

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 2678

INTRODUCER: Senator Crist

SUBJECT: Driver Education

DATE: April 2, 2008

REVISED: 4/8/08

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/2 amendments
2.			CA	
3.			ED	
4.			EA	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/>            | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input checked="" type="checkbox"/> | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

SB 2678 provides the Department of Highway Safety and Motor Vehicles (department) may not issue a driver's license to a minor unless the minor has completed a specified driver education course. These courses may be from public schools, nonpublic schools, or commercial driving schools. This bill requires the school to issue a certificate to a student who successfully completes the course and provides classroom instruction and behind-the-wheel training requirements for driver education courses.

In addition to current school board funding of driver education courses from a 50-cents per driver's license fee, funds collected under an optional \$5 surcharge on traffic citations may be utilized by the board of county commissioners to meet the additional requirements of the bill.

This bill creates s. 322.093, F.S., and amends s. 1003.48, F.S.

**II. Present Situation:**

*Department of Highway Safety and Motor Vehicles*

The department is currently required by s. 322.18, F.S., to examine every first time applicant prior to the issuance of an original Florida driver license. The examination includes a test of eyesight and hearing, ability to read and understand highway signs, knowledge of traffic laws, and a demonstration of motor vehicle operation skills. In addition, s. 322.095, F.S., requires first time driver license applicants to complete either a Traffic Law and Substance Abuse Education (TLSAE) course or a Department of Education (DOE) driver education course offered pursuant to s. 1003.48, F.S.

To earn an operator's license, s. 322.05(3), F.S., provides a driver must be at least 16 years old and have held a learner's license for at least one year without any traffic convictions. If the person is under 18, a parent or guardian must certify the teen has completed at least 50 hours of behind the wheel driving experience, of which 10 hours must have been at night.

On July 1, 1996, Florida established the Graduated Licensing System. The program gives young drivers more time to learn all the complex skills needed to drive a vehicle. The program consists of three stages beginning with the learner's license.<sup>1</sup> Once a teen driver obtains an operator's license, his or her driving privileges are based on his or her age. Under current Florida law, the following operating restrictions are placed on a minor's driver's license:

- 15 years old (Learner's Permit) – May operate a vehicle only during daylight hours, but after 3 months, may operate a vehicle until 10pm. Must be accompanied by a holder of a valid driver's license who is at least 21 years of age and occupies the closest seat to the right of the driver.<sup>2</sup>
- Under 17 – Must be accompanied by a holder of a valid driver's license who is at least 21 years of age and occupies the closest seat to the right of the driver during the hours of 11:01pm and 5:59am, unless driving to or from work.<sup>3</sup> Driving is allowed between 6am and 11pm.
- 17 years old – Must be accompanied by a holder of a valid driver's license who is at least 21 years of age and occupies the closest seat to the right of the driver during the hours of 1:01am and 4:59am, unless driving to or from work.<sup>4</sup> Driving is allowed between 5am and 1am.
- 18 years old – Driving is allowed at all hours of the day without a licensed passenger requirement.

For the six-month period between June 1, 2007 and November 30, 2007, there were over 88,800 licenses issued to new drivers between the ages of 16 and 18, according to the department's driver's license issuance data. Drivers age 15 to 19 in the state of Florida have the highest rate per 10,000 licensed drivers of crash involvement and the second highest rate in fatal crashes.<sup>5</sup>

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<sup>1</sup> <http://www.flhsmv.gov/teens/licprogram.html>

<sup>2</sup> s. 322.1615, F.S.

<sup>3</sup> s. 322.16(2), F.S.

<sup>4</sup> s. 322.16(3), F.S.

<sup>5</sup> *Traffic Crash Statistics Report 2006*, Florida Department of Highway Safety and Motor Vehicles, 2006.

Chapter 488, F.S., regulates commercial driving schools, and provides the department shall oversee and license all such schools.<sup>6</sup> Section 488.03, F.S., states “an application for a license shall be made in the form prescribed by the department.” Section 488.04, F.S., states “no person shall receive compensation” for providing driver education, or “act in the capacity of a driving school,” without obtaining a certificate from the department. It further states an applicant for an instructor’s certificate “shall be required to take special eye tests, written tests, and road tests, and to furnish proof of his or her qualifications and ability as an instructor.”<sup>7</sup> Section 488.02, F.S., grants the department authority to adopt rules to implement the provisions of the chapter.

The department website contains an application form for receiving a commercial driving school license. The application form requires the following information:

- The name and location of the school;
- The name of the owner, partnership interests, or corporate ownership details;
- A description of the program of instruction, including the amount of classroom time, individual instruction, gender diversity of classes, number of instructors, and other data;
- A copy of the contract signed between the school and customers;
- A list of vehicles used by the school;
- Information regarding the applicant’s prior criminal record, including all misdemeanors and felonies;
- A sworn affidavit of accuracy;
- A copy of the school’s fictitious name filing with the Division of Corporations at the Department of State;
- A copy of a certificate of insurance covering the school’s vehicles;
- An FDLE background report on all owners, partners, directors, officers, or principal stockholders; and
- The statutorily determined fees.<sup>8</sup>

The application form to become a certified commercial driving school instructor requires the applicant to have no suspensions, revocations, cancellations, or disqualifications for three years prior to the date of the application. The form also requires extensive identification and background information, current residence information, past driving records, explanations of past “crimes, misdemeanors, and traffic infractions” in any state, a description of the applicant’s educational history, a description of prior work experience, a requirement that the applicant take the “department approved 32 hour course in driver education,” and the statutorily determined fees.<sup>9</sup>

### *Department of Education*

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<sup>6</sup> s. 488.01, F.S.

