

DUI Rehabilitation of Offenders Program (D.R.O.P.)

If you have been charged with Driving Under the Influence, you may be eligible for the DUI Rehabilitation of Offenders Program. **You need to apply for this program at or before your case's second pretrial hearing.** To be eligible for this program, you will be required to perform three conditions in the time frame stated in the D.R.O.P. contract. Those three conditions are as follows:

- 1. Successful performance of 20 community service hours**
- 2. Successful completion of a FLHSMV-approved DUI School**
- 3. Successful completion of the M.A.D.D. Victim Impact Panel**

Like PTI applications, there is a nonrefundable \$50 application fee. The 20 community service hours must be with providers on the attached approved list and cannot be bought out. Since there are many different Victim Impact Panels available, we require the Victim Impact Panel offered by M.A.D.D. since it is specific to DUI offenses. If you successfully complete the pre-conditions of our program within the specified time frame, the State will amend the charge to Reckless Driving, pursuant to Fl. Stat. 316.192, for your criminal case with the following recommended disposition:

- 1. State's offer, subject to the Court's approval or modification, will include that adjudication be withheld on Tier 1 offenses; adjudicated guilty on Tier 2 offenses;**
- 2. Probation, subject to the Court's approval or modification, with conditions based on the Tier Level assigned.**

This plea resolution must be entered prior to the filing of any defense motions or demand for speedy trial and prior to any depositions. Failure by a Defendant/Defense Counsel to abide by these rules will result in disqualification from this program.

For Tier 1, upon successful completion of probation and a withhold of adjudication, you will not receive any points against your license. However, if you fail to successfully complete probation, you could be adjudicated guilty of a probation violation, which carries a penalty of up to 90 days in jail and up to a \$500 fine.

PROGRAM ELIGIBILITY CRITERIA

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

- No cases involving Defendants with a breath or blood sample over 0.150 B.A.C.; no B.A.C. extrapolation is permitted
- No cases involving crashes with bodily injury or significant property damage, or cases that involve minor children in the Defendant's vehicle
- No cases involving Defendants with accompanying or pending felony charges or on any form of supervision
- No cases involving Defendants with prior commission(s) of similar offenses or who have received prior traffic related diversion programs
- No cases involving Defendants who did not have a valid driver's license at time of offense or who have a CDL.

TIER 1 DIVERSION CONDITIONS*

B.A.C. LEVELS 0.120 OR BELOW & DRUG DUIs

- **Plea of Guilty to Reckless Driving, State will recommend that adjudication be withheld**
- **Probation for period of up to six (6) months, pursuant to F.S. § 948.15**

CONDITIONS OF PROBATION:

- \$100 fine, cost of prosecution, cost of supervision, lab fee, and court costs
- Proof of successful completion of DUI School (already completed) and, if recommended, of any alcohol/substance abuse treatment during probation
- Proof of successful completion of Victim Impact Panel (already completed)
- Successful completion of fifty (50) community service hours at approved location(s) (20 hours already completed and credited)
- Ten (10) day vehicle immobilization
- No consumption of alcohol/illegal drugs/non-prescribed drugs and no bars, clubs, or establishments where alcoholic beverages are primarily served
- Mandatory random alcohol/drug testing conducted by probation at Defendant's expense

TIER 2 DIVERSION CONDITIONS*

B.A.C. LEVELS ABOVE 0.120 AND AT OR BELOW 0.150 & BREATH TEST REFUSALS

- **Plea of Guilty to Reckless Driving, State will recommend that your case be adjudicated guilty**
- **Probation for period of up to nine (9) months, pursuant to F.S. § 948.15**
- ***With the adjudication, there is a requirement to complete a Department of Highway Safety and Motor Vehicle approved driver improvement course, pursuant to F.S. 322.0261. Notification shall be sent by the DHSMV following judicial disposition.***

CONDITIONS OF PROBATION:

- \$250 fine, cost of prosecution, cost of supervision, lab fee, and court costs
- Proof of successful completion of DUI School (already completed) and, if recommended, of any alcohol/substance abuse treatment during probation
- Proof of successful completion of Victim Impact Panel (already completed).
- Successful completion of fifty (50) community service hours at approved location(s) (20 hours already completed and credited)
- Ten (10) day vehicle immobilization
- No consumption of alcohol/illegal drugs/non-prescribed drugs and no bars, clubs, or establishments where alcoholic beverages are primarily served
- Mandatory random alcohol/drug testing conducted by probation at Defendant's expense

*Subject to approval or modification by the Court