

By the Committees on Transportation and Economic Development Appropriations; Governmental Operations; Transportation; and Senators Fasano, Posey, Wise, Lawson, Baker, Gaetz, Oelrich, (Additional Introducers on Last Printed Page)

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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; amending s. 318.18, F.S.; increasing the  
10 civil penalty a person must pay for a late payment of  
11 civil traffic penalties; requiring that a specified amount  
12 of the collected penalty be used to establish a  
13 recruitment retention salary plan for officers of the  
14 highway patrol; amending s. 322.21, F.S.; increasing the  
15 fees for reinstating a suspended or revoked driver's  
16 license or commercial motor vehicle license; requiring  
17 that the fees collected from reinstating a suspended or  
18 revoked driver's license be used to establish a  
19 recruitment and retention salary plan for officers of the  
20 highway patrol; amending s. 322.29, F.S., relating to the  
21 surrender and return of a license; conforming provisions  
22 to changes made by the act; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Section 318.15, Florida Statutes, is amended to  
27 read:

28 318.15 Failure to comply with civil penalty or to appear;  
29 penalty; distribution of funds to the highway patrol.--

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30 (1) (a) If a person fails to comply with the civil penalties  
31 provided in s. 318.18 within the time period specified in s.  
32 318.14(4), fails to attend driver improvement school, or fails to  
33 appear at a scheduled hearing, the clerk of the court shall  
34 notify the Division of Driver Licenses of the Department of  
35 Highway Safety and Motor Vehicles of such failure within 10 days  
36 after such failure. Upon receipt of such notice, the department  
37 shall immediately issue an order suspending the driver's license  
38 and privilege to drive of such person effective 20 days after the  
39 date the order of suspension is mailed in accordance with s.  
40 322.251(1), (2), and (6). Any such suspension of the driving  
41 privilege which has not been reinstated, including a similar  
42 suspension imposed outside Florida, shall remain on the records  
43 of the department for a period of 7 years from the date imposed  
44 and shall be removed from the records after the expiration of 7  
45 years from the date it is imposed.

46 (b) However, a person who elects to attend driver  
47 improvement school and has paid the civil penalty as provided in  
48 s. 318.14(9), but who subsequently fails to attend the driver  
49 improvement school within the time specified by the court is  
50 ~~shall be~~ deemed to have admitted the infraction and shall be  
51 adjudicated guilty. In such case the person must pay the clerk of  
52 the court the 18 percent deducted pursuant to s. 318.14(9), and a  
53 processing fee of up to \$15, after which no additional penalties,  
54 court costs, or surcharges shall be imposed for the violation.  
55 The clerk of the court shall notify the department of the  
56 person's failure to attend driver improvement school and points  
57 shall be assessed pursuant to s. 322.27.

58 (2) After suspension of the driver's license and privilege

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59 | to drive of a person under subsection (1), the license and  
60 | privilege may not be reinstated until the person complies with  
61 | all obligations and penalties imposed on him or her under s.  
62 | 318.18 and presents to a driver license office a certificate of  
63 | compliance issued by the court, together with a nonrefundable  
64 | service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or  
65 | presents a certificate of compliance and pays the aforementioned  
66 | service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or a  
67 | driver licensing agent authorized in s. 322.135 clearing such  
68 | suspension. Of the charge collected by the clerk of the court or  
69 | driver licensing agent, \$22.50 ~~\$10~~ shall be remitted to the  
70 | Department of Revenue to be deposited into the Highway Safety  
71 | Operating Trust Fund. Such person shall also be in compliance  
72 | with requirements of chapter 322 before ~~prior to~~ reinstatement.  
73 | Of the nonrefundable service charge deposited into the Highway  
74 | Safety Operating Trust Fund, \$12.50 shall be used to establish a  
75 | recruitment and retention salary payment plan for officers of the  
76 | highway patrol.

77 | Section 2. Paragraph (a) of subsection (8) of section  
78 | 318.18, Florida Statutes, is amended to read:

79 | 318.18 Amount of penalties.--The penalties required for a  
80 | noncriminal disposition pursuant to s. 318.14 or a criminal  
81 | offense listed in s. 318.17 are as follows:

82 | (8) (a) Any person who fails to comply with the court's  
83 | requirements or who fails to pay the civil penalties specified in  
84 | this section within the 30-day period provided for in s. 318.14  
85 | must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of which  
86 | must be remitted to the Department of Revenue for deposit in the  
87 | General Revenue Fund, and \$17.50 ~~\$9.50~~ of which must be remitted

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88 to the Department of Revenue for deposit in the Highway Safety  
89 Operating Trust Fund. Of any additional civil penalty imposed by  
90 this subsection and remitted to the Highway Safety Operating  
91 Trust Fund, \$8 shall be used to establish a recruitment and  
92 retention salary payment plan for officers of the highway patrol.

