

HB 1311

2004
CS

CHAMBER ACTION

1 The Committee on Transportation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to driving under the influence; amending
7 s. 316.193, F.S.; providing for using certain records of
8 the Department of Highway Safety and Motor Vehicles as
9 evidence establishing existence of certain previous
10 violations; providing for rebutting or contradicting of
11 such evidence; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (12) is added to section 316.193,
16 Florida Statutes, to read:

17 316.193 Driving under the influence; penalties.--

18 (12) If records of the department show that the defendant
19 has been previously convicted of driving under the influence,
20 that evidence is sufficient by itself to establish such
21 conviction or convictions. However, such evidence may be
22 contradicted or rebutted by other evidence. This presumption may
23 be considered, together with any other evidence presented, in

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24 | deciding if such person has been previously convicted of driving
25 | under the influence.

26 | Section 2. This act shall take effect upon becoming a law.