

STORAGE NAME: h1723s1z.jud  
DATE: October 6, 2000

**\*\*VETOED BY GOVERNOR\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
JUDICIARY  
FINAL ANALYSIS**

**BILL #:** CS/HB 1723 (Passed in CS/SB 2368)  
**RELATING TO:** Driver Improvement Schools  
**SPONSOR(S):** Committee on Judiciary and Representative Alexander  
**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) JUDICIARY YEAS 8 NAYS 0
  - (2) FINANCE AND TAXATION
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

**THIS ANALYSIS APPLIES TO CS/SB 2368.**

The bill requires law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation. The bill removes the limit on the number of times a person can elect to attend traffic school in lieu of a court appearance.

The bill requires traffic schools to assess each person who is court ordered to attend the school \$2.50. Currently, the fee is only assessed on persons who elect to attend the school in lieu of a court appearance.

The bill provides that the Department of Highway Safety and Motor Vehicles shall screen crash reports and require persons involved in a crash causing damage of \$2500 or more who were convicted or pleaded nolo contendere to a traffic offense relating to the crash to attend a basic driver improvement course.

The bill creates a new statute to require the Department of Highway Safety and Motor Vehicles to screen reports of convictions for violations of chapter 316 for two classes of operators and require these operators to attend a driver improvement course:

- (1) Operators under 21 who have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance; and
- (2) Operators who have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a twelve month period.

The bill defines "motor home" as a vehicle that does not exceed the length, height, and width limitations set forth in s. 316.515, F.S.

The bill is effective October 1, 2000.

**CS/SB 2368 WAS VETOED BY THE GOVERNOR ON JUNE 16, 2000.** See Section V. Comments for a discussion of the veto message.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes  No  N/A

The bill creates new requirements for persons under 21 who receive traffic citations. It creates new requirements for persons under 18 to obtain a driver's license.

2. Lower Taxes Yes  No  N/A

3. Individual Freedom Yes  No  N/A

4. Personal Responsibility Yes  No  N/A

5. Family Empowerment Yes  No  N/A

B. PRESENT SITUATION:

Effective June 1, 2000, s. 318.1451(5), F.S., prohibits any governmental entity or court from providing any information regarding driver improvement schools or course providers except the Traffic School Reference Guide. The entities however, can direct inquiries or requests to the local telephone directory heading of driving instruction. s. 318.1451(5)(b), F.S.

Effective June 1, 2000, the Department of Highway Safety and Motor Vehicles (DHS&MV) is required to prepare a Traffic School Reference Guide that may be distributed by governmental entities. The information contained in the guide is restricted to the benefits of attending a driver improvement school, but cannot list course providers or schools. s. 318.1451(5)(b), F.S. DHS&MV does not currently print the Traffic School Reference Guide.

Section 318.14(9), F.S., permits someone cited for certain traffic infractions to elect to attend a basic driver improvement course (traffic school) in lieu of a court appearance. If a person attends traffic school, adjudication is withheld, points are not assessed on the offender's driver's license, and the civil penalty is reduced if the person has not made such an election in the previous twelve months. s. 318.14(9), F.S. A person may only elect to attend traffic school in lieu of court appearance five times. Id. In addition, the current statutes allow an assessment fee of \$2.50 only on those persons electing to attend a driver improvement course and do not address traffic school attendees who attend pursuant to court order. s. 318.1451(4), F.S. This assessment is remitted to DHS&MV. Id.

DHS&MV is responsible for screening crash reports to identify motor vehicle operators required to attend a driver improvement course. s. 322.0261, F.S. The criteria for mandatory attendance are two crashes within two years involving property damage of at least \$500. s. 322.0261(1)(b), F.S.

Currently, a "motor home" as defined by s.320.01, F.S., cannot exceed 40 feet in length.

C. EFFECT OF PROPOSED CHANGES:

Section 1 of the bill requires law enforcement officers to issue a copy of the Traffic School Reference Guide each time the officer issues a traffic citation.

Section 2 of the bill removes the limit on the number of times a person can elect to attend traffic school in lieu of a court appearance. Currently, a person can only make that election five times.

Section 3 of the bill requires traffic schools to assess each person who is court ordered to attend the school \$2.50. Currently, the fee is only assessed on persons who elect to attend the school in lieu of a court appearance. s. 318.1451(4), F.S.

