

Bill No. CS for SB 2434

Barcode 614752

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations  
(Haridopolos) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

322.75 Short title.--Sections 322.75-322.754 may be  
cited as the "Florida Driver Responsibility Law."

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

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

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

322.065, or s. 316.646(1).

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

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

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

5           322.7515 Surcharge for conviction of driving under the  
6 influence.--

7           (1) Each year, the department shall assess a surcharge  
8 on each person who has a final conviction during the preceding  
9 36-month period for an offense relating to s. 316.193.

10           (2) The amount of a surcharge under this section is  
11 \$1,000 per year, except that the amount of the surcharge is:

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

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

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

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

21           Section 4. Section 322.7525, Florida Statutes, is  
22 created to read:

23           322.7525 Notice of surcharge.--

24           (1) The department shall notify the holder of a  
25 driver's license of the assessment of a surcharge on that  
26 license by first-class mail sent to the person's most recent  
27 address as shown on the records of the department. The notice  
28 must specify the date by which the surcharge must be paid and  
29 state the consequences of a failure to pay the surcharge.

30           (2) If, before the 30th day after the date the  
31 department sends a notice under the Florida Driver

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1 Responsibility Law, the person fails to pay the amount of a  
2 surcharge on the person's license or fails to enter into an  
3 installment payment agreement with the department, the license  
4 of the person is automatically suspended.

5 (3) A person whose driving privilege is suspended or  
6 revoked under this subsection shall not have his or her  
7 driving privilege reinstated for any reason other than:

8 (a) Full payment of the surcharge and any related  
9 costs; or

10 (b) The person has entered into an agreement with the  
11 department for the payment of the surcharge as provided in s.  
12 322.753.

13 Section 5. Section 322.753, Florida Statutes, is  
14 created to read:

15 322.753 Installment payment of surcharges.--

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

18 (2) A rule under this section:

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

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

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

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

27 (3) The department may by rule authorize the payment  
28 of a surcharge by use of a credit card.

29 (4) If a person pays a surcharge or related cost by  
30 credit card and the amount is subsequently reversed by the  
31 issuer of the credit card, the license of that person is

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1 automatically suspended.

2 (5) A license suspended under this section remains  
3 suspended until the person pays the amount of the surcharge  
4 and any related costs.

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

7 322.7535 Contracts for collection of surcharges.--The  
8 department may contract with a public or private vendor to  
9 collect surcharges receivable under this chapter.

10 Section 7. Section 322.754, Florida Statutes, is  
11 created to read:

12 322.754 Remittance of surcharges collected.--All  
13 moneys derived from the surcharge collected by the department  
14 under the Florida Driver Responsibility Law shall, after the  
15 department has retained all departmental costs that are  
16 associated only with the operation of this law, be deposited  
17 into the Department of Health Administrative Trust Fund to  
18 provide financial support to certified trauma centers to  
19 assure the availability and accessibility of trauma services  
20 throughout the state. Funds deposited into the Administrative  
21 Trust Fund under this section shall be allocated as follows:

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

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

29 Section 8. This act shall take effect February 1,  
30 2006.

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1 ===== T I T L E   A M E N D M E N T =====

2 And the title is amended as follows:

3         Delete everything before the enacting clause

4

5 and insert:

6                                 A bill to be entitled

7         An act relating to driver responsibility;

8         creating s. 322.75, F.S.; creating the "Florida

9         Driver Responsibility Law"; creating s.

10         322.7513, F.S.; directing the department to

11         assess specified annual surcharges against

12         motor vehicle licensees who have a final

13         conviction within the previous 36 months for

14         specified offenses relating to driving without

15         a license or with an expired license and

16         driving without required insurance or security;

17         creating s. 322.7515, F.S.; directing the

18         department to assess specified annual

19         surcharges against motor vehicle licensees who

20         have a final conviction within the previous 36

21         months for a DUI offense; creating s. 322.7525,

22         F.S.; requiring the department to notify

23         licensees of the surcharges and the time period

24         in which to pay the surcharges; providing for

25         suspension of license for failure to pay;

26         creating s. 322.753, F.S.; requiring the

27         department to accept installment payments for

28         the surcharges; providing sanctions for a

29         licensee's failure to pay an installment;

30         authorizing the department to permit licensees

31         to pay assessed surcharges with credit cards;

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1 requiring the department to suspend a driver's  
2 license if the licensee does not pay the  
3 surcharge or arrange for installment payments  
4 within a specified time after the notice of  
5 surcharge is sent; creating s. 322.7535, F.S.;  
6 authorizing the department to contract with a  
7 public or private vendor to collect specified  
8 annual surcharges; creating s. 322.754, F.S.;  
9 providing for distribution of surcharges  
10 collected by the department; providing an  
11 effective date.

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