

Bill No. CS for SB 1656

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Casas moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsection (9) of section 318.14, Florida		
18	Statutes, is amended to read:		
19	318.14 Noncriminal traffic infractions; exception;		
20	procedures.--		
21	(9) Any person who is cited for an infraction under		
22	this section other than a violation of s. 320.0605(1), s.		
23	320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.		
24	322.62 may, in lieu of a court appearance, elect to attend in		
25	the location of his or her choice within this state a basic		
26	driver improvement course approved by the Department of		
27	Highway Safety and Motor Vehicles. In such a case,		
28	adjudication must be withheld; points, as provided by s.		
29	322.27, may not be assessed; and the civil penalty that is		
30	imposed by s. 318.18(3) must be reduced by 18 percent;		
31	however, a person may not make an election under this		

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1 subsection if the person has made an election under this
2 subsection in the preceding 12 months. A person may make no
3 more than seven ~~five~~ elections under this subsection. The
4 requirement for community service under s. 318.18(7) or under
5 s. 318.18(8) is not waived by a plea of nolo contendere or by
6 the withholding of adjudication of guilt by a court.

7 Section 2. Section 318.1451, Florida Statutes, is
8 amended to read:

9 318.1451 Driver improvement schools.--

10 (1) The Department of Highway Safety and Motor
11 Vehicles shall approve the courses of all driver improvement
12 schools and may monitor the administration and presentation by
13 the driver improvement schools, as the courses relate to ss.
14 318.14(9), 322.0261, 322.02615, 322.095, and 322.291. ~~The~~
15 ~~chief judge of the applicable judicial circuit may establish~~
16 ~~requirements regarding the location of schools within the~~
17 ~~judicial circuit.~~ A person may engage in the business of
18 operating a driver improvement school that offers
19 department-approved courses related to ss. 318.14(9),
20 322.0261, 322.095, and 322.291. Any course curriculum that is
21 provisionally or fully approved for use in this state may only
22 use the teaching methodologies or techniques under which the
23 curriculum was originally approved by the department. Any
24 variation of teaching methodology or technique must be
25 approved by the department and must be based, in part, upon
26 statistical evidence that demonstrates effectiveness in
27 reducing crash recidivism or violation recidivism at
28 statistically significant levels.

29 (2) In determining whether to approve the courses
30 referenced in this section, the department shall consider
31 course content designed to promote safety, driver awareness,

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1 accident avoidance techniques, and other factors or criteria
2 to improve driver performance from a safety viewpoint.

3 (3) The Department of Highway Safety and Motor
4 Vehicles shall suspend accepting proof of attendance of
5 courses from persons who attend those schools that do not
6 teach an approved course. In those circumstances, a person
7 who has elected to take courses from such a school shall
8 receive a refund from the school, and the person shall have
9 the opportunity to take the course at another school. The
10 Department of Highway Safety and Motor Vehicles shall adopt
11 and enforce rules to administer this section, including
12 procedures for resolving consumer complaints. In addition, the
13 department may bring appropriate action to enjoin unlawful
14 activities. The department shall adopt rules providing for the
15 issuance of a course completion certificate number to each
16 person who completes an approved driver improvement course,
17 and shall implement a system for tracking the course
18 completion certificate numbers to ensure course completion
19 certificates are not used by more than one person and to
20 assist in the evaluation of course effectiveness.

21 (4) In addition to a regular course fee, an assessment
22 fee in the amount of \$2.50 shall be collected by the school
23 from each person who enrolls in a department-approved driver
24 improvement course by court order or who elects to attend a
25 course, as it relates to ss. 318.14(9), 322.0261, 322.291, and
26 627.06501, for each person who completes the course, the \$2.50
27 assessment fee ~~which~~ shall be remitted to the Department of
28 Highway Safety and Motor Vehicles and deposited in the Highway
29 Safety Operating Trust Fund to administer this program and to
30 fund the general operations of the department.

31 (5) The Department of Highway Safety and Motor

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1 Vehicles shall ~~is directed to~~ perform studies of the driver
2 improvement courses offered in Florida to determine the
3 effectiveness of such courses on crash and violation rates.
4 The department must report its findings to the Legislature by
5 October 1, 2002, and at least once every 5 years thereafter
6 ~~1997~~. The department shall conduct the effectiveness studies
7 using generally accepted statistical evaluation procedures and
8 may ~~is authorized to~~ establish control groups using random
9 assignment of licensed drivers to test the effectiveness of
10 the courses., ~~and~~ The department may ~~shall have the authority~~
11 ~~to~~ suspend the normal penalties provided by chapters 316, 318,
12 and 322 with respect to those persons participating in the
13 studies.

