

Bill No. CS for CS for SB 1526

Amendment No. ____ Barcode 901768

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 59, between lines 18 and 19,

insert:

Section 49. 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:

1. A uniform application fee not to exceed \$1,000 but in an amount sufficient to cover the department's administrative costs in processing and evaluating DUI program license applications. The application fee shall not apply to

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1 programs that apply for licensure to serve a county that does
2 not have a currently licensed DUI program or where the
3 currently licensed program has relinquished its license.

4 2. In considering an application for approval of a DUI
5 program, the department shall determine whether improvements
6 in service may be derived from the operation of the DUI
7 program and the number of clients currently served in the
8 circuit. The department shall apply the following criteria:

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

11 b. Services and fees offered by the applicant DUI
12 program and any existing DUI program.

13 c. The number of DUI clients currently served and
14 historical trends in the number of clients served in the
15 circuit.

16 d. The availability, accessibility, and service
17 history of any existing DUI program services.

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

19 f. The availability of resources, including personnel,
20 demonstrated management capability, and capital and operating
21 expenditures of the applicant DUI program.

22 g. Improved services to minority and special needs
23 clients.

24 3. Authority for competing applicants and currently
25 licensed DUI programs serving the same geographic area to
26 request an administrative hearing under chapter 120 to contest
27 the department's determination of need for an additional
28 licensed DUI program in that area.

29 4. A requirement that the department revoke the
30 license of any DUI program that does not provide the services
31 specified in its application within 45 days after licensure

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1 and notify the chief judge of that circuit of such revocation.

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

6 a. Maintain a primary business office in the circuit
7 which is located in a permanent structure that is readily
8 accessible by public transportation, if public transportation
9 is available. The primary business office must be adequately
10 staffed and equipped to provide all DUI program support
11 services, including registration and a file for each person
12 who registers for the program.

13 b. Have a satellite office for registration of DUI
14 offenders in each county in the circuit which is located in a
15 permanent structure that is readily accessible by public
16 transportation, if public transportation is available. A
17 satellite office is not required in any county where the total
18 number of DUI convictions in the most recent calendar year is
19 less than 200.

20 c. Have a classroom in each county in the circuit
21 which is located in a permanent structure that is readily
22 accessible by public transportation, if public transportation
23 is available. A classroom is not required in any county where
24 the total number of DUI convictions in the most recent
25 calendar year is less than 100. A classroom may not be located
26 within 250 feet of any business that sells alcoholic
27 beverages. However, a classroom shall not be required to be
28 relocated when a business selling alcoholic beverages locates
29 to within 250 feet of the classroom.

30 d. Have a plan for conducting all DUI education
31 courses, evaluation services, and other services required by

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1 the department. The level I DUI education course must be
2 taught in four segments, with no more than 6 hours of
3 classroom instruction provided to any offender each day. All
4 DUI education courses must be in a classroom with face-to-face
5 instruction and interaction among offenders and an instructor.

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

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

10 g. Have a volunteer board of directors and advisory
11 committee made up of citizens who reside in the circuit in
12 which licensure is sought.

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

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17 (Redesignate subsequent sections.)

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

21 And the title is amended as follows:

22 On page 6, line 7, after the semicolon

23
24 insert:

25 amending s. 322.292, F.S.; requiring all DUI
26 education courses to be conducted in a
27 classroom with interaction among offenders and
28 an instructor;

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