

By the Committee on Transportation

596-1989-05

1                                   A bill to be entitled  
2           An act relating to the disposition of traffic  
3           infractions; amending s. 318.14, F.S.;  
4           providing that a person who is cited for a  
5           noncriminal traffic infraction may elect to  
6           attend, under certain circumstances, an  
7           intermediate driver improvement course approved  
8           by the Department of Highway Safety and Motor  
9           Vehicles; providing requirements for such  
10          election; amending s. 322.025, F.S.; requiring  
11          that the department deduct points from a  
12          person's driving record for certain traffic  
13          violations in another state or under federal  
14          law; providing that such person may elect to  
15          attend a driver improvement course; providing  
16          certain limitations; amending s. 318.1451,  
17          F.S., relating to driver improvement schools;  
18          requiring passage of a department-approved  
19          final examination at the conclusion of a driver  
20          improvement course; allowing a student to  
21          retake the examination once without charge;  
22          requiring certain data to be provided to the  
23          department; requiring that the department  
24          consider certain course content of intermediate  
25          driver improvement courses prior to approval of  
26          such courses; conforming provisions to changes  
27          made by the act; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Subsection (9) of section 318.14, Florida  
2 Statutes, is amended to read:

3           318.14 Noncriminal traffic infractions; exception;  
4 procedures.--

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

24           Section 2. Section 322.025, Florida Statutes, is  
25 amended to read:

26           322.025 Driver improvement; points deducted for  
27 out-of-state violation or federal violation.--

28           (1) The department may implement programs to improve  
29 the driving ability of the drivers of this state. Such  
30 programs may include, but shall not be limited to, safety  
31 awareness campaigns, driver training, and licensing

1 improvement. Motorcycle driver improvement programs  
2 implemented pursuant to this section or s. 322.0255 shall be  
3 funded by the motorcycle safety education fee collected  
4 pursuant to s. 320.08(1)(c), which shall be deposited in the  
5 Highway Safety Operating Trust Fund of the department and  
6 appropriated for that purpose.

7 (2) If a person has been convicted in another state of  
8 a violation that, if committed in this state, would be a  
9 violation of the traffic laws of this state or has been  
10 convicted of an offense under any federal law that  
11 substantially conforms to the traffic laws of this state,  
12 except for a violation of s. 322.26, and that person has been  
13 assessed points due to any such conviction, he or she may  
14 elect to attend in the location of his or her choice within  
15 this state a driver improvement course approved by the  
16 department. In such case, the department shall deduct points,  
17 as provided by s. 322.27, from the person's driving record.  
18 The person may not make an election under this subsection if  
19 he or she has made an election under this subsection or s.  
20 318.14(9) during the preceding 12 months. A person may not  
21 make more than a combined total of five elections under this  
22 subsection and s. 318.14(9).

23 Section 3. Paragraphs (c) and (d) are added to  
24 subsection (2) of section 318.1451, Florida Statutes, and  
25 subsection (4) of that section is amended, to read:

26 318.1451 Driver improvement schools.--

27 (2)

28 (c) All approved courses of driver improvement schools  
29 shall provide for a department-approved final examination at  
30 the conclusion of each course. Each student must pass the  
31 final examination before the issuance of a completion

1 certificate. The final examination is required for all  
2 courses, including those using technology as a delivery  
3 method. Students failing the examination shall be allowed to  
4 retake the examination once without charge. Data indicating  
5 the number and scores of students passing or failing the final  
6 examination required by this paragraph shall be submitted to  
7 the department in a format designated by the department.

8 (d) In determining whether to approve an intermediate  
9 driver improvement course required in s. 318.14(9), the  
10 department shall consider course content that, at a minimum,  
11 must include a demonstration of driving ability and an ability  
12 to exercise ordinary and reasonable control in the operation  
13 of a motor vehicle by the person attending the course. For  
14 purposes of this paragraph, the intermediate driver  
15 improvement course may include an actual driving-skills  
16 examination or a simulated driving-skills examination.

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

25 Section 4. This act shall take effect July 1, 2005.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 686

Requires a student taking a driver improvement course to pass a department approved final exam at the conclusion of the course in order to receive a completion certificate.

The CS allows students failing the exam to retake the exam once without being charged. Data indicating the number and scores of students passing or failing the final exam must be submitted to the department.

In determining whether to approve an intermediate driver improvement course, the CS requires the department to consider course content that at a minimum tests the students driving ability either through an actual or simulated driving skills examination.