

By Senator Wise

5-847A-04

1                                   A bill to be entitled  
2           An act relating to drivers' licenses; amending  
3           s. 322.2615, F.S.; providing that the  
4           disposition of a related criminal proceeding  
5           may not affect a suspension of a driver's  
6           license for refusal to submit to blood, breath,  
7           or urine testing; directing the Department of  
8           Highway Safety and Motor Vehicles to invalidate  
9           a suspension for driving with an unlawful  
10          blood-alcohol level or breath-alcohol level if  
11          the suspended person is found not guilty at  
12          trial of the underlying violation of law;  
13          amending s. 322.025, F.S.; authorizing the  
14          department to offer a once-in-a-lifetime  
15          opportunity to attend a basic driver  
16          improvement course for drivers who meet certain  
17          criteria; requiring the department to deduct  
18          points from a driver's record upon proof of  
19          completion of the basic driver improvement  
20          course; requiring the department to record on  
21          the driver's record that the offer of the  
22          improvement course has been accepted and used;  
23          amending s. 318.1451, F.S.; conforming  
24          provisions to changes made by the act;  
25          providing an effective date.

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

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29           Section 1. Subsection (14) of section 322.2615,  
30 Florida Statutes, is amended, and subsection (16) is added to  
31 that section, to read:

1           322.2615 Suspension of license; right to review.--

2           (14)(a) The decision of the department under this  
3 section may ~~shall~~ not be considered in any trial for a  
4 violation of s. 316.193, and a ~~nor shall any~~ written statement  
5 submitted by a person in his or her request for departmental  
6 review under this section may not be admitted ~~admissible~~ into  
7 evidence against him or her in any such trial.

8           (b) The disposition of any related criminal  
9 proceedings does ~~shall~~ not affect a suspension for refusal to  
10 submit to a blood, breath, or urine test, authorized by s.  
11 316.1932 or s. 316.1933, imposed under ~~pursuant to~~ this  
12 section.

13           (16) The department shall invalidate a suspension for  
14 driving with an unlawful blood-alcohol level or breath-alcohol  
15 level imposed under this section if the suspended person is  
16 found not guilty at trial of an underlying violation of s.  
17 316.193.

18           Section 2. Section 322.025, Florida Statutes, is  
19 amended to read:

20           322.025 Driver improvement.--

21           (1) The department may implement programs to improve  
22 the driving ability of the drivers of this state. Such  
23 programs may include, but are ~~shall~~ not ~~be~~ limited to, safety  
24 awareness campaigns, driver training, and licensing  
25 improvement. Motorcycle driver improvement programs  
26 implemented under ~~pursuant to~~ this section or s. 322.0255  
27 shall be funded by the motorcycle safety education fee  
28 collected under ~~pursuant to~~ s. 320.08(1)(c), which shall be  
29 deposited in the Highway Safety Operating Trust Fund of the  
30 department and appropriated for that purpose.

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1           (2) The department may offer once during a driver's  
2 lifetime to each driver who receives a points-warning letter  
3 under s. 322.27(3)(f) or a restriction letter under s.  
4 322.161, the opportunity to attend a basic driver improvement  
5 course approved by the department. If the driver completes an  
6 approved course and presents proof of completion to the  
7 department, the department shall deduct three points from the  
8 citation that caused the action from the driver's record and  
9 permanently record on the driver's record that the one-time  
10 offer has been accepted and used.

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

13           318.1451 Driver improvement schools.--

14           (4) In addition to a regular course fee, an assessment  
15 fee in the amount of \$2.50 shall be collected by the school  
16 from each person who elects to attend a course, as it relates  
17 to ss. 318.14(9), 322.025(2), 322.0261, 322.291, and  
18 627.06501, which shall be remitted to the Department of  
19 Highway Safety and Motor Vehicles and deposited in the Highway  
20 Safety Operating Trust Fund to administer this program and to  
21 fund the general operations of the department.

22           Section 4. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Provides that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusing to submit to blood, breath, or urine testing. Directs the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at the trial of the underlying violation of law. Authorizes the department to offer a once-in-a-lifetime opportunity to attend a basic driver improvement course for drivers who meet certain criteria. Requires the department to deduct points from a driver's record upon proof of completion of the basic driver improvement course. Requires the department to record completion of the course on the driver's record.