

By the Committee on Transportation; and 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. 1012.56 and 1012.59, F.S.; eliminating
26 the application fee and the fees for certain
27 examinations for an initial Florida Professional
28 Educator's Certificate beginning in a specified fiscal
29 year; waiving the fee for one subject area examination

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30 for an initial Florida Professional Educator's
31 Certificate beginning in a specified fiscal year;
32 eliminating the fee for renewing a Florida
33 Professional Educator's Certificate for a certified
34 teacher employed at a Florida public school beginning
35 in a specified fiscal year; providing specified
36 provisions are subject to certain funding; amending
37 ss. 15.09, 212.0596, and 319.28, F.S.; conforming
38 provisions to changes made by the act; providing
39 effective dates.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (3) of section 15.09, Florida
44 Statutes, is amended to read:

45 15.09 Fees.—

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

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

52 113.01 Fee for commissions issued by Governor.—A fee of \$10
53 is prescribed for the issuance of each commission issued by the
54 Governor of the state and attested by the Secretary of State for
55 ~~an elected officer or~~ a notary public.

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

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59 206.41 State taxes imposed on motor fuel.-

60 (5)

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

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

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

77 212.0596 Taxation of mail order sales.-

78 (7) The department may establish by rule procedures for
79 collecting the use tax from unregistered persons who but for
80 their mail order purchases would not be required to remit sales
81 or use tax directly to the department. The procedures may
82 provide for waiver of registration ~~and registration fees,~~
83 provisions for irregular remittance of tax, elimination of the
84 collection allowance, and nonapplication of local option
85 surtaxes.

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

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88 amended to read:

89 212.18 Administration of law; registration of dealers;
90 rules.—

91 (3) (a) A person desiring to engage in or conduct business
92 in this state as a dealer, or to lease, rent, or let or grant
93 licenses in living quarters or sleeping or housekeeping
94 accommodations in hotels, apartment houses, roominghouses, or
95 tourist or trailer camps that are subject to tax under s.
96 212.03, or to lease, rent, or let or grant licenses in real
97 property, and a person who sells or receives anything of value
98 by way of admissions, must file with the department an
99 application for a certificate of registration for each place of
100 business. The application must include the names of the persons
101 who have interests in such business and their residences, the
102 address of the business, and other data reasonably required by
103 the department. However, owners and operators of vending
104 machines or newspaper rack machines are required to obtain only
105 one certificate of registration for each county in which such
106 machines are located. The department, by rule, may authorize a
107 dealer that uses independent sellers to sell its merchandise to
108 remit tax on the retail sales price charged to the ultimate
109 consumer in lieu of having the independent seller register as a
110 dealer and remit the tax. The department may appoint the county
111 tax collector as the department's agent to accept applications
112 for registrations. The application must be submitted to the
113 department before the person, firm, copartnership, or
114 corporation may engage in such business, ~~and it must be~~
115 ~~accompanied by a registration fee of \$5. However, a registration~~
116 ~~fee is not required to accompany an application to engage in or~~

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117 ~~conduct business to make mail order sales. The department may~~
118 ~~waive the registration fee for applications submitted through~~
119 ~~the department's Internet registration process.~~

120 (c)1. A person who engages in acts requiring a certificate
121 of registration under this subsection and who fails or refuses
122 to register commits a misdemeanor of the first degree,
123 punishable as provided in s. 775.082 or s. 775.083. Such acts
124 are subject to injunctive proceedings as provided by law. A
125 person who engages in acts requiring a certificate of
126 registration and who fails or refuses to register is also
127 subject to a \$100 initial registration fee ~~in lieu of the \$5~~
128 ~~registration fee required by paragraph (a).~~ However, the
129 department may waive the ~~increase in the~~ registration fee if it
130 finds that the failure to register was due to reasonable cause
131 and not to willful negligence, willful neglect, or fraud.

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

136 b. The department shall provide written notice of the duty
137 to register to the person by personal service or by sending
138 notice by registered mail to the person's last known address.
139 The department may provide written notice by both methods
140 described in this sub-subparagraph.

