

By Senator Sebesta

16-692A-05

1                                   A bill to be entitled  
2           An act relating to driver responsibility;  
3           amending s. 318.1451, F.S.; providing an  
4           additional assessment fee for persons who  
5           attend driver improvement schools; providing  
6           for the collection and allocation of such fees;  
7           amending s. 318.18, F.S.; increasing the civil  
8           penalties for certain load violations; amending  
9           s. 318.21, F.S.; providing for the distribution  
10          of load-violation fees; creating s. 322.75,  
11          F.S.; providing a short title; creating s.  
12          322.751, F.S.; directing the Department of  
13          Highway Safety and Motor Vehicles to assess  
14          specified annual surcharges against a motor  
15          vehicle licensee who accumulates seven or more  
16          points against his or her license within the  
17          previous 36 months; requiring the department to  
18          notify a licensee by first-class mail upon  
19          receipt of four points against his or her  
20          license; creating s. 322.7515, F.S.; directing  
21          the department to assess specified annual  
22          surcharges against motor vehicle licensees who  
23          have a final conviction within the previous 36  
24          months for a DUI offense; creating s. 322.752,  
25          F.S.; directing the department to assess  
26          specified annual surcharges against persons who  
27          have been convicted of driving without a  
28          license or without insurance within a specified  
29          period; creating s. 322.7525, F.S.; requiring  
30          the department to notify licensees of the  
31          surcharges and the time period in which to pay

1 the surcharges; creating s. 322.753, F.S.;  
2 requiring the department to accept installment  
3 payments for the surcharges; providing  
4 sanctions for a licensee's failure to pay an  
5 installment; authorizing the department to  
6 permit licensees to pay assessed surcharges  
7 with credit cards; requiring the department to  
8 suspend a driver's license if the licensee does  
9 not pay the surcharge or arrange for  
10 installment payments within a specified time  
11 after the notice of surcharge is sent; creating  
12 s. 322.7535, F.S.; authorizing the department  
13 to contract with a public or private vendor to  
14 collect specified annual surcharges; creating  
15 s. 322.754, F.S.; providing for distribution of  
16 surcharges collected by the department;  
17 providing an effective date.  
18

19 Be It Enacted by the Legislature of the State of Florida:  
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21 Section 1. Subsection (4) of section 318.1451, Florida  
22 Statutes, is amended to read:

23 318.1451 Driver improvement schools.--

24 (4)(a) In addition to a regular course fee, an  
25 assessment fee in the amount of \$2.50 shall be collected by  
26 the school from each person who elects to attend a course, as  
27 it relates to ss. 318.14(9), 322.0261, 322.291, and 627.06501,  
28 which shall be remitted to the Department of Highway Safety  
29 and Motor Vehicles and deposited in the Highway Safety  
30 Operating Trust Fund to administer this program and to fund  
31 the general operations of the department.

1           (b) In addition to the regular course fee and the  
2 assessment fee under paragraph (a), the following assessment  
3 fees shall be collected by the school from each person who  
4 elects to attend a course, as it relates to s. 318.14(9): for  
5 the first election, an assessment fee of \$25; for the second  
6 election, an assessment fee of \$50; and for the third, fourth,  
7 or fifth election, an assessment fee of \$100 for each  
8 election. The assessment fees collected shall be remitted to  
9 the Department of Revenue for deposit into the Department of  
10 Health Administrative Trust Fund to be allocated as follows:  
11 50 percent shall be allocated equally among all Level I, Level  
12 II, and pediatric trauma centers in recognition of readiness  
13 costs for maintaining trauma services and 50 percent shall be  
14 allocated among Level I, Level II, and pediatric trauma  
15 centers based on each center's relative volume of trauma cases  
16 as reported in the Department of Health Trauma Registry.

17           Section 2. Subsection (12) of section 318.18, Florida  
18 Statutes, is amended to read:

19           318.18 Amount of civil penalties.--The penalties  
20 required for a noncriminal disposition pursuant to s. 318.14  
21 are as follows:

22           (12) Two ~~One~~ hundred dollars for a violation of s.  
23 316.520(1) or (2). If, at a hearing, the alleged offender is  
24 found to have committed this offense, the court shall impose a  
25 minimum civil penalty of ~~\$200~~ \$100. For a second or subsequent  
26 adjudication within a period of 5 years, the department shall  
27 suspend the driver's license of the person for not less than 1  
28 year ~~180 days~~ and not more than 2 years ~~1 year~~.

29           Section 3. Subsection (13) is added to section 318.21,  
30 Florida Statutes, to read:

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1           318.21 Disposition of civil penalties by county  
2 courts.--All civil penalties received by a county court  
3 pursuant to the provisions of this chapter shall be  
4 distributed and paid monthly as follows:

5           (13) Fines assessed under s. 318.18(12) for violation  
6 of s. 316.520(1) or (2), relating to loads on vehicles, must  
7 be remitted to the Department of Revenue for deposit into the  
8 Department of Health Administrative Trust Fund to be allocated  
9 as follows:

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

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

17           Section 4. Section 322.75, Florida Statutes, is  
18 created to read:

19           322.75 Short title.--Sections 322.75-322.754 may be  
20 cited as the "Florida Driver Responsibility Law."

