

1 A bill to be entitled
2 An act relating to fee and surcharge reductions;
3 amending s. 113.01, F.S.; deleting the fee for a
4 commission of an elected officer by the Governor;
5 amending s. 206.41, F.S.; deleting the fee for a claim
6 for refund of the tax on motor fuel; amending s.
7 212.18, F.S.; deleting a registration fee for certain
8 dealers or businesses; amending s. 319.32, F.S.;
9 exempting a surviving spouse from the fee to transfer
10 a motor vehicle title; amending ss. 322.051 and
11 322.14, F.S.; deleting fees for adding the word
12 "Veteran" to an identification card or driver license;
13 amending s. 322.21, F.S.; exempting veterans from the
14 fee for an original commercial driver license;
15 exempting certain persons from the fee for an
16 identification card; amending s. 455.271, F.S.;
17 revising provisions relating to imposition and amount
18 of a delinquency fee for licensees regulated by the
19 Department of Business and Professional Regulation;
20 amending s. 488.03, F.S.; reducing fees for
21 application, licensure, and renewal of licensure to
22 operate a driver school; amending s. 553.721, F.S.;
23 reducing the amount of the surcharge assessed by the
24 department on Florida Building Code permit fees;
25 amending ss. 15.09, 212.0596, and 319.28, F.S.;

26 conforming provisions to changes made by the act;
 27 providing effective dates.

28
 29 Be It Enacted by the Legislature of the State of Florida:

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 31 Section 1. Subsection (3) of section 15.09, Florida
 32 Statutes, is amended to read:

33 15.09 Fees.—

34 (3) All fees arising from certificates of election or
 35 appointment to office ~~and from commissions to officers~~ shall be
 36 paid to the Chief Financial Officer for deposit in the General
 37 Revenue Fund.

38 Section 2. Section 113.01, Florida Statutes, is amended to
 39 read:

40 113.01 Fee for commissions issued by Governor.—A fee of
 41 \$10 is prescribed for the issuance of each commission issued by
 42 the Governor of the state and attested by the Secretary of State
 43 for ~~an elected officer or~~ a notary public.

44 Section 3. Effective January 1, 2018, paragraph (c) of
 45 subsection (5) of section 206.41, Florida Statutes, is amended
 46 to read:

47 206.41 State taxes imposed on motor fuel.—

48 (5)

49 (c)1. No refund may be authorized unless a sworn
 50 application therefor containing such information as the

51 department may determine is filed with the department not later
52 than the last day of the month following the quarter for which
53 the refund is claimed. However, when a justified excuse for late
54 filing is presented to the department and the last preceding
55 claim was filed on time, the deadline for filing may be extended
56 an additional month. No refund will be authorized unless the
57 amount due is for \$5 or more for any refund period and unless
58 application is made upon forms prescribed by the department.

59 2. Claims made for refunds provided pursuant to subsection
60 (4) shall be paid quarterly. ~~The department shall deduct a fee~~
61 ~~of \$2 for each claim, which fee shall be deposited in the~~
62 ~~General Revenue Fund.~~

63 Section 4. Effective January 1, 2018, subsection (7) of
64 section 212.0596, Florida Statutes, is amended to read:

65 212.0596 Taxation of mail order sales.—

66 (7) The department may establish by rule procedures for
67 collecting the use tax from unregistered persons who but for
68 their mail order purchases would not be required to remit sales
69 or use tax directly to the department. The procedures may
70 provide for waiver of registration ~~and registration fees,~~
71 provisions for irregular remittance of tax, elimination of the
72 collection allowance, and nonapplication of local option
73 surtaxes.

74 Section 5. Effective January 1, 2018, paragraphs (a) and
75 (c) of subsection (3) of section 212.18, Florida Statutes, are

76 amended to read:

77 212.18 Administration of law; registration of dealers;
78 rules.-

79 (3) (a) A person desiring to engage in or conduct business
80 in this state as a dealer, or to lease, rent, or let or grant
81 licenses in living quarters or sleeping or housekeeping
82 accommodations in hotels, apartment houses, roominghouses, or
83 tourist or trailer camps that are subject to tax under s.
84 212.03, or to lease, rent, or let or grant licenses in real
85 property, and a person who sells or receives anything of value
86 by way of admissions, must file with the department an
87 application for a certificate of registration for each place of
88 business. The application must include the names of the persons
89 who have interests in such business and their residences, the
90 address of the business, and other data reasonably required by
91 the department. However, owners and operators of vending
92 machines or newspaper rack machines are required to obtain only
93 one certificate of registration for each county in which such
94 machines are located. The department, by rule, may authorize a
95 dealer that uses independent sellers to sell its merchandise to
96 remit tax on the retail sales price charged to the ultimate
97 consumer in lieu of having the independent seller register as a
98 dealer and remit the tax. The department may appoint the county
99 tax collector as the department's agent to accept applications
100 for registrations. The application must be submitted to the

