

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Finance and Tax

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BILL: CS/SB 1442

INTRODUCER: Transportation Committee and Senator Broxson

SUBJECT: Fee and Surcharge Reductions

DATE: April 12, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Fav/CS</b>
2.	Gross	Diez-Arguelles	AFT	<b>Recommend: Favorable</b>
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1442 reduces or eliminates numerous fees or surcharges imposed in the Florida Statutes. Specifically, the bill:

- Eliminates a \$10 fee for commissions for elected officers;
- Eliminates the \$2 fee deducted from each motor fuel sales tax refund claim;
- Eliminates the \$5 registration fee for persons or businesses required to register with the Department of Revenue for collecting, reporting, and remitting sale and use tax;
- Exempts a surviving spouse of a deceased motor vehicle owner from the motor vehicle title transfer fees when transferring the title into the surviving spouse's name;
- Eliminates the \$1 and \$2 fees for a veteran to receive a "Veteran" designation on his or her driver license or identification card;
- Exempts a veteran from the fee for an original commercial driver license;
- Exempts a person who is 80 years of age or older from the \$25 identification card fees;
- Provides a flat \$25 delinquency fee for specified Department of Business and Professional Regulation professional licensees, and removes the authority of a professional board to set the fee at a rate not to exceed the biennial renewal fee for such active status license;
- Reduces the application and license fees for commercial driver schools by one-half;
- Reduces the surcharge assessed on all building permit fees from 1.5 percent to one percent of the permit fee; and
- Eliminates or waives fees for professional educator certificates and required examinations for specified persons.

The Revenue Estimating Conference estimates the bill will reduce General Revenue Fund receipts by \$2.0 million and various state trust fund receipts by \$3.7 million in Fiscal Year 2017-2018.

Sections 3, 4, and 5 of the bill take effect January 1, 2018. The remaining sections of the bill take effect July 1, 2017.

## II. Present Situation:

### Elected Officer's Fee for Commission

Section 113.01, F.S., prescribes a \$10 fee for the issuance of each commission issued by the Governor and attested by the Secretary of State for an elected officer or a notary public. The commission shall not be issued or bear the state seal until the required fee is paid.<sup>1</sup> A commission to officers is a warrant or authority granted by government, which empowers the named individual to execute official acts. The \$10 fee is paid to the Chief Financial Officer, and deposited in the General Revenue Fund.<sup>2</sup>

The number of people charged the \$10 fee varies each year due to the number of elections and appointments. From July 1, 2016, to January 20, 2017, there were 1,936 commissions issued, and 202 commissions that will be issued upon payment of the fee, totaling \$21,380 in fees.<sup>3</sup>

### Motor Fuel Tax Refund Claims

Section 206.41, F.S., imposes the following state taxes on motor fuel:

- A “constitutional fuel tax” of two cents per net gallon;<sup>4</sup>
- A “county fuel tax” of one cent per net gallon;<sup>5</sup>
- A “municipal fuel tax” of one cent per net gallon;<sup>6</sup>
- A “ninth-cent fuel tax” may be imposed by each county of one cent per net gallon;<sup>7</sup>
- A “local option fuel tax” may be imposed by each county of between one and eleven cents per net gallon;<sup>8</sup>

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<sup>1</sup> Section 113.02, F.S.

<sup>2</sup> Section 15.09(3), F.S.

<sup>3</sup> Office of Economic and Demographic Research, Revenue Estimating Conference, *Elimination of \$10 Elected Officer's Commission Fee* (Mar. 10, 2017), available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/pdf/page319-332.pdf> (last visited April 11, 2017).

<sup>4</sup> To be placed monthly in the state roads distribution fund in the state treasury and distributed as required by s. 9(c), Art. XII of the State Constitution.

<sup>5</sup> To be used for public transportation purposes as required by s. 206.60, F.S.

<sup>6</sup> Which is transferred into the Revenue Sharing Trust Fund for Municipalities to be used for transportation purposes as authorized in s. 206.605, F.S.