Section 4 of the bill amends s. 322.0261(1)(b), F.S., to require DHS&MV to screen crash reports. Any person involved in a crash causing damage of \$2500 or more who was convicted of or pleaded nolo contendere to a traffic offense giving rise to the crash must attend a basic driver improvement course. If the operator does not complete the course within 90 days of receiving notice from DHS&MV, the operator's license is canceled until the course is completed.

Section 5 of the bill creates s. 322.02615, F.S., to require DHS&MV to screen reports of convictions for violations of chapter 316, F.S., for two classes of operators:

- (1) Operators under 21 who have been convicted of, or pleaded nolo contendere to, a noncriminal moving infraction and have also been convicted of, or pleaded nolo contendere to, another noncriminal moving infraction since initial license issuance; and
- (2) Operators who have been convicted of, or pleaded nolo contendere to, more than one noncriminal moving infraction in a twelve month period.

Operators identified by this screening are required to attend a basic driver improvement course within 90 days. If the operator fails to complete the course, the operator's license is canceled until the course is completed. Attendance at a driving course pursuant to s. 318.14(9), F.S., will satisfy the requirements of the new section.

Section 6 of the bill amends the length requirements for "motor homes" to conform with s. 316.515, F.S. This would remove the current 40 foot length limitation for mobile homes and allow motor homes up to 65 feet long.

Section 7 of the bill provides an effective date of October 1, 2000.

**D. SECTION-BY-SECTION ANALYSIS:**

See Section II.C. Effect of Proposed Changes

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

DHS&MV says that fiscal impact from assessments due to proposed changes in the bill is indeterminate.

2. Expenditures:

DHS&MV estimates it will cost \$72,900 to modify the Driver License Software System.

DHS&MV estimates it will have to produce 3.2 million traffic school reference guides at a cost of approximately \$13,000. The cost to ship the guides to appropriate agencies is unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals who are required to attend driver improvement courses will have to pay the costs of such courses. Currently, Tallahassee traffic schools charge from \$30-\$39 for a four hour driver improvement course. A five hour course for first time drivers also costs \$30-\$39.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

DHS&MV suggests that allowing attendance at a commercial driving school pursuant to s. 488.01, F.S., will likely not meet the training requirements of the bill since only 5 of 113 commercial driving schools actually teach someone to operate a motor vehicle.

**Governor's Veto Message to Secretary of State Harris, June 16, 2000**

The Governor vetoed this bill on June 16, 2000. The Governor objected to removing the limitation on the number of times that a driver could attend driving school in lieu of adjudication for traffic offenses. The Governor wrote:

Unfortunately, by allowing an unlimited amount of elections over one's life, we would be weakening penalties for the worst drivers on the road. Drivers can avoid points, increased insurance rates, and adjudication by electing to attend driving school. ... Leniency for consistently bad drivers, even in the name of more driver's education, is something that causes me concern.

The Governor was also concerned that persons involved in an accident where the damage exceeded \$2500 would be required to attend driving school. The Governor believed that such a requirement would "sweep in drivers who have had good driving records with the exception of one isolated accident" or drivers involved in a "fender bender" with an expensive car. Id.

Accordingly, the Governor vetoed the bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

**THIS SECTION APPLIES TO HB 1723.**

The Committee on Judiciary adopted two amendments to the bill. The first was a technical amendment to correct a statutory reference. The second amendment requires DHS&MV to screen accident reports and require any driver who pleads guilty or nolo contendere to an infraction arising from a crash where the apparent property damage exceeds \$2500 to attend a basic driver improvement course. The bill as originally filed required any person involved in a second crash causing damage of \$500 or more who was convicted or pleaded nolo contendere to a traffic offense relating to the crash to attend a basic driver improvement course. The bill was reported favorably as a committee substitute.

The bill passed the House (HJ 670). It died on the Senate Calendar.

CS/SB 2368 passed both Houses but was vetoed by the Governor.

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VII. SIGNATURES:

**COMMITTEE ON JUDICIARY:**

Prepared by:

Staff Director:

L. Michael Billmeier, J.D.

P.K. Jameson, J.D.

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON JUDICIARY:**

Prepared by:

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L. Michael Billmeier, J.D.

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