

By the Committee on Transportation

306-1138-04

1 A bill to be entitled
2 An act relating to driver responsibility;
3 creating s. 322.75, F.S.; providing a short
4 title; creating s. 322.751, F.S.; directing the
5 Department of Highway Safety and Motor Vehicles
6 to assess specified annual surcharges against a
7 motor vehicle licensee who accumulates six or
8 more points against his or her license within
9 the previous 36 months; requiring the
10 department to notify a licensee by first-class
11 mail upon receipt of five points against his or
12 her license; creating s. 322.7515, F.S.;
13 directing the department to assess specified
14 annual surcharges against motor vehicle
15 licensees who have a final conviction within
16 the previous 36 months for a DUI offense;
17 creating s. 322.752, F.S.; directing the
18 department to assess specified annual
19 surcharges against motor vehicle licensees who
20 have been convicted of driving without a
21 license or without insurance within the
22 previous 36 months; creating s. 322.7525, F.S.;
23 requiring the department to notify licensees of
24 the surcharges and the time period in which to
25 pay the surcharges; creating s. 322.753, F.S.;
26 requiring the department to accept installment
27 payments for the surcharges; providing
28 sanctions for a licensee's failure to pay an
29 installment; allowing the department to permit
30 licensees to pay assessed surcharges with
31 credit cards; requiring the department to

1 suspend a driver's license if the licensee does
2 not pay the surcharge or arrange for
3 installment payments within a specified time
4 after the notice of surcharge is sent; creating
5 s. 322.7535, F.S.; authorizing the department
6 to enter into a contract with a public or
7 private vendor for the collection of specified
8 annual surcharges; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 322.75, Florida Statutes, is
13 created to read:

14 322.75 Short title.--Sections 322.75-322.7535 may be
15 cited as "Florida's Driver Responsibility Law."

16 Section 2. Section 322.751, Florida Statutes, is
17 created to read:

18 322.751 Annual surcharge for points.--

19 (1) Each year the department shall assess a surcharge
20 on each person who has accumulated six or more points against
21 his or her driver's license during the preceding 36-month
22 period.

23 (2) The amount of a surcharge under this section is
24 \$100 for the first six points and \$25 for each additional
25 point.

26 (3) The department shall notify the holder of a
27 driver's license of the assignment of a fifth point on that
28 license by first-class mail sent to the person's most recent
29 address as shown on the records of the department.

30 (4) This section does not apply to a conviction that
31 becomes final before July 1, 2004.

1 Section 3. Section 322.7515, Florida Statutes, is
2 created to read:

3 322.7515 Surcharge for conviction of driving under the
4 influence.--

5 (1) Each year the department shall assess a surcharge
6 on each person who has a final conviction during the preceding
7 36-month period for an offense relating to s. 316.193.

8 (2) The amount of a surcharge under this section is
9 \$1,000 per year, except that the amount of the surcharge is:

10 (a) One thousand five hundred dollars per year for a
11 second or subsequent conviction within a 36-month period; and

12 (b) Two thousand dollars for a first or subsequent
13 conviction if the blood-alcohol level of the person was 0.20
14 or higher at the time the analysis was performed.

15 (3) A surcharge under this section for the same
16 conviction may not be assessed in more than 3 years.

17 (4) This section does not apply to a conviction that
18 becomes final before July 1, 2004.

19 Section 4. Section 322.752, Florida Statutes, is
20 created to read:

21 322.752 Surcharge for conviction of driving without a
22 license or without financial responsibility.--

23 (1) Each year the department shall assess a surcharge
24 on each person who has a final conviction during the preceding
25 36-month period for an offense relating to s. 322.03, s.
26 322.065, s. 324.021, or s. 627.733.

27 (2) The amount of a surcharge under this section is
28 \$250 per year.

29 (3) This section does not apply to a conviction that
30 becomes final before July 1, 2004.

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1 Section 5. Section 322.7525, Florida Statutes, is
2 created to read:

3 322.7525 Notice of surcharge.--

4 (1) The department shall notify the holder of a
5 driver's license of the assessment of a surcharge on that
6 license by first-class mail sent to the person's most recent
7 address as shown on the records of the department. The notice
8 must specify the date by which the surcharge must be paid and
9 and state the consequences of a failure to pay the surcharge.

10 (2) If, before the 30th day after the date the
11 department sends a notice under Florida's Driver
12 Responsibility Law, the person fails to pay the amount of a
13 surcharge on the person's license or fails to enter into an
14 installment payment agreement with the department, the license
15 of the person is automatically suspended.

16 (3) A license suspended under this section remains
17 suspended until the person pays the amount of the surcharge
18 and any related costs.

19 Section 6. Section 322.753, Florida Statutes, is
20 created to read:

21 322.753 Installment payment of surcharges.--

22 (1) The department shall by rule provide for the
23 payment of a surcharge in installments.

24 (2) A rule under this section:

25 (a) May not permit a person to pay a surcharge:

26 1. Of less than \$2,300 over a period of more than 12
27 consecutive months; or

28 2. Of \$2,300 or more over a period of more than 24
29 consecutive months.

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1 (b) May provide that if the person fails to make a
2 required installment payment, the department may declare the
3 amount of the unpaid surcharge immediately due and payable.

4 (3) The department may by rule authorize the payment
5 of a surcharge by use of a credit card. The rules shall
6 require the person to pay all costs incurred by the department
7 in connection with the acceptance of the credit card.

8 (4) If a person pays a surcharge or related cost by
9 credit card and the amount is subsequently reversed by the
10 issuer of the credit card, the license of that person is
11 automatically suspended.

12 (5) A license suspended under this section remains
13 suspended until the person pays the amount of the surcharge
14 and any related costs.

15 Section 7. Section 322.7535, Florida Statutes, is
16 created to read:

17 322.7535 Contracts for collection of surcharges.--The
18 department may enter into a contract with a public or private
19 vendor for the collection of surcharges receivable under this
20 chapter.

21 Section 8. This act shall take effect July 1, 2004.

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24 SENATE SUMMARY

25 Creates the "Florida's Driver Responsibility Law."
26 Imposes surcharges against any motor vehicle licensee who
27 accumulates six or more points on his or her driver's
28 license, who is convicted of an offense involving driving
29 under the influence, or who is convicted of driving
30 without a license or required insurance. Provides for the
31 automatic suspension of a person's driver's license for
 failure to pay the surcharge or enter into an agreement
 with the Department of Highway Safety and Motor Vehicles
 for installment payments. (See bill for details.)