shall be used to establish a recruitment and
114 retention salary payment plan for officers of the highway patrol.
115 The department shall contract with the Florida Association of
116 Court Clerks, Inc., to design, establish, operate, upgrade, and

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117 | maintain an automated statewide Uniform Traffic Citation
118 | Accounting System to be operated by the clerks of the court which
119 | shall include, but not be limited to, the accounting for traffic
120 | infractions by type, a record of the disposition of the
121 | citations, and an accounting system for the fines assessed and
122 | the subsequent fine amounts paid to the clerks of the court. On
123 | or before December 1, 2001, the clerks of the court must provide
124 | the information required by this chapter to be transmitted to the
125 | department by electronic transmission pursuant to the contract.

126 | Section 3. Section 320.07, Florida Statutes, is amended to
127 | read:

128 | 320.07 Expiration of registration; renewal required;
129 | delinquent fees; distribution of funds to the highway patrol;
130 | penalties.--

131 | (1) The registration of a motor vehicle or mobile home
132 | expires at midnight on the last day of the registration or
133 | extended registration period. A vehicle may ~~shall~~ not be operated
134 | on the roads of this state after expiration of the renewal period
135 | unless the registration has been renewed according to law.

136 | (2) Registration must ~~shall~~ be renewed semiannually,
137 | annually, or biennially, as provided in this subsection, during
138 | the applicable renewal period, upon payment of the applicable
139 | license tax amounts required by s. 320.08, service charges
140 | required by s. 320.04, and any additional fees required by law.

141 | (a) Any person who owns a motor vehicle registered under s.
142 | 320.08(4), (6)(b), or (13) may register semiannually as provided
143 | in s. 320.0705.

144 | (b) Any person who owns a motor vehicle or mobile home
145 | registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6), (7),

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146 (8), (9), (10), or (11) may renew the vehicle registration
147 biennially during the applicable renewal period upon payment of
148 the 2-year cumulative total of all applicable license tax amounts
149 required by s. 320.08 and service charges or surcharges required
150 by ss. 320.03, 320.04, 320.0801, 320.08015, 320.0802, 320.0804,
151 320.0805, 320.08046, and 320.08056 and payment of the 2-year
152 cumulative total of any additional fees required by law for an
153 annual registration.

154 (3) The operation of any motor vehicle without having
155 attached thereto a registration license plate and validation
156 stickers, or the use of any mobile home without having attached
157 thereto a mobile home sticker, for the current registration
158 period shall subject the owner thereof, if he or she is present,
159 or, if the owner is not present, the operator thereof to the
160 following penalties ~~penalty provisions~~:

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

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

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

172 (d) However, an operator may ~~shall~~ not be charged with a
173 violation of this subsection if the operator can show, pursuant
174 to a valid lease agreement, that the vehicle had been leased for

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175 a period of 30 days or less at the time of the offense.

176 (e) Any servicemember, as defined in s. 250.01, whose
177 mobile home registration expired while he or she was serving on
178 active duty or state active duty may ~~shall~~ not be charged with a
179 violation of this subsection if, at the time of the offense, the
180 servicemember was serving on active duty or state active duty 35
181 miles or more from the mobile home. The servicemember must
182 present to the department either a copy of the official military
183 orders or a written verification signed by the servicemember's
184 commanding officer to receive a waiver of charges.

185 (f) The owner of a leased motor vehicle is not responsible
186 for any penalty specified in this subsection if the motor vehicle
187 is registered in the name of the lessee of the motor vehicle.

188 (4) (a) In addition to a penalty provided in subsection (3),
189 a delinquent fee based on the following schedule of license taxes
190 shall be imposed on any applicant who fails to renew a
191 registration before ~~prior to~~ the end of the month in which
192 renewal registration is due. The delinquent fee shall be applied
193 beginning on the 11th calendar day of the month succeeding the
194 renewal period. The delinquent fee does not apply to those
195 vehicles that have not been required to be registered during the
196 preceding registration period or as provided in s. 320.18(2). The
197 delinquent fee shall be imposed as follows:

- 198 1. License tax of \$5 but not more than \$25: \$5 flat.
- 199 2. License tax over \$25 but not more than \$50: \$20 ~~\$10~~
200 flat.
- 201 3. License tax over \$50 but not more than \$100: \$25 ~~\$15~~
202 flat.
- 203 4. License tax over \$100 but not more than \$400: \$60 ~~\$50~~

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204 flat.

205 5. License tax over \$400 but not more than \$600: \$120 ~~\$100~~
206 flat.

207 6. License tax over \$600 and up: \$275 ~~\$250~~ flat.

