

By the Committee on Transportation

306-1976-04

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 seven 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 four 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. 322.7525, F.S.; requiring the
18 department to notify licensees of the
19 surcharges and the time period in which to pay
20 the surcharges; creating s. 322.753, F.S.;
21 requiring the department to accept installment
22 payments for the surcharges; providing
23 sanctions for a licensee's failure to pay an
24 installment; allowing the department to permit
25 licensees to pay assessed surcharges with
26 credit cards; requiring the department to
27 suspend a driver's license if the licensee does
28 not pay the surcharge or arrange for
29 installment payments within a specified time
30 after the notice of surcharge is sent; creating
31 s. 322.7535, F.S.; authorizing the department

1 to enter into a contract with a public or
2 private vendor for the collection of specified
3 annual surcharges; creating s. 322.754, F.S.;
4 providing for distribution of moneys derived
5 from surcharges collected by the department;
6 providing an effective date.
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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Section 322.75, Florida Statutes, is
11 created to read:

12 322.75 Short title.--Sections 322.75-322.754 may be
13 cited as "Florida's Driver Responsibility Law."

14 Section 2. Section 322.751, Florida Statutes, is
15 created to read:

16 322.751 Annual surcharge for points.--

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

21 (2) The amount of a surcharge under this section is
22 \$100 for the first seven points and \$25 for each additional
23 point.

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

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

30 Section 3. Section 322.7515, Florida Statutes, is
31 created to read:

1 322.7515 Surcharge for conviction of driving under the
2 influence.--

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

6 (2) The amount of a surcharge under this section is
7 \$1,000 per year, except that the amount of the surcharge is:

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

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

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

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

17 Section 4. Section 322.7525, Florida Statutes, is
18 created to read:

19 322.7525 Notice of surcharge.--

20 (1) The department shall notify the holder of a
21 driver's license of the assessment of a surcharge on that
22 license by first-class mail sent to the person's most recent
23 address as shown on the records of the department. The notice
24 must specify the date by which the surcharge must be paid and
25 and state the consequences of a failure to pay the surcharge.

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

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

4 Section 5. Section 322.753, Florida Statutes, is
5 created to read:

6 322.753 Installment payment of surcharges.--

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

9 (2) A rule under this section:

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

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

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

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

18 (3) The department may by rule authorize the payment
19 of a surcharge by use of a credit card. The rules shall
20 require the person to pay all costs incurred by the department
21 in connection with the acceptance of the credit card.

22 (4) If a person pays a surcharge or related cost by
23 credit card and the amount is subsequently reversed by the
24 issuer of the credit card, the license of that person is
25 automatically suspended.

26 (5) A license suspended under this section remains
27 suspended until the person pays the amount of the surcharge
28 and any related costs.

29 Section 6. Section 322.7535, Florida Statutes, is
30 created to read:

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1 322.7535 Contracts for collection of surcharges.--The
2 department may enter into a contract with a public or private
3 vendor for the collection of surcharges receivable under this
4 chapter.

5 Section 7. Section 322.754, Florida Statutes, is
6 created to read:

7 322.754 Remittance of surcharges collected.--Moneys
8 derived from the surcharge collected by the department under
9 the Florida's Driver Responsibility Law shall be paid as
10 follows: 50 percent of the moneys to the State Transportation
11 Trust Fund to fund Strategic Intermodal System projects
12 prioritized in accordance with s. 339.64; 20 percent of the
13 moneys to the Highway Safety Operating Trust Fund to be used
14 for recruiting and retaining Florida Highway Patrol officers;
15 20 percent of the moneys to the Trauma Services Trust Fund to
16 provide financial support to certified trauma centers to
17 assure the availability and accessibility of trauma services
18 throughout the state; and 10 percent of the moneys to the
19 Brain and Spinal Cord Injury Program Trust Fund for the
20 purpose set forth in s. 381.79.

21 Section 8. This act shall take effect July 1, 2004.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1496

4 The CS directs DHSMV to assess a \$100 annual surcharge for the
5 first seven points and \$25 for each additional point against a
6 person who accumulates points on his or her driving record
7 within the previous 36 months. In addition, the CS directs
8 DHSMV to notify a driver upon assignment of the fourth point
9 to his or her driver's license record.

10 Surcharges for convictions of driving without a license or
11 without financial responsibility are deleted from the CS. This
12 CS provides for the distribution of moneys derived from
13 surcharges collected by DHSMV under the Florida's Driver
14 Responsibility Law. In particular, collected money will be
15 allocated as follows:

16 1. 50 percent to the State Transportation Trust Fund in order
17 to fund Strategic Intermodal System projects;

18 2. 20 percent to the Highway Safety Operating Trust Fund to be
19 used for recruiting and retaining Florida Highway Patrol
20 officers;

21 3. 20 percent to the Trauma Services Trust Fund to provide
22 financial support to certified trauma centers in order to
23 assure the availability and accessibility of trauma services
24 throughout Florida; and

25 4. 10 Percent to the Brain and Spinal Cord Injury Program
26 Trust Fund.

27 In addition, the CS provides a technical amendment to correct
28 the short title to include s. 322.754, F.S.

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