

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

585-06024-08

2008920c2

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. 322.21, F.S.;
18 increasing the fees for reinstating a suspended or revoked
19 driver's license or commercial motor vehicle license;
20 requiring that the fees collected from reinstating a
21 suspended or revoked driver's license be used to establish
22 a recruitment and retention salary plan for officers of
23 the highway patrol; authorizing the director to use the
24 license reinstating fees for a salary scale for highway
25 patrol officers which is competitive with other law
26 enforcement agencies; amending s. 322.29, F.S., relating
27 to the surrender and return of a license; conforming
28 provisions to changes made by the act; providing an
29 effective date.

585-06024-08

2008920c2

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Section 318.15, Florida Statutes, is amended to
34 read:

35 318.15 Failure to comply with civil penalty or to appear;
36 penalty; distribution of funds to the highway patrol.--

37 (1) (a) If a person fails to comply with the civil penalties
38 provided in s. 318.18 within the time period specified in s.
39 318.14(4), fails to attend driver improvement school, or fails to
40 appear at a scheduled hearing, the clerk of the court shall
41 notify the Division of Driver Licenses of the Department of
42 Highway Safety and Motor Vehicles of such failure within 10 days
43 after such failure. Upon receipt of such notice, the department
44 shall immediately issue an order suspending the driver's license
45 and privilege to drive of such person effective 20 days after the
46 date the order of suspension is mailed in accordance with s.
47 322.251(1), (2), and (6). Any such suspension of the driving
48 privilege which has not been reinstated, including a similar
49 suspension imposed outside Florida, shall remain on the records
50 of the department for a period of 7 years from the date imposed
51 and shall be removed from the records after the expiration of 7
52 years from the date it is imposed.

53 (b) However, a person who elects to attend driver
54 improvement school and has paid the civil penalty as provided in
55 s. 318.14(9), but who subsequently fails to attend the driver
56 improvement school within the time specified by the court is
57 ~~shall be~~ deemed to have admitted the infraction and shall be
58 adjudicated guilty. In such case the person must pay the clerk of

585-06024-08

2008920c2

59 | the court the 18 percent deducted pursuant to s. 318.14(9), and a
60 | processing fee of up to \$15, after which no additional penalties,
61 | court costs, or surcharges shall be imposed for the violation.
62 | The clerk of the court shall notify the department of the
63 | person's failure to attend driver improvement school and points
64 | shall be assessed pursuant to s. 322.27.

65 | (2) After suspension of the driver's license and privilege
66 | to drive of a person under subsection (1), the license and
67 | privilege may not be reinstated until the person complies with
68 | all obligations and penalties imposed on him or her under s.
69 | 318.18 and presents to a driver license office a certificate of
70 | compliance issued by the court, together with a nonrefundable
71 | service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or
72 | presents a certificate of compliance and pays the aforementioned
73 | service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or a
74 | driver licensing agent authorized in s. 322.135 clearing such
75 | suspension. Of the charge collected by the clerk of the court or
76 | driver licensing agent, \$22.50 ~~\$10~~ shall be remitted to the
77 | Department of Revenue to be deposited into the Highway Safety
78 | Operating Trust Fund. Such person shall also be in compliance
79 | with requirements of chapter 322 before ~~prior to~~ reinstatement.
80 | Of the nonrefundable service charge deposited into the Highway
81 | Safety Operating Trust Fund, \$12.50 shall be used to establish a
82 | recruitment and retention salary payment plan for officers of the
83 | highway patrol. The director of the Division of the Florida
84 | Highway Patrol may use the funds deposited in the trust fund to
85 | structure a pay scale for highway patrol officers which is
86 | competitive with the average of the salaries of the six highest-
87 | paid law enforcement agencies in the state. The director may

585-06024-08

2008920c2

88 develop a pay scale for members of the highway patrol which is
89 based on the officer's years of service with the patrol and his
90 or her job performance with respect to established patrol-duty
91 requirements.

92 Section 2. Paragraph (a) of subsection (8) of section
93 318.18, Florida Statutes, is amended to read:

94 318.18 Amount of penalties.--The penalties required for a
95 noncriminal disposition pursuant to s. 318.14 or a criminal
96 offense listed in s. 318.17 are as follows:

