By Senator Dyer

14-236-98

1   A bill to be entitled

2   An act relating to revocation of drivers'

3   licenses; amending s. 322.28, F.S.; providing

4   for the revocation of a defendant's driver's

5   license to commence only after expiration of

6   the defendant's term of incarceration following

7   a conviction for certain offenses involving

8   driving under the influence, manslaughter

9   resulting from operating a motor vehicle, or

10   vehicular homicide; providing an effective

11   date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15   Section 1. Paragraph (a) of subsection (2) and

16 subsection (5) of section 322.28, Florida Statutes, are

17 amended to read:

18   322.28 Period of suspension or revocation.--

19   (2) In a prosecution for a violation of s. 316.193 or

20 former s. 316.1931, the following provisions apply:

21   (a) Upon conviction of the driver, the court, along

22 with imposing sentence, shall revoke the driver's license or

23 driving privilege of the person so convicted, effective on the

24 date of conviction except as provided under paragraph (5)(a),

25 and shall prescribe the period of such revocation in

26 accordance with the following provisions:

27   1. Upon a first conviction for a violation of the

28 provisions of s. 316.193, except a violation resulting in

29 death, the driver's license or driving privilege shall be

30 revoked for not less than 180 days or more than 1 year.

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1   2. Upon a second conviction within a period of 5 years
2   from the date of a prior conviction for a violation of the
3   provisions of s. 316.193 or former s. 316.1931 or a
4   combination of such sections, the driver's license or driving
5   privilege shall be revoked for not less than 5 years.
6   3. Upon a third conviction within a period of 10 years
7   from the date of conviction of the first of three or more
8   convictions for the violation of the provisions of s. 316.193
9   or former s. 316.1931 or a combination of such sections, the
10 driver's license or driving privilege shall be revoked for not
11 less than 10 years.
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13 For the purposes of this paragraph, a previous conviction
14 outside this state for driving under the influence, driving
15 while intoxicated, driving with an unlawful blood-alcohol
16 level, or any other alcohol-related or drug-related traffic
17 offense similar to the offense of driving under the influence
18 as proscribed by s. 316.193 will be considered a previous
19 conviction for violation of s. 316.193, and a conviction for
20 violation of former s. 316.028, former s. 316.1931, or former
21 s. 860.01 is considered a conviction for violation of s.
22 316.193.
23   (5)(a) Upon a conviction for a violation of s.
24 316.193(3), a conviction of manslaughter resulting from the
25 operation of a motor vehicle, or a conviction of vehicular
26 homicide, the court shall revoke the driver's license of the
27 person convicted for a minimum period of 3 years if death to
28 any other person resulted from the operation of a motor
29 vehicle by such driver. The period of revocation may not
30 commence until after expiration of the defendant's term of
31 incarceration. The department may not reinstate the

1 defendant's driving privilege for any reason at any time

2 during the period of revocation.

3   (b) If the period of revocation was not specified by

4 the court at the time of imposing sentence or within 30 days

5 thereafter, the department shall revoke the driver's license

6 for the minimum period applicable under paragraph (a) upon

7 expiration of the defendant's term of incarceration or, for a

8 subsequent conviction, for the minimum period applicable under

9 paragraph (2)(a) or paragraph (2)(e).

10   Section 2. This act shall take effect July 1, 1998.

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13   SENATE SUMMARY

14 Provides that if a defendant's driver's license is
    revoked and the defendant is sentenced to a term of
15 incarceration following a conviction of driving under the
    influence and causing damage to property or serious
16 bodily injury, manslaughter resulting from operating a
    motor vehicle, or vehicular homicide, the period of
17 license revocation does not commence until after the
    expiration of the defendant's term of incarceration.

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.