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TO: Clerks of County Court
Law Enforcement Agencies
State Attorneys

FROM: Dana Reiding, Chief
Bureau of Records

DATE: November 13, 2009

SUBJECT: New Basic Driving School (BDI) Requirement
House Bill 481 Effective October 1, 2009

The Department now requires any operator convicted of failure to obey a traffic control device (running a red light), failure to yield right-of-way to vehicle or pedestrian, passing a stopped school bus, racing on a highway (including spectators of racing on a highway) or reckless driving to complete a Department approved 4- hour basic driver improvement (BDI) course.

The Legislature passed House Bill 481 which modified F.S. 322.0261(4) to state:

“The department shall identify any operator convicted of, or who pleaded nolo contendere to, a violation of s. [316.074](#)(1), s. [316.075](#)(1)(c)1., s. [316.172](#), s. [316.191](#), or s. [316.192](#) Florida Statutes and shall require that operator, in addition to other applicable penalties, to attend a department-approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days **after receiving notice from the department**, the operator's driver license shall be canceled by the department until the course is successfully completed.”

Facts:

- All drivers, even CDL holders, are required to complete this course.
- All drivers, **except** CDL holders, and those convicted of criminal offenses listed under s. 322.0261(4) may elect to attend a BDI course in lieu of points; this election will also satisfy the school requirements of s. 322.0261(4). Therefore, if the driver is eligible and elects to attend school for one of the above non-criminal violations, the Department will withhold points and count that election as having satisfied the requirements of 322.0261(4).
- If the driver does not elect to attend school, the Department will automatically generate a notice advising the violator that they must complete a BDI course within 90 days from the date of the notice. This notice is generated and sent to the customer upon receipt of the conviction information from the Clerk of Court.
- A list of approved BDI course providers can be found at <http://www.flhsmv.gov/ddl/bdis.html> .

/bsw