93 The department shall contract with the Florida Association of  
94 Court Clerks, Inc., to design, establish, operate, upgrade, and  
95 maintain an automated statewide Uniform Traffic Citation  
96 Accounting System to be operated by the clerks of the court which  
97 shall include, but not be limited to, the accounting for traffic  
98 infractions by type, a record of the disposition of the  
99 citations, and an accounting system for the fines assessed and  
100 the subsequent fine amounts paid to the clerks of the court. On  
101 or before December 1, 2001, the clerks of the court must provide  
102 the information required by this chapter to be transmitted to the  
103 department by electronic transmission pursuant to the contract.

104 Section 3. Section 322.21, Florida Statutes, is amended to  
105 read:

106 322.21 License fees; procedure for handling and collecting  
107 fees; distribution of funds to the highway patrol.--

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

109 (a) An original or renewal commercial driver's license is  
110 \$50, which shall include the fee for driver education provided by  
111 s. 1003.48; however, if an applicant has completed training and  
112 is applying for employment or is currently employed in a public  
113 or nonpublic school system that requires the commercial license,  
114 the fee shall be the same as for a Class E driver's license. A  
115 delinquent fee of \$1 shall be added for a renewal made not more  
116 than 12 months after the license expiration date.

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

123 (c) The renewal or extension of a Class E driver's license  
124 or of a license restricted to motorcycle use only is \$15, except  
125 that a delinquent fee of \$1 shall be added for a renewal or  
126 extension made not more than 12 months after the license  
127 expiration date. The fee provided in this paragraph includes  
128 ~~shall include~~ the fee for driver's education provided by s.  
129 1003.48.

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

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

134 (f) A hazardous-materials endorsement, as required by s.  
135 322.57(1)(d), shall be set by the department by rule and shall  
136 reflect the cost of the required criminal history check,  
137 including the cost of the state and federal fingerprint check,  
138 and the cost to the department of providing and issuing the  
139 license. The fee shall not exceed \$100. This fee shall be  
140 deposited in the Highway Safety Operating Trust Fund. The  
141 department may adopt rules to administer this section.

142 (2) It is the duty of the Director of the Division of  
143 Driver Licenses to set up a division in the department with the  
144 necessary personnel to perform the necessary clerical and routine  
145 work for the department in issuing and recording applications,

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146 licenses, and certificates of eligibility, including the  
147 receiving and accounting of all license funds and their payment  
148 into the State Treasury, and other incidental clerical work  
149 connected with the administration of this chapter. The department  
150 is authorized to use such electronic, mechanical, or other  
151 devices as necessary to accomplish the purposes of this chapter.

152 (3) The department shall prepare sufficient forms for  
153 certificates of eligibility, applications, notices, and license  
154 materials to supply all applicants for driver's licenses and all  
155 renewal licenses.

156 (4) If the department determines from its records or is  
157 otherwise satisfied that the holder of a license about to expire  
158 is entitled to have it renewed, the department shall mail a  
159 renewal notice to him or her at his or her last known address,  
160 not less than 30 days prior to the licensee's birthday. The  
161 licensee shall be issued a renewal license, after reexamination,  
162 if required, during the 30 days immediately preceding his or her  
163 birthday upon presenting a renewal notice, his or her current  
164 license, and the fee for renewal to the department at any  
165 driver's license examining office.

166 (5) The department shall collect and transmit all fees  
167 received by it under this section to the Chief Financial Officer  
168 to be placed in the General Revenue Fund of the state, and  
169 sufficient funds for the necessary expenses of the department  
170 shall be included in the appropriations act. The fees shall be  
171 used for the maintenance and operation of the department.

172 (6) Any member of the Armed Forces or his or her spouse,  
173 daughter, son, stepdaughter, or stepson, who holds a Florida  
174 driver's license and who presents an affidavit showing that he or

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175 she was out of the state due to service in the Armed Forces of  
176 the United States at the time of license expiration is exempt  
177 from paying the delinquent fee, if the application for renewal is  
178 made within 15 months after the expiration of his or her license  
179 and within 90 days after the date of discharge or transfer to a  
180 military or naval establishment in this state as shown in the  
181 affidavit. However, such a person is not exempt from any  
182 reexamination requirement.

