

By Representative Detert

1 A bill to be entitled
2 An act relating to drivers' licenses; amending
3 s. 322.271, F.S.; authorizing certain persons
4 who have had a driver's license permanently
5 revoked because of four convictions for DUI to
6 petition the Department of Highway Safety and
7 Motor Vehicles for reinstatement of driving
8 privileges under certain circumstances;
9 providing an effective date.

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

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13 Section 1. Subsection (4) of section 322.271, Florida
14 Statutes, is amended to read:

15 322.271 Authority to modify revocation, cancellation,
16 or suspension order.--

17 (4) Notwithstanding the provisions of s. 322.28(2)(e),
18 a person whose driving privilege has been permanently revoked
19 because he or she has been convicted four times of violating
20 s. 316.193 or former s. 316.1931 or because he or she has been
21 convicted of DUI manslaughter in violation of s. 316.193 and
22 has no prior convictions for DUI-related offenses may, upon
23 the expiration of 5 years after the date of such revocation or
24 the expiration of 5 years after the termination of any term of
25 incarceration under s. 316.193 or former s. 316.1931,
26 whichever date is later, petition the department for
27 reinstatement of his or her driving privilege.

28 (a) Within 30 days after the receipt of such a
29 petition, the department shall afford the petitioner an
30 opportunity for a hearing. At the hearing, the petitioner
31 must demonstrate to the department that he or she:

1 1. Has not been arrested for a drug-related offense
2 during the 5 years preceding the filing of the petition;
3 2. Has not driven a motor vehicle without a license
4 for at least 5 years prior to the hearing;
5 3. Has been drug-free for at least 5 years prior to
6 the hearing; and
7 4. Has completed a DUI program licensed by the
8 department.
9 (b) At such hearing, the department shall determine
10 the petitioner's qualification, fitness, and need to drive.
11 Upon such determination, the department may, in its
12 discretion, reinstate the driver's license of the petitioner.
13 Such reinstatement must be made subject to the following
14 qualifications:
15 1. The license must be restricted for employment
16 purposes for not less than 1 year; and
17 2. Such person must be supervised by a DUI program
18 licensed by the department and report to the program for such
19 supervision and education at least four times a year or
20 additionally as required by the program for the remainder of
21 the revocation period. Such supervision shall include
22 evaluation, education, referral into treatment, and other
23 activities required by the department.
24 (c) Such person must assume the reasonable costs of
25 supervision. If such person fails to comply with the required
26 supervision, the program shall report the failure to the
27 department, and the department shall cancel such person's
28 driving privilege.
29 (d) If, after reinstatement, such person is convicted
30 of an offense for which mandatory revocation of his or her
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1 license is required, the department shall revoke his or her
2 driving privilege.

3 (e) The department shall adopt rules regulating the
4 providing of services by DUI programs pursuant to this
5 section.

6 (5) A person may not be issued a commercial driver's
7 license during a period in which such person is disqualified
8 from operating commercial motor vehicles or in which the
9 driving privilege of such person is suspended, revoked, or
10 canceled.

11 Section 2. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

15

16 Authorize persons who have had their drivers' licenses
17 permanently revoked because of four convictions for DUI
18 to petition the Department of Highway Safety and Motor
19 Vehicles for reinstatement of their driving privileges
20 under described circumstances. See bill for details.

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