

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1442

INTRODUCER: Transportation Committee and Senator Broxson

SUBJECT: Fee and Surcharge Reductions

DATE: March 29, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			AFT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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 professional licensees, and removes that the delinquency fee is set by each professional board 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 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 bill will likely have a negative impact to state and local government. *See* V. Fiscal Impact Statement.

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 (Sections 1 and 2)

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 elected officers or a notary public. The commission shall not be issued or bear the state seal until the required fee is paid.¹ 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 charged to persons elected or appointed to fill vacant positions, paid to the Chief Financial Officer, and deposited in the General Revenue Fund.²

The number of people charged the \$10 fee varies each year due to the number of elections and appointments. In Fiscal Year 2016-2017, there were 1,936 commissions issued, and 202 commissions that will be issued upon payment of the fee, totaling \$21,380 for the fiscal year.³

Motor Fuel Tax Refund Claims (Section 3)

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

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

¹ Section 113.02, F.S.

² Section 15.09(3), F.S.

³ Office of Economic and Demographic Research (EDR), Revenue Estimating Conference (REC), *Elimination of \$10 Elected Officer's Commission Fee* (Mar. 10, 2017), available at p. 319 at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/pdf/page319-332.pdf> (last visited Mar. 22, 2017).

⁴ 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.

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

⁶ 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.

⁷ County and municipal governments may use the moneys received only for transportation expenditures; See s. 336.021, F.S.

⁸ 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;⁹
- 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);¹⁰ 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.¹¹

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.¹²

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

In Fiscal Year 2015-2016, the DOR withheld \$2,020 from fuel refunds.¹⁴

⁹ 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.

¹⁰ 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.

¹¹ 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*, http://floridarevenue.com/dor/taxes/fuel/fuel_tax_refunds.html (last visited Mar. 24, 2017).

¹² Section 206.41(5)(a), F.S.

¹³ Section 206.41(5)(c), F.S.

¹⁴ EDR, REC, *supra* note 3, *Elimination of the \$2 Deduction* at p. 320.

Registration Fee for Dealers and Businesses (Sections 4 and 5)

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. 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.

A person who engages in activities that require registration but fails or refuses to do so 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 negligence, willful neglect, or fraud.¹⁵

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.

According to the DOR, in Fiscal Year 2015-2016, DOR collected \$130,766 of such fees.¹⁶

Motor Vehicle Title Transfer Fee (Sections 6 and 7)

Florida law provides the fees, service charges, and disposition of funds for certificates of title. Specifically, s. 319.32(1), F.S., provides that DHSMV charges a \$70 fee for each original and duplicate certificate of title, except for motor vehicles for hire¹⁷, which are \$49, and \$2 for each salvage certificate of title. The 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 to fund the DHSMV's efforts to prevent and detect odometer fraud.¹⁸ The DHSMV or the tax collector who processes the application retains the \$4.25 service charge.¹⁹

¹⁵ Section 212.18(3)(c), F.S.

¹⁶ EDR, REC, *supra* note 3, *Elimination of the \$5 Registration Fee for Certain Dealers or Businesses* at p.321.

¹⁷ Vehicles registered under s. 320.08(6), F.S.

¹⁸ 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.

¹⁹ Section 319.32(2)(b), F.S.

A surviving spouse who inherits the deceased spouse's motor vehicle may dispose of the vehicle without being required to obtain a certificate of title in his or her name.²⁰ 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 will be required to apply for an original certificate in his or her own name.

"Veteran" Designation Fee (Sections 8 and 9)

Florida provides the option for a veteran²¹ 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 214²² or other acceptable form specified by the Florida Department of Veterans' Affairs (FDVA).²³ 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 Highway Safety Operating Trust Fund.²⁴

Commercial Driver License (CDL) for Veterans (Section 10)

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 \$48.²⁵ These fees are deposited in the General Revenue Fund.²⁶

Free Identification (ID) Card for Persons 80 Years of Age and Older (Section 10)

Section 322.21(1)(f), F.S., provides that there is 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

²⁰ Section 319.28(1)(c), F.S.

²¹ 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."

