

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Legg offered the following:

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3 **Amendment to Amendment (615905) (with title amendment)**

4 Between lines 1988 and 1989, insert:

5 Section 48. Effective July 1, 2008, section 322.75,

6 Florida Statutes, is created to read:

7 322.75 Short title.--Sections 322.75-322.754 may be cited
8 as "Florida's Driver Responsibility Law."

9 Section 49. Effective July 1, 2008, section 322.751,

10 Florida Statutes, is created to read:

11 322.751 Surcharge for points.--

12 (1) Each year, the department shall assess a surcharge on
13 each person who has accumulated 7 or more points against his or
14 her driver's license during the preceding 36-month period.

15 (2) The amount of the surcharge under this section is \$120
16 for the first 7 points and \$25 for each additional point.

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

21 (4) This section does not apply to a conviction that
22 becomes final before July 1, 2008.

23 Section 50. Effective July 1, 2008, section 322.7515,
24 Florida Statutes, is created to read:

25 322.7515 Surcharge for conviction of driving under the
26 influence.--

27 (1) Each year, the department shall assess a surcharge on
28 each person who has a final conviction during the preceding 36-
29 month period for a violation of s. 316.193.

30 (2) The amount of the surcharge under this section is:

31 (a) Five hundred dollars per year for a first conviction.

32 (b) Seven hundred fifty dollars per year for a second or
33 subsequent conviction within a 36-month period.

34 (c) One thousand dollars per year for a first or
35 subsequent conviction if the blood-alcohol level of the person
36 was 0.20 or higher at the time the analysis was performed.

37 (3) A surcharge under this section may not be assessed for
38 the same conviction for a period longer than 36 months.

39 (4) This section does not apply to a conviction that
40 becomes final before July 1, 2008.

41 Section 51. Effective July 1, 2008, section 322.752,
42 Florida Statutes, is created to read:

43 322.752 Surcharge for conviction of driving without a
44 valid license or without financial responsibility.--

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

49 (2) The amount of a surcharge under this section is \$120
50 per year.

51 (3) This section does not apply to a conviction that
52 becomes final before July 1, 2008.

53 Section 52. Effective July 1, 2008, section 322.7525,
54 Florida Statutes, is created to read:

55 322.7525 Notice of surcharge.--

56 (1) The department shall notify the holder of a driver's
57 license of the assessment of a surcharge under Florida's Driver
58 Responsibility Law by first-class mail sent to the person's most
59 recent address as shown on the records of the department. The
60 notice must specify the date by which the surcharge must be paid
61 and state the consequences of a failure to pay the surcharge.

62 (2) If the person fails to pay the full amount of the
63 surcharge or fails to enter into an installment payment
64 agreement with the department within 30 days after the date the
65 notification was sent, the person's license shall be
66 automatically suspended.

67 (3) A license suspended under this section shall remain
68 suspended until the person pays the full amount of the surcharge
69 or the installment payment under s. 322.753 and any related
70 costs.

71 Section 53. Effective July 1, 2008, section 322.753,
72 Florida Statutes, is created to read:

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322.753 Installment payment of surcharges.--

(1) The department shall by rule provide for the payment of a surcharge under Florida's Driver Responsibility Law in installments.

(2) A rule under this section:

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

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

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

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

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

(4) If a person pays a surcharge or related cost by credit card and the amount is subsequently reversed by the issuer of the credit card, the person's license shall be automatically suspended.

(5) A license suspended under this section remains suspended until the person pays the full amount of the surcharge or all past-due installments and any related costs.

Section 54. Effective July 1, 2008, section 322.7535, Florida Statutes, is created to read:

322.7535 Contracts for collection of surcharges.--The department may enter into a contract with a public or private

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101 vendor for the collection of surcharges receivable under
102 Florida's Driver Responsibility Law.

103 Section 55. Effective July 1, 2008, section 322.7539,
104 Florida Statutes is created to read:

105 322.7539 Amnesty and incentives.--

106 (1) The department may by rule establish a periodic
107 amnesty program for holders of a driver's license on which a
108 surcharge has been assessed under Florida's Driver
109 Responsibility Law for certain offenses, as determined by the
110 department.

111 (2) The department may by rule offer a holder of a
112 driver's license on which a surcharge has been assessed an
113 incentive for compliance with the law and efforts at
114 rehabilitation, including a reduction of a surcharge or a
115 decrease in the length of an installment plan.

116 (3) The department may by rule establish an indigents
117 program for holders of a driver's license on which a surcharge
118 has been assessed under Florida's Driver Responsibility Law for
119 certain offenses, as determined by the department.

120 Section 56. Effective July 1, 2008, section 322.754,
121 Florida Statutes, is created to read:

122 322.754 Remittance of surcharges collected.--Moneys
123 derived from a surcharge collected by the department under
124 Florida's Driver Responsibility Law shall be distributed as
125 follows:

126 (1) Fifty percent of the moneys shall be remitted to the
127 State Transportation Trust Fund to fund Strategic Intermodal
128 System projects prioritized in accordance with s. 339.64.

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129 (2) Fifty percent of the moneys shall be remitted to the
 130 Department of Health Administrative Trust Fund to provide
 131 financial support to certified trauma centers to ensure the
 132 availability and accessibility of trauma services throughout the
 133 state.

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

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Between lines 2171 and 2172, insert:

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creating s. 322.75, F.S.; providing a short title; creating s.

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322.751, F.S.; directing the Department of Highway Safety and

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Motor Vehicles to assess specified annual surcharges against a

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person who accumulates 7 or more points against his or her

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driver's license within the previous 36 months; requiring the

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department to notify a licensee by first-class mail upon receipt

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of 4 points against his or her license; providing applicability;

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creating s. 322.7515, F.S.; directing the department to assess

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specified annual surcharges against a person who has a final

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conviction within the previous 36 months for a DUI offense;

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providing applicability; creating s. 322.752, F.S.; directing

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the department to assess specified annual surcharges against a

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person driving without a valid driver's license or without

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financial responsibility; providing applicability; creating s.

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322.7525, F.S.; requiring the department to notify licensees of

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the surcharges, the time period in which to pay the surcharges,

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and consequences of noncompliance; requiring the department to

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suspend a driver's license if the licensee does not pay the

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 1992

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157 surcharge or arrange for installment payments within a specified
158 time after the notice of surcharge is sent; specifying the
159 period of suspension; creating s. 322.753, F.S.; requiring the
160 department to provide by rule for installment payments of the
161 surcharges; allowing the department to permit licensees to pay
162 assessed surcharges with credit cards; requiring the department
163 to suspend a driver's license if the credit card payment is
164 subsequently reversed; specifying the period of suspension;
165 creating s. 322.7535, F.S.; authorizing the department to enter
166 into a contract with a public or private vendor for the
167 collection of specified annual surcharges; creating s. 322.7539,
168 F.S.; authorizing the department to offer certain incentives and
169 to establish an amnesty program and an indigents program for the
170 payment of surcharges; creating s. 322.754, F.S.; providing for
171 distribution of moneys derived from surcharges collected by the
172 department;

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