141 Section 6. Paragraph (a) of subsection (1) of section
142 319.28, Florida Statutes, is amended to read:

143 319.28 Transfer of ownership by operation of law.—

144 (1) (a) In the event of the transfer of ownership of a motor
145 vehicle or mobile home by operation of law as upon inheritance,

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146 devise or bequest, order in bankruptcy, insolvency, replevin,
147 attachment, execution, or other judicial sale or whenever the
148 engine of a motor vehicle is replaced by another engine or
149 whenever a motor vehicle is sold to satisfy storage or repair
150 charges or repossession is had upon default in performance of
151 the terms of a security agreement, chattel mortgage, conditional
152 sales contract, trust receipt, or other like agreement, and upon
153 the surrender of the prior certificate of title or, when that is
154 not possible, presentation of satisfactory proof to the
155 department of ownership and right of possession to such motor
156 vehicle or mobile home, and upon payment of the fee prescribed
157 by law, except as provided in s. 319.32(1)(d), and presentation
158 of an application for certificate of title, the department may
159 issue to the applicant a certificate of title thereto.

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

162 319.32 Fees; service charges; disposition.-

163 (1) (a) The department shall charge a fee of \$70 for each
164 original certificate of title, except for a certificate of title
165 for a motor vehicle for hire registered under s. 320.08(6) for
166 which the title fee shall be \$49; \$70 for each duplicate copy of
167 a certificate of title, except for a certificate of title for a
168 motor vehicle for hire registered under s. 320.08(6) for which
169 the title fee shall be \$49; \$2 for each salvage certificate of
170 title; and \$3 for each assignment by a lienholder. The
171 department shall also charge a fee of \$2 for noting a lien on a
172 title certificate, which fee includes the services for the
173 subsequent issuance of a corrected certificate or cancellation
174 of lien when that lien is satisfied.

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175 **(b)** If an application for a certificate of title is for a
176 vehicle that is required by s. 319.14(1)(b) to have a physical
177 examination, the department shall charge an additional fee of
178 \$40 for the initial examination and \$20 for each subsequent
179 examination. The initial examination fee shall be deposited into
180 the General Revenue Fund, and each subsequent examination fee
181 shall be deposited into the Highway Safety Operating Trust Fund.
182 The physical examination of the vehicle includes, but is not
183 limited to, verification of the vehicle identification number
184 and verification of the bill of sale or title for major
185 components.

186 **(c)** In addition to all other fees charged, a sum of \$1
187 shall be paid for the issuance of an original or duplicate
188 certificate of title to cover the cost of materials used for
189 security purposes. A service fee of \$2.50, to be deposited into
190 the Highway Safety Operating Trust Fund, shall be charged for
191 shipping and handling for each paper title mailed by the
192 department.

193 **(d)** The surviving spouse of a deceased motor vehicle owner
194 who applies for a transfer of title in his or her own name,
195 regardless of whether the surviving spouse is named on the
196 deceased motor vehicle owner's title, is exempt from the fees
197 imposed under this subsection.

198 Section 8. Paragraph (b) of subsection (8) of section
199 322.051, Florida Statutes, is amended to read:

200 322.051 Identification cards.—

201 (8)

202 (b) The word "Veteran" shall be exhibited on the
203 identification card of a veteran upon ~~the payment of an~~

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204 ~~additional \$1 fee for the identification card and the~~
205 presentation of a copy of the person's DD Form 214, issued by
206 the United States Department of Defense, or another acceptable
207 form specified by the Department of Veterans' Affairs. Until a
208 veteran's identification card is next renewed, the veteran may
209 have the word "Veteran" added to his or her identification card
210 upon surrender of his or her current identification card,
211 ~~payment of a \$2 fee to be deposited into the Highway Safety~~
212 ~~Operating Trust Fund,~~ and presentation of a copy of his or her
213 DD Form 214 or another acceptable form specified by the
214 Department of Veterans' Affairs. If the applicant is not
215 conducting any other transaction affecting the identification
216 card, a replacement identification card shall be issued with the
217 word "Veteran" without payment of the fee required in s.
218 322.21(1)(f)3.

