

By Representative Tullis

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. 318.1451, F.S.;  
8           requiring that the Department of Highway Safety  
9           and Motor Vehicles monitor administration and  
10          course presentations by driver improvement  
11          schools; requiring the use of  
12          department-approved teaching methodologies;  
13          requiring that instructors be certified by the  
14          provider; providing requirements for  
15          certification; providing exceptions for  
16          instructors certified before a specified date;  
17          providing requirements for conducting driver  
18          improvement courses; requiring that course  
19          providers pay application fees and fees for  
20          certain studies conducted by the department;  
21          providing a fee for persons who enroll in a  
22          driver improvement course by department order;  
23          requiring that the department conduct certain  
24          studies to test the effectiveness of courses;  
25          requiring the department to adopt rules;  
26          amending s. 322.0261, F.S.; revising  
27          requirements for attending driver improvement  
28          courses for persons convicted of, or who plead  
29          nolo contendere to, certain traffic offenses;  
30          creating s. 322.02615, F.S.; requiring that  
31          certain persons who are convicted of, or who

1           plead nolo contendere to, certain noncriminal  
2           traffic offenses attend a mandatory driver  
3           improvement course; requiring the department to  
4           cancel the driver's license of any person who  
5           fails to complete the course as required;  
6           amending s. 322.095, F.S.; providing additional  
7           requirements for traffic law and substance  
8           abuse education courses; requiring the use of  
9           department-approved teaching methodologies;  
10          requiring that course providers pay application  
11          fees and fees for certain studies conducted by  
12          the department; requiring that the department  
13          conduct studies of traffic law and substance  
14          abuse education courses; deleting a requirement  
15          that the department conduct financial audits of  
16          course providers; providing requirements for  
17          the use of proceeds from certain fees collected  
18          from course participants; providing for a  
19          numbering system to track course completion  
20          certificates; providing for rules; amending s.  
21          322.271, F.S.; providing that enrollment in a  
22          department-approved advanced driver improvement  
23          course may qualify a person for license  
24          reinstatement under certain circumstances;  
25          amending s. 322.291, F.S.; requiring that proof  
26          of completion of a driver improvement course be  
27          presented to the department prior to license  
28          reinstatement; deleting a requirement that a  
29          person's license be canceled for failing to  
30          complete such a course after reinstatement  
31          within a specified period; amending s.

1           627.06501, F.S.; conforming a cross reference  
2           to changes made by the act; providing an  
3           effective date.

4  
5 Be It Enacted by the Legislature of the State of Florida:

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

9           318.14 Noncriminal traffic infractions; exception;  
10 procedures.--

11           (9) Any person who is cited for an infraction under  
12 this section other than a violation of s. 320.0605(1), s.  
13 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.  
14 322.62 may, in lieu of a court appearance, elect to attend in  
15 the location of his or her choice within this state a basic  
16 driver improvement course approved by the Department of  
17 Highway Safety and Motor Vehicles. In such a case,  
18 adjudication must be withheld; points, as provided by s.  
19 322.27, may not be assessed; and the civil penalty that is  
20 imposed by s. 318.18(3) must be reduced by 18 percent;  
21 however, a person may not make an election under this  
22 subsection if the person has made an election under this  
23 subsection in the preceding 12 months. A person may make no  
24 more than eight ~~five~~ elections under this subsection. The  
25 requirement for community service under s. 318.18(8) ~~s.~~  
26 ~~318.18(7)~~ is not waived by a plea of nolo contendere or by the  
27 withholding of adjudication of guilt by a court.

28           Section 2. Section 318.1451, Florida Statutes, is  
29 amended to read:

30           318.1451 Driver improvement schools.--  
31

1           (1) The Department of Highway Safety and Motor  
2 Vehicles shall approve the courses of all driver improvement  
3 schools and monitor the administration and presentation by the  
4 driver improvement schools, as the courses relate to ss.  
5 318.14(9), 322.0261, 322.02615, 322.095, and 322.291. The  
6 chief judge of the applicable judicial circuit may establish  
7 requirements regarding the location of schools within the  
8 judicial circuit. A person may engage in the business of  
9 operating a driver improvement school that offers  
10 department-approved courses related to ss. 318.14(9),  
11 322.0261, 322.095, and 322.291. Any curriculum that is  
12 provisionally or fully approved for use in this state may only  
13 use the teaching methodologies and techniques under which the  
14 curriculum was originally approved by the department. Any  
15 variation of teaching methodology or technique must be  
16 approved by the department and must be based, in part, upon  
17 statistical evidence that demonstrates effectiveness in  
18 reducing crash recidivism or violation recidivism at  
19 statistically significant levels.

