

STORAGE NAME: h4269p1.tr
DATE: March 29, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: PCS/HB 4269
RELATING TO: Driver Improvement Schools
SPONSOR(S): Representative Brennan
COMPANION BILL(S): SB 1678 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION
 - (2) GOVERNMENTAL RULES & REGULATIONS
 - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

In 1995, the Legislature deregulated driver improvement schools by eliminating the Department of Highway Safety and Motor Vehicles' (DHS&MV) responsibility for regulating the schools. According to the Florida Association of D.U.I. Programs and a Florida Times-Union newspaper article (March 21, 1998) the deregulation of the schools has lead to a number of problems.

Currently, DHS&MV approves the *curriculum* for all Florida driver improvement schools. The course curriculums are owned and copyrighted by sponsors such as the National Safety Council and the National Traffic Safety Institute. Although the sponsors (referred to as course providers) can provide the course curriculum directly to students, they typically contract with private and non-profit organizations (schools) to provide instructors to present course materials. The Department *does not* license or approve the schools.

The bill would:

- Provide DHS&MV with several additional program monitoring responsibilities relating to driver improvement courses.
- Direct course providers to monitor the use of approved courses by driver improvement schools.
- Establish consumer protection standards for course providers and driver improvement schools.

The Department reported that the bill has minimal fiscal impact.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Prior to 1995, DHS&MV was responsible for licensing and regulating all driver improvement schools including approving courses for schools. In 1995, the Legislature deregulated driver improvement schools by eliminating the Department's responsibility for licensing schools.

Section 318.1451, F.S., authorizes DHS&MV to approve the *curriculum* for all Florida driver improvement schools. The course curriculums approved by DHS&MV are owned and copyrighted by sponsors such as the National Safety Council and the National Traffic Safety Institute. In evaluating courses for approval DHS&MV is directed to consider course content designed to promote safety, driver awareness, accident avoidance techniques, and other criteria to improve driver performance.

Although the sponsors (referred to as course providers) can provide the course curriculum directly to students, they typically contract with private and non-profit organizations (schools) to provide instructors to present course materials. The Department *does not* license or approve the schools.

In order to satisfy course completion requirements, the Department may only accept proof of attendance from persons that attend schools with approved courses. 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 which is deposited into the Highway Safety Operating Trust Fund to support general operations of the Department. According to DHS&MV regular course fees imposed by the school operators generally vary between \$22.50 and \$40.

There are several categories of driver improvement courses. Drivers may attend:

Advanced Driver Improvement Course: This course is designed to help problem drivers (non-DUI, habitual traffic offenders, drivers with point suspensions) recognize the problems that they cause for themselves, their attitudes about the problems, how to adjust their attitudes to once again become 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. Approximately 20,000 drivers attend this training annually.

Basic Driver Improvement Course: Drivers may attend this course in lieu of a court appearance. On 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. Approximately 403,500 students attend this training annually.

Alcohol and Drug Education Course: Florida Statutes require this course for anyone driving or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance, or any substance controlled, and driving

with an unlawful blood or breath alcohol level or refusing to submit to a lawful breath, blood or urine test. The course is conducted on two levels. Level I is for first-time offenders that are convicted of driving while under the influence of drugs and/or alcohol and consists of a 12-hour education intervention with an evaluation to determine treatment required. Level II is for second and subsequent convictions of driving under the influence. This course consists of a 21-hour education intervention, with an evaluation to determine treatment required. Approximately 43,671 students receive training annually.

B. EFFECT OF PROPOSED CHANGES:

The bill requires DHS&MV to monitor course providers that supply course curricula for driver improvement schools. The bill 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 bill 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 two years of formal education beyond high school or have at least four years of experience in teaching driver improvement or driver education courses and who have completed a training program consisting of at least eight 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 bill requires providers of approved courses to 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 courses that fail to satisfy the requirements established in s. 318.1451, F.S., or applicable Department rules.

Prior to suspending or revoking courses, DHS&MV 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 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. DHS&MV is also directed to develop and maintain a listing of approved curricula.

The bill deletes an obsolete requirement for DHS&MV 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

bill also provides the Department with the authority to adopt those rules necessary to administer s. 318.1451, F.S.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Although DHS&MV has broad rule making authority for implementing driver's license statutes, the bill authorizes DHS&MV to adopt rules to implement the section being amended.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill provides DHS&MV with several additional program monitoring responsibilities relating to driver improvement courses and directs course providers to monitor the use of approved courses by driver improvement schools.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill directs course providers to monitor the use of approved courses by driver improvement schools.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill provides DHS&MV with several additional program monitoring responsibilities relating to driver improvement courses and directs course

providers to monitor the use of approved courses by driver improvement schools.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

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(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 318.1451, F.S.

E. SECTION-BY-SECTION RESEARCH:

N/A

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Insignificant.

2. Recurring Effects:

Insignificant.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate. Some schools may be affected by having to meet the course standards in the bill. However, the number affected is unknown.

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

DHS&MV reported that bill has minimal fiscal impact.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

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