

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Ray offered the following:

2
3 **Substitute Amendment for Amendment (203273) (with title**
4 **amendment)**

5 Remove lines 425-456 and insert:

6 (j)1. Notwithstanding the provisions of this section and
7 ss. 316.1937 and 322.2715 relating to ignition interlock devices
8 required for second or subsequent offenders, in lieu of the
9 ignition interlock device requirement, the court may order, if
10 deemed appropriate, a person to participate in a qualified
11 sobriety and drug monitoring pilot program pursuant to
12 subparagraph 2. Participation shall be at the person's sole
13 expense. This paragraph applies only to qualified pilot programs

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14 established in the Fourth and Sixth Judicial Circuits under
15 subparagraph 2.

16 2. There is created a qualified sobriety and drug
17 monitoring pilot program within the Fourth and Sixth Judicial
18 Circuits. The department, in conjunction with such circuit
19 courts, the county sheriffs, and the department's licensed DUI
20 program, shall establish an evidence-based program in which
21 participants are regularly tested for alcohol and drug use. As
22 the court deems appropriate, the program may monitor alcohol or
23 drugs through one or more of the following modalities: breath
24 testing twice a day; continuous transdermal alcohol monitoring
25 in cases of hardship; or random blood, breath, urine, or oral
26 fluid testing. Testing modalities that provide the best ability
27 to sanction a violation as close in time as reasonably feasible
28 to the occurrence of the violation should be given preference.
29 This paragraph does not preclude a court from ordering an
30 ignition interlock device as a testing modality.

31 3. For purposes of this section, to qualify as an
32 evidence-based program, the program must satisfy at least two of
33 the following conditions:

34 a. The program is included in the federal registry of
35 evidence-based programs and practices;

36 b. The program has been reported in a peer-reviewed
37 journal as having positive effects on the primary targeted
38 outcome; or

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39 c. The program has been documented as effective by
40 informed experts and other sources.
41 4. The department shall conduct a study and submit a
42 report on the effectiveness of the qualified sobriety and drug
43 monitoring pilot programs, including, but not limited to, the
44 offender compliance rate and the impact on DUI recidivism. By
45 January 1, 2016, the report shall be submitted to the Governor,
46 the President of the Senate, and the Speaker of the House of
47 Representatives.

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

51 Remove lines 29-31 and insert:
52 creating a qualified sobriety and drug monitoring
53 pilot program within certain judicial circuits;
54 authorizing the court to order sobriety and drug
55 monitoring in lieu of specified ignition interlock
56 device requirements; directing the department, in
57 conjunction with specified circuit courts, the county
58 sheriffs, and the department's licensed DUI program,
59 to establish an evidence-based program to test
60 participants for the presence of drugs or alcohol;
61 directing the department to conduct a study and submit
62 a report to the Governor and the Legislature by a
63 specified date; amending s.

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