

By Senator Casas

39-1263-99

1 A bill to be entitled
2 An act relating to driver improvement schools;
3 amending s. 318.14, F.S.; increasing the number
4 of times a person cited for certain traffic
5 infractions may elect to attend a driver
6 improvement course in lieu of making a court
7 appearance; amending s. 318.1452, F.S.;
8 requiring that the Department of Highway Safety
9 and Motor Vehicles monitor course presentations
10 by driver improvement schools; requiring the
11 use of department-approved teaching
12 methodologies; requiring that instructors be
13 certified by the provider; providing
14 requirements for certification; providing
15 exceptions for instructors certified before a
16 specified date; providing requirements for
17 conducting driver improvement courses;
18 requiring that course providers pay application
19 fees and fees for certain studies conducted by
20 the department; providing a fee for persons who
21 enroll in a driver improvement course by court
22 order; requiring that the department conduct
23 certain studies to test the effectiveness of
24 courses; requiring the department to adopt
25 rules; amending s. 322.0261, F.S.; revising
26 requirements for attending driver improvement
27 courses for persons convicted of, or who plead
28 nolo contendere to, certain traffic offenses;
29 creating s. 322.02615, F.S.; requiring that
30 certain persons who are convicted of, or who
31 plead nolo contendere to, certain noncriminal

1 traffic offenses attend a mandatory driver
2 improvement course; requiring the department to
3 cancel the driver's license of any person who
4 fails to complete the course as required;
5 amending s. 322.095, F.S.; providing additional
6 requirements for traffic law education courses;
7 requiring the use of department-approved
8 teaching methodologies; requiring that course
9 providers pay application fees and fees for
10 certain studies conducted by the department;
11 requiring that the department conduct studies
12 of traffic law education courses; deleting a
13 requirement that the department conduct
14 financial audits of course providers; providing
15 requirements for the use of proceeds from the
16 fees collected from course participants;
17 amending s. 322.271, F.S.; providing that
18 enrollment in a department-approved advanced
19 driver improvement course may qualify a person
20 for license reinstatement under certain
21 circumstances; amending s. 322.291, F.S.;
22 requiring that proof of completion of a driver
23 improvement course be presented to the
24 department prior to license reinstatement;
25 deleting a requirement that a person's license
26 be cancelled for failing to complete such a
27 course within a specified period; amending s.
28 627.06501, F.S.; conforming a cross-reference
29 to changes made by the act; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (9) of section 318.14, Florida
4 Statutes, is amended to read:

5 318.14 Noncriminal traffic infractions; exception;
6 procedures.--

7 (9) Any person who is cited for an infraction under
8 this section other than a violation of s. 320.0605(1), s.
9 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.
10 322.62 may, in lieu of a court appearance, elect to attend in
11 the location of his or her choice within this state a basic
12 driver improvement course approved by the Department of
13 Highway Safety and Motor Vehicles. In such a case,
14 adjudication must be withheld; points, as provided by s.
15 322.27, may not be assessed; and the civil penalty that is
16 imposed by s. 318.18(3) must be reduced by 18 percent;
17 however, a person may not make an election under this
18 subsection if the person has made an election under this
19 subsection in the preceding 12 months. A person may make no
20 more than eight ~~five~~ elections under this subsection. The
21 requirement for community service under s. 318.18(8)~~s.~~
22 ~~318.18(7)~~ is not waived by a plea of nolo contendere or by the
23 withholding of adjudication of guilt by a court.

24 Section 2. Section 318.1451, Florida Statutes, is
25 amended to read:

26 318.1451 Driver improvement schools.--

27 (1) The Department of Highway Safety and Motor
28 Vehicles shall approve the courses of all driver improvement
29 schools and monitor the presentation by the driver improvement
30 schools, as the courses relate to ss. 318.14(9), 322.0261,
31 322.095, and 322.291. The chief judge of the applicable

1 judicial circuit may establish requirements regarding the
2 location of schools within the judicial circuit. A person may
3 engage in the business of operating a driver improvement
4 school that offers department-approved courses related to ss.
5 318.14(9), 322.0261, 322.095, and 322.291. Any curriculum that
6 is provisionally or fully approved for use in this state may
7 only use the teaching methodologies or techniques that are
8 approved by the department. Any variation of teaching
9 methodology or technique must be approved by the department
10 and must be based, in part, upon statistical evidence that
11 demonstrates effectiveness in reducing crash recidivism or
12 violation recidivism at statistically significant levels.

