

By Senator Hargrett

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A bill to be entitled  
An act relating to suspension or revocation of  
driver's licenses; amending s. 322.28, F.S.;  
providing suspension or revocation of driver's  
licenses not to be concurrent with  
imprisonment; providing for an effective date.

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

Section 1. Section 322.28, Florida Statutes, is  
amended to read:

322.28 Period of suspension or revocation.--

(1) Unless otherwise provided by this section, the  
department shall not suspend a license for a period of more  
than 1 year and, upon revoking a license, in any case except  
in a prosecution for the offense of driving a motor vehicle  
while under the influence of alcoholic beverages, chemical  
substances as set forth in s. 877.111, or controlled  
substances, shall not in any event grant a new license until  
the expiration of 1 year after such revocation.

(2) In a prosecution for a violation of s. 316.193 or  
former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along  
with imposing sentence, shall revoke the driver's license or  
driving privilege of the person so convicted, effective on the  
date of conviction, and shall prescribe the period of such  
revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the  
provisions of s. 316.193, except a violation resulting in  
death, the driver's license or driving privilege shall be  
revoked for not less than 180 days or more than 1 year.

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.

12  
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           (b) If the period of revocation was not specified by  
24 the court at the time of imposing sentence or within 30 days  
25 thereafter, and is not otherwise specified by law, the  
26 department shall forthwith revoke the driver's license or  
27 driving privilege for the maximum period applicable under  
28 paragraph (a) for a first conviction and for the minimum  
29 period applicable under paragraph (a) for any subsequent  
30 convictions. The driver may, within 30 days after such  
31 revocation by the department, petition the court for further

1 hearing on the period of revocation, and the court may reopen  
2 the case and determine the period of revocation within the  
3 limits specified in paragraph (a).

4 (c) The forfeiture of bail bond, not vacated within 20  
5 days, in any prosecution for the offense of driving while  
6 under the influence of alcoholic beverages, chemical  
7 substances, or controlled substances to the extent of  
8 depriving the defendant of his or her normal faculties shall  
9 be deemed equivalent to a conviction for the purposes of this  
10 paragraph, and the department shall forthwith revoke the  
11 defendant's driver's license or driving privilege for the  
12 maximum period applicable under paragraph (a) for a first  
13 conviction and for the minimum period applicable under  
14 paragraph (a) for a second or subsequent conviction; however,  
15 if the defendant is later convicted of the charge, the period  
16 of revocation imposed by the department for such conviction  
17 shall not exceed the difference between the applicable maximum  
18 for a first conviction or minimum for a second or subsequent  
19 conviction and the revocation period under this subsection  
20 that has actually elapsed; upon conviction of such charge, the  
21 court may impose revocation for a period of time as specified  
22 in paragraph (a). This paragraph does not apply if an  
23 appropriate motion contesting the forfeiture is filed within  
24 the 20-day period.

25 (d) When any driver's license or driving privilege has  
26 been revoked pursuant to the provisions of this section, the  
27 department shall not grant a new license, except upon  
28 reexamination of the licensee after the expiration of the  
29 period of revocation so prescribed. However, the court may,  
30 in its sound discretion, issue an order of reinstatement on a  
31 form furnished by the department which the person may take to

1 any driver's license examining office for reinstatement by the  
2 department pursuant to s. 322.282.

3 (e) The court shall permanently revoke the driver's  
4 license or driving privilege of a person who has been  
5 convicted four times for violation of s. 316.193 or former s.  
6 316.1931 or a combination of such sections. The court shall  
7 permanently revoke the driver's license or driving privilege  
8 of any person who has been convicted of DUI manslaughter in  
9 violation of s. 316.193. If the court has not permanently  
10 revoked such license or privilege within 30 days after  
11 imposing sentence, the department shall permanently revoke the  
12 license or privilege pursuant to this paragraph. No driver's  
13 license or driving privilege may be issued or granted to any  
14 such person. This paragraph applies only if at least one of  
15 the convictions for violation of s. 316.193 or former s.  
16 316.1931 was for a violation that occurred after July 1, 1982.  
17 For the purposes of this paragraph, a conviction for violation  
18 of former s. 316.028, former s. 316.1931, or former s. 860.01  
19 is also considered a conviction for violation of s. 316.193.  
20 Also, a conviction of driving under the influence, driving  
21 while intoxicated, driving with an unlawful blood-alcohol  
22 level, or any other similar alcohol-related or drug-related  
23 traffic offense outside this state is considered a conviction  
24 for the purposes of this paragraph.

25 (3) Upon the conviction of a person for a violation of  
26 s. 322.34, the license or driving privilege, if suspended,  
27 shall be suspended for 3 months in addition to the period of  
28 suspension previously imposed and, if revoked, the time after  
29 which a new license may be issued shall be delayed 3 months.

30 (4) If, in any case arising under this section, a  
31 licensee, after having been given notice of suspension or

1 revocation of his or her license in the manner provided in s.  
2 322.251, fails to surrender to the department a license  
3 theretofore suspended or revoked, as required by s. 322.29, or  
4 fails otherwise to account for the license to the satisfaction  
5 of the department, the period of suspension of the license, or  
6 the period required to elapse after revocation before a new  
7 license may be issued, shall be extended until, and shall not  
8 expire until, a period has elapsed after the date of surrender  
9 of the license, or after the date of expiration of the  
10 license, whichever occurs first, which is identical in length  
11 with the original period of suspension or revocation.

12 (5)(a) Upon a conviction for a violation of s.  
13 316.193(3), a conviction of manslaughter resulting from the  
14 operation of a motor vehicle, or a conviction of vehicular  
15 homicide, the court shall revoke the driver's license of the  
16 person convicted for a minimum period of 3 years if death to  
17 any other person resulted from the operation of a motor  
18 vehicle by such driver.

19 (b) If the period of revocation was not specified by  
20 the court at the time of imposing sentence or within 30 days  
21 thereafter, the department shall revoke the driver's license  
22 for the minimum period applicable under paragraph (a) or, for  
23 a subsequent conviction, for the minimum period applicable  
24 under paragraph (2)(a) or paragraph (2)(e).

25 (6) No administrative suspension of a driving  
26 privilege under s. 322.2615 shall be stayed upon a request for  
27 review of the departmental order that resulted in such  
28 suspension and, except as provided in former s. 322.261, no  
29 suspension or revocation of a driving privilege shall be  
30 stayed upon an appeal of the conviction or order that resulted  
31 therein.

