

By the Committee on Transportation and Senator Hargrett

306-1863-98

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to driver improvement schools;
amending s. 318.1451, F.S.; providing
additional standards for such schools;
providing duties of the Department of Highway
Safety and Motor Vehicles; deleting an obsolete
requirement; providing for rulemaking;
providing an effective date.

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

Section 1. Section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.--

(1) The Department of Highway Safety and Motor Vehicles must ~~shall~~ approve courses and monitor the course providers ~~courses~~ of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, 322.095, 322.271, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, 322.095, 322.271, and 322.291 and shall notify the department on a form approved by the department that the school is offering a driver improvement course. The course provider shall notify the department on a department approved form that the school is offering their driver improvement course.

(2) In determining whether to approve the courses referenced in this section, the department shall consider

1 course content designed to promote traffic safety, driver
2 awareness, ~~crash accident~~ avoidance techniques, and other
3 factors or criteria to improve driver performance from a
4 traffic safety viewpoint. The course provider shall monitor
5 the use of the approved courses by the driver improvement
6 schools offering their courses to ensure that:

7 (a) The approved courses are conducted in accordance
8 with the approved curriculum;

9 (b) The approved courses are taught by instructors who
10 have completed at least 2 years of formal education beyond
11 high school at an accredited educational institution or have
12 at least 4 years of experience in teaching driver improvement
13 or driver education courses and who have completed a training
14 program consisting of at least 8 contact hours in the specific
15 driver improvement course they are teaching;

16 (c) The courses are updated to cover current law; and

17 (d) The school and course provider have a published
18 procedure and form to resolve consumer complaints.

19 (3) The Department of Highway Safety and Motor
20 Vehicles shall suspend accepting proof of attendance of
21 courses from persons who attend those schools that do not
22 teach an approved course or that otherwise fail to comply with
23 this section, or applicable rules of the department. In those
24 circumstances, a person who has elected to take courses from
25 such a school shall receive a refund from the school, and the
26 person shall have the opportunity to take the course at
27 another school. The providers of approved courses must monitor
28 the schools that conduct its courses to ensure full compliance
29 with this section. The department must suspend or revoke
30 approval of any course that does not satisfy the criteria
31 contained in this section or applicable rules of the

1 department. Before revoking course approval, the department
2 must give the course provider written notice of the violation
3 and an opportunity to correct any deficiency. If the violation
4 is the result of a school's failure to comply with the
5 provisions of this section or applicable rules of the
6 department, the cancellation of that school's authority to
7 teach the course and notification to the department of such
8 cancellation shall be prima facie evidence that the deficiency
9 has been corrected. The department must prepare a list of
10 approved curricula.

11 (4) In addition to a regular course fee, an assessment
12 fee in the amount of \$2.50 shall be collected by the course
13 provider ~~school~~ from each person who elects to attend a
14 course, as it relates to ss. 318.14(9), 322.0261, 322.291,
15 322.271, and 627.06501, which shall be remitted to the
16 Department of Highway Safety and Motor Vehicles and deposited
17 in the Highway Safety Operating Trust Fund to administer this
18 program and to fund the general operations of the department.

19 (5) The Department of Highway Safety and Motor
20 Vehicles is directed to perform studies of the driver
21 improvement courses offered in Florida to determine the
22 effectiveness of such courses on crash and violation rates.
23 These studies shall be completed at least once every 5 years
24 and reported to the Legislature. ~~The department must report~~
25 ~~its findings to the Legislature by October 1, 1997.~~ The
26 department is authorized to establish control groups of
27 licensed drivers to test the effectiveness of the courses, and
28 the department shall have the authority to suspend the normal
29 penalties provided by chapters 316, 318, and 322 with respect
30 to those persons participating in the studies. The department
31 may adopt those rules necessary to administer this section.

1 Section 2. This act shall take effect July 1, 1998.

2

3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 SB 1678

6

6 The CS provides that the Department must approve and monitor
7 course providers. The original bill required the Department to
8 approve and monitor courses.

9

8 The CS provides that course providers must notify the
9 Department of driver improvement schools that offer their
10 courses.

11

10 The CS provides that the course provider must monitor the use
11 of approved courses by driver improvement schools offering
12 their courses and ensure that specific provisions concerning
13 instructor qualifications, course content, and consumer
14 complaint procedures are satisfied. Under the original bill,
15 the Department was responsible for these activities.

16

13 The CS deletes a provision in the original bill that directed
14 the Department to develop a procedure for resolving consumer
15 complaints that are not resolved by a driver improvement
16 school or course provider.

17

16 Both the original bill and the CS provide that the Department
17 must give course providers an opportunity to correct
18 deficiencies prior to revoking course approval. The CS
19 stipulates that cancellation of a school's authority to teach
20 the course and notification to the Department of such
21 cancellation, must be considered prima facie evidence that the
22 deficiency has been corrected.

23

20 The CS provides that the Department must perform effectiveness
21 studies of driver improvement courses at least once every five
22 years and report the findings to the Legislature.

24

25

26

27

28

29

30

31

32

33