

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: SB 1076

INTRODUCER: Senator Smith

SUBJECT: DUI Classes

DATE: February 1, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires driving under the influence (DUI) education courses be conducted only by certified DUI instructors. The bill calls for face to face instruction and for interaction in the classroom among offenders and instructors. The bill prohibits DUI education courses from being conducted via the Internet, remote electronic technology, home study, distance learning, or any other method in which the instructor and all offenders are not physically present in the same classroom.

DUI programs must be operated by governmental entities or not-for-profit corporations providing education, evaluation and treatment referral services to DUI offenders as required by court order or by the Department of Highway Safety & Motor Vehicles (DHSMV). The programs are governed by administrative rules which require certain minimum hours of classroom instruction with certified instructors and interactive educational techniques. While DUI program classroom instruction is required under DHSMV rules, no specific provision in the Florida Statutes requires the program to be delivered in this manner.

This bill substantially amends section 322.292 of the Florida Statutes.

II. Present Situation:

Section 316.193(5), F.S., requires a person who is convicted of a DUI offense to complete a substance abuse course conducted by a DUI program. The DHSMV licenses and regulates DUI programs.¹ DUI programs must be operated by governmental entities or not-for-profit

¹ s. 322.292(1), F.S.

corporations providing education, evaluation and treatment referral services as required by court order or by the DHSMV.

Current law requires that in order to satisfy criteria, at a minimum, DUI program applicants must have a classroom in each county in the circuit which is located in a permanent structure readily accessible by public transportation, if transportation is available.² However, a classroom is not required in any county where the total number of DUI convictions in the most recent calendar year is less than 100.

DUI programs are governed by administrative rules which require certain minimum hours of classroom instruction with certified instructors and interactive educational techniques. Chapter 15A-10 of the Florida Administrative Code outlines the standards for DHSMV's DUI program. Currently, the rules require the following for DUI education classes:

- DUI programs are only to employ instructors, Special Supervision Services evaluators, clinical supervisors and evaluators who are certified by DHSMV;³
- Each organization conducting a DUI program shall have sufficient classroom space to comfortably accommodate all students with a minimum of twenty (20) square feet of space per student unless otherwise authorized by local officials;⁴ and
- Courses shall be taught by using primarily interactive educational techniques.⁵

While DUI program classroom instruction is required under DHSMV rules, no specific provision in the Florida Statutes requires the program to be delivered in this manner. No specific language in the rules prohibits DUI education courses from being conducted via the Internet, remote electronic technology, home study, distance learning, or any other method. However, the requirements in the administrative code relating to interactive instruction and classroom space appear to indicate the only method for DUI education courses will be in a classroom.⁶

III. Effect of Proposed Changes:

SB 1076 incorporates current DUI program standards from the Florida Administrative Code into law. The bill amends s. 322.292, F.S., requiring DUI education courses be conducted only by certified DUI instructors. The bill requires face to face instruction and interaction in the classroom among offenders and instructors. The last requirement prohibits DUI courses outside of the traditional classroom setting. Specifically, the bill prohibits DUI education courses from being conducted via the Internet, remote electronic technology, home study, distance learning, or any other method in which the instructor and all offenders are not physically present in the same classroom.

² s. 322.292(2)(c)5.c.

³ Rule 15A-10.022(1), F.A.C.

⁴ Rule 15A-10.023(1), F.A.C.

⁵ Rule 15A-10.025(2), F.A.C.

⁶ See Rule 15A-10.023(1)

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill would prevent organizations that might specialize in alternative methods of DUI educational courses from providing such services in the state. SB 1076 requires DUI educational courses to be conducted only by organizations registered with the DHSMV's DUI program that meet its classroom guidelines.

According to a representative of the Florida Association of DUI Programs, Inc., the fee for Level I DUI program courses (first offense) is \$210 and the fee for Level II courses (second offenses) is \$320.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
