

By Senator Horne

6-1177-99

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 that a person cited for certain
5 violations may elect to attend a driver
6 improvement school in lieu of a court
7 appearance; amending s. 318.1452, F.S.;
8 deleting provisions authorizing the chief judge
9 to establish requirements for the location of
10 driver improvement schools within the circuit;
11 deleting obsolete provisions; providing
12 qualification requirements for a driver
13 improvement school; requiring a school to
14 suspend operations if it fails to qualify;
15 providing certain exceptions; prohibiting a
16 political subdivision of the state from
17 advertising or providing information on
18 individual driver improvement schools;
19 specifying information that may be provided;
20 providing a penalty; requiring that the
21 reference guide to driver improvement schools
22 issued by the Department of Highway Safety and
23 Motor Vehicles be issued with each citation for
24 a moving violation; providing educational
25 requirements for instructors or teachers for a
26 driver improvement school; providing certain
27 limitations on courses offered via the Internet
28 or other electronic medium; amending s.
29 322.0261, F.S.; revising requirements for the
30 department with respect to screening accident
31 reports; providing an effective date.

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 seven ~~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. Subsections (1) and (5) of section
25 318.1452, Florida Statutes, are amended, and subsections (6),
26 (7), and (8) are added to that section, to read:

27 318.1451 Driver improvement schools.--

28 (1) The Department of Highway Safety and Motor
29 Vehicles shall approve the courses of all 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.

6 (5) The Department of Highway Safety and Motor
7 Vehicles is directed to perform studies of the driver
8 improvement courses offered in Florida to determine the
9 effectiveness of such courses on crash and violation rates.
10 ~~The department must report its findings to the Legislature by~~
11 ~~October 1, 1997.~~The department may ~~is authorized to~~ establish
12 control groups of licensed drivers to test the effectiveness
13 of the courses, and the department may ~~shall have the~~
14 ~~authority to~~ suspend the normal penalties provided by chapters
15 316, 318, and 322 with respect to those persons participating
16 in the studies. The department may not approve a driver
17 improvement course unless the course qualifies under the
18 violation portion and the crash recidivism portion of the
19 department's study of the effectiveness of basic driver
20 improvement courses. If a driver improvement course does not
21 qualify under both portions of the department's study, the
22 course must suspend operations. However, any driver
23 improvement course approved to operate before July 1, 1999,
24 which fails either portion of the study may apply for
25 provisional approval as a new basic driver improvement course
26 under Rule 15A-8.002(11) and Rule 15A-8.006(3)(b), Florida
27 Administrative Code.

28 (6)(a) A political subdivision of the state may not
29 market, advertise, or provide to the public specific
30 information on individual driver improvement schools, course
31 providers, or associated entities. The Department of Highway

1 Safety and Motor Vehicles shall prepare and maintain a basic
2 reference guide to driver improvement schools. The reference
3 guide may not provide information other than:

4 1. The statutory benefits provided to a person who
5 elects to attend and complete an approved basic driver
6 improvement course.

7 2. A list of the procedures for enrolling in a driver
8 improvement course.

9 3. A reference to the telephone directory heading of
10 "Driver Instruction."

11 4. Information on the point system and suspension
12 criteria contained in s. 322.27.

13 (b) The department's reference guide for driver
14 improvement schools shall be issued with each citation for a
15 moving violation. The reference guide may not refer to or
16 contain any information on any specific driver improvement
17 school, course provider, or related association or entity.

18 (c) Information or literature on driver improvement
19 schools, course providers, or related associations or entities
20 may not be adopted, distributed, provided, or issued by the
21 department or any court, law enforcement agency, public
22 school, or governmental entity unless the information is the
23 department's reference guide for driver improvement schools or
24 a reference to the telephone directory heading "Driver
25 Instruction." This section does not prohibit a court from
26 ordering that a person attend a driver improvement school. Any
27 person who violates this section commits a misdemeanor of the
28 first degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 (7) After July 1, 1999, a person may not be approved
31 as an instructor or teacher for any driver improvement course,

1 course provider, school, or associated entity unless the
2 person has received a bachelor's degree or higher degree from
3 an accredited institution. However, any person who was
4 approved as a driver improvement instructor or teacher before
5 July 1, 1999, may continue to teach until July 1, 2003.

6 (8) The department may not approve a driver
7 improvement course that is offered via the Internet,
8 videotape, or any other electronic medium unless an approved
9 instructor is physically present and in attendance with the
10 students throughout the entire duration of the presentation of
11 the course.

12 Section 3. Subsection (1) of section 322.0261, Florida
13 Statutes, is amended to read:

14 322.0261 Mandatory driver improvement course; certain
15 accidents.--

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

19 (a) An accident involving death or a bodily injury
20 requiring transport to a medical facility; or

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

24 Section 4. This act shall take effect July 1, 1999.
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SENATE SUMMARY

Provides that a person cited for certain traffic violations may make seven elections rather than five elections to attend a driver improvement school in lieu of a court appearance. Deletes provisions that authorize the chief judge of the circuit to establish the location of driver improvement schools. Provides requirements for the Department of Highway Safety and Motor Vehicles in approving driver improvement schools. Prohibits political subdivisions from advertising or providing information on individual driver improvement schools. Requires that the department's reference guide to driver improvement schools be issued with each citation for a moving violation. Requires that an instructor or teacher at a driver improvement school have received a bachelor's or higher degree. (See bill for details.)