²² 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 website, <http://www.dd214.us/> (last visited Mar. 23, 2017).

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

²⁴ 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.

²⁵ Section 322.21(1)(a), F.S.

²⁶ Section 322.21(5), F.S.

- For a renewal ID issued by the 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 (Section 11)

The Department of Business and Professional Regulation (DBPR), as the name implies, is the governmental agency responsible for licensing and regulating many businesses and professionals in the State of Florida.²⁷

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.²⁸ 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.²⁹

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 rule³⁰ the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.³¹

Licenses may practice a profession only if they have an active status license.³² Generally, most licensees who practice a profession without an active status license³³ 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.³⁴

²⁷ See Florida DBPR website, <http://www.myfloridalicense.com/dbpr/os/os-info.html> (last visited Mar. 23, 2017).

²⁸ 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.

²⁹ Sections 455.01(4) and (5), F.S.

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

³¹ Section 455.219(1), F.S.

³² Section 455.271(1), F.S.

³³ 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 department 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.

³⁴ See s. 455.273, F.S.

Each board, or the department when there is no board,³⁵ 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.³⁶ An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status, including payment of 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).³⁷

A delinquent status licensee must re-apply for active or inactive status during the delinquency cycle. 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.³⁸

The DBPR may, at its discretion, reinstate a license that has become void (excepting those 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.³⁹

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 \$260.⁴⁰ 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.”⁴¹

Commercial Driver School License Fee (Section 12)

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.⁴²

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

³⁵ 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.”

³⁶ 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.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ DBPR, *2017 Agency Legislative Bill Analysis: SB 514* (identical language in SB 1442) (Feb. 28, 2017) (on file with the Senate Committee on Transportation).

⁴¹ Section 455.219(3), F.S.

⁴² DHSMV website, *Commercial Driving Schools*, <https://www.flhsmv.gov/driver-licenses-id-cards/education-courses/commercial-driving-schools/> (last visited Mar. 23, 2017).

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 \$50.⁴³

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.⁴⁴

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

Florida Building Code Permit Surcharge (Section 13)

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 Code⁴⁶.

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 shall 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.

⁴³ DHSMV, *Form HSMV 77074S – CDS Application* (September 2010), available at <https://www.flhsmv.gov/pdf/forms/77074s.pdf> (last visited Mar. 23, 2017).

⁴⁴ Section 488.03, F.S.

⁴⁵ Section 488.08, F.S.

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

Florida Professional Educator's Certificate Fees (Sections 14 and 15)

Florida educators⁴⁷ must be certified by the state to teach in Florida's public schools as well as many private schools.⁴⁸ The State Board of Education establishes, by rule, educator certification fees for such applications, examinations, certifications, certification renewals, late renewals, recordmaking and recordkeeping.⁴⁹ 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 DOE's Educational Certification and Service Trust Fund.⁵⁰

The DOE issues three types of educator certificates:⁵¹

- A professional educator certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.⁵²
- A temporary educator certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.⁵³
- 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.⁵⁴

To be eligible to seek a Florida educator's certificate, an individual must submit an application and meet specified requirements:⁵⁵

- Be at least 18 years of age;
- File an affidavit to uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida;
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher;
- Submit to a background screening;
- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of an educator; and
- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

⁴⁷ In addition to classroom teachers, "educators" include school administrators and other school support professionals. *See* s. 1012.01(2) and (3), F.S.

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

⁴⁹ Section 1012.59, F.S.

⁵⁰ *Id.*

⁵¹ Section 1012.55, F.S.

⁵² Section 1012.56(1), (2), (3), (5), (6), and (7), F.S.

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

⁵⁴ Section 1012.55(2)(a), F.S.

⁵⁵ Section 1012.56(2), F.S.; Rule 6A-4.002, F.A.C.

An applicant may 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:⁵⁶

Examination	First-Time Registration Fee	Retake Registration Fee
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 staffed in Florida's public schools.⁵⁷

III. Effect of Proposed Changes:

The bill removes or reduces numerous fees or surcharges in the Florida Statutes.

