

By the Committee on Transportation and Senator King

306-2210-00

1 A bill to be entitled
2 An act relating to traffic control; amending s.
3 316.650, F.S.; requiring the issuance of a copy
4 of the Traffic School Reference Guide with
5 traffic citations; amending s. 318.14, F.S.;
6 deleting reference to a restriction on the
7 number of elections a person may make to attend
8 a basic driver improvement course; amending s.
9 318.1451, F.S.; providing an assessment fee
10 with respect to driver improvement courses for
11 persons who are ordered by the court to attend
12 and for certain other violations; amending s.
13 322.0261, F.S.; deleting reference to a time
14 period and increasing the amount of damage
15 required with respect to a crash for the
16 screening of certain crash reports; creating s.
17 322.02615, F.S.; providing for mandatory driver
18 improvement courses for certain violations;
19 providing an effective date.

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21 WHEREAS, over 240,000 injuries and crashes involving
22 motor vehicles occur in Florida each year, which constitutes
23 an injury and crash every 2 minutes, and

24 WHEREAS, motor vehicle crashes are a leading cause of
25 death in the State of Florida, with a fatality occurring every
26 three hours as a direct result of these crashes, and

27 WHEREAS, motor vehicle crashes are the leading cause of
28 death for teenagers, and

29 WHEREAS, in the last decade, over 68,000 teens have
30 died in motor vehicle crashes, and

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1 WHEREAS, the Insurance Institute for Highway Safety
2 found that teenage drivers (ages 15-20) make up only 7 percent
3 of the driving population, but are involved in 14 percent of
4 all crashes and in 21 percent of fatal crashes, and

5 WHEREAS, driver improvement education and training has
6 proven to significantly reduce the number of crashes, and

7 WHEREAS, the Florida Department of Highway Safety and
8 Motor Vehicles found, in an independent study of driver
9 improvement courses offered in the state, that the courses
10 were as much as twenty percent effective at reducing motor
11 vehicle crash recidivism, and

12 WHEREAS, it is the intent of the Legislature that the
13 citizens of the State of Florida are provided with driver
14 improvement education and training in an effort to reduce
15 motor vehicle crashes, NOW, THEREFORE,

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

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

21 316.650 Traffic citations.--

22 (3) Every traffic enforcement officer, upon issuing a
23 traffic citation to an alleged violator of any provision of
24 the motor vehicle laws of this state or of any traffic
25 ordinance of any city or town, shall issue a copy of the
26 Traffic School Reference Guide and shall deposit the original
27 citation and one copy of such traffic citation or, in the case
28 of a traffic enforcement agency which has an automated
29 citation issuance system, shall provide an electronic
30 facsimile with a court having jurisdiction over the alleged

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1 offense or with its traffic violations bureau within 5 days
2 after issuance to the violator.

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

5 318.14 Noncriminal traffic infractions; exception;
6 procedures.--

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

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

26 318.1451 Driver improvement schools.--

27 (4) In addition to a regular course fee, an assessment
28 fee in the amount of \$2.50 shall be collected by the school
29 from each person who is court ordered to attend a course or
30 elects to attend a course, as it relates to ss. 318.14(9),
31 322.0261, 322.02615, 322.05(2), 322.291, and 627.06501, which

1 shall be remitted to the Department of Highway Safety and
2 Motor Vehicles and deposited in the Highway Safety Operating
3 Trust Fund to administer this program and to fund the general
4 operations of the department.

5 Section 4. Paragraph (b) of subsection (1) and
6 subsection (2) of section 322.0261, Florida Statutes, are
7 amended to read:

8 322.0261 Mandatory driver improvement course; certain
9 crashes.--

10 (1) The department shall screen crash reports received
11 under s. 316.066 or s. 324.051 to identify crashes involving
12 the following:

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

16 (2) With respect to an operator convicted of, or who
17 pleaded nolo contendere to, a traffic offense giving rise to a
18 crash identified pursuant to subsection (1), the department
19 shall require that the operator, in addition to other
20 applicable penalties, attend a departmentally approved basic
21 driver improvement course in order to maintain driving
22 privileges. If the operator fails to complete the course
23 within 90 days of receiving notice from the department, the
24 operator's driver's license shall be canceled by the
25 department until the course is successfully completed.

26 Section 5. Section 322.02615, Florida Statutes, is
27 created to read:

28 322.02615 Mandatory driver improvement course; certain
29 violations.--

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

1 (a) Are less than 21 years of age and have been
2 convicted of, or pleaded nolo contendere to, a noncriminal
3 moving infraction and also have been convicted of, or pleaded
4 nolo contendere to, another noncriminal moving infraction
5 since initial license issuance.

6 (b) Have been convicted of, or pleaded nolo contendere
7 to, more than one noncriminal moving infraction in a 12-month
8 period.

9 (2) With respect to an operator convicted of, or who
10 pleaded nolo contendere to, a noncriminal traffic offense
11 identified under subsection (1), the department shall require
12 that the operator, in addition to other applicable penalties,
13 attend a departmentally approved basic driver improvement
14 course in order to maintain driving privileges. If the
15 operator fails to complete the course within 90 days after
16 receiving notice from the department, the operator's driver's
17 license shall be canceled by the department until the course
18 is successfully completed.

19 (3) Attendance of a course approved by the department
20 as a driver improvement course for purposes of s. 318.14(9)
21 shall satisfy the requirements of this section. However,
22 attendance of a course as required by this section is not
23 included in the limitation on course elections under s.
24 318.14(9).

25 Section 6. This act shall take effect October 1, 2000.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2368

The CS requires DHSMV to screen accident reports and require any driver who pleads guilty or nolo contendere to an infraction arising from a crash where the apparent property damage exceeds \$2500 to attend a basic driver improvement course. The bill as originally filed required any person involved in a second crash causing damage of \$500 or more who was convicted or pleaded nolo contendere to a traffic offense relating to the crash to attend a basic driver improvement course.

The CS deletes a provision in the bill requiring drivers at least 16 years of age but under the age of 18 to attend one of the specified driver education programs as a prerequisite for an operator's license.

The CS provides whereas language and implements several technical corrections.