

1 A bill to be entitled
2 An act relating to salaries of law enforcement,
3 correctional, and correctional probation officers;
4 amending s. 318.15, F.S.; increasing a service charge paid
5 for reinstatement of a suspended driver's license and
6 privilege to drive; revising provisions for distribution
7 and use of funds; amending s. 318.18, F.S.; increasing a
8 civil penalty for late payment of civil traffic penalties;
9 revising provisions for distribution and use of funds;
10 amending s. 319.32, F.S.; providing an additional fee for
11 certain certificate of title transactions; providing for
12 use of the fee; amending s. 319.323, F.S.; increasing the
13 expedited service fee for certain services; revising
14 provisions for distribution and use of funds; amending s.
15 319.324, F.S.; increasing the fee for odometer fraud
16 prevention and detection; revising provisions for
17 distribution and use of funds; creating s. 320.08041,
18 F.S.; providing a surcharge on license tax; providing an
19 exception; providing for use of the surcharge; amending s.
20 320.07, F.S.; conforming a provision to creation of the
21 surcharge in s. 320.08041, F.S.; amending s. 320.0805,
22 F.S.; increasing the fee for personalized prestige license
23 plates; revising provisions for distribution and use of
24 funds; amending s. 320.131, F.S.; increasing the fee for
25 temporary tags; revising provisions for distribution and
26 use of funds; amending s. 320.71, F.S.; providing an
27 additional fee for nonresident motor vehicle, mobile home,
28 or recreational vehicle dealer's licenses; providing for

29 use of the fee; amending s. 320.8225, F.S.; providing an
30 additional fee for mobile home and recreational vehicle
31 manufacturer, distributor, and importer licenses;
32 providing for use of the fee; amending s. 322.21, F.S.;
33 increasing the fees for reinstating a suspended or revoked
34 driver's license or a commercial motor vehicle license;
35 revising provisions for distribution and use of funds;
36 amending s. 322.29, F.S.; increasing the service charge
37 for reinstatement of a driver's license and privilege to
38 drive suspended under specified provisions; revising
39 provisions for distribution and use of funds; amending s.
40 328.03, F.S.; providing an additional fee for vessel
41 titles; providing for use of the fee; providing for use of
42 the surcharge; amending s. 379.2201, F.S., relating to
43 disposition of saltwater license and permit fees;
44 conforming provisions to the disposition of the additional
45 fee added to fishing licenses by this act; amending s.
46 943.0585, F.S.; increasing the processing fee for a
47 certificate of eligibility for expunction of criminal
48 history records; revising provisions for distribution and
49 use of funds; amending s. 945.215, F.S.; providing for a
50 surcharge on items for resale at inmate canteens and
51 vending machines maintained at correctional facilities;
52 providing for use of the surcharge; amending s. 943.25,
53 F.S.; providing that funds from a specified trust fund may
54 be used for supplemental salary increases; providing an
55 effective date.
56

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

58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83

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

318.15 Failure to comply with civil penalty or to appear; penalty.--

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with a nonrefundable service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or presents a certificate of compliance and pays the aforementioned service charge of up to \$60 ~~\$47.50~~ to the clerk of the court or a driver licensing agent authorized in s. 322.135 clearing such suspension. Of the charge collected by the clerk of the court or driver licensing agent, \$10 shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund and \$12.50 shall be remitted to the Department of Revenue to be deposited into the Criminal Justice Standards and Training Trust Fund and used for supplemental salary increases to law enforcement, correctional, and correctional probation officers, as defined in s. 943.10(1), (2), and (3), who are employed in sworn or certified public safety occupations by the state. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

84 Section 2. Paragraph (a) of subsection (8) of section
 85 318.18, Florida Statutes, is amended to read:

86 318.18 Amount of penalties.--The penalties required for a
 87 noncriminal disposition pursuant to s. 318.14 or a criminal
 88 offense listed in s. 318.17 are as follows:

89 (8) (a) Any person who fails to comply with the court's
 90 requirements or who fails to pay the civil penalties specified
 91 in this section within the 30-day period provided for in s.
 92 318.14 must pay an additional civil penalty of \$24 ~~\$16~~, \$6.50 of
 93 which must be remitted to the Department of Revenue for deposit
 94 in the General Revenue Fund, ~~and~~ \$9.50 of which must be remitted
 95 to the Department of Revenue for deposit in the Highway Safety
 96 Operating Trust Fund, and \$8 of which must be remitted to the
 97 Department of Revenue to be deposited into the Criminal Justice
 98 Standards and Training Trust Fund. The portion of each
 99 additional fee imposed by this paragraph remitted to the
 100 Criminal Justice Standards and Training Trust Fund shall be used
 101 for supplemental salary increases to law enforcement,
 102 correctional, and correctional probation officers, as defined in
 103 s. 943.10(1), (2), and (3), who are employed in sworn or
 104 certified public safety occupations by the state. Of this
 105 additional civil penalty of \$16, \$4 is not revenue for purposes
 106 of s. 28.36 and may not be used in establishing the budget of
 107 the clerk of the court under that section or s. 28.35. The
 108 department shall contract with the Florida Association of Court
 109 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

HB 1195

2009

112 | which shall include, but not be limited to, the accounting for
113 | traffic 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
117 | the information required by this chapter to be transmitted to
118 | the department by electronic transmission pursuant to the
119 | contract.

120 | Section 3. Subsections (1) and (3) of section 319.32,
121 | Florida Statutes, are amended to read:

122 | 319.32 Fees; service charges; disposition.--

123 | (1) (a) The department shall charge a fee of \$24 for each
124 | original certificate of title except for a certificate of title
125 | for a motor vehicle for hire registered under s. 320.08(6), for
126 | which the title fee shall be \$3, \$24 for each duplicate copy of
127 | a certificate of title except for a certificate of title for a
128 | motor vehicle for hire registered under s. 320.08(6), for which
129 | the title fee shall be \$3, \$2 for each salvage certificate of
130 | title, and \$3 for each assignment by a lienholder. It shall also
131 | charge a fee of \$2 for noting a lien on a title certificate,
132 | which fee shall include the services for the subsequent issuance
133 | of a corrected certificate or cancellation of lien when that
134 | lien is satisfied. If an application for a certificate of title
135 | is for a rebuilt vehicle, the department shall charge an
136 | additional fee of \$40 for conducting a physical examination of
137 | the vehicle to assure its identity. In addition to all other
138 | fees charged, a sum of \$1 shall be paid for the issuance of an

HB 1195

2009

139 original or duplicate certificate of title to cover the cost of
140 materials used for security purposes.

141 (b) In addition to the fees for each original certificate
142 of title and for each application for a certificate of title for
143 a rebuilt vehicle, there shall be a fee of \$2 for each such
144 title or application, which shall be remitted to the Department
145 of Revenue to be deposited into the Criminal Justice Standards
146 and Training Trust Fund and used for supplemental salary
147 increases to law enforcement, correctional, and correctional
148 probation officers, as defined in s. 943.10(1), (2), and (3),
149 who are employed in sworn or certified public safety occupations
150 by the state.

151 (3) The department shall charge a fee of \$4 in addition to
152 those ~~that~~ charged in subsection (1) for each original
153 certificate of title issued for a vehicle previously registered
154 outside this state.

155 Section 4. Section 319.323, Florida Statutes, is amended
156 to read:

157 319.323 Expedited service; applications; fees.--The
158 department shall establish a separate title office which may be
159 utilized by private citizens and licensed motor vehicle dealers
160 to receive expedited service on title transfers, title
161 issuances, duplicate titles, and recordation of liens, and
162 certificates of repossession. A fee of \$9 ~~\$7~~ shall be charged
163 for this service, which fee is in addition to the fees imposed
164 by s. 319.32. Two dollars of this fee shall be remitted to the
165 Department of Revenue to be deposited into the Criminal Justice
166 Standards and Training Trust Fund and used for supplemental

167 salary increases to law enforcement, correctional, and
 168 correctional probation officers, as defined in s. 943.10(1),
 169 (2), and (3), who are employed in sworn or certified public
 170 safety occupations by the state. Application for such expedited
 171 service may be made by mail or in person. The department shall
 172 issue each title applied for pursuant to this section within 5
 173 working days after receipt of the application except for an
 174 application for a duplicate title certificate covered by s.
 175 319.23(4), in which case the title must be issued within 5
 176 working days after compliance with the department's verification
 177 requirements.