20           (2) The department shall ensure that each provider  
21 follows the criteria required for instructors. The provider  
22 must certify that an instructor has at least a high school  
23 diploma or GED, and 2 years of documented teaching experience  
24 in an academic field, including safety, criminal justice,  
25 behavioral science, or a related subject matter; or 2 years of  
26 documented formal education beyond high school; or 2 years of  
27 documented full-time employment experience in safety, criminal  
28 justice, behavioral science, or a related field. The  
29 instructor must have a valid driver's license at the time of  
30 certification and throughout the certification period, with  
31 not more than two moving violations during the prior 3 years

1 or any violation that results in suspension or revocation of  
2 the instructor's driver license. A person who has been found  
3 guilty of any felony or any offense involving driving under  
4 the influence during the prior 10 years may not be certified  
5 as an instructor. The provider shall recertify an instructor  
6 every 2 years if the instructor remains qualified for  
7 certification. In order to maintain qualification for  
8 certification, an instructor must attend at least 8 hours of  
9 course-specific, inservice education every 2 years and must  
10 teach at least two complete courses each year for every course  
11 for which the instructor holds certification; however, an  
12 instructor who holds a certification by the department  
13 pursuant to s. 322.292 to teach DUI courses at the time of  
14 recertification and who has taught at least two complete DUI  
15 courses each year during the recertification period shall be  
16 exempted from the 8-hour course-specific, inservice education  
17 requirement solely as it relates to the instructors'  
18 recertification as an instructor for the traffic law and  
19 substance abuse education courses referred to in s. 322.095  
20 for that recertification period. This subsection does not  
21 apply to an instructor who is certified before January 1,  
22 1999, so long as the instructor's certification is not  
23 canceled, does not expire, or is not otherwise interrupted.

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

28 (4)~~(2)~~ In determining whether to approve the courses  
29 referenced in this section, the department shall consider  
30 course content designed to promote safety, driver awareness,  
31 collision ~~accident~~ avoidance techniques, and other factors or

1 criteria to improve driver performance from a safety  
2 viewpoint. Courses must be held in a classroom setting where  
3 all students are present and under the direct instruction of a  
4 certified instructor who uses techniques that provide for  
5 interactive participation by the students. A course provider  
6 may not use a teaching format that includes home study or  
7 distance learning and a course may not consist exclusively of  
8 electronic or video presentations. Each course provider  
9 seeking course approval from the department on or after July  
10 1, 1999, shall pay an application fee of \$10,000 to cover the  
11 department's administrative cost of processing the  
12 application. The application fee is nonrefundable. Each course  
13 provider shall pay the department a nonrefundable fee of  
14 \$5,000 in connection with the initial effectiveness study  
15 under subsection (7). If the course curriculum fails the  
16 effectiveness study, the fee must be paid for any subsequent  
17 study until the course curriculum has passed the effectiveness  
18 study. However, a study may be performed only once every 6  
19 months and the department may not conduct more than two  
20 studies for any one course. An effectiveness study may not be  
21 conducted for a course later than 3 years after the initial  
22 study.

23 (5)~~(3)~~ The Department of Highway Safety and Motor  
24 Vehicles shall suspend accepting proof of attendance of  
25 courses from persons who attend those schools that do not  
26 teach an approved course. In those circumstances, a person  
27 who has elected to take courses from such a school shall  
28 receive a refund from the school, and the person shall have  
29 the opportunity to take the course at another school.

30 (6)~~(4)~~ In addition to a regular course fee, an  
31 assessment fee in the amount of \$2.50 shall be collected by

1 the school from each person who enrolls in a  
2 department-approved driver improvement course by department  
3 order or who elects to attend a course, as it relates to ss.  
4 318.14(9), 322.0261, 322.02615, 322.291, and 627.06501. For  
5 each person who completes the course, the \$2.50 assessment  
6 fee, which shall be remitted to the Department of Highway  
7 Safety and Motor Vehicles and deposited in the Highway Safety  
8 Operating Trust Fund to administer this program and to fund  
9 the general operations of the department.

10 (7)(5) The Department of Highway Safety and Motor  
11 Vehicles shall is directed to perform studies of the driver  
12 improvement courses offered in Florida to determine the  
13 effectiveness of such courses on crash and violation rates.  
14 The department must report its findings to the Legislature by  
15 October 1, 2002, and at least once every 5 years thereafter  
16 1997. The department shall conduct the effectiveness studies  
17 using generally accepted statistical evaluation procedures and  
18 may is authorized to establish control groups using random  
19 assignment of licensed drivers to test the effectiveness of  
20 the courses., and The department may shall have the authority  
21 to suspend the normal penalties provided by chapters 316, 318,  
22 and 322 with respect to those persons participating in the  
23 studies.