101 department before the person, firm, copartnership, or
102 corporation may engage in such business, ~~and it must be~~
103 ~~accompanied by a registration fee of \$5. However, a registration~~
104 ~~fee is not required to accompany an application to engage in or~~
105 ~~conduct business to make mail order sales. The department may~~
106 ~~waive the registration fee for applications submitted through~~
107 ~~the department's Internet registration process.~~

108 (c)1. A person who engages in acts requiring a certificate
109 of registration under this subsection and who fails or refuses
110 to register commits a misdemeanor of the first degree,
111 punishable as provided in s. 775.082 or s. 775.083. Such acts
112 are subject to injunctive proceedings as provided by law. A
113 person who engages in acts requiring a certificate of
114 registration and who fails or refuses to register is also
115 subject to a \$100 initial registration fee ~~in lieu of the \$5~~
116 ~~registration fee required by paragraph (a).~~ However, the
117 department may waive the ~~increase in the~~ registration fee if it
118 finds that the failure to register was due to reasonable cause
119 and not to willful negligence, willful neglect, or fraud.

120 2.a. A person who willfully fails to register after the
121 department provides notice of the duty to register as a dealer
122 commits a felony of the third degree, punishable as provided in
123 s. 775.082, s. 775.083, or s. 775.084.

124 b. The department shall provide written notice of the duty
125 to register to the person by personal service or by sending

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126 notice by registered mail to the person's last known address.
127 The department may provide written notice by both methods
128 described in this sub-subparagraph.

129 Section 6. Paragraph (a) of subsection (1) of section
130 319.28, Florida Statutes, is amended to read:

131 319.28 Transfer of ownership by operation of law.—

132 (1) (a) In the event of the transfer of ownership of a
133 motor vehicle or mobile home by operation of law as upon
134 inheritance, devise or bequest, order in bankruptcy, insolvency,
135 replevin, attachment, execution, or other judicial sale or
136 whenever the engine of a motor vehicle is replaced by another
137 engine or whenever a motor vehicle is sold to satisfy storage or
138 repair charges or repossession is had upon default in
139 performance of the terms of a security agreement, chattel
140 mortgage, conditional sales contract, trust receipt, or other
141 like agreement, and upon the surrender of the prior certificate
142 of title or, when that is not possible, presentation of
143 satisfactory proof to the department of ownership and right of
144 possession to such motor vehicle or mobile home, and upon
145 payment of the fee prescribed by law, except as provided in s.
146 319.32(1)(d), and presentation of an application for certificate
147 of title, the department may issue to the applicant a
148 certificate of title thereto.

149 Section 7. Subsection (1) of section 319.32, Florida
150 Statutes, is amended to read:

151 319.32 Fees; service charges; disposition.—

152 (1) (a) The department shall charge a fee of \$70 for each
 153 original certificate of title, except for a certificate of title
 154 for a motor vehicle for hire registered under s. 320.08(6) for
 155 which the title fee shall be \$49; \$70 for each duplicate copy of
 156 a certificate of title, except for a certificate of title for a
 157 motor vehicle for hire registered under s. 320.08(6) for which
 158 the title fee shall be \$49; \$2 for each salvage certificate of
 159 title; and \$3 for each assignment by a lienholder. The
 160 department shall also charge a fee of \$2 for noting a lien on a
 161 title certificate, which fee includes the services for the
 162 subsequent issuance of a corrected certificate or cancellation
 163 of lien when that lien is satisfied.

164 (b) If an application for a certificate of title is for a
 165 vehicle that is required by s. 319.14(1) (b) to have a physical
 166 examination, the department shall charge an additional fee of
 167 \$40 for the initial examination and \$20 for each subsequent
 168 examination. The initial examination fee shall be deposited into
 169 the General Revenue Fund, and each subsequent examination fee
 170 shall be deposited into the Highway Safety Operating Trust Fund.
 171 The physical examination of the vehicle includes, but is not
 172 limited to, verification of the vehicle identification number
 173 and verification of the bill of sale or title for major
 174 components.