97 (8)(a) Any person who fails to comply with the court's
98 requirements or who fails to pay the civil penalties specified in
99 this section within the 30-day period provided for in s. 318.14
100 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of which
101 must be remitted to the Department of Revenue for deposit in the
102 General Revenue Fund, and \$17.50 ~~\$9.50~~ of which must be remitted
103 to the Department of Revenue for deposit in the Highway Safety
104 Operating Trust Fund. Of any additional civil penalty imposed by
105 this subsection and remitted to the Highway Safety Operating
106 Trust Fund, \$8 shall be used to establish a recruitment and
107 retention salary payment plan for officers of the highway patrol.
108 The department shall contract with the Florida Association of
109 Court Clerks, Inc., to design, establish, operate, upgrade, and
110 maintain an automated statewide Uniform Traffic Citation
111 Accounting System to be operated by the clerks of the court which
112 shall include, but not be limited to, the accounting for traffic
113 infractions by type, a record of the disposition of the
114 citations, and an accounting system for the fines assessed and
115 the subsequent fine amounts paid to the clerks of the court. On
116 or before December 1, 2001, the clerks of the court must provide

585-06024-08

2008920c2

117 | the information required by this chapter to be transmitted to the
118 | department by electronic transmission pursuant to the contract.

119 | Section 3. Section 322.21, Florida Statutes, is amended to
120 | read:

121 | 322.21 License fees; procedure for handling and collecting
122 | fees; distribution of funds to the highway patrol.--

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

124 | (a) An original or renewal commercial driver's license is
125 | \$50, which shall include the fee for driver education provided by
126 | s. 1003.48; however, if an applicant has completed training and
127 | is applying for employment or is currently employed in a public
128 | or nonpublic school system that requires the commercial license,
129 | the fee shall be the same as for a Class E driver's license. A
130 | delinquent fee of \$1 shall be added for a renewal made not more
131 | than 12 months after the license expiration date.

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

138 | (c) The renewal or extension of a Class E driver's license
139 | or of a license restricted to motorcycle use only is \$15, except
140 | that a delinquent fee of \$1 shall be added for a renewal or
141 | extension made not more than 12 months after the license
142 | expiration date. The fee provided in this paragraph includes
143 | ~~shall include~~ the fee for driver's education provided by s.
144 | 1003.48.

145 | (d) An original driver's license restricted to motorcycle

585-06024-08

2008920c2

146 use only is \$20, which shall include the fee for driver's
147 education provided by s. 1003.48.

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

149 (f) A hazardous-materials endorsement, as required by s.
150 322.57(1)(d), shall be set by the department by rule and shall
151 reflect the cost of the required criminal history check,
152 including the cost of the state and federal fingerprint check,
153 and the cost to the department of providing and issuing the
154 license. The fee shall not exceed \$100. This fee shall be
155 deposited in the Highway Safety Operating Trust Fund. The
156 department may adopt rules to administer this section.

157 (2) It is the duty of the Director of the Division of
158 Driver Licenses to set up a division in the department with the
159 necessary personnel to perform the necessary clerical and routine
160 work for the department in issuing and recording applications,
161 licenses, and certificates of eligibility, including the
162 receiving and accounting of all license funds and their payment
163 into the State Treasury, and other incidental clerical work
164 connected with the administration of this chapter. The department
165 is authorized to use such electronic, mechanical, or other
166 devices as necessary to accomplish the purposes of this chapter.

167 (3) The department shall prepare sufficient forms for
168 certificates of eligibility, applications, notices, and license
169 materials to supply all applicants for driver's licenses and all
170 renewal licenses.

171 (4) If the department determines from its records or is
172 otherwise satisfied that the holder of a license about to expire
173 is entitled to have it renewed, the department shall mail a
174 renewal notice to him or her at his or her last known address,

585-06024-08

2008920c2

175 | not less than 30 days prior to the licensee's birthday. The
176 | licensee shall be issued a renewal license, after reexamination,
177 | if required, during the 30 days immediately preceding his or her
178 | birthday upon presenting a renewal notice, his or her current
179 | license, and the fee for renewal to the department at any
180 | driver's license examining office.

181 | (5) The department shall collect and transmit all fees
182 | received by it under this section to the Chief Financial Officer
183 | to be placed in the General Revenue Fund of the state, and
184 | sufficient funds for the necessary expenses of the department
185 | shall be included in the appropriations act. The fees shall be
186 | used for the maintenance and operation of the department.

187 | (6) Any member of the Armed Forces or his or her spouse,
188 | daughter, son, stepdaughter, or stepson, who holds a Florida
189 | driver's license and who presents an affidavit showing that he or
190 | she was out of the state due to service in the Armed Forces of
191 | the United States at the time of license expiration is exempt
192 | from paying the delinquent fee, if the application for renewal is
193 | made within 15 months after the expiration of his or her license
194 | and within 90 days after the date of discharge or transfer to a
195 | military or naval establishment in this state as shown in the
196 | affidavit. However, such a person is not exempt from any
197 | reexamination requirement.

