

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bovo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 334-432 and insert:

5 Section 5. Effective July 1, 2010, subsection (15) is
6 added to section 316.193, Florida Statutes, to read:

7 316.193 Driving under the influence; penalties.-

8 (15) Because the Legislature recognizes that the court-
9 ordered DUI immobilization industry, that performs
10 immobilizations under this section, is a rapidly expanding field
11 that requires regulation to ensure that the interests of the
12 public will be adequately served and protected and that
13 untrained persons, unlicensed persons or businesses, or persons
14 who are not of good moral character engaged in this industry are
15 a threat to the welfare of the public if placed in positions of

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16 trust, the Legislature firmly supports regulations for persons
17 and businesses engaged in court-ordered DUI immobilization.

18 (a) There is created the DUI immobilization study
19 commission, which shall be composed of seven total members. Four
20 of the members shall be appointed by the Governor as follows:

21 1. One resident of this state who is actively engaged in
22 the DUI immobilization business as an owner or principal officer
23 of a DUI immobilization business which has been in existence for
24 a minimum of 5 years and who holds a current, valid R License
25 issued pursuant to part IV of chapter 493.

26 2. One resident of this state who is actively engaged in
27 the judicial system.

28 3. One resident of this state who is actively engaged in
29 the law enforcement profession.

30 4. One resident of this state who is actively engaged in
31 the organization Mothers Against Drunk Driving.

32 (b) One resident of this state who shall be appointed by
33 the Speaker of the House of Representatives.

34 (c) One resident of this state who shall be appointed by
35 the Senate President.

36 (d) One resident of this state who shall be appointed by
37 the Commissioner of Agriculture.

38 (e)1. Members shall be appointed for a 6-month term,
39 except that a vacancy shall be filled for the unexpired portion
40 of the term, and except that a person serving under paragraphs
41 (a)-(d) shall cease membership if the person no longer meets the
42 requirements of the provision under which he or she was
43 appointed. In the event of a vacancy, the appointing official

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44 shall appoint a new member who meets the requirements in
45 paragraphs (a)-(d) as a replacement for such position. Members
46 may be reappointed for a second 6-month term.

47 2. The Governor may remove or suspend a member for cause,
48 including, but not limited to, failure to attend at least two
49 meetings of the commission during any 6-month period.

50 3. The members of the commission shall serve without
51 compensation, but shall be reimbursed for all necessary expenses
52 in the performance of their duties, including travel expenses,
53 in accordance with s. 112.061.

54 4. The members of the commission shall elect a chair and
55 vice chair from among its members.

56 (f) The Department of Agriculture and Consumer Services
57 shall supply such information, assistance, and facilities as are
58 necessary for the commission to carry out its duties under this
59 section and shall provide such staff assistance as is necessary
60 for the performance of required clerical and administrative
61 functions of the commission.

62 (g) The commission shall analyze solutions and programs
63 which address the issue of court-ordered DUI immobilizations,
64 including programs or proposals which provide for:

65 1. A regulatory structure for licensing companies which
66 provide court-ordered DUI immobilizations.

67 2. Coordination with the judiciary and local law
68 enforcement.

69 3. Development of such other programs and recommendations
70 as the commission deems appropriate.

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72 In performing its analysis, the commission shall consider both
73 existing and proposed regulatory structures as viable options
74 for the provision of court-ordered DUI immobilizations. The
75 commission shall also give consideration to various types of
76 regulatory structures, including, but not limited to, state
77 agencies, the judicial system, and industry self-regulation.

78 (h) The commission shall review, evaluate, and make
79 recommendations regarding existing and proposed programs and
80 regulatory structures.

81 (i) The commission shall make available to the public its
82 meeting minutes, reports, and recommendations upon request and,
83 to the extent feasible, shall publish its reports and
84 recommendations electronically. The Executive Office of the
85 Governor and the Department of Agriculture and Consumer Services
86 shall make their Internet websites available to the commission
87 for such purposes.

88 (j) By January 31, 2011, the commission shall prepare and
89 submit to the Governor, the President of the Senate, the Speaker
90 of the House of Representatives, and the Commissioner of
91 Agriculture a report detailing its findings and making specific
92 program and legislative recommendations and any other
93 recommendations it deems appropriate.

94 (k) This subsection shall expire and the commission shall
95 terminate upon delivery of the final report required in
96 paragraph (j).

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99 **T I T L E A M E N D M E N T**

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100 Remove lines 12-19 and insert:
101 amending s. 316.193, F.S.; creating a DUI immobilization
102 study commission; providing intent; providing membership;
103 providing duties; requiring a report; providing for
104 termination of the commission; amending s. 316.2065, F.S.;