

By the Committee on Transportation; and Senator Sebesta

596-1929-05

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:
20

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 third, fourth, or fifth election, an assessment fee of \$25
6 for each election. The assessment fees collected shall be
7 remitted to the Department of Revenue for deposit into the
8 Department of Health Administrative Trust Fund to be allocated
9 as follows: 50 percent shall be allocated equally among all
10 Level I, Level II, and pediatric trauma centers in recognition
11 of readiness costs for maintaining trauma services and 50
12 percent shall be allocated among Level I, Level II, and
13 pediatric trauma centers based on each center's relative
14 volume of trauma cases as reported in the Department of Health
15 Trauma Registry.

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

18 318.18 Amount of civil penalties.--The penalties
19 required for a noncriminal disposition pursuant to s. 318.14
20 are as follows:

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

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

30 318.21 Disposition of civil penalties by county
31 courts.--All civil penalties received by a county court

1 pursuant to the provisions of this chapter shall be
2 distributed and paid monthly as follows:

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

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

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

15 Section 4. Section 322.75, Florida Statutes, is
16 created to read:

17 322.75 Short title.--Sections 322.75-322.754 may be
18 cited as the "Florida Driver Responsibility Law."

19 Section 5. Section 322.751, Florida Statutes, is
20 created to read:

21 322.751 Annual surcharge for points.--

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

26 (2) The amount of a surcharge under this section is
27 \$100 for the first seven points and \$25 for each additional
28 point.

29 (3) The department shall notify the holder of a
30 driver's license of the assignment of a fourth point on that
31

1 license by first-class mail sent to the person's most recent
2 address as shown on the records of the department.

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

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

7 322.7515 Surcharge for conviction of driving under the
8 influence.--

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

12 (2) The amount of a surcharge under this section is
13 \$1,000 per year, except that the amount of the surcharge is:

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

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

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

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

23 Section 7. Section 322.752, Florida Statutes, is
24 created to read:

25 322.752 Surcharge for conviction of driving without a
26 license or without financial responsibility.--

27 (1) Each year the department shall assess a surcharge
28 on each person who has a final conviction during the preceding
29 36-month period for an offense relating to s. 322.03, s.
30 322.065, s. 324.021, or s. 627.733.

31

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

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

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

7 322.7525 Notice of surcharge.--

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

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

20 (3) A person whose driving privilege is suspended or
21 revoked under this section shall not have his or her driving
22 privilege reinstated for any reason other than:

23 (a) Full payment of the surcharge and any other
24 related costs.

25 (b) The person has entered into an agreement with the
26 department for payment of the surcharge as provided in s.
27 322.753.

28 Section 9. Section 322.753, Florida Statutes, is
29 created to read:

30 322.753 Installment payment of surcharges.--

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1 (1) The department shall by rule, policy, or procedure
2 provide for the payment of a surcharge in installments.

3 (2) A rule, policy, or procedure under this section:

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

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

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

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

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

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

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

21 Section 10. Section 322.7535, Florida Statutes, is
22 created to read:

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

26 Section 11. Section 322.754, Florida Statutes, is
27 created to read:

28 322.754 Remittance of surcharges collected.--All
29 moneys derived from the surcharge collected by the department
30 under the Florida Driver Responsibility Law shall be deposited
31 into the Department of Health Administrative Trust Fund to

1 provide financial support to certified trauma centers to
2 assure the availability and accessibility of trauma services
3 throughout the state. Funds deposited into the Administrative
4 Trust Fund under this section shall be allocated as follows:

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

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

12 Section 12. This act shall take effect February 1,
13 2006.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 2434

18 The CS deletes the additional course assessment fees for
19 attending a driver improvement course for first or second
20 election and establishes an additional course assessment fee
of \$25 for persons attending a driver improvement course for a
third, fourth or fifth time.

21 The CS allows reinstatement of a person's driving privilege if
22 the person has entered into an installment agreement with the
department for payment of the surcharges and also authorizes
23 the department to establish policies and procedures for
installment payments of the surcharges.

24 In addition, the CS deletes a provision requiring payment of
25 all costs incurred by the department if paying the surcharge
with a credit card. Also, the CS revises the effective date of
26 the bill.