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 fee exemption is for a surviving spouse regardless of whether he or she is named on the deceased motor vehicle owner's title.

Sections 8 and 9 eliminate the \$1 and \$2 fee to receive the "Veteran" designation on a driver license or ID card. Veterans will not be required to pay any fee to add the Veteran designation to their driver license or ID card, or pay any fee to replace their driver license or ID card in order to add the Veteran designation.

Section 10 exempts a veteran from the fee for an original CDL upon presentation of his or her DD Form 214 or another acceptable form specified by the FDVA. Veterans will not have to pay the \$75 or \$48 fee to receive an original CDL.

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 provides a flat \$25 delinquency fee that is assessed against a licensee applying for active or inactive status while in delinquent status. The bill removes that the delinquency fee is

⁵⁶ Rule 6A-4.0021, F.A.C.

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

adopted by rule by each board at a rate *not to exceed the biennial renewal fee for an active status license*. This change provides consistency among all licensees regulated by the DBPR, and eliminates the needs for boards to engage in continued rulemaking authority regarding delinquency fees.

Section 12 reduces the application and license fees, by 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 of the General Knowledge Test (\$130) and the Professional Education Test (\$150). 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. The changes made by sections 14 and 15 begin in Fiscal Year 2017-2018, and are 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 (REC) reviewed the bill on March 10, 2017.⁵⁸

⁵⁸ EDR, REC, *Various State Fees – HB 1123 (SB 1442 identical)* (Mar. 10, 2017), available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/pdf/page319-332.pdf> (last visited Mar. 24, 2017).

The REC estimates the bill's reduction and elimination of certain fees and surcharges will have the following fiscal effect on state and local government from Fiscal Years 2017 to 2022:

- Sections 1, 2, 3, and 12 of the bill will have a negative insignificant impact;
- Sections 4 and 5 will have a recurring \$100,000 negative impact to the General Revenue Fund (GR);
- Sections 6 and 7 will have a recurring negative impact of \$1.5 to \$1.6 million, of which \$500,000 will be to the HSOTF and the remaining to GR;
- Sections 8 and 9 will negatively impact the HSOTF by a recurring \$100,000;
- Section 10, Veteran CDL fee exemption, will have a recurring negative impact to GR of about \$100,000; and
- Section 10, ID card fee exemptions, will have a recurring negative impact of \$500,000 to \$600,000 to GR and \$100,000 to the HSOTF;

Additionally, the DBPR estimates⁵⁹ the reduction in fees and surcharges in:

- Section 11 of the bill will have a negative impact of approximately \$700,000, of which eight percent is to GR and the remaining is to the Professional Regulation Trust Fund; and
- Section 13 will have a negative impact of approximately \$2.6 million, of which eight percent is to GR and the remaining is to the Professional Regulation Trust Fund. Local governments retain 10 percent of the surcharge; thus, local governments will experience a negative impact as well.

Sections 14 and 15 of the bill have not been reviewed by the REC. The number of initial applicants for a professional educator's certificate who will take advantage of the up to \$555 in waived fees established in the bill is unknown. The bill also eliminates the \$75 professional educator's certificate renewal fee for certified Florida public school teachers. Currently, there are 171,468 teachers staffed in Florida's public schools. These teachers may be eligible for this waiver upon renewal of their 5-year certification. However, sections 14 and 15 of the bill are subject to funding appropriated in the General Appropriations Act.

B. Private Sector Impact:

Due to the reduction of fees and surcharges, the bill may have an indeterminate positive fiscal impact on: elected officers; persons receiving a motor fuel sales tax refund; 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.

⁵⁹ *Id.* at p. 329.

C. Government Sector Impact:

The bill, in total, is estimated to have a significant negative impact to GR, the HSOTF, the Educational Certification and Service Trust Fund, and the Professional Regulation Trust Fund.

The bill will also negatively impact local trust funds, DOR, and the State Transportation Trust Fund.

DOR, DHSMV, DBPR, and DOE will likely experience programming and administrative costs to implement the bill.

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, and 553.721.

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, beginning in Fiscal Year 2017-2018 and each year thereafter (subject to funding appropriated), the 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