198 | (7) Any veteran honorably discharged from the Armed Forces
199 | who has been issued a valid identification card by the Department
200 | of Veterans' Affairs in accordance with s. 295.17, or has been
201 | determined by the United States Department of Veterans Affairs or
202 | its predecessor to have a 100-percent total and permanent
203 | service-connected disability rating for compensation, or has been

585-06024-08

2008920c2

204 determined to have a service-connected total and permanent
205 disability rating of 100 percent and is in receipt of disability
206 retirement pay from any branch of the United States Armed
207 Services, and who is qualified to obtain a driver's license under
208 this chapter is exempt from all fees required by this section.

209 (8) Any person who applies for reinstatement following the
210 suspension or revocation of the person's driver's license must
211 ~~shall~~ pay a service fee of \$45 ~~\$35~~ following a suspension, and
212 \$75 ~~\$60~~ following a revocation, which is in addition to the fee
213 for a license. Any person who applies for reinstatement of a
214 commercial driver's license following the disqualification of the
215 person's privilege to operate a commercial motor vehicle must
216 ~~shall~~ pay a service fee of \$75 ~~\$60~~, which is in addition to the
217 fee for a license. The department shall collect all of these fees
218 at the time of reinstatement. The department shall issue proper
219 receipts for such fees and shall promptly transmit all funds
220 received by it as follows:

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

225 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
226 reinstatement following a revocation or disqualification, the
227 department shall deposit \$35 in the General Revenue Fund and \$40
228 ~~\$25~~ in the Highway Safety Operating Trust Fund.

229 (c) Of the driver's license reinstatement fee that is
230 deposited into the Highway Safety Operating Trust Fund following
231 a revocation or disqualification of the driver's license, \$15
232 shall be used to establish a recruitment and retention salary

585-06024-08

2008920c2

233 payment plan for officers of the highway patrol. Of the driver's
234 license reinstatement fee deposited into the Highway Safety
235 Operating Trust Fund following the suspension of a driver's
236 license, \$10 shall be used to establish a recruitment and
237 retention salary payment plan for officers of the highway patrol.
238 The director of the Division of the Florida Highway Patrol may
239 use the funds from these fees to structure a pay scale for
240 highway patrol officers which is competitive with the average of
241 the salaries of the six highest-paid law enforcement agencies in
242 the state. The director may develop a pay scale for members of
243 the highway patrol which is based on an officer's years of
244 service with the patrol and his or her job performance with
245 respect to established patrol-duty requirements.

246
247 If the revocation or suspension of the driver's license was for a
248 violation of s. 316.193, or for refusal to submit to a lawful
249 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~ must
250 be charged. However, only one \$130 ~~\$115~~ fee may be collected from
251 one person convicted of violations arising out of the same
252 incident. The department shall collect the \$130 ~~\$115~~ fee and
253 deposit the fee into the Highway Safety Operating Trust Fund at
254 the time of reinstatement of the person's driver's license, but
255 the fee may not be collected if the suspension or revocation is
256 overturned. If the revocation or suspension of the driver's
257 license was for a conviction for a violation of s. 817.234(8) or
258 (9) or s. 817.505, an additional fee of \$180 is imposed for each
259 offense. The department shall collect and deposit the additional
260 fee into the Highway Safety Operating Trust Fund at the time of
261 reinstatement of the person's driver's license. Of the driver's

585-06024-08

2008920c2

262 license reinstatement fee deposited into the Highway Safety
263 Operating Trust Fund following the revocation or suspension of a
264 driver's license due to a violation of s. 316.193, or for a
265 refusal to submit to a lawful breath, blood, or urine test, \$15
266 shall be used to establish a recruitment and retention salary
267 payment plan for officers of the highway patrol.

268 Section 4. Subsection (2) of section 322.29, Florida
269 Statutes, is amended to read:

270 322.29 Surrender and return of license.--

271 (2) The provisions of subsection (1) to the contrary
272 notwithstanding, no examination is required for the return of a
273 license suspended under s. 318.15 or s. 322.245 unless an
274 examination is otherwise required by this chapter. Every person
275 applying for the return of a license suspended under s. 318.15 or
276 s. 322.245 shall present to the department certification from the
277 court that he or she has complied with all obligations and
278 penalties imposed on him or her pursuant to s. 318.15 or, in the
279 case of a suspension pursuant to s. 322.245, that he or she has
280 complied with all directives of the court and the requirements of
281 s. 322.245 and shall pay to the department a nonrefundable
282 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
283 into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited
284 into the Highway Safety Operating Trust Fund. If reinstated by
285 the clerk of the court or tax collector, \$37.50 shall be retained
286 and \$22.50 ~~\$10~~ shall be remitted to the Department of Revenue for
287 deposit into the Highway Safety Operating Trust Fund. However,
288 the service fee is not required if the person is required to pay
289 a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the provisions of s. 322.21.

290 Section 5. This act shall take effect July 1, 2008.