183 (7) Any veteran honorably discharged from the Armed Forces  
184 who has been issued a valid identification card by the Department  
185 of Veterans' Affairs in accordance with s. 295.17, or has been  
186 determined by the United States Department of Veterans Affairs or  
187 its predecessor to have a 100-percent total and permanent  
188 service-connected disability rating for compensation, or has been  
189 determined to have a service-connected total and permanent  
190 disability rating of 100 percent and is in receipt of disability  
191 retirement pay from any branch of the United States Armed  
192 Services, and who is qualified to obtain a driver's license under  
193 this chapter is exempt from all fees required by this section.

194 (8) Any person who applies for reinstatement following the  
195 suspension or revocation of the person's driver's license must  
196 ~~shall~~ pay a service fee of \$45 ~~\$35~~ following a suspension, and  
197 \$75 ~~\$60~~ following a revocation, which is in addition to the fee  
198 for a license. Any person who applies for reinstatement of a  
199 commercial driver's license following the disqualification of the  
200 person's privilege to operate a commercial motor vehicle must  
201 ~~shall~~ pay a service fee of \$75 ~~\$60~~, which is in addition to the  
202 fee for a license. The department shall collect all of these fees  
203 at the time of reinstatement. The department shall issue proper

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204 receipts for such fees and shall promptly transmit all funds  
205 received by it as follows:

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

210 (b) Of the \$75 ~~\$60~~ fee received from a licensee for  
211 reinstatement following a revocation or disqualification, the  
212 department shall deposit \$35 in the General Revenue Fund and \$40  
213 ~~\$25~~ in the Highway Safety Operating Trust Fund.

214 (c) Of the driver's license reinstatement fee that is  
215 deposited into the Highway Safety Operating Trust Fund following  
216 a revocation or disqualification of the driver's license, \$15  
217 shall be used to establish a recruitment and retention salary  
218 payment plan for officers of the highway patrol. Of the driver's  
219 license reinstatement fee deposited into the Highway Safety  
220 Operating Trust Fund following the suspension of a driver's  
221 license, \$10 shall be used to establish a recruitment and  
222 retention salary payment plan for officers of the highway patrol.

223  
224 If the revocation or suspension of the driver's license was for a  
225 violation of s. 316.193, or for refusal to submit to a lawful  
226 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~ must  
227 be charged. However, only one \$130 ~~\$115~~ fee may be collected from  
228 one person convicted of violations arising out of the same  
229 incident. The department shall collect the \$130 ~~\$115~~ fee and  
230 deposit the fee into the Highway Safety Operating Trust Fund at  
231 the time of reinstatement of the person's driver's license, but  
232 the fee may not be collected if the suspension or revocation is



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233 overturned. If the revocation or suspension of the driver's  
234 license was for a conviction for a violation of s. 817.234(8) or  
235 (9) or s. 817.505, an additional fee of \$180 is imposed for each  
236 offense. The department shall collect and deposit the additional  
237 fee into the Highway Safety Operating Trust Fund at the time of  
238 reinstatement of the person's driver's license. Of the driver's  
239 license reinstatement fee deposited into the Highway Safety  
240 Operating Trust Fund following the revocation or suspension of a  
241 driver's license due to a violation of s. 316.193, or for a  
242 refusal to submit to a lawful breath, blood, or urine test, \$15  
243 shall be used to establish a recruitment and retention salary  
244 payment plan for officers of the highway patrol.

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

247 322.29 Surrender and return of license.--

248 (2) The provisions of subsection (1) to the contrary  
249 notwithstanding, no examination is required for the return of a  
250 license suspended under s. 318.15 or s. 322.245 unless an  
251 examination is otherwise required by this chapter. Every person  
252 applying for the return of a license suspended under s. 318.15 or  
253 s. 322.245 shall present to the department certification from the  
254 court that he or she has complied with all obligations and  
255 penalties imposed on him or her pursuant to s. 318.15 or, in the  
256 case of a suspension pursuant to s. 322.245, that he or she has  
257 complied with all directives of the court and the requirements of  
258 s. 322.245 and shall pay to the department a nonrefundable  
259 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited  
260 into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited  
261 into the Highway Safety Operating Trust Fund. If reinstated by

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262 the clerk of the court or tax collector, \$37.50 shall be retained  
263 and \$22.50 ~~\$10~~ shall be remitted to the Department of Revenue for  
264 deposit into the Highway Safety Operating Trust Fund. However,  
265 the service fee is not required if the person is required to pay  
266 a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the provisions of s. 322.21.

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

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270 ADDITIONAL INTRODUCERS

271 Alexander, Ring, Margolis and Deutch