

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

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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. 322.7513, F.S.; directing the department
9 to assess specified annual surcharges against motor
10 vehicle licensees who have a final conviction within the
11 previous 36 months for specified offenses relating to
12 driving without a license or with an expired license and
13 driving without required insurance or security; creating
14 s. 322.7515, F.S.; directing the department to assess
15 specified annual surcharges against motor vehicle
16 licensees who have a final conviction within the previous
17 36 months for a DUI offense; creating s. 322.7525, F.S.;
18 requiring the department to notify licensees of the
19 surcharges and the time period in which to pay the
20 surcharges; providing for suspension of license for
21 failure to pay; creating s. 322.753, F.S.; requiring the
22 department to accept installment payments for the
23 surcharges; providing sanctions for a licensee's failure

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24 | to pay an installment; authorizing the department to
 25 | permit licensees to pay assessed surcharges with credit
 26 | cards; requiring the department to suspend a driver's
 27 | license if the licensee does not pay the surcharge or
 28 | arrange for installment payments within a specified time
 29 | after the notice of surcharge is sent; creating s.
 30 | 322.7535, F.S.; authorizing the department to contract
 31 | with a public or private vendor to collect specified
 32 | annual surcharges; creating s. 322.754, F.S.; providing
 33 | for distribution of surcharges collected by the
 34 | department; providing an effective date.

35 |

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

37 |

38 | Section 1. Section 322.75, Florida Statutes, is created to
 39 | read:

40 | 322.75 Popular name.--Sections 322.75-322.754 may be cited
 41 | as the "Florida Driver Responsibility Law."

42 | Section 2. Section 322.7513, Florida Statutes, is created
 43 | to read:

44 | 322.7513 Surcharge for conviction of driving without a
 45 | license or without financial responsibility.--

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

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

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

54 Section 3. Section 322.7515, Florida Statutes, is created
 55 to read:

56 322.7515 Surcharge for conviction of driving under the
 57 influence.--

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

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

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

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

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

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

72 Section 4. Section 322.7525, Florida Statutes, is created
 73 to read:

74 322.7525 Notice of surcharge.--

75 (1) The department shall notify the holder of a driver's
 76 license of the assessment of a surcharge on that license by
 77 first-class mail sent to the person's most recent address as
 78 shown on the records of the department. The notice must specify

79 | the date by which the surcharge must be paid and state the
 80 | consequences of a failure to pay the surcharge.

81 | (2) If, before the 30th day after the date the department
 82 | sends a notice under the Florida Driver Responsibility Law, the
 83 | person fails to pay the amount of a surcharge on the person's
 84 | license or fails to enter into an installment payment agreement
 85 | with the department, the license of the person is automatically
 86 | suspended.

87 | (3) A license suspended under this section remains
 88 | suspended until the person pays the amount of the surcharge and
 89 | any related costs.

90 | Section 5. Section 322.753, Florida Statutes, is created
 91 | to read:

92 | 322.753 Installment payment of surcharges.--

93 | (1) The department shall by rule provide for the payment
 94 | of a surcharge in installments.

95 | (2) A rule under this section:

96 | (a) May not permit a person to pay a surcharge:

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

99 | 2. Of \$2,300 or more over a period of more than 24
 100 | consecutive months.

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

104 | (3) The department may by rule authorize the payment of a
 105 | surcharge by use of a credit card.

106 (4) If a person pays a surcharge or related cost by credit
 107 card and the amount is subsequently reversed by the issuer of
 108 the credit card, the license of that person is automatically
 109 suspended.

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

113 Section 6. Section 322.7535, Florida Statutes, is created
 114 to read:

115 322.7535 Contracts for collection of surcharges.--The
 116 department may contract with a public or private vendor to
 117 collect surcharges receivable under this chapter.

118 Section 7. Section 322.754, Florida Statutes, is created
 119 to read:

120 322.754 Remittance of surcharges collected.--All moneys
 121 derived from the surcharge collected by the department under the
 122 Florida Driver Responsibility Law shall be deposited into the
 123 Department of Health Administrative Trust Fund to provide
 124 financial support to certified trauma centers to assure the
 125 availability and accessibility of trauma services throughout the
 126 state. Funds deposited into the Administrative Trust Fund under
 127 this section shall be allocated as follows:

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

131 (2) Fifty percent shall be allocated among Level I, Level
 132 II, and pediatric trauma centers based on each center's relative

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133 | volume of trauma cases as reported in the Department of Health
134 | Trauma Registry.

135 | Section 8. This act shall take effect July 1, 2005.