219 Section 9. Paragraph (d) of subsection (1) of section
220 322.14, Florida Statutes, is amended to read:

221 322.14 Licenses issued to drivers.—

222 (1)

223 (d) The word "Veteran" shall be exhibited on the driver
224 license of a veteran upon ~~the payment of an additional \$1 fee~~
225 ~~for the license and~~ the presentation of a copy of the person's
226 DD Form 214, issued by the United States Department of Defense,
227 or another acceptable form specified by the Department of
228 Veterans' Affairs. Until a veteran's license is next renewed,
229 the veteran may have the word "Veteran" added to his or her
230 license upon surrender of his or her current license, ~~payment of~~
231 ~~a \$2 fee to be deposited into the Highway Safety Operating Trust~~
232 ~~Fund,~~ and presentation of a copy of his or her DD Form 214 or

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233 another acceptable form specified by the Department of Veterans'
234 Affairs. If the applicant is not conducting any other
235 transaction affecting the driver license, a replacement license
236 shall be issued with the word "Veteran" without payment of the
237 fee required in s. 322.21(1)(e).

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

240 322.21 License fees; procedure for handling and collecting
241 fees.—

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

243 (a) An original or renewal commercial driver license is
244 \$75, which shall include the fee for driver education provided
245 by s. 1003.48. However, if an applicant has completed training
246 and is applying for employment or is currently employed in a
247 public or nonpublic school system that requires the commercial
248 license, the fee is the same as for a Class E driver license. A
249 delinquent fee of \$15 shall be added for a renewal within 12
250 months after the license expiration date. A veteran is exempt
251 from the fee for an original commercial driver license upon
252 presentation of his or her DD Form 214, issued by the United
253 States Department of Defense, or another acceptable form
254 specified by the Department of Veterans' Affairs.

255 (f) An original, renewal, or replacement identification
256 card issued pursuant to s. 322.051 is \$25, except that an
257 applicant who presents evidence satisfactory to the department
258 that he or she is homeless as defined in s. 414.0252(7); his or
259 her annual income is at or below 100 percent of the federal
260 poverty level; ~~or~~ he or she is a juvenile offender who is in the
261 custody or under the supervision of the Department of Juvenile

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262 Justice, is receiving services pursuant to s. 985.461, and whose
263 identification card is issued by the department's mobile issuing
264 units; or he or she is 80 years of age or older is exempt from
265 such fee. Funds collected from fees for original, renewal, or
266 replacement identification cards shall be distributed as
267 follows:

268 1. For an original identification card issued pursuant to
269 s. 322.051, the fee shall be deposited into the General Revenue
270 Fund.

271 2. For a renewal identification card issued pursuant to s.
272 322.051, \$6 shall be deposited into the Highway Safety Operating
273 Trust Fund, and \$19 shall be deposited into the General Revenue
274 Fund.

275 3. For a replacement identification card issued pursuant to
276 s. 322.051, \$9 shall be deposited into the Highway Safety
277 Operating Trust Fund, and \$16 shall be deposited into the
278 General Revenue Fund. Beginning July 1, 2015, or upon completion
279 of the transition of the driver license issuance services, if
280 the replacement identification card is issued by the tax
281 collector, the tax collector shall retain the \$9 that would
282 otherwise be deposited into the Highway Safety Operating Trust
283 Fund and the remaining revenues shall be deposited into the
284 General Revenue Fund.

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

287 455.271 Inactive and delinquent status.—

288 (7) Notwithstanding the provisions of the professional
289 practice acts administered by the department, each board, or the
290 department when there is no board, shall, ~~by rule,~~ impose an

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291 additional delinquency fee of \$25, ~~not to exceed the biennial~~
292 ~~renewal fee for an active status license~~, on a delinquent status
293 licensee when such licensee applies for active or inactive
294 status.

