

HB 35

2009

1 A bill to be entitled
2 An act relating to driver's license fees; amending s.
3 318.15, F.S.; increasing a service charge paid for
4 reinstatement of a suspended driver's license and
5 privilege to drive; amending s. 318.18, F.S.; increasing a
6 civil penalty for late payment of civil traffic penalties;
7 amending s. 322.21, F.S.; increasing the service fees for
8 reinstating a suspended or revoked driver's license or a
9 commercial motor vehicle license following
10 disqualification of the privilege to operate a commercial
11 motor vehicle; amending s. 322.29, F.S.; increasing the
12 service charge for reinstatement of a driver's license and
13 privilege to drive suspended under specified provisions;
14 revising provisions for distribution and use of funds
15 received; requiring that a certain amount of the funds be
16 used to recruit and retain officers of the Florida Highway
17 Patrol; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 318.15, Florida Statutes, is amended to
22 read:

23 318.15 Failure to comply with civil penalty or to appear;
24 penalty.--

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

29 shall notify the Division of Driver Licenses of the Department
30 of Highway Safety and Motor Vehicles of such failure within 10
31 days after such failure. Upon receipt of such notice, the
32 department shall immediately issue an order suspending the
33 driver's license and privilege to drive of such person effective
34 20 days after the date the order of suspension is mailed in
35 accordance with s. 322.251(1), (2), and (6). Any such suspension
36 of the driving privilege which has not been reinstated,
37 including a similar suspension imposed outside Florida, shall
38 remain on the records of the department for a period of 7 years
39 from the date imposed and shall be removed from the records
40 after the expiration of 7 years from the date it is imposed.

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

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

57 | 318.18 and presents to a driver license office a certificate of
 58 | compliance issued by the court, together with a nonrefundable
 59 | service charge of up to \$60 ~~\$47.50~~ imposed under s. 322.29, or
 60 | presents a certificate of compliance and pays a ~~the~~
 61 | ~~aforementioned~~ service charge of up to \$60 ~~\$47.50~~ to the clerk
 62 | of the court or a driver licensing agent authorized in s.
 63 | 322.135 clearing such suspension. Of the charge collected by the
 64 | clerk of the court or driver licensing agent, \$10 shall be
 65 | remitted to the Department of Revenue to be deposited into the
 66 | Highway Safety Operating Trust Fund and \$12.50 shall be remitted
 67 | to the Department of Revenue to be deposited into the Department
 68 | of Highway Safety and Motor Vehicles Law Enforcement Trust Fund
 69 | and used to recruit and retain officers of the Florida Highway
 70 | Patrol, which includes all career service levels of rank. Such
 71 | person must ~~shall~~ also be in compliance with requirements of
 72 | chapter 322 prior to reinstatement.

73 | Section 2. Paragraph (a) of subsection (8) of section
 74 | 318.18, Florida Statutes, is amended to read:

75 | 318.18 Amount of penalties.--The penalties required for a
 76 | noncriminal disposition pursuant to s. 318.14 or a criminal
 77 | offense listed in s. 318.17 are as follows:

78 | (8) (a) Any person who fails to comply with the court's
 79 | requirements or who fails to pay the civil penalties specified
 80 | in this section within the 30-day period provided for in s.
 81 | 318.14 must pay an additional civil penalty of \$20 ~~\$12~~, \$2.50 of
 82 | which must be remitted to the Department of Revenue for deposit
 83 | in the General Revenue Fund, ~~and~~ \$9.50 of which must be remitted
 84 | to the Department of Revenue for deposit in the Highway Safety

85 Operating Trust Fund, and \$8 of which must be remitted to the
 86 Department of Revenue for deposit in the Department of Highway
 87 Safety and Motor Vehicles Law Enforcement Trust Fund. The
 88 portion of each additional fee imposed by this paragraph
 89 remitted to the Department of Highway Safety and Motor Vehicles
 90 Law Enforcement Trust Fund shall be used to recruit and retain
 91 officers of the Florida Highway Patrol, which includes all
 92 career service levels of rank. The department shall contract
 93 with the Florida Association of Court Clerks, Inc., to design,
 94 establish, operate, upgrade, and maintain an automated statewide
 95 Uniform Traffic Citation Accounting System to be operated by the
 96 clerks of the court which shall include, but not be limited to,
 97 the accounting for traffic infractions by type, a record of the
 98 disposition of the citations, and an accounting system for the
 99 fines assessed and the subsequent fine amounts paid to the
 100 clerks of the court. On or before December 1, 2001, the clerks
 101 of the court must provide the information required by this
 102 chapter to be transmitted to the department by electronic
 103 transmission pursuant to the contract.