178 Section 5. Subsection (1) of section 319.324, Florida
 179 Statutes, is amended to read:

180 319.324 Odometer fraud prevention and detection;
 181 funding.--

182 (1) (a) Moneys received by the department pursuant to s.
 183 319.32(1) in the amount of \$2 ~~\$1~~ for each original certificate
 184 of title, each duplicate copy of a certificate of title, and
 185 each assignment by a lienholder. One dollar of this fee shall be
 186 deposited into the Highway Safety Operating Trust Fund and \$1 of
 187 this fee shall be remitted to the Department of Revenue to be
 188 deposited into the Criminal Justice Standards and Training Trust
 189 Fund and used for supplemental salary increases to law
 190 enforcement, correctional, and correctional probation officers,
 191 as defined in s. 943.10(1), (2), and (3), who are employed in
 192 sworn or certified public safety occupations by the state.

193 (b) There shall also be deposited into the Highway Safety
 194 Operating Trust Fund moneys received by the department pursuant

195 to s. 319.323 in the amount of \$2 for each expedited service
 196 performed by the department for which a fee is assessed.

197 Section 6. Section 320.08041, Florida Statutes, is created
 198 to read:

199 320.08041 Surcharge on license tax; Criminal Justice
 200 Standards and Training Trust Fund.--There is levied and imposed
 201 on each license tax imposed under s. 320.08, except those set
 202 forth in s. 320.08(11), a surcharge in the amount of \$2, which
 203 shall be collected in the same manner as the annual license tax
 204 and deposited into the Criminal Justice Standards and Training
 205 Trust Fund and used for supplemental salary increases to law
 206 enforcement, correctional, and correctional probation officers,
 207 as defined in s. 943.10(1), (2), and (3), who are employed in
 208 sworn or certified public safety occupations by the state.

209 Section 7. Paragraph (b) of subsection (2) of section
 210 320.07, Florida Statutes, is amended to read:

211 320.07 Expiration of registration; renewal required;
 212 penalties.--

213 (2) Registration shall be renewed semiannually, annually,
 214 or biennially, as provided in this subsection, during the
 215 applicable renewal period, upon payment of the applicable
 216 license tax amounts required by s. 320.08, service charges
 217 required by s. 320.04, and any additional fees required by law.

218 (b) Any person who owns a motor vehicle or mobile home
 219 registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6),
 220 (7), (8), (9), (10), or (11) may renew the vehicle registration
 221 biennially during the applicable renewal period upon payment of
 222 the 2-year cumulative total of all applicable license tax

HB 1195

2009

223 amounts required by s. 320.08 and service charges or surcharges
 224 required by ss. 320.03, 320.04, 320.0801, 320.08015, 320.0802,
 225 320.0804, 320.08041 ~~320.0805~~, 320.08046, 320.0805, and 320.08056
 226 and payment of the 2-year cumulative total of any additional
 227 fees required by law for an annual registration.

228 Section 8. Subsection (2) of section 320.0805, Florida
 229 Statutes, as amended by chapter 2009-14, Laws of Florida, is
 230 amended to read:

231 320.0805 Personalized prestige license plates.--

232 (2) (a) Each request for specific numbers or letters or
 233 combinations thereof shall be submitted annually to the
 234 department on an application form supplied by the department,
 235 accompanied by the following tax and fees:

236 1.(a) The license tax required for the vehicle, as set
 237 forth in s. 320.08.

238 2.(b) A prestige plate annual use fee of \$10.

239 3.(c) A processing fee of \$4 ~~\$2~~, to be deposited into the
 240 Highway Safety Operating Trust Fund.

241 (b) Two dollars of the processing fee shall be remitted to
 242 the Department of Revenue to be deposited into the Criminal
 243 Justice Standards and Training Trust Fund and used for
 244 supplemental salary increases to law enforcement, correctional,
 245 and correctional probation officers, as defined in s. 943.10(1),
 246 (2), and (3), who are employed in sworn or certified public
 247 safety occupations by the state.