175 (c) In addition to all other fees charged, a sum of \$1

176 shall be paid for the issuance of an original or duplicate
177 certificate of title to cover the cost of materials used for
178 security purposes. A service fee of \$2.50, to be deposited into
179 the Highway Safety Operating Trust Fund, shall be charged for
180 shipping and handling for each paper title mailed by the
181 department.

182 (d) The surviving spouse of a deceased motor vehicle owner
183 who applies for a transfer of title in his or her own name is
184 exempt from the fees imposed under this subsection.

185 Section 8. Paragraph (b) of subsection (8) of section
186 322.051, Florida Statutes, is amended to read:

187 322.051 Identification cards.—

188 (8)

189 (b) The word "Veteran" shall be exhibited on the
190 identification card of a veteran upon ~~the payment of an~~
191 ~~additional \$1 fee for the identification card and the~~
192 presentation of a copy of the person's DD Form 214, issued by
193 the United States Department of Defense, or another acceptable
194 form specified by the Department of Veterans' Affairs. Until a
195 veteran's identification card is next renewed, the veteran may
196 have the word "Veteran" added to his or her identification card
197 upon surrender of his or her current identification card, ~~7~~
198 ~~payment of a \$2 fee to be deposited into the Highway Safety~~
199 ~~Operating Trust Fund,~~ and presentation of a copy of his or her
200 DD Form 214 or another acceptable form specified by the

201 Department of Veterans' Affairs. If the applicant is not
 202 conducting any other transaction affecting the identification
 203 card, a replacement identification card shall be issued with the
 204 word "Veteran" without payment of the fee required in s.
 205 322.21(1)(f)3.

206 Section 9. Paragraph (d) of subsection (1) of section
 207 322.14, Florida Statutes, is amended to read:

208 322.14 Licenses issued to drivers.—

209 (1)

210 (d) The word "Veteran" shall be exhibited on the driver
 211 license of a veteran upon ~~the payment of an additional \$1 fee~~
 212 ~~for the license and~~ the presentation of a copy of the person's
 213 DD Form 214, issued by the United States Department of Defense,
 214 or another acceptable form specified by the Department of
 215 Veterans' Affairs. Until a veteran's license is next renewed,
 216 the veteran may have the word "Veteran" added to his or her
 217 license upon surrender of his or her current license, ~~payment of~~
 218 ~~a \$2 fee to be deposited into the Highway Safety Operating Trust~~
 219 ~~Fund,~~ and presentation of a copy of his or her DD Form 214 or
 220 another acceptable form specified by the Department of Veterans'
 221 Affairs. If the applicant is not conducting any other
 222 transaction affecting the driver license, a replacement license
 223 shall be issued with the word "Veteran" without payment of the
 224 fee required in s. 322.21(1)(e).

225 Section 10. Paragraphs (a) and (f) of subsection (1) of

226 section 322.21, Florida Statutes, are amended to read:

227 322.21 License fees; procedure for handling and collecting
228 fees.—

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

230 (a) An original or renewal commercial driver license is
231 \$75, which shall include the fee for driver education provided
232 by s. 1003.48. However, if an applicant has completed training
233 and is applying for employment or is currently employed in a
234 public or nonpublic school system that requires the commercial
235 license, the fee is the same as for a Class E driver license. A
236 delinquent fee of \$15 shall be added for a renewal within 12
237 months after the license expiration date. A veteran is exempt
238 from the fee for an original commercial driver license upon
239 presentation of his or her DD Form 214, issued by the United
240 States Department of Defense, or another acceptable form
241 specified by the Department of Veterans' Affairs.

242 (f) An original, renewal, or replacement identification
243 card issued pursuant to s. 322.051 is \$25, except that an
244 applicant who presents evidence satisfactory to the department
245 that he or she is homeless as defined in s. 414.0252(7); his or
246 her annual income is at or below 100 percent of the federal
247 poverty level; ~~or~~ he or she is a juvenile offender who is in the
248 custody or under the supervision of the Department of Juvenile
249 Justice, is receiving services pursuant to s. 985.461, and whose
250 identification card is issued by the department's mobile issuing

251 units; or he or she is 80 years of age or older is exempt from
252 such fee. Funds collected from fees for original, renewal, or
253 replacement identification cards shall be distributed as
254 follows:

255 1. For an original identification card issued pursuant to
256 s. 322.051, the fee shall be deposited into the General Revenue
257 Fund.

258 2. For a renewal identification card issued pursuant to s.
259 322.051, \$6 shall be deposited into the Highway Safety Operating
260 Trust Fund, and \$19 shall be deposited into the General Revenue
261 Fund.

