

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Bean offered the following:

**Amendment (with title amendment)**

On page 2, between line(s) 26 and 27,  
insert:

Section 3. Paragraph (c) of subsection (2) of section  
322.292, Florida Statutes, is amended to read:

322.292 DUI programs supervision; powers and duties of the  
department.--

(2) The department shall adopt rules to implement its  
supervisory authority over DUI programs in accordance with the  
procedures of chapter 120, including the establishment of  
uniform standards of operation for DUI programs and the method  
for setting and approving fees, as follows:

(c) Implement procedures for the granting and revoking of  
licenses for DUI programs, including:

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27 1. A uniform application fee not to exceed \$1,000 but in  
28 an amount sufficient to cover the department's administrative  
29 costs in processing and evaluating DUI program license  
30 applications. The application fee shall not apply to programs  
31 that apply for licensure to serve a county that does not have a  
32 currently licensed DUI program or where the currently licensed  
33 program has relinquished its license.

34 2. In considering an application for approval of a DUI  
35 program, the department shall determine whether improvements in  
36 service may be derived from the operation of the DUI program and  
37 the number of clients currently served in the circuit. The  
38 department shall apply the following criteria:

39 a. The increased frequency of classes and availability of  
40 locations of services offered by the applicant DUI program.

41 b. Services and fees offered by the applicant DUI program  
42 and any existing DUI program.

43 c. The number of DUI clients currently served and  
44 historical trends in the number of clients served in the  
45 circuit.

46 d. The availability, accessibility, and service history of  
47 any existing DUI program services.

48 e. The applicant DUI program's service history.

49 f. The availability of resources, including personnel,  
50 demonstrated management capability, and capital and operating  
51 expenditures of the applicant DUI program.

52 g. Improved services to minority and special needs  
53 clients.

54 3. Authority for competing applicants and currently  
55 licensed DUI programs serving the same geographic area to

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56 request an administrative hearing under chapter 120 to contest  
57 the department's determination of need for an additional  
58 licensed DUI program in that area.

59 4. A requirement that the department revoke the license of  
60 any DUI program that does not provide the services specified in  
61 its application within 45 days after licensure and notify the  
62 chief judge of that circuit of such revocation.

63 5. A requirement that all applicants for initial licensure  
64 as a DUI program in a particular circuit on and after the  
65 effective date of this act must, at a minimum, satisfy each of  
66 the following criteria:

67 a. Maintain a primary business office in the circuit which  
68 is located in a permanent structure that is readily accessible  
69 by public transportation, if public transportation is available.  
70 The primary business office must be adequately staffed and  
71 equipped to provide all DUI program support services, including  
72 registration and a file for each person who registers for the  
73 program.

74 b. Have a satellite office for registration of DUI  
75 offenders in each county in the circuit which is located in a  
76 permanent structure that is readily accessible by public  
77 transportation, if public transportation is available. A  
78 ~~satellite office is not required in any county where the total~~  
79 ~~number of DUI convictions in the most recent calendar year is~~  
80 ~~less than 200.~~

81 c. Have a classroom in each county in the circuit which is  
82 located in a permanent structure that is readily accessible by  
83 public transportation, if public transportation is available. A  
84 ~~classroom is not required in any county where the total number~~

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85 ~~of DUI convictions in the most recent calendar year is less than~~  
86 ~~100.~~ A classroom may not be located within 250 feet of any  
87 business that sells alcoholic beverages. However, a classroom  
88 shall not be required to be relocated when a business selling  
89 alcoholic beverages locates to within 250 feet of the classroom.

90 d. Have a plan for conducting all DUI education courses,  
91 evaluation services, and other services required by the  
92 department. The level I DUI education course must be taught in  
93 four segments, with no more than 6 hours of classroom  
94 instruction provided to any offender each day.

95 e. Employ at least 1 full-time certified addiction  
96 professional for the program at all times.

97 f. Document support from community agencies involved in  
98 DUI education and substance abuse treatment in the circuit.

99 g. Have a volunteer board of directors and advisory  
100 committee made up of citizens who reside in the circuit in which  
101 licensure is sought.

102 h. Submit documentation of compliance with all applicable  
103 federal, state, and local laws, including, but not limited to,  
104 the Americans with Disabilities Act.

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107 ===== T I T L E A M E N D M E N T =====

108 On page 1, line(s) 12,  
109 remove: all of that line and insert:  
110 driver license; amend s. 322.292, F.S.; revising DUI  
111 program licensing requirements; providing an effective  
112 date.