

HB 0755

2004

1 A bill to be entitled

2 An act relating to motor vehicle driver's responsibility;
3 creating the driver's responsibility program; directing
4 the Department of Highway Safety and Motor Vehicles to
5 annually impose specified monetary penalties against motor
6 vehicle licensees who have violated certain laws within
7 the previous 36 months; requiring the department to notify
8 licensees of the penalty and the time period in which to
9 pay the penalty; requiring the department to accept
10 installment payments for the penalties; directing the
11 department to adopt rules relating to installment
12 payments; providing sanctions for a licensee's failure to
13 pay an installment; allowing the department the discretion
14 to permit licensees to pay assessed penalties with credit
15 cards; authorizing the department to adopt rules relating
16 to credit card payments; requiring the department to
17 suspend a driver's license if a credit card issuer returns
18 the account as unpayable; requiring the department to
19 suspend a driver's license if the licensee does not pay
20 the penalty or arrange for an installment plan within a
21 specified time after the notice of penalty is sent;
22 directing the department to remit all penalties to the
23 Trauma Services Trust Fund; creating s. 395.4033, F.S;
24 requiring the Department of Health to make payments to
25 trauma centers; providing conditions for a certified
26 trauma center to receive funding; providing an effective
27 date.

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

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Section 1. Driver's responsibility program.--

(1) ANNUAL PENALTIES.--In addition to any other penalty authorized by law, the Department of Highway Safety and Motor Vehicles shall impose an annual monetary penalty against each person who:

(a) Accumulates 6 or more points under section 322.27(3), Florida Statutes, for violations of motor vehicle laws or ordinances, or applicable provisions of section 403.413(6)(b), Florida Statutes, during the preceding 36-month period. The penalty assessed shall be \$100 for the first 6 points the licensee accumulates and \$25 for each point accumulated in excess of 6 points. The department shall notify the licensee by first-class mail at the licensee's most recent address on file with the department of the assessment of the fifth point on the license.

(b) Is convicted of an offense relating to driving under the influence under section 316.193, Florida Statutes, during the preceding 36-month period. The penalty assessed shall be \$1,000 for the first conviction or \$1,500 for a second or subsequent conviction, except that the penalty shall be \$2,000 for the first or a subsequent conviction if the licensee's blood-alcohol, urine-alcohol, or breath-alcohol level is 0.20 or higher.

(c) Is convicted of a violation of section 324.021, Florida Statutes, during the preceding 36-month period. The penalty assessed shall be \$250 for one or more convictions during the previous 36 months.

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58 (d) Is convicted of a violation of section 322.03, Florida
59 Statutes, during the preceding 36-month period. The penalty
60 assessed shall be \$100 for one or more convictions during the
61 previous 36 months.

62 (2) NOTICE OF PENALTY.--The department shall notify the
63 licensee of the assessment of a penalty by first-class mail sent
64 to the licensee's most recent address documented in the
65 department's records. The notice must specify the date by which
66 the penalty must be paid and describe the consequences if the
67 licensee fails to timely pay the penalty.

68 (3) INSTALLMENT PAYMENT OF PENALTY.--The department shall
69 adopt by rule procedures to permit the licensee to pay the
70 penalty in installments. A licensee may not pay a penalty total
71 of less than \$2,300 over a period of more than 12 consecutive
72 months or a penalty total of \$2,300 or more over a period of
73 more than 24 consecutive months. If the licensee is paying by
74 installment and fails to pay an installment payment, the
75 department may declare the full amount of the unpaid penalty
76 immediately due and payable.

77 (4) CREDIT CARD PAYMENT OF PENALTY.--The department may
78 adopt by rule procedures to permit the licensee to pay the
79 penalty by credit card. The licensee must pay all costs incurred
80 by the department which are associated with the acceptance of a
81 credit card payment. If the penalty or related credit card costs
82 are returned as unpayable to the department by the credit card
83 issuer, the department shall immediately suspend the licensee's
84 driver's license. A license suspended under this subsection
85 remains suspended until the licensee pays in full the penalty

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86 and all related costs incurred by the department for accepting
 87 the credit card payment.

88 (5) FAILURE TO PAY PENALTY.--If the licensee fails to pay
 89 the penalty on or before 30 days after the date the department
 90 sends the notice to the licensee, fails to enter into an
 91 installment payment agreement with the department, or fails to
 92 make an installment payment, the department shall immediately
 93 suspend the licensee's driver's license. A license suspended
 94 under this subsection remains suspended until the licensee pays
 95 in full the penalty and all related costs incurred by the
 96 department in collecting the penalty.

97 (6) REMITTANCE OF PENALTY TO THE TRAUMA SERVICES TRUST
 98 FUND.--All penalties collected by the department under this
 99 section shall be deposited in the Trauma Services Trust Fund.

100 Section 2. Section 395.4033, Florida Statutes, is created
 101 to read:

102 395.4033 Payments to trauma centers.--It is the intent of
 103 the Legislature to provide financial support to certified trauma
 104 centers in order for the centers to meet minimum standards of
 105 trauma readiness and to create incentives for new trauma centers
 106 to become a part of the system of state-sponsored trauma
 107 centers. In compliance with this intent, the Department of
 108 Health shall make annual payments from the Trauma Services Trust
 109 Fund to the trauma centers. The payments shall be in equal
 110 payments to all trauma centers in order for the centers to meet
 111 minimum standards of trauma readiness. Each existing trauma
 112 center and each center established after July 1, 2004, may also
 113 receive a one-time payment in recognition of the center's
 114 startup costs.

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Section 3. This act shall take effect July 1, 2004.