

HB 1455

2004

A bill to be entitled

An act relating to drivers' licenses; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing 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 trial of the underlying violation of law; amending s. 322.025, F.S.; authorizing the department to offer a once-in-a-lifetime opportunity to attend a basic driver improvement course for drivers who meet certain criteria; requiring the department to deduct points from a driver's record upon proof of completion of the basic driver improvement course; requiring the department to record on the driver's record that the offer of the improvement course has been accepted and used; amending s. 318.1451, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

322.2615 Suspension of license; right to review.--

(14) (a) The decision of the department under this section may ~~shall~~ not be considered in any trial for a violation of s.

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30 316.193, and a ~~nor shall any~~ written statement submitted by a
 31 person in his or her request for departmental review under this
 32 section may not be admitted ~~admissible~~ into evidence against him
 33 or her in any such trial.

34 (b) The disposition of any related criminal proceedings
 35 does shall not affect a suspension for refusal to submit to a
 36 blood, breath, or urine test, authorized by s. 316.1932 or s.
 37 316.1933, imposed under ~~pursuant to~~ this section.

38 (16) The department shall invalidate a suspension for
 39 driving with an unlawful blood-alcohol level or breath-alcohol
 40 level imposed under this section if the suspended person is
 41 found not guilty at trial of an underlying violation of s.
 42 316.193.

43 Section 2. Section 322.025, Florida Statutes, is amended
 44 to read:

45 322.025 Driver improvement.--

46 (1) The department may implement programs to improve the
 47 driving ability of the drivers of this state. Such programs may
 48 include, but are shall not be limited to, safety awareness
 49 campaigns, driver training, and licensing improvement.

50 Motorcycle driver improvement programs implemented under
 51 ~~pursuant to~~ this section or s. 322.0255 shall be funded by the
 52 motorcycle safety education fee collected under ~~pursuant to~~ s.
 53 320.08(1)(c), which shall be deposited in the Highway Safety
 54 Operating Trust Fund of the department and appropriated for that
 55 purpose.

56 (2) The department may offer once during a driver's
 57 lifetime to each driver who receives a points-warning letter
 58 under s. 322.27(3)(f) or a restriction letter under s. 322.161

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59 the opportunity to attend a basic driver improvement course
60 approved by the department. If the driver completes an approved
61 course and presents proof of completion to the department, the
62 department shall deduct three points from the citation that
63 caused the action from the driver's record and permanently
64 record on the driver's record that the one-time offer has been
65 accepted and used.

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

68 318.1451 Driver improvement schools.--

69 (4) In addition to a regular course fee, an assessment fee
70 in the amount of \$2.50 shall be collected by the school from
71 each person who elects to attend a course, as it relates to ss.
72 318.14(9), 322.025(2), 322.0261, 322.291, and 627.06501, which
73 shall be remitted to the Department of Highway Safety and Motor
74 Vehicles and deposited in the Highway Safety Operating Trust
75 Fund to administer this program and to fund the general
76 operations of the department.

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