

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 24, 1998 Revised: _____

Subject: Driver Improvement Schools

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Vickers</u>	<u>Johnson</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>_____</u>	<u>_____</u>	<u>WM</u>	<u>_____</u>
3.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

I. Summary:

The committee substitute (CS) provides the Department of Highway Safety and Motor Vehicles (department) with several additional program monitoring responsibilities relating to driver improvement courses. The CS directs course providers to monitor the use of approved courses by driver improvement schools. The CS also establishes consumer protection standards for course providers and driver improvement schools.

This CS substantially amends section 318.1451 of the Florida Statutes.

II. Present Situation:

There are several categories of driver improvement courses. Drivers may elect to attend the **Basic Driver Improvement Course** (4 hours) in lieu of a court appearance. Upon successful completion, the court withholds adjudication on the specific traffic infraction. The course deals with crash avoidance techniques, the concept of collision prevention, alcohol and drugs as a collision factor, risk factors related to driver attitude and the major traffic laws of Florida.

The **Advanced Driver Improvement Course** (12 hours) is designed to help problem drivers (non-DUI, habitual traffic offenders, drivers with point suspensions) recognize the problems that they cause for themselves and others. The course is intended to assist these individuals in becoming safe drivers and help them to develop a driving plan to safely implement their new knowledge. The course must be completed within 90 days of driver license reinstatement.

The **Traffic Law and Substance Abuse Education Course** (4 hours) is required for all first-time applicants for a Florida license who were not licensed in any other jurisdiction or who did not attend a Department of Education Driver Education course in high school. This course

provides instruction in the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle.

Prior to 1995, the department was responsible for licensing and regulating all driver improvement schools and approving the courses of such schools. In 1995, the Legislature deregulated driver improvement schools by eliminating the department's responsibility for licensing schools.

Currently, s. 318.1451, F.S., provides that the department must approve the curriculum or course content of all Florida driver improvement schools. The department does not license or approve the school. In evaluating courses for approval the department is directed to consider course content designed to promote safety, driver awareness, accident avoidance techniques, and other criteria to improve driver performance. For purposes of satisfactory course completion, the department may only accept proof of attendance from those persons who attend a school that teaches an approved course. Persons taking a non-approved course are entitled to receive a refund and have the opportunity to take an approved course through another provider. The department is also authorized to review the effectiveness of driver improvement courses in reducing crash and violation rates.

An assessment of \$2.50 is collected from each person who attends a course and is deposited into the Highway Safety Operating Trust Fund to support the general operation of the department. According to the department, regular course fees imposed by the school operators generally vary between \$22.50 and \$40. Driver improvement courses are operated by both not-for-profit and for-profit concerns.

III. Effect of Proposed Changes:

The CS provides that the department must approve courses and monitor course providers that supply course curricula for driver improvement schools. The CS requires that any person operating a driver improvement school offering an approved course must notify the department in writing. Similarly, the course provider is required to notify the department that the driver improvement school is offering their course.

The CS provides that course providers must monitor the use of the approved courses by driver improvement schools to ensure that:

- The courses are conducted in accordance with the approved curriculum;
- The approved courses are taught by instructors who have completed at least 2 years of formal education beyond high school or have at least 4 years of experience in teaching driver improvement or driver education courses and who have completed a training program consisting of at least 8 contact hours in the specific driver improvement course they are teaching;

- The courses are updated to cover current law; and
- The school and the course provider have a published procedure to resolve consumer complaints.

The CS requires that providers of approved courses must monitor the driver improvement schools that conduct its courses to ensure full compliance with the provisions of s. 318.1451, F.S. The department is required to suspend or revoke approval of any course that fails to satisfy the requirements established in s. 318.1451, F.S., or applicable rules of the department.

Prior to suspending or revoking course approval, the department must provide the course provider with written notice of the violation and an opportunity to correct any deficiency. If the violation is the result of a school's failure to comply with requirements contained in this section or applicable department rules, the cancellation of the school's authority to teach the course, and notification to the department of such cancellation, must be considered prima facie evidence that the deficiency has been corrected. The department is also directed to develop and maintain a listing of approved curricula and schools determined to be in compliance with the provisions of s. 318.1451, F.S.

The CS deletes an obsolete requirement for the department to provide a course effectiveness report to the Legislature by October 1, 1997, and requires that course effectiveness studies must be completed once every five years and reported to the Legislature. The CS also provides the department with the authority to adopt those rules necessary to administer s. 318.1451, F.S.

The CS provides for an effective date of July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The department reported that the requirements contained in the CS could be implemented with minimal fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Each year more than 650,000 people attend one of the 330 driver improvement schools in Florida. This CS would provide the department and course providers with additional authority to monitor the provision of instructional services through driver improvement schools and resolve consumer complaints.

VIII. Amendments:

None.