

1989

Session Law 89-134

Florida Senate & House of Representatives

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**S 94 GENERAL BILL/CS by Transportation; Crenshaw and others
(Similar CS/H 322, Compare CS/S 753)**

Driver's Lic./Traffic Law/Drug Abuse; provides additional requirements for issuance of first-time driver's license; directs H.S.M.V. Dept. to establish traffic law & substance abuse education course; provides for fees; requires certified local DUI schools to offer course; prohibits dept. from issuing driver's license to certain persons who do not complete course; provides assessment to fund administration of course. Creates 322.095; amends 322.08. Effective Date: 01/01/90.

01/12/89 SENATE Prefiled

02/13/89 SENATE Referred to Transportation; Finance, Taxation and Claims; Appropriations

04/04/89 SENATE Introduced, referred to Transportation; Finance, Taxation and Claims; Appropriations -SJ 15

04/11/89 SENATE On Committee agenda—Transportation, 04/13/89, 1:00 pm, Room-C-(LL-32)—No meeting, lack of quorum

04/14/89 SENATE Extension of time granted Committee Transportation

04/17/89 SENATE On Committee agenda—Transportation, 04/19/89, 8:30 am, Room-C-(LL-32)

04/19/89 SENATE Comm. Report: CS by Transportation -SJ 199

04/20/89 SENATE CS read first time -SJ 200; Now in Finance, Taxation and Claims -SJ 199

04/28/89 SENATE Extension of time granted Committee Finance, Taxation and Claims

05/12/89 SENATE On Committee agenda—Finance, Taxation and Claims, 05/16/89, 2:00 pm, Room-1C-(309); Extension of time granted Committee Finance, Taxation and Claims

05/16/89 SENATE Comm. Report: Favorable by Finance, Taxation and Claims -SJ 380

05/17/89 SENATE Now in Appropriations -SJ 380

05/18/89 SENATE Extension of time granted Committee Appropriations

05/31/89 SENATE Withdrawn from Appropriations -SJ 629; Placed on Calendar

06/01/89 SENATE Placed on Consent Calendar -SJ 686 & -SJ 687; CS passed; YEAS 36 NAYS 0 -SJ 761

06/01/89 HOUSE In Messages

06/02/89 HOUSE Received, placed on Calendar; Read second time; Read third time -HJ 1132; CS passed; YEAS 112 NAYS 0 -HJ 1133

06/02/89 Ordered enrolled -SJ 1406

06/12/89 Signed by Officers and presented to Governor

06/27/89 Approved by Governor; Chapter No. 89-134

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: s0094-f.hsc
DATE: July 13, 1989

**HOUSE OF REPRESENTATIVES
HIGHWAY SAFETY AND CONSTRUCTION
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/SB 94

RELATING TO: Drivers' License / Requirements / Substance Abuse Education

SPONSOR(S): Senate Transportation Committee, Senator Crenshaw and others

EFFECTIVE DATE: January 1, 1990

DATE BECAME LAW: June 27, 1989

CHAPTER #: 89-134, Laws of Florida

COMPANION BILL(S): CS/HB 322

- OTHER COMMITTEES OF REFERENCE:**
- (1) Finance, Taxation and Claims
 - (2) Appropriations

I. SUMMARY:

This bill requires persons who apply for an original driver's license to successfully complete a traffic law and substance abuse course. Exempts persons who have been licensed in any other jurisdiction or who have completed a Department of Education driver education course. Provides for the Department of Highway Safety and Motor Vehicles to approve and monitor the traffic law and substance abuse education courses offered by local DUI programs.

Creates the Driver Education Trust Fund to be administered by the Department of Highway Safety and Motor Vehicles. Provides for a \$3 assessment fee collected by the DUI programs to fund the administration by the department. Provides that to the extent that such fees are more than sufficient the funds may be appropriated for other lawful programs of the department.

A. PRESENT SITUATION:

Currently, pursuant to s. 322.03(1)(b), F.S., prior to issuing a driver's license, the Department of Highway Safety and Motor Vehicles shall require any person who has been convicted 2 or more times of a violation of s. 316.193, F.S., (DUI) or of a substantially similar alcohol-related or drug-related offense outside this state within the preceding 5 years, or who has been convicted of 3 or more such offenses within the preceding 10 years, to present proof of successful completion of or enrollment in a department-approved substance abuse education course. If the person fails to complete such education course within 90 days after issuance, the department shall cancel the license.

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Section 322.12(3), F.S., states that every applicant for an original driver license shall be required to pass an examination which shall include a test of the applicant's knowledge of "laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood alcohol level, and driving while intoxicated, and his knowledge of the effects of alcohol and controlled substance".