13 (2) The department shall ensure that each provider
14 follows the criteria required for instructors. The provider
15 must certify that an instructor has at least 2 years of
16 documented teaching experience in an academic field, including
17 safety, criminal justice, behavioral science, or a related
18 subject matter; 2 years of documented formal education beyond
19 high school; or 2 years of documented full-time employment
20 experience in safety, criminal justice, behavioral science, or
21 a related field. The instructor must have a valid driver's
22 license at the time of certification and throughout the
23 certification period, with not more than two moving violations
24 during the prior 3 years or any violation that results in
25 suspension or revocation of the instructor's driver's license.
26 A person who has been found guilty of any felony or any
27 offense involving driving under the influence during the prior
28 10 years may not be certified as an instructor. The provider
29 shall recertify an instructor every 2 years if the instructor
30 remains qualified for certification. In order to maintain
31 qualification for certification, an instructor must attend at

1 least 8 hours of course-specific, inservice education every 2
2 years and must teach at least two complete courses each year
3 for every course for which the instructor holds certification.
4 This subsection does not apply to an instructor who is
5 certified before January 1, 1999, so long as the instructor's
6 certification is not cancelled, does not expire, or is not
7 otherwise interrupted.

8 (3) A provider of driver improvement courses and any
9 organization that conducts such courses is subject to all
10 applicable local, state, and federal laws, including 42 U.S.C.
11 ss. 12101 et seq.

12 (4)(2) In determining whether to approve the courses
13 referenced in this section, the department shall consider
14 course content designed to promote safety, driver awareness,
15 collision ~~accident~~ avoidance techniques, and other factors or
16 criteria to improve driver performance from a safety
17 viewpoint. Courses must be held in a classroom setting where
18 all students are present and under the direct instruction of a
19 certified instructor who uses techniques that provide for
20 interactive participation by the students. A course provider
21 may not use a teaching format that includes home study or
22 distance learning and a course may not consist exclusively of
23 electronic or video presentations. Each course provider
24 seeking course approval from the department on or after July
25 1, 1999, shall pay an application fee of \$10,000 to cover the
26 department's administrative cost of processing the
27 application. The application fee is nonrefundable. Each course
28 provider shall pay the department a nonrefundable fee of
29 \$5,000 for each course that is subject to the effectiveness
30 study under subsection (7). If the course curricula fails the
31 effectiveness study, the fee must be paid for any subsequent

1 study. However, a study may be performed only once every 6
2 months and the department may not conduct more than two
3 studies for any one course. An effectiveness study may not be
4 conducted for a course later than 3 years after the initial
5 study.

6 (5)~~(3)~~ The Department of Highway Safety and Motor
7 Vehicles shall suspend accepting proof of attendance of
8 courses from persons who attend those schools that do not
9 teach an approved course. In those circumstances, a person
10 who has elected to take courses from such a school shall
11 receive a refund from the school, and the person shall have
12 the opportunity to take the course at another school.

13 (6)~~(4)~~ In addition to a regular course fee, an
14 assessment fee in the amount of \$2.50 shall be collected by
15 the school from each person who enrolls in a
16 department-approved driver improvement course by court order
17 or who elects to attend a course, as it relates to ss.
18 318.14(9), 322.0261, 322.02615, 322.291, and 627.06501. For
19 each person who completes the course, the \$2.50 assessment
20 fee, which shall be remitted to the Department of Highway
21 Safety and Motor Vehicles and deposited in the Highway Safety
22 Operating Trust Fund to administer this program and to fund
23 the general operations of the department.