21           Section 5. Section 322.751, Florida Statutes, is  
22 created to read:

23           322.751 Annual surcharge for points.--

24           (1) Each year the department shall assess a surcharge  
25 on each person who has accumulated seven or more points  
26 against his or her driver's license during the preceding  
27 36-month period.

28           (2) The amount of a surcharge under this section is  
29 \$100 for the first seven points and \$25 for each additional  
30 point.

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

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

7           Section 6. Section 322.7515, Florida Statutes, is  
8 created to read:

9           322.7515 Surcharge for conviction of driving under the  
10 influence.--

11           (1) Each year the department shall assess a surcharge  
12 on each person who has a final conviction during the preceding  
13 36-month period for an offense relating to s. 316.193.

14           (2) The amount of a surcharge under this section is  
15 \$1,000 per year, except that the amount of the surcharge is:

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

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

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

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

25           Section 7. Section 322.752, Florida Statutes, is  
26 created to read:

27           322.752 Surcharge for conviction of driving without a  
28 license or without financial responsibility.--

29           (1) Each year the department shall assess a surcharge  
30 on each person who has a final conviction during the preceding  
31

1 36-month period for an offense relating to s. 322.03, s.  
2 322.065, s. 324.021, or s. 627.733.

3 (2) The amount of a surcharge under this section is  
4 \$250 per year.

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

7 Section 8. Section 322.7525, Florida Statutes, is  
8 created to read:

9 322.7525 Notice of surcharge.--

10 (1) The department shall notify the holder of a  
11 driver's license of the assessment of a surcharge on that  
12 license by first-class mail sent to the person's most recent  
13 address as shown on the records of the department. The notice  
14 must specify the date by which the surcharge must be paid and  
15 and state the consequences of a failure to pay the surcharge.

16 (2) If, before the 30th day after the date the  
17 department sends a notice under the Florida Driver  
18 Responsibility Law, the person fails to pay the amount of a  
19 surcharge on the person's license or fails to enter into an  
20 installment payment agreement with the department, the license  
21 of the person is automatically suspended.

22 (3) A license suspended under this section remains  
23 suspended until the person pays the amount of the surcharge  
24 and any related costs.

25 Section 9. Section 322.753, Florida Statutes, is  
26 created to read:

27 322.753 Installment payment of surcharges.--

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

30 (2) A rule under this section:

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

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

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

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

8           (3) The department may by rule authorize the payment  
9 of a surcharge by use of a credit card. The rules shall  
10 require the person to pay all costs incurred by the department  
11 in connection with the acceptance of the credit card.

12           (4) If a person pays a surcharge or related cost by  
13 credit card and the amount is subsequently reversed by the  
14 issuer of the credit card, the license of that person is  
15 automatically suspended.

16           (5) A license suspended under this section remains  
17 suspended until the person pays the amount of the surcharge  
18 and any related costs.

19           Section 10. Section 322.7535, Florida Statutes, is  
20 created to read:

21           322.7535 Contracts for collection of surcharges.--The  
22 department may contract with a public or private vendor to  
23 collect surcharges receivable under this chapter.

24           Section 11. Section 322.754, Florida Statutes, is  
25 created to read:

26           322.754 Remittance of surcharges collected.--All  
27 moneys derived from the surcharge collected by the department  
28 under the Florida Driver Responsibility Law shall be deposited  
29 into the Department of Health Administrative Trust Fund to  
30 provide financial support to certified trauma centers to  
31 assure the availability and accessibility of trauma services

1 throughout the state. Funds deposited into the Administrative  
2 Trust Fund under this section shall be allocated as follows:

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

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

10 Section 12. This act shall take effect July 1, 2005.

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13 SENATE SUMMARY

14 Creates the Florida Driver Responsibility Law. Directs  
15 the Department of Highway Safety and Motor Vehicles to  
16 assess a \$100 annual surcharge for the first seven points  
17 and \$25 for each additional point against a person who  
18 accumulates points on his or her driving record within  
19 the previous 36 months. Directs the department to notify  
20 a driver upon assignment of the fourth point to his or  
21 her driver's license record. Provides for the  
22 distribution of moneys collected under the Florida Driver  
23 Responsibility Law. Increases certain fees for driver  
24 improvement school attendees and increases penalties for  
25 certain vehicle load violations. Provides a surcharge for  
26 persons convicted of driving without a license or without  
27 financial responsibility. Provides for the collection and  
28 allocation of specified surcharges and fines to support  
29 specified trauma centers.  
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