Further, s. 322.05(4), F.S., provides that the department shall not issue any license "to any person, as an operator or chauffeur who is a habitual drunkard, or is a habitual user of narcotic drugs, or is a habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle".

The Supreme Court administers the Florida DUI Programs Coordination Trust Fund pursuant to s. 25.387, F.S., which is funded by a \$6 fee for DUI convictions to cover the cost of the administration. The DUI Programs Director is responsible for establishing standards for the operation of the DUI programs in the state.

B. EFFECT OF PROPOSED CHANGES:

Provides that the Department of Highway Safety and Motor Vehicles shall not issue a driver's license to a person who has never been issued a driver's license in any jurisdiction until he successfully completes a traffic law and substance abuse education course.

Requires the department to approve and monitor a traffic law and substance abuse education course for applicants for a driver's license. Specifies that certified local DUI programs shall offer the course. The curriculum for the course 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.

Creates the Driver Education Trust Fund to be used by the department for the administration of this program. Provides for an assessment fee of \$3 for each participant in addition to any enrollment fee to be deposited into this trust fund. To the extent that such fees are more than sufficient to fund this program, proceeds from the trust fund may be appropriated for other lawful programs of the department.

Provisions of this bill do not apply to any person who has been licensed in any other jurisdiction or who has satisfactorily completed a Department of Education driver education course.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

The Department of Highway Safety and Motor Vehicles processed 100,258 first-time applicants in fiscal year 1987-88. Upon passage of this bill the department expects to incur expenses for preparation and printing brochures and publications to advise the public of the new licensing requirements. Without such notice the Division of Driver Licenses would experience an increase in applicant activity. Per the department, all first-time applicants would possibly be handled twice.

| | <u>1989-90</u> | <u>1990-91</u> | <u>1991-92</u> |
|---|----------------|----------------|----------------|
| | \$ | \$ | \$ |
| Driving Education Trust Fund: Expenditures: Expenses | <u>25,000</u> | <u>25,000</u> | <u>25,000</u> |
| Total | <u>25,000</u> | <u>25,000</u> | <u>25,000</u> |

*Provides for the printing of 500,000 brochures per year to inform the driving public of the new licensing requirement.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

| | <u>1989-90</u> | <u>1990-91</u> | <u>1991-92</u> |
|---|----------------|----------------|----------------|
| | \$ | \$ | \$ |
| Expenditures: Driving Education Trust Fund: Expenses | <u>25,000</u> | <u>25,000</u> | <u>25,000</u> |
| Total Expenditures | <u>25,000</u> | <u>25,000</u> | <u>25,000</u> |
| Revenue: Driver Education Trust Fund: Total Revenue | <u>150,375</u> | <u>300,750</u> | <u>330,750</u> |
| Net Revenue | <u>125,375</u> | <u>275,750</u> | <u>305,750</u> |

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B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Each first time applicant for a drivers license would be required to successfully complete a traffic law and substance abuse course at the applicants expense. In addition to the course enrollment fee, each applicant would pay a \$3 fee for administration of the course.

2. Direct Private Sector Benefits:

Unknown.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill complies with the State Comprehensive Plan policy contained in s. 187.201(7)(b)23., F.S., to provide effective and efficient driver licensing systems, including a reliable testing system that will help ensure that only qualified drivers receive driver's licenses.

IV. COMMENTS:

A. This bill is consistent with the Issue Conference Policy Statement of "The state should continue efforts to assure driver competence, safe roads, and public transit."

B. Legislative History:

1. Enacted Bill:

Senate Transportation Committee: SB 94 was reported favorably as a committee substitute making CS/SB 94 identical to CS/HB 322.

Senate Finance, Taxation and Claims Committee: Reported favorably.

Senate Appropriations Committee: Withdrawn.

Senate Chamber: Passed.

House Chamber: Passed.

2. Companion Bill:

House Highway Safety and Construction Committee: HB 322 was reported favorably as a committee substitute. The CS incorporated two amendments which were reported favorably by the subcommittee. They clarified provisions relating to the department's role in monitoring rather than establishing the course, and added the provision that to the extent the assessment fees are more than sufficient to fund the administration of the program, proceeds from the trust fund may be appropriated for other lawful programs of the department.

House Finance and Taxation Committee: Reported favorably.

House Chamber: HB 322 died on the House Calendar.


