

SB 1396 – Driving Under the Influence (Identical HB 1145)

This bill creates s. 316.19395, F.S., establishing “a Driving Under the Influence Diversion Pilot Program...in each judicial circuit for the purpose of offering a person charged with a first offense of driving under the influence...the opportunity to avoid a permanent criminal history record associated with the offense while ensuring the person receives substance abuse treatment if necessary.” A successful completion of the pilot program will result in an offer of “an agreement providing for a plea of guilty to the offense of reckless driving,” and “such plea agreement is not subject to the provisions of this chapter relating to the offense of driving under the influence.”

Given that three or more DUI's result in felonies, it is possible that some of those diverted under this program would either take longer to reach that number due to the first offense not being a DUI or no longer drive under the influence due to the program when they would have reached that number without it. Per DOC, in FY 18-19, there were 152 new commitments to prison who were convicted of a DUI three or more times.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Requested by: Senate