

1 school that offers department-approved courses related to ss.
2 318.14(9), 322.0261, 322.095, and 322.291.

3 (2) In determining whether to approve the courses
4 referenced in this section, the department shall consider
5 course content designed to promote safety, driver awareness,
6 accident avoidance techniques, and other factors or criteria
7 to improve driver performance from a safety viewpoint.

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

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

23 (5) The Department of Highway Safety and Motor
24 Vehicles is directed to perform studies of the driver
25 improvement courses offered in Florida to determine the
26 effectiveness of such courses on crash and violation rates.
27 ~~The department must report its findings to the Legislature by~~
28 ~~October 1, 1997.~~ The department is authorized to establish
29 control groups of licensed drivers to test the effectiveness
30 of the courses, and the department shall have the authority to
31 suspend the normal penalties provided by chapters 316, 318,

1 and 322 with respect to those persons participating in the
2 studies. A driver improvement course must pass both the
3 Violation and Crash Recidivism portions of the department's
4 Study of the Effectiveness of Basic Driver Improvement Courses
5 (the "study"). However, any driver improvement course
6 approved to operate before July 1, 1999, but which has
7 previously failed either the Violation or Crash Recidivism
8 components of the study may apply for provisional approval as
9 a new basic driver improvement course pursuant to Rule
10 15A-8.002(11) and Rule 15A-8.006(3)(b), Florida Administrative
11 Code.

12 (6)(a) It is the policy of this state that all state,
13 county, city, and municipal employees and agencies shall not
14 market, advertise, provide, or maintain specific information
15 regarding individual driver improvement schools, course
16 providers, or associated entities, whatsoever. The department
17 shall prepare, provide, and maintain a uniform basic driver
18 improvement school reference guide (the "Traffic School
19 Reference Guide"). The Traffic School Reference Guide shall
20 only:

21 1. Indicate the statutory benefits provided to those
22 who elect to attend and complete an approved basic driver
23 improvement course.

24 2. List the procedure for enrolling in a driver
25 improvement course.

26 3. Direct all inquiries to the local telephone
27 directory under the heading "Driving Instruction."

28 4. Provide the point system and suspension information
29 contained in HSMV 79102.

30
31

1 The Traffic School Reference Guide shall be issued with each
2 and every citation for a moving violation and shall not refer
3 to or contain any information whatsoever regarding any
4 specific driver improvement school or schools, course provider
5 or providers, or related associations or entities.

6 (b) The department, courts, clerks of courts, law
7 enforcement agencies, public schools, and all other
8 governmental entities shall not promulgate, distribute,
9 provide, maintain, or issue orders concerning, any information
10 or literature regarding driver improvement schools, course
11 providers, related associations or entities except for the
12 Traffic School Reference Guide or the telephone directory
13 heading Driving Instruction and shall not refer to or contain
14 any information whatsoever regarding any specific driver
15 improvement school or schools, course provider or providers,
16 or related associations or entities. This section does not
17 preclude courts from entering orders directing an individual
18 to attend driver improvement training. Any person willfully
19 or knowingly violating the provisions of this subsection is
20 guilty of a misdemeanor of the first degree, punishable as
21 provided for in s. 775.082 or s. 775.083.

22 (7) Any person who becomes approved as an instructor
23 or teacher for any driver improvement course, course provider,
24 school or associated entity, as defined by Rule 15-A8.002,
25 Florida Administrative Code, after July 1, 1999, must have
26 documentary proof of receipt of a bachelor's or higher degree
27 from an accredited institution of higher learning. However,
28 any person who has been approved as a driver improvement
29 instructor or teacher on or before July 1, 1999, shall be
30 allowed to continue as an instructor or teacher for a period
31 of 4 years or until July 1, 2003.

1 (8) Driver improvement courses shall not be offered by
2 means of the Internet, videotape, or any other medium unless
3 an approved instructor is physically present and in attendance
4 with the students throughout duration of the presentation of
5 the course.

6 Section 2. Paragraph (b) of subsection (1) of section
7 322.0261, Florida Statutes, is amended to read:

8 322.0261 Mandatory driver improvement course; certain
9 accidents.--

10 (1) The department shall screen accident reports
11 received under s. 316.066 or s. 324.051 to identify accidents
12 involving the following:

13 (b) An accident ~~A second accident by the same operator~~
14 ~~within the previous 2-year period~~ involving property damage in
15 an apparent amount of at least \$500.

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

18 318.14 Noncriminal traffic infractions; exception;
19 procedures.--

20 (9) Any person who is cited for an infraction under
21 this section other than a violation of s. 320.0605(1), s.
22 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.
23 322.62 may, in lieu of a court appearance, elect to attend in
24 the location of his or her choice within this state a basic
25 driver improvement course approved by the Department of
26 Highway Safety and Motor Vehicles. In such a case,
27 adjudication must be withheld; points, as provided by s.
28 322.27, may not be assessed; and the civil penalty that is
29 imposed by s. 318.18(3) must be reduced by 18 percent;
30 however, a person may not make an election under this
31 subsection if the person has made an election under this

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

6 Section 4. This act shall take effect July 1, 1999.

7
8 *****

9 HOUSE SUMMARY

10 Eliminates the authority of the chief judge of the
11 applicable judicial circuit to establish requirements
12 regarding the location of driver improvement schools
13 within the judicial circuit. Provides requirements with
14 respect to driver improvement schools for courses offered
15 after July 1, 1999. Provides state policy with respect
16 to individual driver improvement schools. Provides a
17 first degree misdemeanor penalty for persons who
18 willfully and knowingly violate such policy. Provides
19 additional requirements with respect to driver
20 improvement school instructors. Provides that driver
21 improvement courses shall not be offered by means of the
22 Internet, videotape, or any other medium unless an
23 approved instructor is physically present and in
24 attendance with the students throughout the duration of
25 the course. Increases to seven the number of times a
26 person may elect to take a basic driver improvement
27 course. See bill for details.
28
29
30
31