104 Section 3. Subsection (8) of section 322.21, Florida
 105 Statutes, is amended to read:

106 322.21 License fees; procedure for handling and collecting
 107 fees.--

108 (8) Any person who applies for reinstatement following the
 109 suspension or revocation of the person's driver's license shall
 110 pay a service fee of \$45 ~~\$35~~ following a suspension, and \$75 ~~\$60~~
 111 following a revocation, which is in addition to the fee for a
 112 license. Any person who applies for reinstatement of a

113 commercial driver's license following the disqualification of
114 the person's privilege to operate a commercial motor vehicle
115 shall pay a service fee of \$75 ~~\$60~~, which is in addition to the
116 fee for a license. The department shall collect all of these
117 fees at the time of reinstatement. The department shall issue
118 proper receipts for such fees and shall promptly transmit all
119 funds received by it as follows:

120 (a) Of the \$45 ~~\$35~~ fee received from a licensee for
121 reinstatement following a suspension, the department shall
122 deposit \$15 in the General Revenue Fund, and \$20 in the Highway
123 Safety Operating Trust Fund, and \$10 in the Department of
124 Highway Safety and Motor Vehicles Law Enforcement Trust Fund.

125 (b) Of the \$75 ~~\$60~~ fee received from a licensee for
126 reinstatement following a revocation or disqualification, the
127 department shall deposit \$35 in the General Revenue Fund, and
128 \$25 in the Highway Safety Operating Trust Fund, and \$15 in the
129 Department of Highway Safety and Motor Vehicles Law Enforcement
130 Trust Fund.

131 (c) The driver's license reinstatement fee that is
132 deposited into the Department of Highway Safety and Motor
133 Vehicles Law Enforcement Trust Fund shall be used to recruit and
134 retain officers of the Florida Highway Patrol, which includes
135 all career service levels of rank.

136

137 If the revocation or suspension of the driver's license was for
138 a violation of s. 316.193, or for refusal to submit to a lawful
139 breath, blood, or urine test, an additional fee of \$130 ~~\$115~~
140 must be charged. However, only one \$130 ~~\$115~~ fee may be

141 collected from one person convicted of violations arising out of
 142 the same incident. The department shall collect the \$130 ~~\$115~~
 143 fee and deposit \$115 of the fee into the Highway Safety
 144 Operating Trust Fund and \$15 of the fee into the Department of
 145 Highway Safety and Motor Vehicles Law Enforcement Trust Fund at
 146 the time of reinstatement of the person's driver's license, but
 147 the fee may not be collected if the suspension or revocation is
 148 overturned. If the revocation or suspension of the driver's
 149 license was for a conviction for a violation of s. 817.234(8) or
 150 (9) or s. 817.505, an additional fee of \$180 is imposed for each
 151 offense. The department shall collect and deposit the additional
 152 fee into the Highway Safety Operating Trust Fund at the time of
 153 reinstatement of the person's driver's license. The portion of
 154 each additional fee imposed by this subsection remitted to the
 155 Department of Highway Safety and Motor Vehicles Law Enforcement
 156 Trust Fund shall be used to recruit and retain officers of the
 157 Florida Highway Patrol, which includes all career service levels
 158 of rank.

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

161 322.29 Surrender and return of license.--

162 (2) The provisions of subsection (1) to the contrary
 163 notwithstanding, no examination is required for the return of a
 164 license suspended under s. 318.15 or s. 322.245 unless an
 165 examination is otherwise required by this chapter. Every person
 166 applying for the return of a license suspended under s. 318.15
 167 or s. 322.245 shall present to the department certification from
 168 the court that he or she has complied with all obligations and

169 penalties imposed on him or her pursuant to s. 318.15 or, in the
 170 case of a suspension pursuant to s. 322.245, that he or she has
 171 complied with all directives of the court and the requirements
 172 of s. 322.245 and shall pay to the department a nonrefundable
 173 service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited
 174 into the General Revenue Fund, ~~and~~ \$10 shall be deposited into
 175 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 176 deposited into the Department of Highway Safety and Motor
 177 Vehicles Law Enforcement Trust Fund. If reinstated by the clerk
 178 of the court or tax collector, \$37.50 shall be retained, ~~and~~ \$10
 179 shall be remitted to the Department of Revenue for deposit into
 180 the Highway Safety Operating Trust Fund, and \$12.50 shall be
 181 remitted to the Department of Revenue for deposit into the
 182 Department of Highway Safety and Motor Vehicles Law Enforcement
 183 Trust Fund. However, the service fee is not required if the
 184 person is required to pay a \$45 ~~\$35~~ fee or a \$75 ~~\$60~~ fee under
 185 ~~the provisions of~~ s. 322.21. The portion of each fee imposed by
 186 this subsection remitted to the Department of Highway Safety and
 187 Motor Vehicles Law Enforcement Trust Fund shall be used to
 188 recruit and retain officers of the Florida Highway Patrol, which
 189 includes all career service levels of rank.

190 Section 5. This act shall take effect July 1, 2009.