295 Section 12. Section 488.03, Florida Statutes, is amended to
296 read:

297 488.03 License; application; expiration; renewal; fees.—An
298 application for a license shall be made in the form prescribed
299 by the Department of Highway Safety and Motor Vehicles. Every
300 application for an original license must be accompanied by an
301 application fee of \$25 ~~\$50~~, which fee may not be refunded. If
302 the application is approved, a further fee of \$100 ~~\$200~~ must be
303 paid before the license may be issued. The license shall be
304 valid for a period of 1 year from the date of issuance and is
305 not transferable. In the event of any change in ownership or
306 interest in the business, an application for a new license,
307 together with all instructors' certificates issued thereunder,
308 must be surrendered to the department before a license will be
309 issued to a new owner of the business. The fee for the annual
310 renewal of a license is \$50 ~~\$100~~.

311 Section 13. Section 553.721, Florida Statutes, is amended
312 to read:

313 553.721 Surcharge.—In order for the Department of Business
314 and Professional Regulation to administer and carry out the
315 purposes of this part and related activities, there is created a
316 surcharge, to be assessed at the rate of 1 ~~1.5~~ percent of the
317 permit fees associated with enforcement of the Florida Building
318 Code as defined by the uniform account criteria and specifically
319 the uniform account code for building permits adopted for local

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320 government financial reporting pursuant to s. 218.32. The
321 minimum amount collected on any permit issued shall be \$2. The
322 unit of government responsible for collecting a permit fee
323 pursuant to s. 125.56(4) or s. 166.201 shall collect the
324 surcharge and electronically remit the funds collected to the
325 department on a quarterly calendar basis for the preceding
326 quarter and continuing each third month thereafter. The unit of
327 government shall retain 10 percent of the surcharge collected to
328 fund the participation of building departments in the national
329 and state building code adoption processes and to provide
330 education related to enforcement of the Florida Building Code.
331 All funds remitted to the department pursuant to this section
332 shall be deposited in the Professional Regulation Trust Fund.
333 Funds collected from the surcharge shall be allocated to fund
334 the Florida Building Commission and the Florida Building Code
335 Compliance and Mitigation Program under s. 553.841. Funds
336 allocated to the Florida Building Code Compliance and Mitigation
337 Program shall be \$925,000 each fiscal year. The Florida Building
338 Code Compliance and Mitigation Program shall fund the
339 recommendations made by the Building Code System Uniform
340 Implementation Evaluation Workgroup, dated April 8, 2013, from
341 existing resources, not to exceed \$30,000 in the 2016-2017
342 fiscal year. Funds collected from the surcharge shall also be
343 used to fund Florida Fire Prevention Code informal
344 interpretations managed by the State Fire Marshal and shall be
345 limited to \$15,000 each fiscal year. The State Fire Marshal
346 shall adopt rules to address the implementation and expenditure
347 of the funds allocated to fund the Florida Fire Prevention Code
348 informal interpretations under this section. The funds collected

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349 from the surcharge may not be used to fund research on
350 techniques for mitigation of radon in existing buildings. Funds
351 used by the department as well as funds to be transferred to the
352 Department of Health and the State Fire Marshal shall be as
353 prescribed in the annual General Appropriations Act. The
354 department shall adopt rules governing the collection and
355 remittance of surcharges pursuant to chapter 120.

356 Section 14. Subsection (1) of section 1012.56, Florida
357 Statutes, is amended to read:

358 1012.56 Educator certification requirements.—

359 (1) APPLICATION.—Each person seeking certification pursuant
360 to this chapter shall submit a completed application containing
361 the applicant's social security number to the Department of
362 Education and remit the fee required pursuant to s. 1012.59 and
363 rules of the State Board of Education.

364 (a) Beginning in the 2017-2018 fiscal year and each year
365 thereafter, the application fee and the fees for the following
366 examinations are eliminated for an applicant for the initial
367 Florida Professional Educator's Certificate: the General
368 Knowledge Test, for a first-time registration; and the
369 Professional Education Test, for a first-time registration. This
370 paragraph is subject to funding appropriated in the General
371 Appropriations Act.

