



Harold F. Pryor
BROWARD COUNTY STATE ATTORNEY

BROWARD COUNTY 1st TIME DUI OFFENDER PROGRAM

If a Defendant has been charged with Driving Under the Influence, the Defendant may qualify for entry into the Broward County 1st Time DUI 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. 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 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
- The Defendant previously committed a DUI related offense including reduced DUI offenses and Nolle Prossed DUI offenses
- The Defendant was previously adjudicated guilty or received a withholding of adjudication for any Reckless Driving Offense (F.S. 316.192) or Leaving the Scene of a Crash Offense (F.S. 316.061; F.S. 316.063; or F.S. 316.027)
- 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 OFFENDER PROGRAM

TIER 1 DIVERSION CONDITIONS**

(A minimum of 6 months in the program must be completed within 12 months)

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 immobilization on any vehicle owned or operated by the Defendant
- TAD/SCRAM Device worn by 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

TIER 2 DIVERSION CONDITIONS**

(A minimum of 9 months in the program must be completed within 15 months)

**BOTH BREATH/BLOOD SAMPLES ARE BETWEEN .150 & .20 OR
BREATH/BLOOD TEST REFUSALS OR DRUG RELATED DUI 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 immobilization on any vehicle owned or operated by the Defendant
- TAD/SCRAM Device worn by 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-specific basis should it be deemed appropriate.**



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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 (6 to 12 months for Tier 1 and 9 to 15 months for Tier 2), the State will offer the following resolution of the criminal case at the next court date:

- **Plea of guilty to Reckless Driving (*adjudication will be withheld and you will not be assessed any points on your driving record*)**
- **\$250 fine & standard court costs**
- **\$50 cost of prosecution**
- **Driver license revocation for a period of 6 months**
- **Ignition interlock device installed on any vehicle owned or operated by the Defendant for a period of 6 months**

*****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.



DUI DIVERSION CHECKLIST

Defendant: _____ Case #: _____

Arrestment: _____ 45th Day: _____

NOT ELIGIBLE

ELIGIBLE: TIER 1 TIER 2

REASONS FOR INELIGIBILITY:

Breath/Blood over .20

Crash

Minor children/animals in Defendant's vehicle

Prior DUI (includes reduced/nolle prossed case)

Previously in a diversion program (does not apply to juvenile programs)

More than 2 misdemeanors within 3 years of the offense

More than 2 third-degree felony priors at any time

Has a third-degree felony within 3 years of the offense

Has a prior for any second-degree felony or higher

No valid DL at the time of the offense

Offense has accompanying felony charges or drug possession

Defendant has any pending cases at the time of the offense

Defendant is currently in PTI/drug court/diversion program

Defendant is on probation at the time of the offense

Other (Please explain)