



354226

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/10/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Webster) recommended the following **amendment**:

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4 **Senate Amendment**

5 Delete line(s) 2198-2246
6 and insert:

7 (8) Based on the determination of the hearing officer
8 pursuant to subsection (7) for both informal hearings under
9 subsection (4) and formal hearings under subsection (6), the
10 department shall:

11 (a) Sustain the disqualification for a period of 1 year for
12 a first refusal, or permanently if such person has been
13 previously disqualified from operating a commercial motor vehicle
14 as a result of a refusal to submit to such tests. The
15 disqualification period commences on the date of the arrest or
16 issuance of the notice of disqualification, whichever is later.

17 (b) Sustain the disqualification:



354226

18 1. For a period of 6 months if the person was driving or in
19 actual physical control of a commercial motor vehicle, or any
20 motor vehicle if the driver holds a commercial driver's license,
21 and had an unlawful blood-alcohol level or breath-alcohol level
22 of 0.08 or higher; ~~for a violation of s. 316.193~~ or

23 2. For ~~for~~ a period of 1 year if the person has been
24 previously disqualified from operating a commercial motor vehicle
25 or his or her driving privilege has been previously suspended ~~for~~
26 driving or being in actual physical control of a commercial motor
27 vehicle, or any motor vehicle if the driver holds a commercial
28 driver's license, and had an unlawful blood-alcohol level or
29 breath-alcohol level of 0.08 or higher ~~as a result of a violation~~
30 ~~of s. 316.193.~~

31
32 The disqualification period commences on the date of the arrest
33 or issuance of the notice of disqualification, ~~whichever is~~
34 ~~later.~~

35 (9) A request for a formal review hearing or an informal
36 review hearing shall not stay the disqualification. If the
37 department fails to schedule the formal review hearing to be held
38 within 30 days after receipt of the request therefor, the
39 department shall invalidate the disqualification. If the
40 scheduled hearing is continued at the department's initiative,
41 the department shall issue a temporary driving permit limited to
42 noncommercial vehicles which is ~~shall be~~ valid until the hearing
43 is conducted if the person is otherwise eligible for the driving
44 privilege. Such permit shall not be issued to a person who sought
45 and obtained a continuance of the hearing. The permit issued
46 under this subsection shall authorize driving for business
47 purposes ~~or employment use~~ only.



354226

48 | (10) A person who is disqualified from operating a
49 | commercial motor vehicle under subsection (1) or subsection (3)
50 | is eligible for issuance of a license for business or employment
51 | purposes only under s. 322.271 if the person is otherwise
52 | eligible for the driving privilege. ~~However, such business or~~
53 | ~~employment purposes license shall not authorize the driver to~~
54 | ~~operate a commercial motor vehicle.~~
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