<sup>7</sup> County and municipal governments may use the moneys received only for transportation expenditures; *see* s. 336.021, F.S.

<sup>8</sup> Section 336.025, F.S.; county and municipal governments may use the moneys received only for transportation expenditures needed: to meet the requirements of the capital improvements element of an adopted comprehensive plan; to meet immediate local transportation problems; and for building comprehensive roadway networks by local governmental, excluding routine road maintenance.

- The State Comprehensive Enhanced Transportation System Tax, which is a motor fuel tax equal to two-thirds of the lesser of the sum of a county's ninth-cent fuel tax and the local option fuel tax or six cents, rounded to the nearest tenth of a cent;<sup>9</sup>
- The "fuel sales tax" of at least 6.9 cents per net gallon, which may be increased by a percentage change in the average of the Consumer Price Index issued by the U.S. Department of Labor for the most recent 12-month period ending September 30, compared to the base year average (the average for the 12-month period ending September 30, 1989);<sup>10</sup> and
- An additional 0.125 cents per net gallon to defray expenses related to inspecting, testing, and analyzing motor fuel in this state.

Section 206.41, F.S., exempts qualified entities from certain motor fuel taxes, and authorizes refunds for qualified entities that have purchased and used tax-paid fuel for an exempt purpose. For example, any person who uses motor fuel for the following purposes on which the local option fuel tax, State Comprehensive Enhanced Transportation System Tax, or fuel sales tax was imposed is entitled to a refund of such tax:

- *Agricultural purposes*: motor fuel used in any tractor, vehicle, or farm equipment used exclusively on a farm or for processing farm products on the farm; and motor fuel used for transporting bees by water and the operating of equipment used in the apiary of a beekeeper;
- *Commercial fishing and aquacultural purposes*: motor fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh water under the jurisdiction of the state for resale to the public. This does not include any fuel used for sport or pleasure fishing, or for any fuel used in any vehicle or equipment operated upon Florida highways; and
- *Commercial aviation purposes*: motor fuel used in the operation of aviation ground support vehicles or equipment, not used in any vehicle or equipment operated on Florida highways.<sup>11</sup>

A person must apply to receive a permit from the Department of Revenue (DOR) to be issued a refund. Such permits are in effect for a year and shall be continuous as long as the person files refund claims with the DOR each year. A person will need to apply for a new permit if he or she does not file a claim for any year.<sup>12</sup>

Refunds are issued quarterly, and no refund will be authorized unless the amount due is at least \$5. Additionally, DOR is authorized to deduct a fee of \$2 for each refund claim, which is deposited into the General Revenue Fund.<sup>13</sup>

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<sup>9</sup> Majority of the funds are deposited into and used from the State Transportation Trust Fund and may be used only for projects in the adopted work program in the district in which the tax proceeds are collected. See s. 206.608, F.S.

<sup>10</sup> Section 206.606, F.S., provides such proceeds are deposited in the Fuel Tax Collection Trust Fund to be distributed among the State Transportation Trust Fund, the Invasive Plant Control Trust Fund, the State Game Trust Fund, the Agricultural Emergency Eradication Trust Fund, and the Marine Resources Conservation Trust Fund.

<sup>11</sup> Additional entities entitled to certain motor fuel tax refunds are listed in s. 206.41(4), F.S.; more information is available on the Department of Revenue website, *Fuel Tax Refunds*, available at [http://floridarevenue.com/dor/taxes/fuel/fuel\\_tax\\_refunds.html](http://floridarevenue.com/dor/taxes/fuel/fuel_tax_refunds.html) (last visited April 11, 2017).

<sup>12</sup> Section 206.41(5)(a), F.S.

<sup>13</sup> Section 206.41(5)(c), F.S.