248 Section 9. Subsection (2) of section 320.131, Florida
 249 Statutes, is amended to read:

250 320.131 Temporary tags.--

251 (2) The department is authorized to sell temporary tags,
 252 in addition to those listed above, to their agents and where
 253 need is demonstrated by a consumer complainant. The fee shall be
 254 \$3 ~~\$2~~ each. One dollar from each tag sold shall be deposited
 255 into the Brain and Spinal Cord Injury Rehabilitation Trust Fund,
 256 \$1 shall be remitted to the Department of Revenue to be
 257 deposited into the Criminal Justice Standards and Training Trust
 258 Fund and used for supplemental salary increases to law
 259 enforcement, correctional, and correctional probation officers,
 260 as defined in s. 943.10(1), (2), and (3), who are employed in
 261 sworn or certified public safety occupations by the state, with
 262 the remaining proceeds being deposited into the Highway Safety
 263 Operating Trust Fund. Agents of the department shall sell
 264 temporary tags for \$3 ~~\$2~~ each and shall charge the service
 265 charge authorized by s. 320.04 per transaction, regardless of
 266 the quantity sold. Requests for purchase of temporary tags to
 267 the department or its agents shall be made, where applicable, on
 268 letterhead stationery and notarized. Except as specifically
 269 provided otherwise, a temporary tag shall be valid for 30 days,
 270 and no more than two shall be issued to the same person for the
 271 same vehicle.

272 Section 10. Subsection (1) of section 320.71, Florida
 273 Statutes, is amended to read:

274 320.71 Nonresident motor vehicle, mobile home, or
 275 recreational vehicle dealer's license.--

276 (1) Any person who is a nonresident of the state, who does
 277 not have a dealer's contract from the manufacturer or
 278 manufacturer's distributor of motor vehicles, mobile homes, or

279 recreational vehicles authorizing the sale thereof in definite
 280 Florida territory, and who sells or engages in the business of
 281 selling said vehicles at retail within the state shall register
 282 with the Department of Revenue for a sales tax dealer
 283 registration number and comply with chapter 212, and pay a
 284 license tax of \$2,000 per annum in each county where such sales
 285 are made; \$1,250 of said tax shall be transmitted to the
 286 Department of Financial Services to be deposited in the General
 287 Revenue Fund of the state, and \$750 thereof shall be returned to
 288 the county. The license tax shall cover the period from January
 289 1 to the following December 31, and no such license shall be
 290 issued for any fractional part of a year. In addition to the
 291 fees in this subsection, a fee of \$10 shall be charged for each
 292 application or renewal, which shall be remitted to the
 293 Department of Revenue to be deposited into the Criminal Justice
 294 Standards and Training Trust Fund and used for supplemental
 295 salary increases to law enforcement, correctional, and
 296 correctional probation officers, as defined in s. 943.10(1),
 297 (2), and (3), who are employed in sworn or certified public
 298 safety occupations by the state.

299 Section 11. Subsection (3) of section 320.8225, Florida
 300 Statutes, is amended to read:

301 320.8225 Mobile home and recreational vehicle
 302 manufacturer, distributor, and importer license.--

303 (3) FEES.--

304 (a) Upon submitting an initial application, the applicant
 305 shall pay to the department a fee of \$300. Upon submitting a
 306 renewal application, the applicant shall pay to the department a

307 fee of \$100. Any applicant for renewal who fails to submit his
 308 or her renewal application by October 1 shall pay a renewal
 309 application fee equal to the original application fee. No fee is
 310 refundable. All fees collected under this paragraph must be
 311 deposited into the General Revenue Fund.

312 (b) In addition to the application and renewal fees listed
 313 in paragraph (a), a fee of \$10 shall be charged for each
 314 application or renewal, which shall be remitted to the
 315 Department of Revenue to be deposited into the Criminal Justice
 316 Standards and Training Trust Fund and used for supplemental
 317 salary increases to law enforcement, correctional, and
 318 correctional probation officers, as defined in s. 943.10(1),
 319 (2), and (3), who are employed in sworn or certified public
 320 safety occupations by the state.