24 (7)~~(5)~~ The Department of Highway Safety and Motor
25 Vehicles shall ~~is directed to~~ perform studies of the driver
26 improvement courses offered in Florida to determine the
27 effectiveness of such courses on crash and violation rates.
28 The department must report its findings to the Legislature by
29 October 1, 2002, and at least once every 5 years thereafter
30 ~~1997~~. The department shall conduct the effectiveness studies
31 using generally accepted statistical evaluation procedures and

1 ~~may is authorized to~~ establish control groups of licensed
2 drivers to test the effectiveness of the courses. ~~and~~ The
3 department ~~may shall have the authority to~~ suspend the normal
4 penalties provided by chapters 316, 318, and 322 with respect
5 to those persons participating in the studies.

6 (8) The Department of Highway Safety and Motor
7 Vehicles shall adopt rules to administer this section,
8 including procedures for resolving consumer complaints. In
9 addition, the department may bring appropriate action to
10 enjoin unlawful activities.

11 Section 3. Section 322.0261, Florida Statutes, is
12 amended to read:

13 322.0261 Mandatory basic driver improvement course;
14 certain collisions ~~accidents~~.--

15 (1) The department shall screen crash ~~accident~~ reports
16 received under s. 316.066 or s. 324.051 to identify collisions
17 ~~accidents~~ involving the following:

18 (a) A collision that involves ~~An accident involving~~
19 death or a bodily injury requiring transport to a medical
20 facility; or

21 (b) A second collision ~~accident~~ by the same operator
22 within the previous 2-year period involving property damage in
23 an apparent amount of at least \$500.

24 (2) With respect to an operator convicted of, or who
25 pleaded nolo contendere to, a traffic offense giving rise to a
26 collision ~~an accident~~ identified pursuant to subsection (1),
27 the department shall require that the operator, in addition to
28 other applicable penalties, attend a departmentally approved
29 basic driver improvement course in order to maintain driving
30 privileges. If the operator fails to complete the course
31 within 90 days after ~~of~~ receiving notice from the department,

1 the operator's driver's license shall be canceled by the
2 department until the course is successfully completed.

3 (3) In determining whether to approve a basic driver
4 improvement course for the purposes of this section, the
5 department shall consider course content designed to promote
6 safety, driver awareness, collision-avoidance ~~accident~~
7 ~~avoidance~~ techniques, and other factors or criteria to improve
8 driver performance from a safety viewpoint.

9 Section 4. Section 322.02615, Florida Statutes, is
10 created to read:

11 322.02615 Mandatory driver improvement course; certain
12 violations.--

13 (1) The department shall screen reports of convictions
14 for violations of chapter 316 to identify operators who:

15 (a) Are less than 22 years of age and have been
16 convicted of two or more noncriminal moving infractions.

17 (b) Have received more than one noncriminal moving
18 infraction in a 12-month period.

19 (2) With respect to an operator convicted of, or who
20 pleaded nolo contendere to, a noncriminal traffic offense
21 identified under subsection (1), the department shall require
22 that the operator, in addition to other applicable penalties,
23 attend a departmentally approved driver improvement course in
24 order to maintain driving privileges. If the operator fails to
25 complete the course within 90 days after receiving notice from
26 the department, the operator's driver's license shall be
27 canceled by the department until the course is successfully
28 completed.

29 (3) Attendance of a course approved by the department
30 as a driver improvement course for purposes of s. 318.14 shall
31 satisfy the requirements of this section. However, attendance

1 of a course as required by this section is not included in the
2 limitation on the total number of course elections under s.
3 318.14(9).

4 Section 5. Section 322.095, Florida Statutes, is
5 amended to read:

6 322.095 Traffic law and substance abuse education
7 program for driver's license applicants.--