24 (8) The Department of Highway Safety and Motor  
25 Vehicles shall adopt and enforce rules to administer this  
26 section, including procedures for resolving consumer  
27 complaints. In addition, the department may bring appropriate  
28 action to enjoin unlawful activities. The department shall  
29 adopt rules providing for the issuance of a course completion  
30 certificate number to each person who completes an approved  
31 driver improvement course, and shall implement a system for

1 tracking the course completion certificate numbers to ensure  
2 course completion certificates are not used by more than one  
3 person and to assist in the evaluation of course  
4 effectiveness.

5 Section 3. Section 322.0261, Florida Statutes, is  
6 amended to read:

7 322.0261 Mandatory basic driver improvement course;  
8 certain collisions ~~accidents~~.--

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

12 (a) A collision that involves ~~An accident involving~~  
13 death or a bodily injury requiring transport to a medical  
14 facility; or

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

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

28 (3) In determining whether to approve a basic driver  
29 improvement course for the purposes of this section, the  
30 department shall consider course content designed to promote  
31 safety, driver awareness, collision-avoidance ~~accident~~

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

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

5 322.02615 Mandatory driver improvement course; certain  
6 violations.--

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

9 (a) Are less than 22 years of age and have been  
10 convicted of, or pleaded nolo contendere to, two or more  
11 noncriminal moving infractions.

12 (b) Have been convicted of, or pleaded nolo contendere  
13 to, more than one noncriminal moving infraction committed in a  
14 12-month period.

15 (2) With respect to an operator identified under  
16 subsection (1), the department shall require that the  
17 operator, in addition to other applicable penalties, attend a  
18 department-approved driver improvement course in order to  
19 maintain driving privileges. If the operator fails to complete  
20 the course within 90 days after receiving notice from the  
21 department, the operator's driver license shall be canceled by  
22 the department until the course is successfully completed.

23 (3) Attendance of a course approved by the department  
24 as a driver improvement course for purposes of s. 318.14(9)  
25 shall satisfy the requirements of this section. However,  
26 attendance of a course as required by this section is not  
27 included in the limitation on the total number of course  
28 elections under s. 318.14(9).

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

31

1           322.095 Traffic law and substance abuse education  
2 program for driver's license applicants.--

3           (1) The Department of Highway Safety and Motor  
4 Vehicles must approve traffic law and substance abuse  
5 education courses that must be completed by applicants for a  
6 Florida driver's license. The curricula for the courses must  
7 provide instruction on the physiological and psychological  
8 consequences of the abuse of alcohol and other drugs, the  
9 societal and economic costs of alcohol and drug abuse, the  
10 effects of alcohol and drug abuse on the driver of a motor  
11 vehicle, and the laws of this state relating to the operation  
12 of a motor vehicle. Courses must be held in a classroom  
13 setting where all students are present and under the direct  
14 instruction of a certified instructor who uses techniques that  
15 provide for interactive participation by the students. A  
16 course provider may not use a teaching format that includes  
17 home study or distance learning and a course may not consist  
18 exclusively of electronic or video presentations.All  
19 instructors teaching the courses shall be certified by the  
20 course provider department. Any curriculum that is  
21 provisionally or fully approved for use in this state may only  
22 use the teaching methodologies and 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. Each course provider seeking  
29 course approval from the department on or after July 1, 1999,  
30 shall pay an application fee of \$10,000 to cover the  
31 department's administrative cost of processing the

1 application. The application fee is nonrefundable. Each course  
2 provider shall pay the department a nonrefundable fee of  
3 \$5,000 in connection with the initial effectiveness study  
4 under s. 318.1451(7). If the course curriculum fails the  
5 effectiveness study, the fee must be paid for any subsequent  
6 study until the course curriculum has passed the effectiveness  
7 study. However, a study may be performed only once every 6  
8 months and the department may not conduct more than two  
9 studies for any one course. An effectiveness study may not be  
10 conducted for a course later than 3 years after the initial  
11 study.

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

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

29 (4) The fee charged by the course provider must bear a  
30 reasonable relationship to the cost of the course. ~~The~~  
31 ~~department must conduct financial audits of course providers~~

1 ~~conducting the education courses required under this section~~  
2 ~~or require that financial audits of providers be performed, at~~  
3 ~~the expense of the provider, by a certified public accountant.~~

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

8 (6) Each course provider must collect a \$3 assessment  
9 fee in addition to the enrollment fee charged to participants  
10 of the traffic law and substance abuse course required under  
11 this section. The \$3 assessment fee collected by the course  
12 provider must be forwarded to the department within 30 days  
13 after receipt of the assessment. These funds shall be  
14 deposited into the operating trust fund of the department and  
15 used to administer and enforce laws regulating the traffic law  
16 and substance abuse education courses and for the general  
17 operations of the department. The department shall adopt rules  
18 providing for the issuance of a course completion certificate  
19 number to each person who completes an approved traffic law  
20 and substance abuse education course, and shall implement a  
21 system for tracking the course completion certificate numbers  
22 to ensure course completion certificates are not used by more  
23 than one person and to assist in the evaluation of course  
24 effectiveness.

