

By the Committee on Transportation; and Senator Wise

306-1680-04

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          providing that this opportunity is not  
24          available to any driver who has attended a  
25          basic driver improvement course within the  
26          previous 12 months; amending s. 318.1451, F.S.;  
27          conforming provisions to changes made by the  
28          act; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Subsection (14) of section 322.2615,  
2 Florida Statutes, is amended, and subsection (16) is added to  
3 that section, to read:

4           322.2615 Suspension of license; right to review.--

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

11           (b) The disposition of any related criminal  
12 proceedings does ~~shall~~ not affect a suspension for refusal to  
13 submit to a blood, breath, or urine test, authorized by s.  
14 316.1932 or s. 316.1933, imposed under ~~pursuant to~~ this  
15 section.

16           (16) The department shall invalidate a suspension for  
17 driving with an unlawful blood-alcohol level or breath-alcohol  
18 level imposed under this section if the suspended person is  
19 found not guilty at trial of an underlying violation of s.  
20 316.193.

21           Section 2. Section 322.025, Florida Statutes, is  
22 amended to read:

23           322.025 Driver improvement.--

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

1 deposited in the Highway Safety Operating Trust Fund of the  
2 department and appropriated for that purpose.

3 (2) The department may offer once during a driver's  
4 lifetime to each driver who receives a points-warning letter  
5 under s. 322.27(3)(f) or a restriction letter under s.  
6 322.161, the opportunity to attend, within 60 days after the  
7 date of such letter, a basic driver improvement course  
8 approved by the department. If the driver completes an  
9 approved course and presents proof of completion to the  
10 department, the department shall deduct three points from the  
11 citation that caused the action from the driver's record and  
12 permanently record on the driver's record that the one-time  
13 offer has been accepted and used. This election is not  
14 available to any driver who has attended a basic driver  
15 improvement course within the previous 12 months.

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

18 318.1451 Driver improvement schools.--

19 (4) In addition to a regular course fee, an assessment  
20 fee in the amount of \$2.50 shall be collected by the school  
21 from each person who elects to attend a course, as it relates  
22 to ss. 318.14(9), 322.025(2), 322.0261, 322.291, and  
23 627.06501, which shall be remitted to the Department of  
24 Highway Safety and Motor Vehicles and deposited in the Highway  
25 Safety Operating Trust Fund to administer this program and to  
26 fund the general operations of the department.

27 Section 4. This act shall take effect July 1, 2004.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1192

The CS clarifies the driver who receives a points-warning letter or restriction letter and is offered the opportunity to attend a basic driver improvement course must attend a course within 60 days after the date of such letter. The CS provides this election is not available to any driver who has attended a basic driver improvement course within the previous 12 months.