



477218

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2010	.	
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The Committee on Transportation (Baker) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 507 and 508  
insert:

Section 7. Paragraph (a) of subsection (3) of section 316.1905, Florida Statutes, is amended to read:

316.1905 Electrical, mechanical, or other speed calculating devices; power of arrest; evidence.-

(3) (a) A witness otherwise qualified to testify shall be competent to give testimony against an accused violator of the speed ~~motor vehicle~~ laws of this state only when such testimony is derived from the use of such an electronic, electrical,



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13 mechanical, or other device used in the calculation of speed,  
14 upon showing that the speed calculating device which was used  
15 had been tested. However, the operator of any visual average  
16 speed computer device shall first be certified as a competent  
17 operator of such device by the department.

18 Section 8. Subsection (9) of section 318.14, Florida  
19 Statutes, is amended to read:

20 318.14 Noncriminal traffic infractions; exception;  
21 procedures.—

22 (9) Any person who does not hold a commercial driver's  
23 license and who is cited for an infraction under this section  
24 other than a violation of s. 316.183(2), s. 316.187, or s.  
25 316.189 when the driver exceeds the posted limit by 30 miles per  
26 hour or more, s. 320.0605, s. 320.07(3) (a) or (b), s. 322.065,  
27 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court  
28 appearance, elect to attend in the location of his or her choice  
29 within this state a basic driver improvement course approved by  
30 the Department of Highway Safety and Motor Vehicles. In such a  
31 case, adjudication must be withheld and points, as provided by  
32 s. 322.27, may not be assessed. However, a person may not make  
33 an election under this subsection if the person has made an  
34 election under this subsection in the preceding 12 months. A  
35 person may make no more than five elections within his or her  
36 lifetime ~~10 years~~ under this subsection. The requirement for  
37 community service under s. 318.18(8) is not waived by a plea of  
38 nolo contendere or by the withholding of adjudication of guilt  
39 by a court. If a person makes an election to attend a basic  
40 driver improvement course under this subsection, 18 percent of  
41 the civil penalty imposed under s. 318.18(3) shall be deposited



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42 in the State Courts Revenue Trust Fund; however, that portion is  
43 not revenue for purposes of s. 28.36 and may not be used in  
44 establishing the budget of the clerk of the court under that  
45 section or s. 28.35.

46 Section 9. Subsection (4) of section 322.0261, Florida  
47 Statutes, is amended to read:

48 322.0261 Driver improvement course; requirement to maintain  
49 driving privileges; failure to complete; department approval of  
50 course.—

51 (4) The department shall identify any operator convicted  
52 of, or who pleaded nolo contendere to, a violation of s.  
53 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
54 316.192 and shall require that operator, unless the court  
55 withholds adjudication, in addition to other applicable  
56 penalties, to attend a department-approved driver improvement  
57 course in order to maintain driving privileges. If the operator  
58 fails to complete the course within 90 days after receiving  
59 notice from the department, the operator's driver license shall  
60 be canceled by the department until the course is successfully  
61 completed.

62  
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete line 46

66 and insert:

67 relating to payments made to the school; amending  
68 s.316.1905, F.S.; conforming provisions; amending s.  
69 318.14, F.S.; providing a lifetime limitation on the  
70 number of times a person may elect to attend a driver



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71 improvement course in lieu of a court appearance;  
72 amending s. 322.0261, F.S.; providing an exemption  
73 from a requirement to attend a driver improvement  
74 course for drivers if adjudication is withheld by the  
75 court; providing an