### **Registration Fee for Dealers and Businesses**

Section 212.18, F.S., provides that every person desiring to engage in or conduct business in this state as a sales and use tax dealer, or to lease, rent, or let or grant license in transient lodgings or real property, and every person who receives money for admissions must register with the DOR to collect, report, and remit such taxes.<sup>14</sup> A \$5 registration fee must accompany the application for a certificate of registration; however, the registration fee is not required to accompany an application to engage in or conduct business to make mail order sales. Additionally, the DOR may waive the registration fee for applications submitted through the DOR Internet registration process.<sup>15</sup>

A person who engages in activities that require registration but fails or refuses to do so commits a misdemeanor of the first degree and is subject to a \$100 registration fee in lieu of the \$5 fee. However, the DOR may waive the increase in the fee if it finds that the failure to register was due to reasonable cause and not to willful neglect, willful neglect, or fraud.<sup>16</sup>

Section 212.0596, F.S., provides that DOR may establish procedures to provide for the waiver of registration fees from unregistered persons who make mail order purchases for which tax is required to be remitted.

### **Motor Vehicle Title Transfer Fee**

Florida law provides the fees, service charges, and disposition of funds for motor vehicle certificates of title. Specifically, s. 319.32(1), F.S., provides for a \$70 fee for each original and duplicate certificate of title, except for motor vehicles for hire,<sup>17</sup> which are \$49, and \$2 for each salvage certificate of title. The Department of Highway Safety Motor Vehicles (DHSMV) also charges \$2 to note a lien on the certificate, \$1 to cover the cost of materials, and \$2.50 for shipping and handling. Additionally, s. 319.32(2), F.S., provides that there is a \$4.25 service charge for each certificate of title application, a \$10 additional fee for an original certificate of title issued for a vehicle registered outside of Florida, and a \$7 additional fee for each lien placed on a vehicle by the state child enforcement program.

The \$70 fee is distributed between the State Transportation Trust Fund and the General Revenue Fund, excluding \$1 that is deposited into the Highway Safety Operating Trust Fund (HSOTF) to fund the DHSMV's efforts to prevent and detect odometer fraud.<sup>18</sup> The DHSMV or the tax collector who processes the application retains the \$4.25 service charge.<sup>19</sup>

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<sup>14</sup> Section 212.18(3)(a), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 212.18(3)(c), F.S.

<sup>17</sup> Vehicles registered under s. 320.08(6), F.S.

<sup>18</sup> Sections 319.32(5) and 319.324, F.S.; Section 319.32(5), F.S., provides that \$47 of each fee collected for an original or duplicate certificate of title is deposited into the State Transportation Trust Fund, which may receive up to \$200 million in any fiscal year. The remainder of the fee and any fees in excess of the \$200 million are deposited into the General Revenue Fund.

<sup>19</sup> Section 319.32(2)(b), F.S.

A surviving spouse may dispose of the deceased's vehicle without being required to obtain a certificate of title in his or her name.<sup>20</sup> If the married couple are co-owners of the vehicle with names appearing conjoined by an "or" on the title, it is not necessary for the surviving spouse to apply for a new title, as he or she already has absolute rights to the vehicle. However, if the names are conjoined by "and" or if the vehicle is not co-owned by the surviving spouse and he or she wishes to maintain ownership of the vehicle, the surviving spouse is required to apply for an original certificate in his or her own name and pay the appropriate title fees.

### **"Veteran" Designation Fee**

Florida provides the option for a veteran<sup>21</sup> designation to be placed on a veteran's driver license or identification card upon request from the veteran, payment of a fee, and the presentation of a copy of the veteran's DD Form 214<sup>22</sup> or other acceptable form specified by the Florida Department of Veterans' Affairs (FDVA).<sup>23</sup> The designation is added onto a driver license or identification card for a \$1 fee when the license or card is being issued or renewed, or a \$2 fee solely to replace a license or card in order to add on the designation, which is deposited in the HSOTF.<sup>24</sup>

### **Commercial Driver License (CDL) for Veterans**

An original or renewal CDL is \$75; however, if an applicant for a CDL has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a CDL, the CDL is \$48.<sup>25</sup> These fees are deposited in the General Revenue Fund.<sup>26</sup>

### **Free Identification (ID) Card for Persons 80 Years of Age and Older**

Section 322.21(1)(f), F.S., provides for a \$25 fee for an original, renewal, or replacement ID card. The fee is deposited as follows:

- For an original ID card, the fee is deposited into the General Revenue Fund;
- For a replacement ID card, \$6 is deposited into the HSOTF and \$19 into the General Revenue Fund;
- For a renewal ID issued by the DHSMV, \$9 is deposited into the HSOTF and \$16 into the General Revenue Fund; and

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<sup>20</sup> Section 319.28(1)(c), F.S.

