

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: CS/SB 122

INTRODUCER: Transportation Committee and Senator Sobel

SUBJECT: Driver Improvement Schools Programs and Education Programs for Driver's License Applicants

DATE: December 7, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	Fav/CS
2.	_____	_____	ED	_____
3.	_____	_____	CU	_____
4.	_____	_____	BC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill amends ss. 318.1451, 322.0261, and 322.095, F.S., relating to driver improvement schools as well as education programs for driver's license applicants. This bill amends these sections to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The Department of Highway Safety and Motor Vehicles (DHSMV) is required to consider such course content when approving driver improvement courses as well as education programs for driver's license applicants.

This bill amends ss. 318.1451, 322.0261, and 322.095 of the Florida Statutes.

II. Present Situation:

Currently, operating a motor vehicle while using a handheld electronic communication device does not violate Florida law; however, the U.S. Highway and Traffic Safety Administration reports that using a cell phone while driving impairs reaction time as much as a blood alcohol level of .08 and that drivers who use hand-held devices increase their risk of getting into a crash

serious enough to cause injury by a factor of four.¹ As currently enacted, s. 318.1451, F.S., requires that “[i]n determining whether to approve the courses referenced in this section, the department [of Highway Safety and Motor Vehicles] shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint”; s. 322.0261, F.S., requires that “[i]n determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint”; and s. 322.095, F.S., requires that the curricula for the courses developed under that section “must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle.”

Currently, ss. 318.1451, 322.0261, and 322.095, F.S., do not require curricula pertaining to the risks of using a handheld electronic communication device while operating a motor vehicle.

III. Effect of Proposed Changes:

Section 1 of this bill amends s. 318.1451, F.S., to require DHSMV to consider whether a driver improvement school’s curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

Section 2 of this bill amends s. 322.0261, F.S., to require DHSMV to consider whether driver improvement course content includes content on awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

Section 3 of this bill amends s. 322.095, F.S., to require an additional minimum course requirement to traffic law and substance abuse education courses. The bill requires such courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle.

Section 4 of this bill creates an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹ National Highway Traffic Safety Administration. “Distracted Driving Facts and Statistics. 2009. Last viewed 11/30/11. <http://distraction.gov/content/get-the-facts/facts-and-statistics.html>

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There are 22 organizations that provide courses amended by this bill and DHSMV has requested that all course providers update their curriculum by September 30, 2011 in anticipation of the passage of this bill.² Those providers that have not complied with DHSMV's request will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

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

CS by Transportation on December 7, 2011:

The bill was amended to add the same language to s. 322.0261, F.S., which is added to ss. 318.1451 and 322.095, F.S., in order to maintain statutory consistency.

B. Amendments:

None.

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

² Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 122*, (Sep. 6, 2011, on file with the Senate Transportation Committee). **Updated Note:** In testimony before the Senate Committee on Transportation on December 7, 2011, Steven Fielder from DHSMV indicated that all but two of the organizations which provide courses amended by this bill have updated their course materials in anticipation of the passage of this bill.