8 (1) The Department of Highway Safety and Motor
9 Vehicles must approve traffic law and substance abuse
10 education courses that must be completed by applicants for a
11 Florida driver's license. The curricula for the courses must
12 provide instruction on the physiological and psychological
13 consequences of the abuse of alcohol and other drugs, the
14 societal and economic costs of alcohol and drug abuse, the
15 effects of alcohol and drug abuse on the driver of a motor
16 vehicle, and the laws of this state relating to the operation
17 of a motor vehicle. Courses must be held in a classroom
18 setting where all students are present and under the direct
19 instruction of a certified instructor who uses techniques that
20 provide for interactive participation by the students. A
21 course provider may not use a teaching format that includes
22 home study or distance learning and a course may not consist
23 exclusively of electronic or video presentations.All
24 instructors teaching the courses shall be certified by the
25 course provider ~~department~~. Any curriculum that is
26 provisionally or fully approved for use in this state may only
27 use the teaching methodologies or techniques that are approved
28 by the department. Any variation of teaching methodology or
29 technique must be approved by the department and must be
30 based, in part, upon statistical evidence that demonstrates
31 effectiveness in reducing crash recidivism or violation

1 recidivism at statistically significant levels. Each course
2 provider seeking course approval from the department on or
3 after July 1, 1999, shall pay an application fee of \$10,000 to
4 cover the department's administrative cost of processing the
5 application. The application fee is nonrefundable. Each course
6 provider shall pay the department a nonrefundable fee of
7 \$5,000 for each course that is subject to the effectiveness
8 study under s. 318.1451(7). If the course curricula fails the
9 effectiveness study, the fee must be paid for any subsequent
10 study. However, a study may be performed only once every 6
11 months and the department may not conduct more than two
12 studies for any one course. An effectiveness study may not be
13 conducted for a course later than 3 years after the initial
14 study.

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

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

1 (4) The fee charged by the course provider must bear a
2 reasonable relationship to the cost of the course. ~~The~~
3 ~~department must conduct financial audits of course providers~~
4 ~~conducting the education courses required under this section~~
5 ~~or require that financial audits of providers be performed, at~~
6 ~~the expense of the provider, by a certified public accountant.~~

7 (5) The provisions of this section do not apply to any
8 person who has been licensed in any other jurisdiction or who
9 has satisfactorily completed a Department of Education
10 driver's education course offered pursuant to s. 233.063.

11 (6) Each course provider must collect a \$3 assessment
12 fee in addition to the enrollment fee charged to participants
13 of the traffic law and substance abuse course required under
14 this section. The \$3 assessment fee collected by the course
15 provider must be forwarded to the department within 30 days
16 after receipt of the assessment. These funds shall be
17 deposited into the operating trust fund of the department and
18 used to administer laws regulating the traffic law and
19 substance abuse education courses and for the general
20 operations of the department.

21 Section 6. Paragraph (a) of subsection (2) of section
22 322.271, Florida Statutes, 1998 Supplement, is amended to
23 read:

24 322.271 Authority to modify revocation, cancellation,
25 or suspension order.--

26 (2)(a) Upon such hearing, the person whose license has
27 been suspended, canceled, or revoked may show that such
28 suspension, cancellation, or revocation of his or her license
29 causes a serious hardship and precludes the person's carrying
30 out his or her normal business occupation, trade, or
31 employment and that the use of the person's license in the

1 normal course of his or her business is necessary to the
2 proper support of the person or his or her family. Except as
3 otherwise provided in this subsection, the department shall
4 require proof of the successful completion of an approved
5 driver training or substance abuse education course and may
6 require letters of recommendation from respected
7 businesspersons in the community, law enforcement officers, or
8 judicial officers in determining whether such person should be
9 permitted to operate a motor vehicle on a restricted basis for
10 business or employment use only and in determining whether
11 such person can be trusted to so operate a motor vehicle. If a
12 driver's license has been suspended under the point system or
13 pursuant to s. 322.2615, the department shall require proof of
14 enrollment in an department-approved advanced ~~approved~~ driver
15 improvement training course or substance abuse education
16 course, and may require the letters of recommendation
17 described in this subsection to determine if the driver should
18 be reinstated on a restricted basis; if such person fails to
19 complete the approved course within 90 days after
20 reinstatement, the department shall cancel his or her driver's
21 license until the course is successfully completed. The
22 privilege of driving on a limited or restricted basis for
23 business or employment use shall not be granted to a person
24 who has been convicted of a violation of s. 316.193 until
25 completion of such education or training course. Except as
26 provided in paragraph (b), the privilege of driving on a
27 limited or restricted basis for business or employment use
28 shall not be granted to a person whose license is revoked
29 pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and
30 who has been convicted of a violation of s. 316.193 two or
31 more times or whose license has been suspended two or more

1 times for refusal to submit to a test pursuant to s. 322.2615
2 or former s. 322.261.

