

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to driver responsibility; creating s.  
7 322.75, F.S.; creating the "Florida Driver Responsibility  
8 Law"; creating s. 322.751, F.S.; directing the Department  
9 of Highway Safety and Motor Vehicles to assess specified  
10 annual surcharges against a motor vehicle licensee who  
11 accumulates seven or more points against his or her  
12 license within the previous 36 months; requiring the  
13 department to notify a licensee by first-class mail upon  
14 receipt of four points against his or her license;  
15 creating s. 322.7513, F.S.; directing the department to  
16 assess specified annual surcharges against motor vehicle  
17 licensees who have a final conviction within the previous  
18 36 months for specified offenses relating to driving  
19 without a license or with an expired license and driving  
20 without required insurance or security; creating s.  
21 322.7515, F.S.; directing the department to assess  
22 specified annual surcharges against motor vehicle  
23 licensees who have a final conviction within the previous

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24 | 36 months for a DUI offense; creating s. 322.7525, F.S.;  
 25 | requiring the department to notify licensees of the  
 26 | surcharges and the time period in which to pay the  
 27 | surcharges; providing for suspension of license for  
 28 | failure to pay; creating s. 322.753, F.S.; requiring the  
 29 | department to accept installment payments for the  
 30 | surcharges; providing sanctions for a licensee's failure  
 31 | to pay an installment; authorizing the department to  
 32 | permit licensees to pay assessed surcharges with credit  
 33 | cards; requiring the department to suspend a driver's  
 34 | license if the licensee does not pay the surcharge or  
 35 | arrange for installment payments within a specified time  
 36 | after the notice of surcharge is sent; creating s.  
 37 | 322.7535, F.S.; authorizing the department to contract  
 38 | with a public or private vendor to collect specified  
 39 | annual surcharges; creating s. 322.754, F.S.; providing  
 40 | for distribution of surcharges collected by the  
 41 | department; providing an effective date.

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

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

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

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

51 | 322.751 Annual surcharge for points.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95       322.7525 Notice of surcharge.--

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

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

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106 with the department, the license of the person is automatically  
 107 suspended.

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

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

113 322.753 Installment payment of surcharges.--

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

116 (2) A rule under this section:

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

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

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

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

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

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

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

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

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

141       Section 8. Section 322.754, Florida Statutes, is created  
 142 to read:

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

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

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

158       Section 9. This act shall take effect July 1, 2005.