

Bill No. SB 2030

Amendment No. 1 Barcode 444734

CHAMBER ACTION

Senate

House

1	.
2	.
3	.
4	.
5	
6	
7	
8	
9	
10	

11 The Committee on Criminal Justice recommended the following
12 amendment:

13
14 **Senate Amendment (with title amendment)**
15 On page 73, between lines 6 and 7,
16
17 insert:

18 Section 53. Paragraph (c) of subsection (2) of section
19 322.292, Florida Statutes, is amended to read:

20 322.292 DUI programs supervision; powers and duties of
21 the department.--

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

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

29 1. A uniform application fee not to exceed \$1,000 but
30 in an amount sufficient to cover the department's
31 administrative costs in processing and evaluating DUI program

Bill No. SB 2030

Amendment No. 1 Barcode 444734

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

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

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

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

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

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

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

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

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

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

30 4. A requirement that the department revoke the
31 license of any DUI program that does not provide the services

Bill No. SB 2030

Amendment No. 1 Barcode 444734

1 specified in its application within 45 days after licensure
2 and notify the chief judge of that circuit of such revocation.

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

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

14 b. Have a satellite office for registration of DUI
15 offenders in each county in the circuit which is located in a
16 permanent structure that is readily accessible by public
17 transportation, if public transportation is available. A
18 satellite office is not required in any county where the total
19 number of DUI convictions in the most recent calendar year is
20 less than 200. In a county where the total number of DUI
21 convictions in the most recent calendar year is fewer than 200
22 and no satellite office is located in a permanent structure in
23 that county, another program provider, upon the recommendation
24 of the chief judge of the judicial circuit of that county,
25 shall be approved by the department to serve the county and
26 the provider is not required to have a satellite office in
27 each county in the circuit.

28 c. Have a classroom in each county in the circuit
29 which is located in a permanent structure that is readily
30 accessible by public transportation, if public transportation
31 is available. A classroom is not required in any county where

Bill No. SB 2030

Amendment No. 1 Barcode 444734

1 the total number of DUI convictions in the most recent
2 calendar year is less than 100. A classroom may not be located
3 within 250 feet of any business that sells alcoholic
4 beverages. However, a classroom shall not be required to be
5 relocated when a business selling alcoholic beverages locates
6 to within 250 feet of the classroom.

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

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

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

16 g. Have a volunteer board of directors and advisory
17 committee made up of citizens who reside in the circuit in
18 which licensure is sought.

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

22
23 (Redesignate subsequent sections.)

24
25

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

27 And the title is amended as follows:

28 On page 2, line 6, after the semicolon,

29

30 insert:

31 amending s. 322.292, F.S.; requiring the

Bill No. SB 2030

Amendment No. 1 Barcode 444734

1 Department of Highway Safety and Motor Vehicles
2 to approve a DUI program provider to serve a
3 county with fewer than 200 DUI convictions and
4 no permanent satellite office under certain
5 specified conditions; providing that the DUI
6 program provider is not required to have a
7 satellite office in each county in the circuit;

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31