



REVISED [4.11.22] BROWARD COUNTY 1st TIME DUI-BUI OFFENDER PROGRAM

If a Defendant has been charged with Driving Under the Influence or Boating Under the Influence, the Defendant may qualify for entry into the Broward County 1st Time DUI-BUI Offender Program.

If the Defendant is approved for this program, the Defendant will be entered into the program and be required to perform certain conditions of the program within a certain timeframe to obtain a State-approved plea to **Reckless Driving or Reckless Operation of a Vessel**. Entry into the program will constitute a waiver of the Defendant's right to a speedy trial under F.R.C.P. Rule 3.191.

Failure to abide by any of the conditions of the program will result in disqualification from this program.

PROGRAM CRITERIA*

The below criteria are **disqualifying** for entry into the 1st Time DUI-BUI Offender Program

- Either of Defendant's **breath/blood samples are over .20** (Including Volume Not Met and Serum Blood Levels)
- The current offense **involved a crash**
- The current offense **involved minor children/animals in the Defendant's vehicle or vessel**
- The Defendant **previously committed a DUI or BUI related offense including reduced DUI or BUI offenses and Nolle Prossed DUI or BUI offenses**
- The Defendant was **previously adjudicated guilty or received a withholding of adjudication for any Reckless Driving Offense** (F.S. 316.192), **Reckless Operation of a Vessel Offense** (F.S. 327.33), **Leaving the Scene of a Crash Offense** (F.S. 316.061; F.S. 316.063; or F.S. 316.027), or **Leaving the Scene of a Vessel Crash Offense** (F.S. 327.30)
- The Defendant **previously participated in a formal diversion program** (excluding juvenile diversion programs)
- The Defendant has **received an adjudication or withhold of adjudication on more than two (2) misdemeanors within 3 years of the current offense**
- The Defendant was **adjudicated guilty or received a withholding of adjudication for more than two (2) third-degree felony offenses at any time or had any third-degree felony offenses within 3 years of the current offense**
- The Defendant was **adjudicated guilty or received a withholding of adjudication for a second-degree felony or higher offense**
- The Defendant **did not have valid driver's license at the time of the offense**
- The **current offense includes accompanying felony charges or accompanying drug possession or drug paraphernalia charges**—excluding misdemeanor possession of cannabis charges
- The Defendant is **currently charged with any other offense and has a pending case**
- The Defendant is **currently participating in PTI, drug court, or any other diversion program or is on probation for any other offense**



***All cases are evaluated on an individual, fact-specific basis, notwithstanding the above criteria. A defendant's eligibility is determined at the sole discretion of the State Attorney's Office and may be based on relevant factors not mentioned above.**

BROWARD COUNTY 1st TIME DUI-BUI OFFENDER PROGRAM

TIER 1 DIVERSION CONDITIONS**

(12-month program)

BOTH BREATH/BLOOD SAMPLES ARE BELOW .150

- Proof of successful completion of DUI School and any DUI school recommended alcohol/substance abuse treatment
- Successful completion of fifty (50) community service hours at approved location(s)
- Successful completion of MADD Victim Impact Panel or an equivalent Victim Impact Panel if agreed to by the State
- Ten (10) day vehicle/vessel immobilization on any vehicle/vessel owned or operated by the Defendant
- No possession or consumption of alcohol/illegal drugs/non-prescribed drugs
- Random alcohol/drug testing conducted at Defendant's expense [meaning no alcohol for 12 months]
- \$100 monthly cost of supervision
- \$150 application fee

TIER 2 DIVERSION CONDITIONS**

(12-month program)

BOTH BREATH/BLOOD SAMPLES ARE BETWEEN .150 & .20 OR BREATH/BLOOD TEST REFUSALS OR DRUG RELATED DUI-BUI OFFENSES

- Proof of successful completion of DUI School and any DUI school recommended alcohol/substance abuse treatment
- Successful completion of seventy-five (75) community service hours at approved location(s)
- Successful completion of MADD Victim Impact Panel or an equivalent Victim Impact Panel if agreed to by the State
- Ten (10) day vehicle/vessel immobilization on any vehicle/vessel owned or operated by the Defendant
- No possession or consumption of alcohol/illegal drugs/non-prescribed drugs
- Random alcohol/drug testing conducted at Defendant's expense
- \$100 monthly cost of supervision
- \$150 application fee

****The State Attorney reserves the right to include additional conditions for each tier on a fact-**



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specific basis should it be deemed appropriate.

Should the Defendant be arrested, charged with, or receive a notice to appear for a new criminal offense, that will result in disqualification from this program. Should the Defendant receive a citation for a new traffic infraction, that could result in disqualification from this program.

If the Defendant successfully completes **ALL** Tier 1 or Tier 2 conditions of our program within the specified timeframe (12 months), the State will offer the following resolution of the criminal case at the next court date:

- **Plea of guilty to Reckless Driving or Reckless Operation of a Vessel (*adjudication will be withheld and the Defendant will not be assessed any points on the driving record*)**
- **\$25 fine & standard court costs**
- **\$50 cost of prosecution**
- **Ignition interlock device installed on any vehicle owned or operated by the Defendant for a period of 6 months for DUI offenses**

***The State Attorney reserves the right to include additional special conditions of probation on a fact-specific basis should it be deemed appropriate.

The Defendant must be entered into the program within 45 days of the arraignment, prior to any requests for discovery. Failure by a Defendant/Defense Counsel to abide by these rules will result in disqualification from this program.