208

209 Of the delinquent fees imposed under subparagraphs 1. through 4.,
210 \$10 shall be deposited in the Highway Safety Operating Trust
211 Fund; of the delinquent fees imposed under subparagraph 5., \$20
212 shall be deposited in the Highway Safety Operating Trust Fund;
213 and of the delinquent fees imposed under subparagraph 6., \$25
214 shall be deposited in the Highway Safety Operating Trust Fund.
215 The deposited fees shall be used to establish a recruitment and
216 retention salary payment plan for officers of the highway patrol.
217 The director of the Division of the Florida Highway Patrol may
218 use the fees deposited in the trust fund to structure a pay scale
219 for highway patrol officers which is competitive with the average
220 of the salaries of the six highest-paid law enforcement agencies
221 in the state. The director may develop a pay scale that is based
222 on an officer's years of service with the patrol and his or her
223 job performance with respect to established patrol-duty
224 requirements.

225 (b) A person who has been assessed a penalty pursuant to s.
226 316.545(2) (b) for failure to have a valid vehicle registration
227 certificate is not subject to the delinquent fee authorized by
228 this subsection if the ~~such~~ person obtains a valid registration
229 certificate within 10 working days after the ~~such~~ penalty was
230 assessed. The official receipt authorized by s. 316.545(6)
231 constitutes proof of payment of the penalty authorized in s.
232 316.545(2) (b) .

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233 (c) The owner of a leased motor vehicle is not responsible
234 for any delinquent fee specified in this subsection if the motor
235 vehicle is registered in the name of the lessee of the motor
236 vehicle.

237 (5) Any servicemember, as defined in s. 250.01, whose motor
238 vehicle or mobile home registration has expired while he or she
239 was serving on active duty or state active duty may renew his or
240 her registration upon return from active duty or state active
241 duty without penalty, if the servicemember served on active duty
242 or state active duty 35 miles or more from the servicemember's
243 home of record prior to entering active duty or state active
244 duty. The servicemember must provide to the department either a
245 copy of the official military orders or a written verification
246 signed by the servicemember's commanding officer to receive a
247 waiver of delinquent fees.

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

250 Section 4. Section 322.21, Florida Statutes, is amended to
251 read:

252 322.21 License fees; procedure for handling and collecting
253 fees; distribution of funds to the highway patrol.--

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

255 (a) An original or renewal commercial driver's license is
256 \$50, which shall include the fee for driver education provided by
257 s. 1003.48; however, if an applicant has completed training and
258 is applying for employment or is currently employed in a public
259 or nonpublic school system that requires the commercial license,
260 the fee shall be the same as for a Class E driver's license. A
261 delinquent fee of \$1 shall be added for a renewal made not more

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262 | than 12 months after the license expiration date.

263 | (b) An original Class E driver's license is \$20, which
264 | includes ~~shall include~~ the fee for driver's education provided by
265 | s. 1003.48; however, if an applicant has completed training and
266 | is applying for employment or is currently employed in a public
267 | or nonpublic school system that requires a commercial driver
268 | license, the fee shall be the same as for a Class E license.

269 | (c) The renewal or extension of a Class E driver's license
270 | or of a license restricted to motorcycle use only is \$15, except
271 | that a delinquent fee of \$1 shall be added for a renewal or
272 | extension made not more than 12 months after the license
273 | expiration date. The fee provided in this paragraph includes
274 | ~~shall include~~ the fee for driver's education provided by s.
275 | 1003.48.

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

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

280 | (f) A hazardous-materials endorsement, as required by s.
281 | 322.57(1)(d), shall be set by the department by rule and shall
282 | reflect the cost of the required criminal history check,
283 | including the cost of the state and federal fingerprint check,
284 | and the cost to the department of providing and issuing the
285 | license. The fee shall not exceed \$100. This fee shall be
286 | deposited in the Highway Safety Operating Trust Fund. The
287 | department may adopt rules to administer this section.

288 | (2) It is the duty of the Director of the Division of
289 | Driver Licenses to set up a division in the department with the
290 | necessary personnel to perform the necessary clerical and routine

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291 work for the department in issuing and recording applications,
292 licenses, and certificates of eligibility, including the
293 receiving and accounting of all license funds and their payment
294 into the State Treasury, and other incidental clerical work
295 connected with the administration of this chapter. The department
296 is authorized to use such electronic, mechanical, or other
297 devices as necessary to accomplish the purposes of this chapter.

298 (3) The department shall prepare sufficient forms for
299 certificates of eligibility, applications, notices, and license
300 materials to supply all applicants for driver's licenses and all
301 renewal licenses.

302 (4) If the department determines from its records or is
303 otherwise satisfied that the holder of a license about to expire
304 is entitled to have it renewed, the department shall mail a
305 renewal notice to him or her at his or her last known address,
306 not less than 30 days prior to the licensee's birthday. The
307 licensee shall be issued a renewal license, after reexamination,
308 if required, during the 30 days immediately preceding his or her
309 birthday upon presenting a renewal notice, his or her current
310 license, and the fee for renewal to the department at any
311 driver's license examining office.

312 (5) The department shall collect and transmit all fees
313 received by it under this section to the Chief Financial Officer
314 to be placed in the General Revenue Fund of the state, and
315 sufficient funds for the necessary expenses of the department
316 shall be included in the appropriations act. The fees shall be
317 used for the maintenance and operation of the department.

