

1 A bill to be entitled
2 An act relating to driving under the influence;
3 amending s. 316.193, F.S.; providing that a
4 previous conviction for the offense of driving
5 under the influence is sufficient evidence to
6 establish such conviction; providing that such
7 evidence may be rebutted or contradicted;
8 requiring the Department of Highway Safety and
9 Motor Vehicles to review materials submitted by
10 the law enforcement officer to determine
11 whether the materials comply with applicable
12 statutes, rules, and policies; directing the
13 department to inform the law enforcement
14 officer when a deficiency exists so that the
15 deficiency may be corrected prior to the
16 hearing; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Subsection (12) is added to section
21 316.193, Florida Statutes, to read:
22 316.193 Driving under the influence; penalties.--
23 (12) If the records of the Department of Highway
24 Safety and Motor Vehicles show that the defendant has been
25 previously convicted of the offense of driving under the
26 influence, that evidence is sufficient by itself to establish
27 that prior conviction for driving under the influence.
28 However, such evidence may be contradicted or rebutted by
29 other evidence. This presumption may be considered along with
30 any other evidence presented in deciding whether the defendant
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1 has been previously convicted of the offense of driving under
2 the influence.

3 Section 2. The Department of Highway Safety and Motor
4 Vehicles shall review the materials submitted by the law
5 enforcement officer to determine whether the materials comply
6 with applicable statutes, rules, and policies, and the
7 department shall inform the law enforcement officer when a
8 deficiency exists so that the deficiency may be corrected
9 prior to the hearing.

10 Section 3. This act shall take effect July 1, 2004.

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