

By Senator Broxson

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

15.09 Fees.—

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

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

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

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

206.41 State taxes imposed on motor fuel.—

(5)

(c)1. No refund may be authorized unless a sworn application therefor containing such information as the department may determine is filed with the department not later than the last day of the month following the quarter for which the refund is claimed. However, when a justified excuse for late filing is presented to the department and the last preceding claim was filed on time, the deadline for filing may be extended an additional month. No refund will be authorized unless the amount due is for \$5 or more for any refund period and unless application is made upon forms prescribed by the department.

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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

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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

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

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146 of an application for certificate of title, the department may
147 issue to the applicant a certificate of title thereto.

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

150 319.32 Fees; service charges; disposition.—

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

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

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

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

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

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

186 322.051 Identification cards.—

187 (8)

188 (b) The word "Veteran" shall be exhibited on the
189 identification card of a veteran upon ~~the payment of an~~
190 ~~additional \$1 fee for the identification card and the~~
191 presentation of a copy of the person's DD Form 214, issued by
192 the United States Department of Defense, or another acceptable
193 form specified by the Department of Veterans' Affairs. Until a
194 veteran's identification card is next renewed, the veteran may
195 have the word "Veteran" added to his or her identification card
196 upon surrender of his or her current identification card, ~~7~~
197 ~~payment of a \$2 fee to be deposited into the Highway Safety~~
198 ~~Operating Trust Fund,~~ and presentation of a copy of his or her
199 DD Form 214 or another acceptable form specified by the
200 Department of Veterans' Affairs. If the applicant is not
201 conducting any other transaction affecting the identification
202 card, a replacement identification card shall be issued with the
203 word "Veteran" without payment of the fee required in s.

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204 322.21(1)(f)3.

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

207 322.14 Licenses issued to drivers.—

208 (1)

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

224 Section 10. Paragraphs (a) and (f) of subsection (1) of
225 section 322.21, Florida Statutes, are amended to read:

226 322.21 License fees; procedure for handling and collecting
227 fees.—

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

229 (a) An original or renewal commercial driver license is
230 \$75, which shall include the fee for driver education provided
231 by s. 1003.48. However, if an applicant has completed training
232 and is applying for employment or is currently employed in a

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233 public or nonpublic school system that requires the commercial
234 license, the fee is the same as for a Class E driver license. A
235 delinquent fee of \$15 shall be added for a renewal within 12
236 months after the license expiration date. A veteran is exempt
237 from the fee for an original commercial driver license upon
238 presentation of his or her DD Form 214, issued by the United
239 States Department of Defense, or another acceptable form
240 specified by the Department of Veterans' Affairs.

241 (f) An original, renewal, or replacement identification
242 card issued pursuant to s. 322.051 is \$25, except that an
243 applicant who presents evidence satisfactory to the department
244 that he or she is homeless as defined in s. 414.0252(7); his or
245 her annual income is at or below 100 percent of the federal
246 poverty level; ~~or~~ he or she is a juvenile offender who is in the
247 custody or under the supervision of the Department of Juvenile
248 Justice, is receiving services pursuant to s. 985.461, and whose
249 identification card is issued by the department's mobile issuing
250 units; or he or she is 80 years of age or older is exempt from
251 such fee. Funds collected from fees for original, renewal, or
252 replacement identification cards shall be distributed as
253 follows:

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

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

261 3. For a replacement identification card issued pursuant to

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

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

273 455.271 Inactive and delinquent status.—

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

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

283 488.03 License; application; expiration; renewal; fees.—An
284 application for a license shall be made in the form prescribed
285 by the Department of Highway Safety and Motor Vehicles. Every
286 application for an original license must be accompanied by an
287 application fee of \$25 ~~\$50~~, which fee may not be refunded. If
288 the application is approved, a further fee of \$100 ~~\$200~~ must be
289 paid before the license may be issued. The license shall be
290 valid for a period of 1 year from the date of issuance and is

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291 not transferable. In the event of any change in ownership or
292 interest in the business, an application for a new license,
293 together with all instructors' certificates issued thereunder,
294 must be surrendered to the department before a license will be
295 issued to a new owner of the business. The fee for the annual
296 renewal of a license is \$50 ~~\$100~~.

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

299 553.721 Surcharge.—In order for the Department of Business
300 and Professional Regulation to administer and carry out the
301 purposes of this part and related activities, there is created a
302 surcharge, to be assessed at the rate of 1 ~~1.5~~ percent of the
303 permit fees associated with enforcement of the Florida Building
304 Code as defined by the uniform account criteria and specifically
305 the uniform account code for building permits adopted for local
306 government financial reporting pursuant to s. 218.32. The
307 minimum amount collected on any permit issued shall be \$2. The
308 unit of government responsible for collecting a permit fee
309 pursuant to s. 125.56(4) or s. 166.201 shall collect the
310 surcharge and electronically remit the funds collected to the
311 department on a quarterly calendar basis for the preceding
312 quarter and continuing each third month thereafter. The unit of
313 government shall retain 10 percent of the surcharge collected to
314 fund the participation of building departments in the national
315 and state building code adoption processes and to provide
316 education related to enforcement of the Florida Building Code.
317 All funds remitted to the department pursuant to this section
318 shall be deposited in the Professional Regulation Trust Fund.
319 Funds collected from the surcharge shall be allocated to fund

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320 the Florida Building Commission and the Florida Building Code
321 Compliance and Mitigation Program under s. 553.841. Funds
322 allocated to the Florida Building Code Compliance and Mitigation
323 Program shall be \$925,000 each fiscal year. The Florida Building
324 Code Compliance and Mitigation Program shall fund the
325 recommendations made by the Building Code System Uniform
326 Implementation Evaluation Workgroup, dated April 8, 2013, from
327 existing resources, not to exceed \$30,000 in the 2016-2017
328 fiscal year. Funds collected from the surcharge shall also be
329 used to fund Florida Fire Prevention Code informal
330 interpretations managed by the State Fire Marshal and shall be
331 limited to \$15,000 each fiscal year. The State Fire Marshal
332 shall adopt rules to address the implementation and expenditure
333 of the funds allocated to fund the Florida Fire Prevention Code
334 informal interpretations under this section. The funds collected
335 from the surcharge may not be used to fund research on
336 techniques for mitigation of radon in existing buildings. Funds
337 used by the department as well as funds to be transferred to the
338 Department of Health and the State Fire Marshal shall be as
339 prescribed in the annual General Appropriations Act. The
340 department shall adopt rules governing the collection and
341 remittance of surcharges pursuant to chapter 120.

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