372 (b) Beginning in the 2017-2018 fiscal year and each year
373 thereafter, one subject area examination fee is waived for an
374 applicant for the initial Florida Professional Educator's
375 Certificate. This paragraph is subject to funding appropriated
376 in the General Appropriations Act.

377 (c) Beginning in the 2017-2018 fiscal year and each year

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378 thereafter, the fee for renewing a Florida Professional
379 Educator's Certificate is eliminated for a certified teacher
380 employed at a Florida public school. This paragraph is subject
381 to funding appropriated in the General Appropriations Act.

382 (d) Pursuant to the federal Personal Responsibility and
383 Work Opportunity Reconciliation Act of 1996, each party is
384 required to provide his or her social security number in
385 accordance with this section. Disclosure of social security
386 numbers obtained through this requirement is limited to the
387 purpose of administration of the Title IV-D program of the
388 Social Security Act for child support enforcement. Pursuant to
389 s. 120.60, the department shall issue within 90 calendar days
390 after the stamped receipted date of the completed application:

391 1.(a) If the applicant meets the requirements, a
392 professional certificate covering the classification, level, and
393 area for which the applicant is deemed qualified and a document
394 explaining the requirements for renewal of the professional
395 certificate;

396 2.(b) If the applicant meets the requirements and if
397 requested by an employing school district or an employing
398 private school with a professional education competence
399 demonstration program pursuant to paragraphs (6) (f) and (8) (b),
400 a temporary certificate covering the classification, level, and
401 area for which the applicant is deemed qualified and an official
402 statement of status of eligibility; or

403 3.(e) If an applicant does not meet the requirements for
404 either certificate, an official statement of status of
405 eligibility.

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407 The statement of status of eligibility must advise the applicant
408 of any qualifications that must be completed to qualify for
409 certification. Each statement of status of eligibility is valid
410 for 3 years after its date of issuance, except as provided in
411 paragraph (2) (d).

412 Section 15. Section 1012.59, Florida Statutes, is amended
413 to read:

414 1012.59 Certification fees.—

415 (1) The State Board of Education, by rule, shall establish
416 separate fees for applications, examinations, certification,
417 certification renewal, late renewal, recordmaking, and
418 recordkeeping, and may establish procedures for scheduling and
419 administering an examination upon an applicant's request. Each
420 fee shall be based on department estimates of the revenue
421 required to implement the provisions of law with respect to
422 certification of school personnel. The application fee shall be
423 nonrefundable. Each examination fee shall be sufficient to cover
424 the actual cost of developing and administering the examination.

425 (a) Beginning in the 2017-2018 fiscal year and each year
426 thereafter, the application fee and the fees for the following
427 examinations are eliminated for an applicant for the initial
428 Florida Professional Educator's Certificate: the General
429 Knowledge Test, for a first-time registration; and the
430 Professional Education Test, for a first-time registration. This
431 paragraph is subject to funding appropriated in the General
432 Appropriations Act.

433 (b) Beginning in the 2017-2018 fiscal year and each year
434 thereafter, one subject area examination fee is waived for an
435 applicant for the initial Florida Professional Educator's

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436 Certificate. This paragraph is subject to funding appropriated
437 in the General Appropriations Act.

438 (c) Beginning in the 2017-2018 fiscal year and each year
439 thereafter, the fee for renewing a Florida Professional
440 Educator's Certificate is eliminated for a certified teacher
441 employed at a Florida public school. This paragraph is subject
442 to funding appropriated in the General Appropriations Act.

443 (2) The proceeds from the collection of certification fees,
444 fines, penalties, and costs levied pursuant to this chapter
445 shall be remitted by the Department of Education to the Chief
446 Financial Officer for deposit into a separate fund to be known
447 as the "Educational Certification and Service Trust Fund" and
448 disbursed for the payment of expenses incurred by the
449 Educational Practices Commission and in the printing of forms
450 and bulletins and the issuing of certificates, upon vouchers
451 approved by the department.

452 Section 16. Except as otherwise expressly provided in this
453 act, this act shall take effect July 1, 2017.