318 (6) Any member of the Armed Forces or his or her spouse,
319 daughter, son, stepdaughter, or stepson, who holds a Florida

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320 driver's license and who presents an affidavit showing that he or
321 she was out of the state due to service in the Armed Forces of
322 the United States at the time of license expiration is exempt
323 from paying the delinquent fee, if the application for renewal is
324 made within 15 months after the expiration of his or her license
325 and within 90 days after the date of discharge or transfer to a
326 military or naval establishment in this state as shown in the
327 affidavit. However, such a person is not exempt from any
328 reexamination requirement.

329 (7) Any veteran honorably discharged from the Armed Forces
330 who has been issued a valid identification card by the Department
331 of Veterans' Affairs in accordance with s. 295.17, or has been
332 determined by the United States Department of Veterans Affairs or
333 its predecessor to have a 100-percent total and permanent
334 service-connected disability rating for compensation, or has been
335 determined to have a service-connected total and permanent
336 disability rating of 100 percent and is in receipt of disability
337 retirement pay from any branch of the United States Armed
338 Services, and who is qualified to obtain a driver's license under
339 this chapter is exempt from all fees required by this section.

340 (8) Any person who applies for reinstatement following the
341 suspension or revocation of the person's driver's license must
342 ~~shall~~ pay a service fee of \$45 ~~\$35~~ following a suspension, and
343 \$75 ~~\$60~~ following a revocation, which is in addition to the fee
344 for a license. Any person who applies for reinstatement of a
345 commercial driver's license following the disqualification of the
346 person's privilege to operate a commercial motor vehicle must
347 ~~shall~~ pay a service fee of \$75 ~~\$60~~, which is in addition to the
348 fee for a license. The department shall collect all of these fees

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

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

356 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
357 reinstatement following a revocation or disqualification, the
358 department shall deposit \$35 in the General Revenue Fund and \$40
359 ~~\$25~~ in the Highway Safety Operating Trust Fund.

360 (c) Of the driver's license reinstatement fee that is
361 deposited into the Highway Safety Operating Trust Fund following
362 a revocation or disqualification of the driver's license, \$15
363 shall be used to establish a recruitment and retention salary
364 payment plan for officers of the highway patrol. Of the driver's
365 license reinstatement fee deposited into the Highway Safety
366 Operating Trust Fund following the suspension of a driver's
367 license, \$10 shall be used to establish a recruitment and
368 retention salary payment plan for officers of the highway patrol.
369 The director of the Division of the Florida Highway Patrol may
370 use the funds from these fees to structure a pay scale for
371 highway patrol officers which is competitive with the average of
372 the salaries of the six highest-paid law enforcement agencies in
373 the state. The director may develop a pay scale for members of
374 the highway patrol which is based on an officer's years of
375 service with the patrol and his or her job performance with
376 respect to established patrol-duty requirements.

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378 If the revocation or suspension of the driver's license was for a
379 violation of s. 316.193, or for refusal to submit to a lawful
380 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~ must
381 be charged. However, only one \$130 ~~\$115~~ fee may be collected from
382 one person convicted of violations arising out of the same
383 incident. The department shall collect the \$130 ~~\$115~~ fee and
384 deposit the fee into the Highway Safety Operating Trust Fund at
385 the time of reinstatement of the person's driver's license, but
386 the fee may not be collected if the suspension or revocation is
387 overturned. If the revocation or suspension of the driver's
388 license was for a conviction for a violation of s. 817.234(8) or
389 (9) or s. 817.505, an additional fee of \$180 is imposed for each
390 offense. The department shall collect and deposit the additional
391 fee into the Highway Safety Operating Trust Fund at the time of
392 reinstatement of the person's driver's license. Of the driver's
393 license reinstatement fee deposited into the Highway Safety
394 Operating Trust Fund following the revocation or suspension of a
395 driver's license due to a violation of s. 316.193, or for a
396 refusal to submit to a lawful breath, blood, or urine test, \$15
397 shall be used to establish a recruitment and retention salary
398 payment plan for officers of the highway patrol.

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

401 322.29 Surrender and return of license.--

402 (2) The provisions of subsection (1) to the contrary
403 notwithstanding, no examination is required for the return of a
404 license suspended under s. 318.15 or s. 322.245 unless an
405 examination is otherwise required by this chapter. Every person
406 applying for the return of a license suspended under s. 318.15 or

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407 s. 322.245 shall present to the department certification from the
408 court that he or she has complied with all obligations and
409 penalties imposed on him or her pursuant to s. 318.15 or, in the
410 case of a suspension pursuant to s. 322.245, that he or she has
411 complied with all directives of the court and the requirements of
412 s. 322.245 and shall pay to the department a nonrefundable
413 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
414 into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited
415 into the Highway Safety Operating Trust Fund. If reinstated by
416 the clerk of the court or tax collector, \$37.50 shall be retained
417 and \$22.50 ~~\$10~~ shall be remitted to the Department of Revenue for
418 deposit into the Highway Safety Operating Trust Fund. However,
419 the service fee is not required if the person is required to pay
420 a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the provisions of s. 322.21.

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