321 Section 12. Subsections (1) and (8) of section 322.21,
 322 Florida Statutes, are amended to read:

323 322.21 License fees; procedure for handling and collecting
 324 fees; distribution of funds.--

325 (1) (a) Except as otherwise provided herein, the fee for:
 326 1.(a) An original or renewal commercial driver's license
 327 is \$67, which shall include the fee for driver education
 328 provided by s. 1003.48; however, if an applicant has completed
 329 training and is applying for employment or is currently employed
 330 in a public or nonpublic school system that requires the
 331 commercial license, the fee shall be the same as for a Class E
 332 driver's license. A delinquent fee of \$1 shall be added for a
 333 renewal made not more than 12 months after the license
 334 expiration date.

335 2.~~(b)~~ An original Class E driver's license is \$27, which
336 shall include the fee for driver's education provided by s.
337 1003.48; however, if an applicant has completed training and is
338 applying for employment or is currently employed in a public or
339 nonpublic school system that requires a commercial driver
340 license, the fee shall be the same as for a Class E license.

341 3.~~(e)~~ The renewal or extension of a Class E driver's
342 license or of a license restricted to motorcycle use only is
343 \$20, except that a delinquent fee of \$1 shall be added for a
344 renewal or extension made not more than 12 months after the
345 license expiration date. The fee provided in this subparagraph
346 ~~paragraph~~ shall include the fee for driver's education provided
347 by s. 1003.48.

348 4.~~(d)~~ An original driver's license restricted to
349 motorcycle use only is \$27, which shall include the fee for
350 driver's education provided by s. 1003.48.

351 5.~~(e)~~ A replacement driver's license issued pursuant to s.
352 322.17 is \$10. Of this amount \$7 shall be deposited into the
353 Highway Safety Operating Trust Fund and \$3 shall be deposited
354 into the General Revenue Fund.

355 6.~~(f)~~ An original, renewal, or replacement identification
356 card issued pursuant to s. 322.051 is \$10. Funds collected from
357 these fees shall be distributed as follows:

358 a.~~1.~~ For an original identification card issued pursuant
359 to s. 322.051 the fee shall be \$10. This amount shall be
360 deposited into the General Revenue Fund.

361 b.~~2.~~ For a renewal identification card issued pursuant to
362 s. 322.051 the fee shall be \$10. Of this amount, \$6 shall be

363 deposited into the Highway Safety Operating Trust Fund and \$4
 364 shall be deposited into the General Revenue Fund.

365 ~~c.3.~~ For a replacement identification card issued pursuant
 366 to s. 322.051 the fee shall be \$10. Of this amount, \$9 shall be
 367 deposited into the Highway Safety Operating Trust Fund and \$1
 368 shall be deposited into the General Revenue Fund.

369 ~~7.(g)~~ Each endorsement required by s. 322.57 is \$7.

370 ~~8.(h)~~ A hazardous-materials endorsement, as required by s.
 371 322.57(1)(d), shall be set by the department by rule and shall
 372 reflect the cost of the required criminal history check,
 373 including the cost of the state and federal fingerprint check,
 374 and the cost to the department of providing and issuing the
 375 license. The fee shall not exceed \$100. This fee shall be
 376 deposited in the Highway Safety Operating Trust Fund. The
 377 department may adopt rules to administer this section.

378 (b) A fee of \$4 shall be added to each renewal subject to
 379 a delinquent fee under subparagraph (a)1. or subparagraph (a)3.
 380 The proceeds of these fees shall be remitted to the Department
 381 of Revenue to be deposited into the Criminal Justice Standards
 382 and Training Trust Fund and used for supplemental salary
 383 increases to law enforcement, correctional, and correctional
 384 probation officers, as defined in s. 943.10(1), (2), and (3),
 385 who are employed in sworn or certified public safety occupations
 386 by the state.

387 (8) Any person who applies for reinstatement following the
 388 suspension or revocation of the person's driver's license shall
 389 pay a service fee of \$45 ~~\$35~~ following a suspension, and \$75 ~~\$60~~
 390 following a revocation, which is in addition to the fee for a

391 license. Any person who applies for reinstatement of a
 392 commercial driver's license following the disqualification of
 393 the person's privilege to operate a commercial motor vehicle
 394 shall pay a service fee of \$75 ~~\$60~~, which is in addition to the
 395 fee for a license. The department shall collect all of these
 396 fees at the time of reinstatement. The department shall issue
 397 proper receipts for such fees and shall promptly transmit all
 398 funds received by it as follows:

399 (a) Of the \$45 ~~\$35~~ fee received from a licensee for
 400 reinstatement following a suspension, the department shall
 401 deposit \$15 in the General Revenue Fund, ~~and~~ \$20 in the Highway
 402 Safety Operating Trust Fund, and \$10 into the Criminal Justice
 403 Standards and Training Trust Fund.