3 Section 7. Section 322.291, Florida Statutes, is
4 amended to read:

5 322.291 Driver improvement schools; required in
6 certain suspension and revocation cases.--Except as provided
7 in s. 322.03(2), any person:

8 (1) Whose driving privilege has been revoked:

9 (a) Upon conviction for:

10 1. Driving, or being in actual physical control of,
11 any vehicle while under the influence of alcoholic beverages,
12 any chemical substance set forth in s. 877.111, or any
13 substance controlled under chapter 893, in violation of s.
14 316.193;

15 2. Driving with an unlawful blood- or breath-alcohol
16 level;

17 3. Manslaughter resulting from the operation of a
18 motor vehicle;

19 4. Failure to stop and render aid as required under
20 the laws of this state in the event of a motor vehicle
21 collision ~~accident~~ resulting in the death or personal injury
22 of another;

23 5. Reckless driving; or

24 (b) As a habitual offender;

25 (c) Upon direction of the court, if the court feels
26 that the seriousness of the offense and the circumstances
27 surrounding the conviction warrant the revocation of the
28 licensee's driving privilege; or

29 (2) Whose license was suspended under the point
30 system, was suspended for driving with an unlawful
31 blood-alcohol level of 0.10 percent or higher before January

1 1, 1994, was suspended for driving with an unlawful
2 blood-alcohol level of 0.08 percent or higher after December
3 31, 1993, or was suspended for refusing to submit to a lawful
4 breath, blood, or urine test as provided in s. 322.2615
5
6 shall, before the driving privilege may be reinstated, present
7 to the department proof of completion of ~~enrollment in~~ a
8 department-approved advanced driver improvement course or
9 substance abuse education course. ~~If the person fails to~~
10 ~~complete such course within 90 days after reinstatement, the~~
11 ~~driver's license shall be canceled by the department until~~
12 ~~such course is successfully completed.~~

13 Section 8. Subsection (1) of section 627.06501,
14 Florida Statutes, is amended to read:

15 627.06501 Insurance discounts for certain persons
16 completing driver improvement course.--

17 (1) Any rate, rating schedule, or rating manual for
18 the liability, personal injury protection, and collision
19 coverages of a motor vehicle insurance policy filed with the
20 department may provide for an appropriate reduction in premium
21 charges as to such coverages when the principal operator on
22 the covered vehicle has successfully completed a driver
23 improvement course approved and certified by the Department of
24 Highway Safety and Motor Vehicles which is effective in
25 reducing crash or violation rates, or both, as determined
26 pursuant to s. 318.1451(7)~~s. 318.1451(5)~~. Any discount, not
27 to exceed 10 percent, used by an insurer is presumed to be
28 appropriate unless credible data demonstrates otherwise.

29 Section 9. This act shall take effect July 1, 1999.
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SENATE SUMMARY

Revises various laws governing driver improvement schools. Increases from five to eight the number of times a person cited for certain traffic infractions may elect to attend a driver improvement course in lieu of making a court appearance. Requires that courses be approved by the Department of Highway Safety and Motor Vehicles. Requires the provider of a driver improvement school to certify the course instructors. Imposes an application fee of \$10,000 for a provider seeking course approval from the department for a driver improvement course or traffic law and substance abuse education program. Provides a fee of \$5,000 for certain studies of courses conducted by the department. Provides a fee of \$2.50 for persons who enroll in a driver improvement course by court order. Requires that certain persons who are convicted of, or who plead nolo contendere to, certain noncriminal traffic offenses attend a mandatory driver improvement course. Provides for cancellation of the driver's license of any person who fails to complete the course. Deletes a requirement that the department conduct financial audits of course providers. Provides that a person who enrolls in a department-approved advanced driver improvement course may qualify for license reinstatement. (See bill for details.)