

By Senator King

8-1422-00

1                                   A bill to be entitled  
 2           An act relating to motor vehicle drivers;  
 3           amending s. 316.650, F.S.; requiring a traffic  
 4           school reference guide to be issued with  
 5           traffic citations; amending s. 318.14, F.S.;  
 6           deleting a limit on the number of times a  
 7           person may elect to attend a basic driver  
 8           improvement course in lieu of a court  
 9           appearance; amending s. 318.1451, F.S.;  
 10          establishing a fee for persons attending such  
 11          courses under court order; amending s.  
 12          322.0261, F.S.; requiring certain persons  
 13          involved in crashes to attend such courses;  
 14          creating s. 322.02615, F.S.; requiring certain  
 15          persons who have been convicted or have pled  
 16          nolo contendere to moving infractions to attend  
 17          such courses; amending s. 322.05, F.S.;  
 18          requiring persons under 18 years of age to  
 19          attend a driver's education course before  
 20          receiving a driver's license; providing an  
 21          effective date.

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 23 Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Subsection (3) of section 316.650, Florida  
 26 Statutes, is amended to read:

27           316.650 Traffic citations.--

28           (3) Every traffic enforcement officer, upon issuing a  
 29 traffic citation to an alleged violator of any provision of  
 30 the motor vehicle laws of this state or of any traffic  
 31 ordinance of any city or town, shall issue a copy of the

1 traffic school reference guide issued under s. 318.1451 to the  
2 alleged violator and deposit the original citation and one  
3 copy of such traffic citation or, in the case of a traffic  
4 enforcement agency which has an automated citation issuance  
5 system, shall provide an electronic facsimile with a court  
6 having jurisdiction over the alleged offense or with its  
7 traffic violations bureau within 5 days after issuance to the  
8 violator.

9 Section 2. Subsection (9) of section 318.14, Florida  
10 Statutes, is amended to read:

11 318.14 Noncriminal traffic infractions; exception;  
12 procedures.--

13 (9) Any person who is cited for an infraction under  
14 this section other than a violation of s. 320.0605, s.  
15 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or  
16 s. 322.62 may, in lieu of a court appearance, elect to attend  
17 in the location of his or her choice within this state a basic  
18 driver improvement course approved by the Department of  
19 Highway Safety and Motor Vehicles. In such a case,  
20 adjudication must be withheld; points, as provided by s.  
21 322.27, may not be assessed; and the civil penalty that is  
22 imposed by s. 318.18(3) must be reduced by 18 percent;  
23 however, a person may not make an election under this  
24 subsection if the person has made an election under this  
25 subsection in the preceding 12 months. ~~A person may make no~~  
26 ~~more than five elections under this subsection.~~The  
27 requirement for community service under s. 318.18(8) is not  
28 waived by a plea of nolo contendere or by the withholding of  
29 adjudication of guilt by a court.

30 Section 3. Subsection (4) of section 318.1451, Florida  
31 Statutes, is amended to read:

1 318.1451 Driver improvement schools.--

2 (4) In addition to a regular course fee, an assessment  
3 fee in the amount of \$2.50 shall be collected by the school  
4 from each person who is ordered by a court or who elects to  
5 attend a course, as it relates to ss. 318.14(9), 322.0261,  
6 322.0265, 322.05(2), 322.291, and 627.06501, which shall be  
7 remitted to the Department of Highway Safety and Motor  
8 Vehicles and deposited in the Highway Safety Operating Trust  
9 Fund to administer this program and to fund the general  
10 operations of the department.

11 Section 4. Subsection (1) of section 322.0261, Florida  
12 Statutes, is amended to read:

13 322.0261 Mandatory driver improvement course; certain  
14 crashes.--

15 (1) The department shall screen crash reports received  
16 under s. 316.066 or s. 324.051 to identify crashes involving  
17 the following:

18 (a) A crash involving death or a bodily injury  
19 requiring transport to a medical facility; or

20 (b) A second crash ~~by the same operator within the~~  
21 ~~previous 2-year period~~ involving property damage in an  
22 apparent amount of at least \$500.

23 Section 5. Section 322.02615, Florida Statutes, is  
24 created to read:

25 322.02615 Mandatory driver improvement course; certain  
26 violations.--

27 (1) The department shall screen reports of convictions  
28 for violations of chapter 316 to identify operators who:

29 (a) Are less than 21 years of age and have been  
30 convicted of or pleaded nolo contendere to a noncriminal  
31 moving infraction and also have been convicted of or pleaded

1 nolo contendere to another noncriminal moving infraction since  
2 initial license issuance; or

3 (b) Have been convicted of or pleaded nolo contendere  
4 to more than one noncriminal moving infraction in a 12-month  
5 period.

6 (2) The department shall require that such operators,  
7 in addition to other applicable penalties, complete a  
8 department-approved basic driver-improvement course to  
9 maintain driving privileges. If the operator does not complete  
10 the course within 90 days after receiving notice from the  
11 department, the department shall suspend the operator's  
12 driver's license until the course is successfully completed.

13 (3) Completion of a course approved by the department  
14 as a driver improvement course for purposes of s. 318.14(9)  
15 satisfies the requirements of this section. However,  
16 completion of a course required by this section is not  
17 included in the limitation on course elections under s.  
18 318.14(9).

19 Section 6. Subsection (2) of section 322.05, Florida  
20 Statutes, is amended to read:

21 322.05 Persons not to be licensed.--The department may  
22 not issue a license:

23 (2) To a person who is at least 16 years of age but is  
24 under 18 years of age unless the person has passed a driver's  
25 education course under s. 233.063, a course under s. 488.01,  
26 or a basic driver-improvement course approved by the  
27 department, and meets the requirements of s. 322.091 and holds  
28 a valid:

29 (a) Learner's driver's license for at least 6 months  
30 before applying for a license; or

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1 (b) License that was issued in another state or in a  
2 foreign jurisdiction and that would not be subject to  
3 suspension or revocation under the laws of this state.

4 Section 7. This act shall take effect October 1, 2000.

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7 SENATE SUMMARY

8 Requires the issuance of a traffic school reference guide  
9 with every moving violation citation. Removes maximum  
10 elections for driver-improvement training. Requires that  
11 certain persons who are involved in certain crashes or  
12 are convicted of or plead nolo contendere to certain  
13 noncriminal traffic offenses complete a mandatory  
14 driver-improvement course. Requires persons 16 and 17  
15 years old to complete a basic driver-improvement course  
16 or a driver-education course to obtain an operator's  
17 license.  
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