404 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
 405 reinstatement following a revocation or disqualification, the
 406 department shall deposit \$35 in the General Revenue Fund, ~~and~~
 407 \$25 in the Highway Safety Operating Trust Fund, and \$15 into the
 408 Criminal Justice Standards and Training Trust Fund.

409
 410 If the revocation or suspension of the driver's license was for
 411 a violation of s. 316.193, or for refusal to submit to a lawful
 412 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~
 413 must be charged. However, only one \$130 ~~\$115~~ fee may be
 414 collected from one person convicted of violations arising out of
 415 the same incident. The department shall collect the \$130 ~~\$115~~
 416 fee and deposit \$115 of the fee into the Highway Safety
 417 Operating Trust Fund and \$15 of the fee into the Criminal
 418 Justice Standards and Training Trust Fund at the time of

HB 1195

2009

419 reinstatement of the person's driver's license, but the fee may
420 not be collected if the suspension or revocation is overturned.
421 If the revocation or suspension of the driver's license was for
422 a conviction for a violation of s. 817.234(8) or (9) or s.
423 817.505, an additional fee of \$180 is imposed for each offense.
424 The department shall collect and deposit the additional fee into
425 the Highway Safety Operating Trust Fund at the time of
426 reinstatement of the person's driver's license. The portion of
427 each additional fee imposed by this subsection remitted to the
428 Criminal Justice Standards and Training Trust Fund shall be used
429 for supplemental salary increases to law enforcement,
430 correctional, and correctional probation officers, as defined in
431 s. 943.10(1), (2), and (3), who are employed in sworn or
432 certified public safety occupations by the state.

433 Section 13. Subsection (2) of section 322.29, Florida
434 Statutes, is amended to read:

435 322.29 Surrender and return of license.--

436 (2) The provisions of subsection (1) to the contrary
437 notwithstanding, no examination is required for the return of a
438 license suspended under s. 318.15 or s. 322.245 unless an
439 examination is otherwise required by this chapter. Every person
440 applying for the return of a license suspended under s. 318.15
441 or s. 322.245 shall present to the department certification from
442 the court that he or she has complied with all obligations and
443 penalties imposed on him or her pursuant to s. 318.15 or, in the
444 case of a suspension pursuant to s. 322.245, that he or she has
445 complied with all directives of the court and the requirements
446 of s. 322.245 and shall pay to the department a nonrefundable

447 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
 448 into the General Revenue Fund, ~~and~~ \$10 shall be deposited into
 449 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 450 deposited into the Criminal Justice Standards and Training Trust
 451 Fund. If reinstated by the clerk of the court or tax collector,
 452 \$37.50 shall be retained, ~~and~~ \$10 shall be remitted to the
 453 Department of Revenue for deposit into the Highway Safety
 454 Operating Trust Fund, and \$12.50 shall be deposited into the
 455 Criminal Justice Standards and Training Trust Fund. However, the
 456 service fee is not required if the person is required to pay a
 457 \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the provisions of s. 322.21.
 458 The portion of each additional fee imposed by this subsection
 459 remitted to the Criminal Justice Standards and Training Trust
 460 Fund shall be used for supplemental salary increases to law
 461 enforcement, correctional, and correctional probation officers,
 462 as defined in s. 943.10(1), (2), and (3), who are employed in
 463 sworn or certified public safety occupations by the state.

464 Section 14. Subsection (6) of section 328.03, Florida
 465 Statutes, is amended to read:

466 328.03 Certificate of title required.--

467 (6) (a) The Department of Highway Safety and Motor Vehicles
 468 shall charge a fee of \$6.25 ~~\$5.25~~ for issuing each certificate
 469 of title. The tax collector shall be entitled to retain \$3.75 of
 470 the fee. Notwithstanding any other law, \$1 of the fee shall be
 471 remitted to the Department of Revenue to be deposited into the
 472 Criminal Justice Standards and Training Trust Fund and used for
 473 supplemental salary increases to law enforcement, correctional,
 474 and correctional probation officers, as defined in s. 943.10(1),

475 (2), and (3), who are employed in sworn or certified public
 476 safety occupations by the state.