<sup>21</sup> Section 1.01(14), F.S., defines a "veteran" as "a person who served in the active military, naval, or air service who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veteran Affairs on individuals discharged or released with other than honorable discharges."

<sup>22</sup> The Department of Defense issues each veteran a DD-214. This form identifies the veteran's condition of discharge, and contains information commonly needed to verify military service for benefits, retirement, employment, and membership in veterans' organizations. See DD214, available at <http://www.dd214.us/> (last visited Mar. 23, 2017).

<sup>23</sup> See ss. 322.051(8)(b) and 322.14(1)(d), F.S.

<sup>24</sup> The current veteran designation is a "V" printed on the license or card; however, the designation will be changed to read "Veteran" upon implementation of new designs for the license and card by the DHSMV. See ss. 322.051(8)(b) and 322.14(1)(d), F.S.

<sup>25</sup> Section 322.21(1)(a), F.S.

<sup>26</sup> Section 322.21(5), F.S.

- For a renewal ID issued by a tax collector, \$9 is retained by the tax collector and \$16 is deposited into the General Revenue Fund.

Currently, the fee for an ID card is waived for the following individuals:

- A person who is homeless;
- A person whose annual income is at or below 100 percent of the federal poverty level; and
- A juvenile offender in the custody or under the supervision of the Department of Juvenile Justice who is participating in transition-to-adulthood services under s. 985.461, F.S., and issued the ID card from a DHSMV mobile issuing unit.

### **Delinquency Fee for Professional License**

The Department of Business and Professional Regulation (DBPR) is the governmental agency responsible for licensing and regulating many businesses and professionals in Florida.<sup>27</sup>

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR, as well as the divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.<sup>28</sup>

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.<sup>29</sup>

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by administrative rule<sup>30</sup> the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.<sup>31</sup>

Licenseses may practice a profession only if they have an active status license.<sup>32</sup> Generally, most licenseses who practice a profession without an active status license<sup>33</sup> are subject to discipline, fines, or assessments as described in s. 455.227, F.S. At least 90 days before the end of a licensure cycle, the DBPR must provide a licensure renewal notification to an active or inactive licensee, and a notice of pending cancellation of licensure to a delinquent status licensee.<sup>34</sup>

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<sup>27</sup> See Department of Business and Professional Regulation, available at <http://www.myfloridalicense.com/dbpr/os/os-info.html> (last visited Mar. 23, 2017).

<sup>28</sup> See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

<sup>29</sup> Sections 455.01(4) and (5), F.S.

<sup>30</sup> The administrative rules of the DBPR and of each board are available through the DBPR’s website, *Our Businesses and Professions*, available at <http://www.myfloridalicense.com/dbpr/divisions.html> (last visited Mar. 23, 2017).

<sup>31</sup> Section 455.219(1), F.S.

<sup>32</sup> Section 455.271(1), F.S.

<sup>33</sup> Section 455.271, F.S., on inactive and delinquent status of licenses, does not apply to a business establishment registered, permitted, or licensed by the DBPR to do business or to a person licensed, permitted, registered, or certified pursuant to ch. 310, F.S., on Pilots, Piloting, and Pilotage, or ch. 475, F.S., on Real Estate Brokers, Sales Associates, Schools, and Appraisers.

<sup>34</sup> See s. 455.273, F.S.