262 3. For a replacement identification card issued pursuant
263 to s. 322.051, \$9 shall be deposited into the Highway Safety
264 Operating Trust Fund, and \$16 shall be deposited into the
265 General Revenue Fund. Beginning July 1, 2015, or upon completion
266 of the transition of the driver license issuance services, if
267 the replacement identification card is issued by the tax
268 collector, the tax collector shall retain the \$9 that would
269 otherwise be deposited into the Highway Safety Operating Trust
270 Fund and the remaining revenues shall be deposited into the
271 General Revenue Fund.

272 Section 11. Subsection (7) of section 455.271, Florida
273 Statutes, is amended to read:

274 455.271 Inactive and delinquent status.—

275 (7) Notwithstanding the provisions of the professional

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276 practice acts administered by the department, each board, or the
277 department when there is no board, shall, ~~by rule,~~ impose an
278 additional delinquency fee of \$25, ~~not to exceed the biennial~~
279 ~~renewal fee for an active status license,~~ on a delinquent status
280 licensee when such licensee applies for active or inactive
281 status.

282 Section 12. Section 488.03, Florida Statutes, is amended
283 to read:

284 488.03 License; application; expiration; renewal; fees.—An
285 application for a license shall be made in the form prescribed
286 by the Department of Highway Safety and Motor Vehicles. Every
287 application for an original license must be accompanied by an
288 application fee of \$25 ~~\$50~~, which fee may not be refunded. If
289 the application is approved, a further fee of \$100 ~~\$200~~ must be
290 paid before the license may be issued. The license shall be
291 valid for a period of 1 year from the date of issuance and is
292 not transferable. In the event of any change in ownership or
293 interest in the business, an application for a new license,
294 together with all instructors' certificates issued thereunder,
295 must be surrendered to the department before a license will be
296 issued to a new owner of the business. The fee for the annual
297 renewal of a license is \$50 ~~\$100~~.

298 Section 13. Section 553.721, Florida Statutes, is amended
299 to read:

300 553.721 Surcharge.—In order for the Department of Business

301 and Professional Regulation to administer and carry out the
302 purposes of this part and related activities, there is created a
303 surcharge, to be assessed at the rate of 1 ~~4.5~~ percent of the
304 permit fees associated with enforcement of the Florida Building
305 Code as defined by the uniform account criteria and specifically
306 the uniform account code for building permits adopted for local
307 government financial reporting pursuant to s. 218.32. The
308 minimum amount collected on any permit issued shall be \$2. The
309 unit of government responsible for collecting a permit fee
310 pursuant to s. 125.56(4) or s. 166.201 shall collect the
311 surcharge and electronically remit the funds collected to the
312 department on a quarterly calendar basis for the preceding
313 quarter and continuing each third month thereafter. The unit of
314 government shall retain 10 percent of the surcharge collected to
315 fund the participation of building departments in the national
316 and state building code adoption processes and to provide
317 education related to enforcement of the Florida Building Code.
318 All funds remitted to the department pursuant to this section
319 shall be deposited in the Professional Regulation Trust Fund.
320 Funds collected from the surcharge shall be allocated to fund
321 the Florida Building Commission and the Florida Building Code
322 Compliance and Mitigation Program under s. 553.841. Funds
323 allocated to the Florida Building Code Compliance and Mitigation
324 Program shall be \$925,000 each fiscal year. The Florida Building
325 Code Compliance and Mitigation Program shall fund the

326 | recommendations made by the Building Code System Uniform
327 | Implementation Evaluation Workgroup, dated April 8, 2013, from
328 | existing resources, not to exceed \$30,000 in the 2016-2017
329 | fiscal year. Funds collected from the surcharge shall also be
330 | used to fund Florida Fire Prevention Code informal
331 | interpretations managed by the State Fire Marshal and shall be
332 | limited to \$15,000 each fiscal year. The State Fire Marshal
333 | shall adopt rules to address the implementation and expenditure
334 | of the funds allocated to fund the Florida Fire Prevention Code
335 | informal interpretations under this section. The funds collected
336 | from the surcharge may not be used to fund research on
337 | techniques for mitigation of radon in existing buildings. Funds
338 | used by the department as well as funds to be transferred to the
339 | Department of Health and the State Fire Marshal shall be as
340 | prescribed in the annual General Appropriations Act. The
341 | department shall adopt rules governing the collection and
342 | remittance of surcharges pursuant to chapter 120.

343 | Section 14. Except as otherwise expressly provided in this
344 | act, this act shall take effect July 1, 2017.