

By Senator Sanderson

31-692-01

See HB 259

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A bill to be entitled
An act relating to driver's licenses; amending
s. 322.28, F.S.; revising provisions relating
to the penalty for a second or subsequent
conviction for operating a vehicle under the
influence; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section
322.28, Florida Statutes, is amended to read:

322.28 Period of suspension or 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.

2. Upon a second conviction for an offense that occurs
within a period of 5 years after ~~from~~ the date of a prior
conviction for a violation of the provisions of s. 316.193 or
former s. 316.1931 or a combination of such sections, the
driver's license or driving privilege shall be revoked for not
less than 5 years.

3. Upon a third conviction for an offense that occurs
within a period of 10 years after ~~from~~ the date of a prior

1 ~~conviction of the first of three or more convictions~~ for the
2 violation of the provisions of s. 316.193 or former s.
3 316.1931 or a combination of such sections, the driver's
4 license or driving privilege shall be revoked for not less
5 than 10 years.

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7 For the purposes of this paragraph, a previous conviction
8 outside this state for driving under the influence, driving
9 while intoxicated, driving with an unlawful blood-alcohol
10 level, or any other alcohol-related or drug-related traffic
11 offense similar to the offense of driving under the influence
12 as proscribed by s. 316.193 will be considered a previous
13 conviction for violation of s. 316.193, and a conviction for
14 violation of former s. 316.028, former s. 316.1931, or former
15 s. 860.01 is considered a conviction for violation of s.
16 316.193.

17 Section 2. This act shall take effect July 1, 2001.

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20 LEGISLATIVE SUMMARY

21 Revises provisions relating to the penalty for a second
22 or subsequent conviction for operating a vehicle under
23 the influence.
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