

1 A bill to be entitled
 2 An act relating to driver responsibility; creating s.
 3 322.75, F.S.; providing a popular name; creating s.
 4 322.751, F.S.; directing the Department of Highway Safety
 5 and Motor Vehicles to assess specified annual surcharges
 6 against a motor vehicle licensee who accumulates seven or
 7 more points against his or her license within the previous
 8 36 months; requiring the department to notify a licensee
 9 by first-class mail upon receipt of four points against
 10 his or her license; creating s. 322.7513, F.S.; directing
 11 the department to assess specified annual surcharges
 12 against motor vehicle licensees who have a final
 13 conviction within the previous 36 months for specified
 14 offenses relating to driving without a license or with an
 15 expired license and driving without required insurance or
 16 security; creating s. 322.7515, F.S.; directing the
 17 department to assess specified annual surcharges against
 18 motor vehicle licensees who have a final conviction within
 19 the previous 36 months for a DUI offense; creating s.
 20 322.7525, F.S.; requiring the department to notify
 21 licensees of the surcharges and the time period in which
 22 to pay the surcharges; providing for suspension of license
 23 for failure to pay; creating s. 322.753, F.S.; requiring
 24 the department to accept installment payments for the
 25 surcharges; providing sanctions for a licensee's failure
 26 to pay an installment; authorizing the department to
 27 permit licensees to pay assessed surcharges with credit
 28 cards; requiring the department to suspend a driver's

29 license if the licensee does not pay the surcharge or
 30 arrange for installment payments within a specified time
 31 after the notice of surcharge is sent; creating s.
 32 322.7535, F.S.; authorizing the department to contract
 33 with a public or private vendor to collect specified
 34 annual surcharges; creating s. 322.754, F.S.; providing
 35 for distribution of surcharges collected by the
 36 department; amending s. 318.18, F.S.; revising fine and
 37 license suspension period for violation of specified
 38 provisions requiring loads on vehicles be prevented from
 39 escaping; amending s. 318.21, F.S.; providing for
 40 distribution of said fines; providing an effective date.

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

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44 Section 1. Section 322.75, Florida Statutes, is created to
 45 read:

46 322.75 Popular name.--Sections 322.75-322.754 may be cited
 47 as the "Florida Driver Responsibility Law."

48 Section 2. Section 322.751, Florida Statutes, is created
 49 to read:

50 322.751 Annual surcharge for points.--

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

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

56 (3) The department shall notify the holder of a driver's

57 license of the assignment of a fourth point on that license by
58 first-class mail sent to the person's most recent address as
59 shown on the records of the department.

60 (4) This section does not apply to a conviction that
61 becomes final before July 1, 2005.

62 Section 3. Section 322.7513, Florida Statutes, is created
63 to read:

64 322.7513 Surcharge for conviction of driving without a
65 license or without financial responsibility.--

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

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

72 (3) This section does not apply to a conviction that
73 becomes final before July 1, 2005.

74 Section 4. Section 322.7515, Florida Statutes, is created
75 to read:

76 322.7515 Surcharge for conviction of driving under the
77 influence.--

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

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

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

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

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

90 (4) This section does not apply to a conviction that
 91 becomes final before July 1, 2005.

92 Section 5. Section 322.7525, Florida Statutes, is created
 93 to read:

94 322.7525 Notice of surcharge.--

95 (1) The department shall notify the holder of a driver's
 96 license of the assessment of a surcharge on that license by
 97 first-class mail sent to the person's most recent address as
 98 shown on the records of the department. The notice must specify
 99 the date by which the surcharge must be paid and state the
 100 consequences of a failure to pay the surcharge.

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

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

110 Section 6. Section 322.753, Florida Statutes, is created
 111 to read:

112 322.753 Installment payment of surcharges.--

HB 1455

2005

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

115 (2) A rule under this section:

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

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

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

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

124 (3) The department may by rule authorize the payment of a
125 surcharge by use of a credit card. The rules shall require the
126 person to pay all costs incurred by the department in connection
127 with the acceptance of the credit card.

128 (4) If a person pays a surcharge or related cost by credit
129 card and the amount is subsequently reversed by the issuer of
130 the credit card, the license of that person is automatically
131 suspended.

132 (5) A license suspended under this section remains
133 suspended until the person pays the amount of the surcharge and
134 any related costs.

135 Section 7. Section 322.7535, Florida Statutes, is created
136 to read:

137 322.7535 Contracts for collection of surcharges.--The
138 department may contract with a public or private vendor to
139 collect surcharges receivable under this chapter.

140 Section 8. Section 322.754, Florida Statutes, is created

141 to read:

142 322.754 Remittance of surcharges collected.--All moneys
 143 derived from the surcharge collected by the department under the
 144 Florida Driver Responsibility Law shall be deposited into the
 145 Department of Health Administrative Trust Fund to provide
 146 financial support to certified trauma centers to assure the
 147 availability and accessibility of trauma services throughout the
 148 state. Funds deposited into the Administrative Trust Fund under
 149 this section shall be allocated as follows:

150 (1) Fifty percent shall be allocated equally among all
 151 Level I, Level II, and pediatric trauma centers in recognition
 152 of readiness costs for maintaining trauma services.

153 (2) Fifty percent shall be allocated among Level I, Level
 154 II, and pediatric trauma centers based on each center's relative
 155 volume of trauma cases as reported in the Department of Health
 156 Trauma Registry.

157 Section 9. Subsection (12) of section 318.18, Florida
 158 Statutes, is amended to read:

159 318.18 Amount of civil penalties.--The penalties required
 160 for a noncriminal disposition pursuant to s. 318.14 are as
 161 follows:

162 (12) Two ~~One~~ hundred dollars for a violation of s.
 163 316.520(1) or (2). If, at a hearing, the alleged offender is
 164 found to have committed this offense, the court shall impose a
 165 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent
 166 adjudication within a period of 5 years, the department shall
 167 suspend the driver's license of the person for not less than 1
 168 year ~~180 days~~ and not more than 2 years ~~1 year~~.

169 Section 10. Subsection (13) is added to section 318.21,
170 Florida Statutes, to read:

171 318.21 Disposition of civil penalties by county
172 courts.--All civil penalties received by a county court pursuant
173 to the provisions of this chapter shall be distributed and paid
174 monthly as follows:

175 (13) Fines assessed under s. 318.18(12) for violation of
176 316.520(1) or (2) relating to loads on vehicles must be remitted
177 to the Department of Revenue for deposit into the Department of
178 Health Administrative Trust Fund to be allocated as follows:

179 (a) Fifty percent shall be allocated equally among all
180 Level I, Level II, and pediatric trauma centers in recognition
181 of readiness costs for maintaining trauma services.

182 (b) Fifty percent shall be allocated among Level I, Level
183 II, and pediatric trauma centers based on each center's relative
184 volume of trauma cases as reported in the Department of Health
185 Trauma Registry.

186 Section 11. This act shall take effect July 1, 2005.