

CHAMBER ACTION

1 The Transportation & Economic Development Appropriations  
2 Committee recommends the following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

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

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

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

52 | 322.751 Annual surcharge for points.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

96       322.7525 Notice of surcharge.--

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

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

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

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

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

114 322.753 Installment payment of surcharges.--

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

117 (2) A rule under this section:

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

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

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

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

126 (3) The department may by rule authorize the payment of a  
 127 surcharge by use of a 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.

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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. This act shall take effect July 1, 2005.