<sup>7</sup> s. 488.04(1), F.S.

<sup>8</sup> Generally, a \$250 payment which includes \$200 license fee plus \$ 50 application fee. A renewal costs \$100.

<sup>9</sup> The fee is \$25. This is also the fee to act as an agent of the school and receive an “agent identification card” from the department. (See s. 488.045, F.S.)

Section 1003.48, F.S., requires each district school board to make available a “course of study in the safe and lawful operation of a motor vehicle.”<sup>10</sup> The course may not, however, be made part of, or a substitute for, any minimum graduation requirement.

School boards are permitted to use any of the following procedures to provide the course:

- Use instructional personnel employed by the district school board;
- Contract with commercial driving schools licensed under ch. 488, F.S.; or
- Contract with an instructor certified under the provisions of ch. 488, F.S.

For the purpose of funding this process, s. 322.21, F.S. contains an additional 50-cent fee on every driver’s license issued in the state. School boards then receive funds based on the number of full-time equivalent students at the “appropriate basic program cost factor.” This amount is the same regardless of the instructional method the board selects (contractor vs. employee).

School boards may prescribe course and personnel standards at the district level, if they elect to provide the course by school board employees. Certified instructors or licensed commercial driving schools are presumed qualified, and shall not be required to meet any standards in lieu of or in addition to those prescribed in ch. 488, F.S.

### **III. Effect of Proposed Changes:**

**Section 1** creates s. 322.093, F.S., prohibiting the department from issuing a driver’s license to any person under age 18 unless the person has successfully completed a driver education course given by:

- a public secondary school in compliance with s. 1003.48, F.S.;
- a nonpublic school meeting the standards prescribed in s. 1003.48, F.S.; or
- a commercial driving school licensed under ch. 488, F.S.

Upon completing the course, the student shall be presented with a certificate of completion.

**Section 2** amends s. 1003.48, F.S., to clarify the driver education course must include classroom instruction and behind-the-wheel training. In addition, funds collected under s. 318.1215, F.S.,<sup>11</sup> may be utilized by the boards of county commissioners to supplement funds for driver education courses in public and non-public schools.

**Section 3** provides an effective date of July 1, 2008.

<sup>10</sup> “Motor vehicle” is defined by the statute as “the same meaning as in s. 320.01(1)(a), F.S., and shall include motorcycles and mopeds.”

<sup>11</sup> s. 316.1215, F.S., allows boards of county commissioners to collect up to an additional \$5 for each civil traffic penalty, in order to fund certain driver education programs.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill may have a direct economic impact for licensed commercial driving schools and certified instructors, as the bill would presumably increase the public's desire for the services they provide.

## C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. The impact on each district school board may vary based on current methods of instruction in each district. Those districts already having significant driver education plans (instructors, vehicles, simulators, etc.) may not incur a fiscal impact. Those districts without significant current investment in driver education programs may see a fiscal impact related to the addition of such resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The department provided the following comments:

According to comments provided by the department, the bill would allow students to complete a driver education course provided by any commercial driving school licensed under ch. 488, F.S., to be eligible for a driver license, in lieu of the driver's education courses which are available only through contract negotiated between a public school and a commercial driving school. This suggests some oversight responsibility. The bill could give rise to fraud due to lack of monitoring.

Current law requires commercial driving schools to contract with DOE to provide an approved driver education curriculum. This bill does not provide the requirement for commercial driving schools to be approved by DOE.

The department expects to see a slight increase in the processing time with each of these applications, interacting with the customers, and with verifying the driver education compliance.

The Dori Slosberg Driver Education Safety Act, s. 318.1215, F.S., provides notwithstanding the provisions of s. 318.121, F.S., a board of county commissioners may require, by ordinance, the clerk of the court collect an additional \$5 with each civil traffic penalty which shall be used to fund driver education programs in public and nonpublic schools.

Currently, the department accepts completion of the Driver Education Program as satisfaction of the Traffic Law and Substance Abuse Education Course. However, courses provided by commercial driving schools under ch. 488, F.S., are not considered to comply with requirements of Traffic Law and Substance Abuse Education (TLSAE) courses.

#### **VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

**Barcode 361500 by Transportation:**

Clarifies the bill's provisions apply, "notwithstanding any other provision of law" and authorizes the Commissioner of Education to promulgate the driver education criteria, in lieu of the district school board.

**Barcode 943722 by Transportation:**

Provides a short title citing the act as "Tyler's Bill for Driver Education."