V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:


Lois Watson

Staff Director:


Bill Ham

REVISED: May 16, 1989

BILL NO. CS/SB 94

DATE: May 15, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

| <u>ANALYST</u> | <u>STAFF DIRECTOR</u> | <u>REFERENCE</u> | <u>ACTION</u> |
|--------------------|-----------------------|------------------|------------------|
| 1. <u>Meredith</u> | <u>Garquino</u> | 1. <u>TR</u> | <u>FAV/CS</u> |
| 2. <u>Barrett</u> | <u>Beqqs</u> | 2. <u>FTC</u> | <u>Favorable</u> |
| 3. _____ | _____ | 3. <u>AP</u> | _____ |
| 4. _____ | _____ | 4. _____ | _____ |

SUBJECT:

Driver's License/
Drug Abuse Program

BILL NO. AND SPONSOR:

CS/SB 94 by
Committee on Transportation
and Senator Crenshaw

I. SUMMARY:

A. Present Situation:

Section 322.12 provides that every applicant requesting an original driver's license in this state must pass an examination pursuant to this section, regardless of whether the applicant was previously licensed to drive by another state or country.

The examination will be conducted by the department in the county where the applicant resides. The exam must include a test of the applicant's eyesight, knowledge of the traffic laws of this state including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood alcohol level, driving while intoxicated, and the effects of such usage and dangers involved while operating a motor vehicle.

Section 233.063, F.S., requires that each school board make a course of study and instruction in the safe and lawful operation of a motor vehicle available in the secondary schools. In addition to classroom and field instruction on the operation of a motor vehicle, the course is to include at least classroom instruction on the operation of motorcycles or mopeds. Each school board must prescribe the standards for the course required by this act and for instructional personnel directly employed by the board. This section specifies a fee of 50 cents, in addition to the license fee, for the purpose of funding this program. Funds derived from the fee are deposited into the General Revenue Fund. No funds have been appropriated to the school districts since the mid-70's.

Section 322.21, F.S., provides for a \$19 license fee for an original license which includes the fee for the driver education course provided in s. 233.063, F.S.

There is no driver education or substance abuse education program required for any applicant for a driver's license.

B. Effect of Proposed Changes:

The bill creates s. 322.095, F.S., to require the Department of Highway Safety and Motor Vehicles to approve and monitor a traffic law and substance abuse education program that must be completed by applicants for a Florida driver's license. However, persons licensed in another jurisdiction or who have completed a Department of Education driver's education course offered pursuant to s. 236.063, F.S., would be excluded from the requirement to complete the course. The curriculum must provide instruction on the physiological and psychological consequences of drug and alcohol abuse, on the social and economic cost of abuse, on the effects of substance abuse on

the driver of a motor vehicle, and on the laws of Florida regarding driving under the influence of alcohol or drugs. Completion of the course would not qualify a person for the restoration of a driver's license which had been suspended or revoked.

Following certification of the course by the department, certified local DUI programs would offer the education program at locations reasonably accessible to most participants and would issue certificates upon completion. The department would conduct financial audits and approve the fee set by the local DUI programs.

Each participant in the course would be charged a \$3 assessment by the DUI program in addition to the enrollment fee and these monies would be forwarded to the department monthly. Revenues received would be deposited in the Driver Education Trust Fund created to fund the administration of the program.

Section 322.08, F.S., is amended to provide that after December 31, 1989, the department would be prohibited from issuing a driver's license to any person who has never been issued a driver's license in any jurisdiction until he successfully completes the substance abuse education course.

The bill would take effect on January 1, 1990.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

First-time applicants for a driver license would be required to pay the enrollment fee for the course and an additional \$3 assessment fee. Currently a 4-hour defensive driving course offered by most local DUI programs runs from \$20 to \$30.

B. Government:

The Department of Highway Safety and Motor Vehicles estimates that provisions of this bill would result in the following revenues in the Driver Education Trust Fund:

| | | |
|----------------|----------------|----------------|
| <u>1989-90</u> | <u>1990-91</u> | <u>1991-92</u> |
| \$150,375 | \$300,750 | \$300,750 |

The department estimates that the following resources would be needed:

| <u>Driver Education Trust Fund</u> | <u>1989-90</u> | <u>1990-91</u> | <u>1991-92</u> |
|------------------------------------|-----------------|-----------------|-----------------|
| Salaries | \$28,306 | \$28,306 | \$28,306 |
| Expenses | 29,132 | 29,132 | 29,132 |
| OCO | <u>10,298</u> | <u>-0-</u> | <u>-0-</u> |
| TOTAL | \$67,736 | \$57,438 | \$57,438 |
| Position | 1 | 1 | 1 |

III. COMMENTS:

None.

IV. AMENDMENTS:

None.