477 (b) ~~Beginning July 1, 1996,~~ The Department of Highway
 478 Safety and Motor Vehicles shall use security procedures,
 479 processes, and materials in the preparation and issuance of each
 480 certificate of title to prohibit, to the extent possible, a
 481 person's ability to alter, counterfeit, duplicate, or modify the
 482 certificate.

483 Section 15. Subsection (1) of section 379.2201, Florida
 484 Statutes, is amended to read:

485 379.2201 Deposit of license fees; allocation of federal
 486 funds.--

487 (1) Except as provided in ss. 379.203, ~~and~~ 379.207, and
 488 379.354(18), all saltwater license and permit fees collected
 489 pursuant to s. 379.354 shall be deposited into the Marine
 490 Resources Conservation Trust Fund, to be used as follows:

491 (a) Not more than 7.5 percent of the total fees collected
 492 shall be used for administration of the licensing program and
 493 for information and education.

494 (b) Not less than 30 percent of the total fees collected
 495 shall be used for law enforcement.

496 (c) Not less than 32.5 percent of the total fees collected
 497 shall be used for marine research and management.

498 (d) Not less than 30 percent of the total fees collected,
 499 for fishery enhancement, including, but not limited to, fishery
 500 statistics development, artificial reefs, and fish hatcheries.

501 Section 16. Paragraph (b) of subsection (2) of section
 502 943.0585, Florida Statutes, is amended to read:

503 943.0585 Court-ordered expunction of criminal history
504 records.--The courts of this state have jurisdiction over their
505 own procedures, including the maintenance, expunction, and
506 correction of judicial records containing criminal history
507 information to the extent such procedures are not inconsistent
508 with the conditions, responsibilities, and duties established by
509 this section. Any court of competent jurisdiction may order a
510 criminal justice agency to expunge the criminal history record
511 of a minor or an adult who complies with the requirements of
512 this section. The court shall not order a criminal justice
513 agency to expunge a criminal history record until the person
514 seeking to expunge a criminal history record has applied for and
515 received a certificate of eligibility for expunction pursuant to
516 subsection (2). A criminal history record that relates to a
517 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
518 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
519 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
520 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
521 any violation specified as a predicate offense for registration
522 as a sexual predator pursuant to s. 775.21, without regard to
523 whether that offense alone is sufficient to require such
524 registration, or for registration as a sexual offender pursuant
525 to s. 943.0435, may not be expunged, without regard to whether
526 adjudication was withheld, if the defendant was found guilty of
527 or pled guilty or nolo contendere to the offense, or if the
528 defendant, as a minor, was found to have committed, or pled
529 guilty or nolo contendere to committing, the offense as a
530 delinquent act. The court may only order expunction of a

HB 1195

2009

531 criminal history record pertaining to one arrest or one incident
532 of alleged criminal activity, except as provided in this
533 section. The court may, at its sole discretion, order the
534 expunction of a criminal history record pertaining to more than
535 one arrest if the additional arrests directly relate to the
536 original arrest. If the court intends to order the expunction of
537 records pertaining to such additional arrests, such intent must
538 be specified in the order. A criminal justice agency may not
539 expunge any record pertaining to such additional arrests if the
540 order to expunge does not articulate the intention of the court
541 to expunge a record pertaining to more than one arrest. This
542 section does not prevent the court from ordering the expunction
543 of only a portion of a criminal history record pertaining to one
544 arrest or one incident of alleged criminal activity.

545 Notwithstanding any law to the contrary, a criminal justice
546 agency may comply with laws, court orders, and official requests
547 of other jurisdictions relating to expunction, correction, or
548 confidential handling of criminal history records or information
549 derived therefrom. This section does not confer any right to the
550 expunction of any criminal history record, and any request for
551 expunction of a criminal history record may be denied at the
552 sole discretion of the court.

