

By Senator Wise

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1                   A bill to be entitled  
2           An act relating to driver responsibility; creating s.  
3           322.2701, F.S.; providing a short title; creating s.  
4           322.27021, F.S.; directing the Department of Highway  
5           Safety and Motor Vehicles to assess a specified annual  
6           surcharge against a person who accumulates points  
7           under specified provisions against his or her driver's  
8           license within a certain timeframe; requiring the  
9           department to notify a licensee upon assignment of a  
10          certain number of points; providing applicability;  
11          creating s. 322.27022, F.S.; directing the department  
12          to assess specified annual surcharges against a person  
13          who has a final conviction within a certain timeframe  
14          for a DUI offense; providing applicability; creating  
15          s. 322.27023, F.S.; directing the department to assess  
16          specified annual surcharges against a person driving  
17          without a valid driver's license or without financial  
18          responsibility; providing applicability; creating s.  
19          322.2704, F.S.; requiring the department to notify  
20          licensees of the surcharges, the time period in which  
21          to pay the surcharges, and consequences of  
22          noncompliance; requiring the department to suspend a  
23          driver's license if the licensee does not pay the  
24          surcharge or arrange for installment payments within a  
25          specified time after the notice of surcharge is sent;  
26          specifying the period of suspension; creating s.  
27          322.2705, F.S.; directing the department to provide by  
28          rule for installment payments of the surcharges;  
29          authorizing the department to adopt rules to permit

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30 licensees to pay assessed surcharges with credit  
 31 cards; providing for content of such rules; requiring  
 32 the department to suspend a driver's license if the  
 33 credit card payment is subsequently reversed;  
 34 specifying the period of suspension; creating s.  
 35 322.2706, F.S.; directing the department to enter into  
 36 a contract with a vendor for the collection of  
 37 specified annual surcharges; creating s. 322.2707,  
 38 F.S.; authorizing the department to adopt rules to  
 39 offer certain incentives and to establish an amnesty  
 40 program and an indigents program for the payment of  
 41 surcharges; creating s. 322.2709, F.S.; providing for  
 42 distribution of moneys derived from surcharges  
 43 collected by the department; amending s. 318.121,  
 44 F.S.; exempting specified provisions from a limitation  
 45 on surcharges added to civil traffic penalties;  
 46 providing an effective date.

47  
 48 Be It Enacted by the Legislature of the State of Florida:

49  
 50 Section 1. Section 322.2701, Florida Statutes, is created  
 51 to read:

52 322.2701 Short title.—Sections 322.2701-322.2709 may be  
 53 cited as "Florida's Driver Responsibility Law."

54 Section 2. Section 322.27021, Florida Statutes, is created  
 55 to read:

56 322.27021 Surcharge for points.—

57 (1) Each year, the department shall assess a surcharge on  
 58 each person who has accumulated 7 or more points under s. 322.27

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59 against his or her driver's license during the preceding 36-  
60 month period.

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

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

67 (4) This section does not apply to a conviction that  
68 becomes final before July 1, 2009.

69 Section 3. Section 322.27022, Florida Statutes, is created  
70 to read:

71 322.27022 Surcharge for conviction of driving under the  
72 influence.-

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

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

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

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

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

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

85 (4) This section does not apply to a conviction that  
86 becomes final before July 1, 2009.

87 Section 4. Section 322.27023, Florida Statutes, is created

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88 to read:

89 322.27023 Surcharge for conviction of driving without a  
90 valid license or without financial responsibility.-

91 (1) Each year, the department shall assess a surcharge on  
92 each person who has a final conviction during the preceding 36-  
93 month period for a violation of s. 322.03, s. 322.065, s.

94 324.021, or s. 627.733.

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

97 (3) This section does not apply to a conviction that  
98 becomes final before July 1, 2009.