Each board, or the department when there is no board,<sup>35</sup> must permit a licensee to choose active or inactive status at the time of licensure renewal, and impose a fee for an inactive status license that does not exceed the fee for an active status license.<sup>36</sup> An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status, including paying all required fees and meeting all continuing education requirements. Failure of a licensee to renew a license before its expiration causes the license to become delinquent in the license cycle following expiration (delinquency cycle).<sup>37</sup>

A delinquent status licensee must re-apply for active or inactive status during the delinquency cycle (except public accountancy licenses issued under ch. 473, F.S.). Failure by a delinquent status licensee to become active or inactive before the expiration of the delinquency cycle renders the license void, with no further action by the board.<sup>38</sup>

The DBPR may, at its discretion, reinstate a license that has become void (except public accountancy licenses issued under ch. 473, F.S.) if the DBPR determines that the individual failed to comply because of illness or economic hardship. The individual must apply to the DBPR for reinstatement, pay all required fees, including a reinstatement fee, meet all continuing education requirements, and otherwise be eligible for renewal of licensure.<sup>39</sup>

Section 477.271(7), F.S., provides that each board must impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, when a delinquent status licensee applies for active or inactive status. According to the DBPR, all boards have adopted delinquency fees, which vary by profession ranging from \$25 to \$260.<sup>40</sup> The fees collected are deposited into the Professional Regulation Trust Fund, which is used to carry out the provisions of ch. 455, F.S., as well as “provisions of law with respect to professions regulated by the department and any board within the department.”<sup>41</sup>

### **Commercial Driver School License Fee**

The DHSMV is responsible for overseeing and licensing all commercial driver schools except commercial truck driving schools. A commercial driving school, also known as “traffic school,” educates individuals on driving skills, traffic laws, road safety, substance abuse, and other behind-the-wheel skills necessary for non-commercial vehicle drivers.<sup>42</sup>

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<sup>35</sup> Whenever a board for a profession does not exist, the DBPR is generally authorized by law to act instead. *See e.g.*, ss. 455.219 and 455.271, F.S., for multiple references to actions of “the board, or the department when there is no board.”

<sup>36</sup> The status or a change in status of a licensee does not alter the board’s right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent. *See s.* 455.271(11), F.S.

<sup>37</sup> Section 455.271(5), F.S.

<sup>38</sup> Section 455.271(6), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Department of Business and Profession Regulation, *Senate Bill 514 Fiscal Analysis* (identical language in SB 1442) (Feb. 28, 2017) (on file with the Senate Committee on Transportation).

<sup>41</sup> Section 455.219(3), F.S.

<sup>42</sup> Department of Highway Safety and Motor Vehicles, *Commercial Driving Schools*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/education-courses/commercial-driving-schools/> (last visited April 5, 2017).

To become a licensed commercial driving school, the applicant must submit an application to the DHSMV. The application must include: the business's name and a certified copy of a certificate of Fictitious Name or Certificate of Incorporation from the Department of State; the business's address with a certificate of occupancy or a lease agreement; the names of all owners and operators of the business; a list of instructors and agents employed by the school; a list of the school's vehicles (including current certificates of insurance for each vehicle); fingerprints for a background check of every owner, officer, or partner of the school; and a nonrefundable application fee of \$50.<sup>43</sup>

If the application is approved the school must pay a \$200 fee to receive the license. The license is valid for one year, and costs \$100 to renew. Additionally, the license is nontransferable. In the event that there is any change in ownership or interest in the business, the commercial driving school must surrender its current license and apply for a new license.<sup>44</sup>

Application and license fees, including the renewal fee, are deposited into the General Revenue Fund.<sup>45</sup>

### **Florida Building Code Permit Surcharge**

Section 553.721, F.S., provides that all local building departments are required to assess and collect a surcharge at the rate of 1.5 percent on building permit fees (with a minimum surcharge of \$2) for the purpose of administering and enforcing the Florida Building Code.<sup>46</sup>

The governmental authority responsible for collecting building permit fees in its local jurisdiction is authorized to retain 10 percent of the surcharge amount, which must be used to fund participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. The remaining amount is remitted to the DBPR quarterly to be deposited into the Professional Regulation Trust Fund to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program.