553 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to
554 petitioning the court to expunge a criminal history record, a
555 person seeking to expunge a criminal history record shall apply
556 to the department for a certificate of eligibility for
557 expunction. The department shall, by rule adopted pursuant to
558 chapter 120, establish procedures pertaining to the application

559 for and issuance of certificates of eligibility for expunction.
 560 A certificate of eligibility for expunction is valid for 12
 561 months after the date stamped on the certificate when issued by
 562 the department. After that time, the petitioner must reapply to
 563 the department for a new certificate of eligibility. Eligibility
 564 for a renewed certification of eligibility must be based on the
 565 status of the applicant and the law in effect at the time of the
 566 renewal application. The department shall issue a certificate of
 567 eligibility for expunction to a person who is the subject of a
 568 criminal history record if that person:

569 (b) Remits a \$150 ~~\$75~~ processing fee to the department for
 570 placement of \$75 in the Department of Law Enforcement Operating
 571 Trust Fund and \$75 into the Criminal Justice Standard and
 572 Training Trust Fund to be used for supplemental salary increases
 573 to law enforcement, correctional, and correctional probation
 574 officers, as defined in s. 943.10(1), (2), and (3), who are
 575 employed in sworn or certified public safety occupations by the
 576 state, unless such fee is waived by the executive director.

577 Section 17. Paragraph (e) of subsection (1) of section
 578 945.215, Florida Statutes, is amended to read:

579 945.215 Inmate welfare and employee benefit trust funds.--

580 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.--

581 (e) Items for resale at inmate canteens and vending
 582 machines maintained at the correctional facilities shall be
 583 priced comparatively with like items for retail sale at fair
 584 market prices except for an additional 4-percent surcharge
 585 imposed by this paragraph to be remitted to the Criminal Justice
 586 Standards and Training Trust Fund. The proceeds from the

587 surcharge shall be used for supplemental salary increases to law
 588 enforcement, correctional, and correctional probation officers,
 589 as defined in s. 943.10(1), (2), and (3), who are employed in
 590 sworn or certified public safety occupations by the state.

591 Section 18. Subsections (2) and (8) of section 943.25,
 592 Florida Statutes, are amended to read:

593 943.25 Criminal justice trust funds; source of funds; use
 594 of funds.--

595 (2) There is created, within the Department of Law
 596 Enforcement, the Criminal Justice Standards and Training Trust
 597 Fund to provide ~~for the purpose of providing~~ for the payment of
 598 necessary and proper expenses incurred by the operation of the
 599 commission and the Criminal Justice Professionalism Program and
 600 providing commission-approved criminal justice advanced and
 601 specialized training and criminal justice training school
 602 enhancements, including ~~and of~~ establishing the provisions of s.
 603 943.17 and developing the specific tests provided under s.
 604 943.12(9), and for supplemental salary increases to law
 605 enforcement, correctional, and correctional probation officers,
 606 as defined in s. 943.10(1), (2), and (3), who are employed in
 607 sworn or certified public safety occupations by the state. The
 608 program shall administer the Criminal Justice Standards and
 609 Training Trust Fund and shall report the status of the fund at
 610 each regularly scheduled commission meeting.

611 (8) All funds deposited in the Criminal Justice Standards
 612 and Training Trust Fund shall be made available to the
 613 department for implementation of training programs and
 614 supplemental salary increases approved by the commission and the

HB 1195

2009

615 head of the department. Any salary increases shall be additional
616 to any salary increases provided for general state employees in
617 the General Appropriations Act or other legislation implementing
618 that act and may be established at the discretion of the
619 Legislature. Only funds deposited into the fund pursuant to s.
620 318.15(2), s. 318.18(8) (a), s. 319.32(1) (b), s. 319.323, s.
621 319.324(1) (a), s. 320.08041, s. 320.0805(2) (b), s. 320.131(2),
622 s. 320.71(1), s. 320.8225(3) (b), s. 322.21(1) (b) and (8), s.
623 322.29(2), s. 328.03(6) (a), s. 943.0585(2) (b), or s.
624 945.215(1) (e) may be used to fund the salary increases described
625 in this subsection. All such salary increases must be
626 appropriated in the General Appropriations Act.

627 Section 19. This act shall take effect July 1, 2009.