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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/26/2010 03:28 PM

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 295 and 296

insert:

Section 13. Section 322.291, Florida Statutes, as 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(a)~~(1)~~ Whose driving privilege has been revoked: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:

a.1.~~1.~~ Driving, or being in actual physical control of, any
vehicle while under the influence of alcoholic beverages, any



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14 chemical substance set forth in s. 877.111, or any substance
15 controlled under chapter 893, in violation of s. 316.193;
16 ~~b.2.~~ Driving with an unlawful blood- or breath-alcohol
17 level;
18 ~~c.3.~~ Manslaughter resulting from the operation of a motor
19 vehicle;
20 ~~d.4.~~ Failure to stop and render aid as required under the
21 laws of this state in the event of a motor vehicle crash
22 resulting in the death or personal injury of another;
23 ~~e.5.~~ Reckless driving; or
24 ~~2.(b)~~ As a habitual offender;
25 ~~3.(e)~~ Upon direction of the court, if the court feels that
26 the seriousness of the offense and the circumstances surrounding
27 the conviction warrant the revocation of the licensee's driving
28 privilege; or
29 ~~(b)(2)~~ Whose license was suspended under the point system,
30 was suspended for driving with an unlawful blood-alcohol level
31 of 0.10 percent or higher before January 1, 1994, was suspended
32 for driving with an unlawful blood-alcohol level of 0.08 percent
33 or higher after December 31, 1993, was suspended for a violation
34 of s. 316.193(1), or was suspended for refusing to submit to a
35 lawful breath, blood, or urine test as provided in s. 322.2615
36
37 shall, before the driving privilege may be reinstated, present
38 to the department proof of enrollment in a department-approved
39 advanced driver improvement course operating pursuant to s.
40 318.1451 or a substance abuse education course conducted by a
41 DUI program licensed pursuant to s. 322.292, which shall include
42 a psychosocial evaluation and treatment, if referred.



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

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

69 Section 14. Subsection (5) of section 322.292, Florida
70 Statutes, is amended to read:

71 322.292 DUI programs supervision; powers and duties of the



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72 department.-

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

80

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

82 And the title is amended as follows:

83 Delete line 45

84 and insert:

85 project; amending s. 322.291, F.S.; providing that
86 certain programs that provide misdemeanor program
87 services may not offer DUI programs; providing an
88 exception; amending s. 322.292, F.S.; prohibiting
89 certain private probation services providers from also
90 providing DUI program services in the same county;
91 providing an exception; providing an effective date.