14 (6)(a) The department, courts, law enforcement
15 agencies, public schools, clerks of courts, or political
16 subdivisions of the state shall not market, advertise,
17 maintain, or provide to the public specific information
18 regarding individual driver improvement schools, course
19 providers, or associated entities, except to the extent that
20 the information is a public record as defined in chapter 119
21 and thus shall be made available upon request pursuant to s.
22 119.07(1). The department shall prepare, provide, and maintain
23 a reference guide (the "traffic school reference guide".) The
24 traffic school reference guide shall only:

- 25 1. Indicate the statutory benefits provided to those
26 who elect to attend and complete an approved basic driver
27 improvement school;
28 2. List the procedure for enrolling in a basic driver
29 improvement school;
30 3. Provide point system and suspension information;
31 4. Direct all other inquiries to the telephone

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1 directory.
2 (b) Information, literature, references, or orders
3 regarding driver improvement schools, course providers, or
4 related associations or entities may not be adopted,
5 distributed, provided, maintained, or issued by the department
6 or any court, clerk of courts, law enforcement agency, public
7 school, or governmental entity unless the reference is only to
8 the telephone directory heading of "Driving Instruction" and
9 "Traffic Schools" or the information or literature is only the
10 traffic school reference guide. When such information is a
11 public record as defined in chapter 119, it shall be made
12 available upon request pursuant to s. 119.07(1). After January
13 1, 2000, the information or literature may only be the traffic
14 school reference guide or a reference to only the telephone
15 directory heading of "Driving Instruction." No person shall
16 mark, annotate, highlight, or otherwise alter the traffic
17 school reference guide prior to distribution to individual
18 citizens. Law enforcement agencies may distribute the traffic
19 school reference guide with every moving violation citation.
20 This section does not prohibit a court from ordering a person
21 to attend driver improvement training.

22 Section 3. Section 322.095, Florida Statutes, is
23 amended to read:

24 322.095 Traffic law and substance abuse education
25 program for driver's license applicants.--

26 (1) The Department of Highway Safety and Motor
27 Vehicles must approve traffic law and substance abuse
28 education courses that must be completed by applicants for a
29 Florida driver's license. The curricula for the courses must
30 provide instruction on the physiological and psychological
31 consequences of the abuse of alcohol and other drugs, the

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1 societal and economic costs of alcohol and drug abuse, the
2 effects of alcohol and drug abuse on the driver of a motor
3 vehicle, and the laws of this state relating to the operation
4 of a motor vehicle. All instructors teaching the courses shall
5 be certified by the department.

6 (2) The department shall conduct studies ~~contract for~~
7 ~~an independent evaluation~~ of the traffic law and substance
8 abuse education courses, and shall provide documentation to
9 the Legislature by October 1, 2000, and at least once every 5
10 years thereafter measuring course effectiveness. Local DUI
11 programs authorized under s. 316.193(5) and certified by the
12 department or a driver improvement school may offer a traffic
13 law and substance abuse education course. However, prior to
14 offering the course, the course provider must obtain
15 certification from the department that the course complies
16 with the requirements of this section. The course provider
17 must offer the approved course at locations reasonably
18 accessible to most applicants and must issue a certificate to
19 those persons successfully completing the course.

20 (3) The completion of a course does not qualify a
21 person for the reinstatement of a driver's license which has
22 been suspended or revoked.

23 (4) The fee charged by the course provider must bear a
24 reasonable relationship to the cost of the course. ~~The~~
25 ~~department must conduct financial audits of course providers~~
26 ~~conducting the education courses required under this section~~
27 ~~or require that financial audits of providers be performed, at~~
28 ~~the expense of the provider, by a certified public accountant.~~

29 (5) The provisions of this section do not apply to any
30 person who has been licensed in any other jurisdiction or who
31 has satisfactorily completed a Department of Education

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1 driver's education course offered pursuant to s. 233.063.

2 (6) Each course provider must collect a \$3 assessment
3 fee in addition to the enrollment fee charged to participants
4 of the traffic law and substance abuse course required under
5 this section. The \$3 assessment fee collected by the course
6 provider must be forwarded to the department within 30 days
7 after receipt of the assessment. These funds shall be
8 deposited into the Highway Safety Operating Trust Fund and
9 used to administer and enforce laws regarding the traffic law
10 and substance abuse education courses and for the general
11 operations of the department.

12 (7) The department shall adopt rules providing for the
13 issuance of a course completion certificate number to each
14 person who completes an approved traffic law and substance
15 abuse education course, and shall implement a system for
16 tracking the course completion certificate numbers to ensure
17 course completion certificates are not used by more than one
18 person, and to assist in the evaluation of course
19 effectiveness.

20 Section 4. This act shall take effect October 1, 1999.

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22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 and insert:

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A bill to be entitled

29

An act relating to driving schools; amending s.

30

318.14, F.S.; increasing the number of times a

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person may elect to take a driver improvement

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1 course; amending s. 318.1451, F.S.; revising
2 language with respect to driver improvement
3 schools; amending s. 322.095, F.S.; revising
4 provisions with respect to traffic law and
5 substance abuse education program for driver's
6 license applicants; providing an effective
7 date.
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