

By the Committee on Criminal Justice; and Senator Smith

307-2657-04

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A bill to be entitled

An act relating to driving under the influence;
amending s. 316.193, F.S.; providing that a
previous conviction for the offense of driving
under the influence is sufficient evidence to
establish such conviction; providing that such
evidence may be rebutted or contradicted;
providing an effective date.

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

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

316.193 Driving under the influence; penalties.--

(12) If the records of the Department of Highway
Safety and Motor Vehicles show that the defendant has been
previously convicted of the offense of driving under the
influence, that evidence is sufficient by itself to establish
that prior conviction for driving under the influence.
However, such evidence may be contradicted or rebutted by
other evidence. This presumption may be considered along with
any other evidence presented in deciding whether the defendant
has been previously convicted of the offense of driving under
the influence.

Section 2. This act shall take effect July 1, 2004.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2762

1. Authorizes records from the Department of Highway Safety and Motor Vehicles, relating to prior convictions for driving under the influence, to be sufficient by themselves to establish previous convictions.
2. Clarifies that this presumption may be presented along with other evidence to establish prior DUI convictions.