



211448

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/20/2010	.	
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The Policy and Steering Committee on Ways and Means (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 648 and 649  
insert:

Section 15. Section 322.291, Florida Statutes, is amended  
to read:

322.291 Driver improvement schools or DUI programs;  
required in certain suspension and revocation cases.—

(1) Except as provided in s. 322.03(2), any person:

(a)~~(1)~~ Whose driving privilege has been revoked:

1.~~(a)~~ Upon conviction for:



211448

13           ~~a.1.~~ Driving, or being in actual physical control of, any  
14 vehicle while under the influence of alcoholic beverages, any  
15 chemical substance set forth in s. 877.111, or any substance  
16 controlled under chapter 893, in violation of s. 316.193;

17           ~~b.2.~~ Driving with an unlawful blood- or breath-alcohol  
18 level;

19           ~~c.3.~~ Manslaughter resulting from the operation of a motor  
20 vehicle;

21           ~~d.4.~~ Failure to stop and render aid as required under the  
22 laws of this state in the event of a motor vehicle crash  
23 resulting in the death or personal injury of another;

24           ~~e.5.~~ Reckless driving; or

25           ~~2.(b)~~ As a habitual offender;

26           ~~3.(e)~~ Upon direction of the court, if the court feels that  
27 the seriousness of the offense and the circumstances surrounding  
28 the conviction warrant the revocation of the licensee's driving  
29 privilege; or

30           ~~(b)(2)~~ Whose license was suspended under the point system,  
31 was suspended for driving with an unlawful blood-alcohol level  
32 of 0.10 percent or higher before January 1, 1994, was suspended  
33 for driving with an unlawful blood-alcohol level of 0.08 percent  
34 or higher after December 31, 1993, was suspended for a violation  
35 of s. 316.193(1), or was suspended for refusing to submit to a  
36 lawful breath, blood, or urine test as provided in s. 322.2615

37  
38 shall, before the driving privilege may be reinstated, present  
39 to the department proof of enrollment in a department-approved  
40 advanced driver improvement course operating pursuant to s.  
41 318.1451 or a substance abuse education course conducted by a



211448

42 DUI program licensed pursuant to s. 322.292, which shall include  
43 a psychosocial evaluation and treatment, if referred.  
44 Additionally, for a third or subsequent violation of  
45 requirements for installation of an ignition interlock device, a  
46 person must complete treatment as determined by a licensed  
47 treatment agency following a referral by a DUI program and have  
48 the duration of the ignition interlock device requirement  
49 extended by at least 1 month up to the time period required to  
50 complete treatment. If the person fails to complete such course  
51 or evaluation within 90 days after reinstatement, or  
52 subsequently fails to complete treatment, if referred, the DUI  
53 program shall notify the department of the failure. Upon receipt  
54 of the notice, the department shall cancel the offender's  
55 driving privilege, notwithstanding the expiration of the  
56 suspension or revocation of the driving privilege. The  
57 department may temporarily reinstate the driving privilege upon  
58 verification from the DUI program that the offender has  
59 completed the education course and evaluation requirement and  
60 has reentered and is currently participating in treatment. If  
61 the DUI program notifies the department of the second failure to  
62 complete treatment, the department shall reinstate the driving  
63 privilege only after notice of completion of treatment from the  
64 DUI program.

65 (2) All DUI program services must be completed through a  
66 provider that does not also provide misdemeanor probation  
67 services pursuant to s. 948.15 to the same individual. A waiver  
68 may be granted only if the department determines that there is  
69 not more than one provider of either service in that county.

70 Section 16. Subsection (5) of section 322.292, Florida



211448

71 Statutes, is amended to read:

72 322.292 DUI programs supervision; powers and duties of the  
73 department.—

74 (5) A private probation services provider authorized under  
75 s. 948.15 may not also provide DUI program services under this  
76 section to the same individual unless it is the only provider of  
77 DUI program services in that county ~~refer probationers to any~~  
78 ~~DUI program owned in whole or in part by that probation services~~  
79 ~~provider or its affiliates. The department shall establish rules~~  
80 ~~to administer this subsection.~~

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84  
85 Delete line 85  
86 and insert:

87  
88 motor vehicle insurance rates; amending ss. 322.291,  
89 and 322.292, F.S.; requiring that all DUI program  
90 services be completed at a provider who does not also  
91 provide other misdemeanor probation services to the  
92 same individual; providing that the Department of  
93 Highway Safety and Motor Vehicles may grant a waiver  
94 to such a provider if the department determines that  
95 there is not more than one provider of either service  
96 in that county; amending s. 395.4036,