25 Section 6. Paragraph (a) of subsection (2) of section  
26 322.271, Florida Statutes, 1998 Supplement, is amended to  
27 read:

28 322.271 Authority to modify revocation, cancellation,  
29 or suspension order.--

30 (2)(a) Upon such hearing, the person whose license has  
31 been suspended, canceled, or revoked may show that such

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

1 shall not be granted to a person whose license is revoked  
2 pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and  
3 who has been convicted of a violation of s. 316.193 two or  
4 more times or whose license has been suspended two or more  
5 times for refusal to submit to a test pursuant to s. 322.2615  
6 or former s. 322.261.

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

9 322.291 Driver improvement schools; required in  
10 certain suspension and revocation cases.--Except as provided  
11 in s. 322.03(2), any person:

12 (1) Whose driving privilege has been revoked:

13 (a) Upon conviction for:

14 1. Driving, or being in actual physical control of,  
15 any vehicle while under the influence of alcoholic beverages,  
16 any chemical substance set forth in s. 877.111, or any  
17 substance controlled under chapter 893, in violation of s.  
18 316.193;

19 2. Driving with an unlawful blood-alcohol ~~blood~~-or  
20 breath-alcohol level;

21 3. Manslaughter resulting from the operation of a  
22 motor vehicle;

23 4. Failure to stop and render aid as required under  
24 the laws of this state in the event of a motor vehicle  
25 collision ~~accident~~ resulting in the death or personal injury  
26 of another;

27 5. Reckless driving; or

28 (b) As a habitual offender;

29 (c) Upon direction of the court, if the court feels  
30 that the seriousness of the offense and the circumstances  
31

1 surrounding the conviction warrant the revocation of the  
2 licensee's driving privilege; or

3 (2) Whose license was suspended under the point  
4 system, was suspended for driving with an unlawful  
5 blood-alcohol level of 0.10 percent or higher before January  
6 1, 1994, was suspended for driving with an unlawful  
7 blood-alcohol level of 0.08 percent or higher after December  
8 31, 1993, or was suspended for refusing to submit to a lawful  
9 breath, blood, or urine test as provided in s. 322.2615

10  
11 shall, before the driving privilege may be reinstated, present  
12 to the department proof of completion of ~~enrollment in a~~  
13 department-approved advanced driver improvement course or  
14 substance abuse education course. ~~If the person fails to~~  
15 ~~complete such course within 90 days after reinstatement, the~~  
16 ~~driver's license shall be canceled by the department until~~  
17 ~~such course is successfully completed.~~

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

20 627.06501 Insurance discounts for certain persons  
21 completing driver improvement course.--

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

1 to exceed 10 percent, used by an insurer is presumed to be  
2 appropriate unless credible data demonstrates otherwise.

3 Section 9. This act shall take effect July 1, 1999.

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5 \*\*\*\*\*

6 HOUSE SUMMARY

7  
8 Revises various laws governing driver improvement  
9 schools. Increases from five to eight the number of times  
10 a person cited for certain traffic infractions may elect  
11 to attend a driver improvement course in lieu of making a  
12 court appearance. Requires that courses be approved by  
13 the Department of Highway Safety and Motor Vehicles.  
14 Requires the provider of a driver improvement school to  
15 certify the course instructors. Imposes an application  
16 fee of \$10,000 for a provider seeking course approval  
17 from the department for a driver improvement course or  
18 traffic law and substance abuse education program.  
19 Provides a fee of \$5,000 for certain studies of courses  
20 conducted by the department. Provides a fee of \$2.50 for  
21 persons who enroll in a driver improvement course by  
22 department order. Requires that certain persons who are  
23 convicted of, or who plead nolo contendere to, certain  
24 noncriminal traffic offenses attend a mandatory driver  
25 improvement course. Provides for cancellation of the  
26 driver's license of any person who fails to complete the  
27 course. Deletes a requirement that the department conduct  
28 financial audits of course providers. Provides that a  
29 person who enrolls in a department-approved advanced  
30 driver improvement course may qualify for license  
31 reinstatement. (See bill for details.)