From these funds, the Florida Building Code Compliance and Mitigation Program must be allocated \$925,000 each fiscal year, and the program must fund recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup, dated April 8, 2013, from existing resources, not to exceed \$30,000 in Fiscal Year 2016-2017. Additionally, funds collected from the surcharge must be used to fund Florida Fire Prevention Code informal interpretations managed by the State Fire Marshall for each fiscal year; however, funds used for this purpose may not exceed \$15,000. Funds collected from the surcharge may not be used to fund research on techniques for mitigation of radon in existing buildings.

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<sup>43</sup> DHSMV, *Form HSMV 77074S – CDS Application* (September 2010), available at <https://www.flhsmv.gov/pdf/forms/77074s.pdf> (last visited April 5, 2017).

<sup>44</sup> Section 488.03, F.S.

<sup>45</sup> Section 488.08, F.S.

<sup>46</sup> Part IV of ch. 553, F.S., is cited as the "Florida Building Codes Act."

**Florida Professional Educator’s Certificate Fees**

Florida educators<sup>47</sup> must be certified by the state to teach in Florida’s public schools as well as many private schools.<sup>48</sup> The State Board of Education establishes, by rule, educator certification fees for such applications, examinations, certifications, certification renewals, late renewals, recordmaking, and recordkeeping.<sup>49</sup> Such fees are required to be based on Florida Department of Education (DOE) estimates of the revenue required to implement the provisions of law with respect to certification of school personnel, and are deposited into the DOE’s Educational Certification and Service Trust Fund.<sup>50</sup>

Three types of educator certificates issued by the the DOE include:<sup>51</sup>

- A professional educator certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.<sup>52</sup>
- A temporary educator certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.<sup>53</sup>
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.<sup>54</sup>

To be eligible to seek a Florida educator’s certificate, an individual must submit an application and meet specific requirements.<sup>55</sup>

An applicant must demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence by passing state examinations. The registration fees for such examinations are as follows:<sup>56</sup>

<b>Examination</b>	<b>First-Time Registration Fee</b>	<b>Retake Registration Fee</b>
General Knowledge Exam	\$130	\$150
Professional Education Test	\$150	\$170
Subject Area Examination	\$200	\$220

The fee for an initial and a subsequent renewal of the professional certificate is \$75. A 2016 preliminary survey by DOE indicates there are currently 171,468 teachers in Florida’s public schools.<sup>57</sup>

<sup>47</sup> In addition to classroom teachers, “educators” include school administrators and other school support professionals. See s. 1012.01(2) and (3), F.S.

<sup>48</sup> Department of Education, *Educator Certification*, available at <http://www.fldoe.org/teaching/certification/> (last visited Mar. 28, 2017).

<sup>49</sup> Section 1012.59, F.S.

<sup>50</sup> *Id.*

<sup>51</sup> Section 1012.55, F.S.

<sup>52</sup> Section 1012.56(1), (2), (3), (5), (6), and (7)(a), F.S.

<sup>53</sup> Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

<sup>54</sup> Section 1012.55(2)(a), F.S.

<sup>55</sup> See, s. 1012.56(2), F.S.; Rule 6A-4.002, F.A.C.

<sup>56</sup> Rule 6A-4.0021, F.A.C.

<sup>57</sup> This count does not include administrative staff or other instructional staff such as guidance counselors or librarians. See Department of Education, *Staff – Instructional Staff* (Fall 2016), available at <http://www.fldoe.org/core/fileparse.php/7584/urlt/ARInstructionalStaff.xls> (last visited Mar. 28, 2017).

### III. Effect of Proposed Changes:

**Sections 1 and 2** eliminate the \$10 fee for commissions for elected officers.

**Section 3** eliminates the \$2 fee deducted from each motor fuel sales tax refund claim.

**Sections 4 and 5** eliminate the \$5 registration fee for persons or businesses required to register with the DOR in order to collect, report, and remit sales and use tax.

**Sections 6 and 7** exempt a surviving spouse from motor vehicle title transfer fees provided under s. 319.32(1), F.S., when the title is being transferred from the deceased motor vehicle owner to the surviving spouse. The exemption applies regardless of whether the surviving spouse is named on the deceased motor vehicle owner's title.