99 Section 5. Section 322.2704, Florida Statutes, is created  
100 to read:

101 322.2704 Notice of surcharge.-

102 (1) The department shall notify the holder of a driver's  
103 license of the assessment of a surcharge under ss. 322.2701-  
104 322.2709, Florida's Driver Responsibility Law, by first-class  
105 mail sent to the person's most recent address as shown on the  
106 records of the department. The notice must specify the date by  
107 which the surcharge must be paid and state the consequences of  
108 failure to pay the surcharge.

109 (2) If the person fails to pay the full amount of the  
110 surcharge or fails to enter into an installment payment  
111 agreement with the department within 30 days after the date the  
112 notification was sent, the person's license shall be  
113 automatically suspended.

114 (3) A license suspended under this section shall remain  
115 suspended until the person pays the full amount of the surcharge  
116 or the installment payment under s. 322.2705 and any related

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117 costs.

118 Section 6. Section 322.2705, Florida Statutes, is created  
119 to read:

120 322.2705 Payment of surcharges.—

121 (1) The department shall by rule provide for the payment of  
122 a surcharge under ss. 322.2701-322.2709, Florida's Driver  
123 Responsibility Law, in installments.

124 (2) A rule under this section:

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

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

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

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

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

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

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

144 Section 7. Section 322.2706, Florida Statutes, is created  
145 to read:

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146       322.2706 Contracts for collection of surcharges.—The  
147 department shall enter into a contract with a vendor for the  
148 collection of surcharges receivable under ss. 322.2701-322.2709,  
149 Florida’s Driver Responsibility Law.

150       Section 8. Section 322.2707, Florida Statutes is created to  
151 read:

152       322.2707 Amnesty and incentives.—

153       (1) The department may by rule establish a periodic amnesty  
154 program for holders of a driver’s license on which a surcharge  
155 has been assessed under ss. 322.2701-322.2709, Florida’s Driver  
156 Responsibility Law, for certain offenses, as determined by the  
157 department.

158       (2) The department may by rule offer a holder of a driver’s  
159 license on which a surcharge has been assessed under ss.  
160 322.2701-322.2709, Florida’s Driver Responsibility Law, an  
161 incentive for compliance with the law and efforts at  
162 rehabilitation, including a reduction of a surcharge or a  
163 decrease in the length of an installment plan.

164       (3) The department may by rule establish an indigents  
165 program for holders of a driver’s license on which a surcharge  
166 has been assessed under ss. 322.2701-322.2709, Florida’s Driver  
167 Responsibility Law, for certain offenses, as determined by the  
168 department.

169       Section 9. Section 322.2709, Florida Statutes, is created  
170 to read:

171       322.2709 Remittance of surcharges collected.—Moneys derived  
172 from a surcharge collected by the department under ss. 322.2701-  
173 322.2709, Florida’s Driver Responsibility Law, shall be  
174 distributed as follows:

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175       (1) Up to 1 percent shall be used to provide public service  
176 announcements to notify the public of the provisions of  
177 Florida's Driver Responsibility Law.

178       (2) Of the remaining moneys:

179       (a) Fifty percent shall be remitted to the Department of  
180 Revenue to be deposited into the Department of Highway Safety  
181 and Motor Vehicles Law Enforcement Trust Fund to recruit and  
182 retain officers of the Florida Highway Patrol, which includes  
183 all career service levels of rank.

184       (b) Fifty percent shall be remitted to the Department of  
185 Revenue to be deposited into the Department of Health  
186 Administrative Trust Fund to provide financial support to  
187 certified trauma centers to ensure the availability and  
188 accessibility of trauma services throughout the state.

189       Section 10. Section 318.121, Florida Statutes, is amended  
190 to read:

191       318.121 Preemption of additional fees, fines, surcharges,  
192 and costs.—Notwithstanding any general or special law, or  
193 municipal or county ordinance, additional fees, fines,  
194 surcharges, or costs other than the court costs and surcharges  
195 assessed under s. 318.18(11), (13), and (18) or under ss.  
196 322.2701-322.2709 may not be added to the civil traffic  
197 penalties assessed in this chapter.

198       Section 11. This act shall take effect July 1, 2009.