

54-366AX-32 Bill No. CS for CS for SB 1056, 1st Eng.
Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Arnall offered the following:

Amendment (with title amendment)

On page 5, line 23, through page 8, line 25,
remove from the bill: all of said lines,

and insert in lieu thereof:

Section 3. Subsection (6) is added to section
318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.--

(6) No governmental entity or court, or employee of
such entity or court, shall provide, maintain, or disclose any
information or order relating to any driver improvement school
or course provider operating pursuant to this section.

Section 4. Paragraph (a) of subsection (2) of section
322.271, Florida Statutes, 1998 Supplement, is amended to
read:

322.271 Authority to modify revocation, cancellation,
or suspension order.--

(2)(a) Upon such hearing, the person whose license has
been suspended, canceled, or revoked may show that such

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1 suspension, cancellation, or revocation of his or her license
2 causes a serious hardship and precludes the person's carrying
3 out his or her normal business occupation, trade, or
4 employment and that the use of the person's license in the
5 normal course of his or her business is necessary to the
6 proper support of the person or his or her family. Except as
7 otherwise provided in this subsection, the department shall
8 require proof of the successful completion of the applicable
9 department an approved driver training course operating
10 pursuant to s. 318.1451 or DUI program substance abuse
11 education course and evaluation as provided in s. 316.193(5).
12 ~~and may require~~ Letters of recommendation from respected
13 business persons in the community, law enforcement officers,
14 or judicial officers may also be required to determine in
15 ~~determining~~ whether such person should be permitted to operate
16 a motor vehicle on a restricted basis for business or
17 employment use only and in determining whether such person can
18 be trusted to so operate a motor vehicle. If a driver's
19 license has been suspended under the point system or pursuant
20 to s. 322.2615, the department shall require proof of
21 enrollment in the applicable department an approved driver
22 training course or licensed DUI program substance abuse
23 education course, including evaluation and treatment, if
24 referred, and may require ~~the~~ letters of recommendation
25 described in this subsection to determine if the driver should
26 be reinstated on a restricted basis. †If such person fails to
27 complete the approved course within 90 days after
28 reinstatement or subsequently fails to complete treatment, if
29 applicable, the department shall cancel his or her driver's
30 license until the course and treatment, if applicable, is
31 successfully completed, notwithstanding the terms of the court

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1 order or any suspension or revocation of the driving
2 privilege. The department may temporarily reinstate the
3 driving privilege on a restricted basis upon verification from
4 the DUI program that the offender has reentered and is
5 currently participating in treatment and has completed the DUI
6 education course and evaluation requirement. If the DUI
7 program notifies the department of the second failure to
8 complete treatment, the department shall reinstate the driving
9 privilege only after notice of completion of treatment from
10 the DUI program. The privilege of driving on a limited or
11 restricted basis for business or employment use shall not be
12 granted to a person who has been convicted of a violation of
13 s. 316.193 until completion of the DUI program substance abuse
14 such education or training course and evaluations as provided
15 in s. 316.193(5). Except as provided in paragraph (b), the
16 privilege of driving on a limited or restricted basis for
17 business or employment use shall not be granted to a person
18 whose license is revoked pursuant to s. 322.28 or suspended
19 pursuant to s. 322.2615 and who has been convicted of a
20 violation of s. 316.193 two or more times or whose license has
21 been suspended two or more times for refusal to submit to a
22 test pursuant to s. 322.2615 or former s. 322.261.

23 Section 5. Section 322.291, Florida Statutes, is
24 amended to read:

25 322.291 Driver improvement schools or DUI programs;
26 required in certain suspension and revocation cases.--Except
27 as provided in s. 322.03(2), any person:

28 (1) Whose driving privilege has been revoked:

29 (a) Upon conviction for:

30 1. Driving, or being in actual physical control of,
31 any vehicle while under the influence of alcoholic beverages,

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1 any chemical substance set forth in s. 877.111, or any
2 substance controlled under chapter 893, in violation of s.
3 316.193;
4 2. Driving with an unlawful blood- or breath-alcohol
5 level;
6 3. Manslaughter resulting from the operation of a
7 motor vehicle;
8 4. Failure to stop and render aid as required under
9 the laws of this state in the event of a motor vehicle
10 accident resulting in the death or personal injury of another;
11 5. Reckless driving; or
12 (b) As an habitual offender;
13 (c) Upon direction of the court, if the court feels
14 that the seriousness of the offense and the circumstances
15 surrounding the conviction warrant the revocation of the
16 licensee's driving privilege; or
17 (2) Whose license was suspended under the point
18 system, was suspended for driving with an unlawful
19 blood-alcohol level of 0.10 percent or higher before January
20 1, 1994, was suspended for driving with an unlawful
21 blood-alcohol level of 0.08 percent or higher after December
22 31, 1993, was suspended for a violation of s. 316.193(1), or
23 was suspended for refusing to submit to a lawful breath,
24 blood, or urine test as provided in s. 322.2615
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26 shall, before the driving privilege may be reinstated, present
27 to the department proof of enrollment in a department-approved
28 advanced driver improvement course operating pursuant to s.
29 318.1451 or a substance abuse
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 16, after the semicolon,

4

5 insert:

6 clarifying references to certain courses;
7 amending s. 318.1451, F.S.; prohibiting
8 governmental entities or courts from providing,
9 maintaining, or disclosing certain information
10 relating to certain schools or course
11 providers;

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