**Sections 8 and 9** eliminate the \$1 and \$2 fees to receive the "Veteran" designation on a driver license or ID card.

**Section 10** exempts a veteran from the \$75 or \$48 fee for an original CDL upon presentation of his or her DD Form 214 or another acceptable form specified by the FDVA.

**Section 10 also** exempts a person who is 80 years of age or older from the \$25 fee for an original, renewal, or replacement ID card.

**Section 11** creates a \$25 delinquency fee that is assessed against a licensee applying for active or inactive status while in delinquent status (current delinquent fees range between \$25 and \$260).<sup>58</sup> The bill removes the authority for the delinquency fee to be adopted by each DBPR board at a rate not exceeding the biennial renewal fee for an active status license.

**Section 12** reduces the application and license fees, by one-half, for commercial driver schools. For commercial driver schools, the license application fee is \$25, instead of \$50; the license issuance fee is \$100, instead of \$200; and the annual license renewal fee is \$50, instead of \$100.

**Section 13** reduces the surcharge assessed on all building permit fees from 1.5 percent of the permit fee to one percent of the permit fee.

**Sections 14 and 15** eliminate the \$75 application fee for an initial Florida Professional Educator's Certificate, and eliminate the fee for first-time registration for the General Knowledge Test (\$130) and the Professional Education Test (\$150). The one subject area examination fee (\$200) is also waived for an initial Florida Professional Educator's Certificate applicant. In addition, the renewal fee (\$75) for a Florida Professional Educator's Certificate is no longer required for a certified teacher employed at a Florida public school.

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<sup>58</sup> The Department of Business and Professional Regulation provided to the Revenue Estimating Conference a table that includes the current delinquency fees per profession. See Office of Economic and Demographic Research, Revenue Estimating Conference, *Reduces or eliminates several fees and surcharges administered by various state agencies* (Mar. 10, 2017), available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/pdf/page319-332.pdf> (last visited April 11, 2017).

The bill provides that these fees are eliminated beginning in Fiscal Year 2017-2018 and each year thereafter. However, the bill also provides that the elimination of the fee is subject to funding appropriated in the General Appropriations Act.

Sections 3, 4, and 5 of the bill take effect January 1, 2018. The remaining sections of the bill take effect July 1, 2017.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates the bill will reduce General Revenue Fund receipts by \$2.0 million and reduce various state trust funds by \$3.7 million in Fiscal Year 2017-2018.

B. Private Sector Impact:

Due to the reduction of fees and surcharges, the bill may have an indeterminate positive fiscal impact on: elected officers; motor fuel sales tax refund recipients; persons or businesses required to register with DOR for sales and use tax purposes; surviving spouses transferring a motor vehicle title into their name from their deceased spouse; veterans receiving a "Veteran" designation on the driver license or ID card; veterans applying for an original CDL; persons 80 years of age or older receiving an ID card; licensees required to pay a delinquency fee to the DBPR; commercial driver schools; persons or businesses acquiring a building permit; initial applicants for the professional educator's certificate and Florida public school teachers.

C. Government Sector Impact:

The bill is unlikely to have a significant fiscal impact to state agencies.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 15.09, 113.01, 206.41, 212.0596, 212.18, 319.28, 319.32, 322.051, 322.14, 322.21, 455.271, 488.03, 553.721, 1012.56, and 1012.59.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 28, 2017:**

The CS:

- Clarifies that, for the title transfer fee exemption, the surviving spouse does not have to be named on the deceased vehicle owner's title to receive the fee waiver.
- Adds that beginning in Fiscal Year 2017-2018 and each year thereafter (subject to funding appropriated), fees are eliminated for:
  - The application fee for an initial Florida Professional Educator's Certificate;
  - A first-time registration for the General Knowledge Test;
  - A first-time registration for the Professional Education Test;
  - One subject area examination for an initial Florida Professional Educator's Certificate applicant; and
  - The renewal of a Florida Professional Educator's Certificate by a certified teacher employed at a Florida public school.

- B. **Amendments:**

None.