

By Senator Bennett

12-03675-08

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1 A bill to be entitled

2 An act relating to the right to review the suspension of a
3 driver's license; amending s. 316.193, F.S.; authorizing a
4 person whose driver's license has been suspended by the
5 Department of Highway Safety and Motor Vehicles for
6 driving under the influence to request that the circuit
7 court conduct a judicial hearing, in lieu of an informal
8 administrative review, to determine if the department's
9 decision is supported by a preponderance of the evidence;
10 providing an effective date.

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

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14 Section 1. Subsection (8) of section 316.193, Florida
15 Statutes, is amended to read:

16 316.193 Driving under the influence; penalties.--

17 (8) (a) At the arraignment, or in conjunction with any
18 notice of arraignment provided by the clerk of the court, the
19 clerk shall provide any person charged with a violation of this
20 section with notice that upon conviction the court shall suspend
21 or revoke the offender's driver's license and that the offender
22 should make arrangements for transportation at any proceeding in
23 which the court may take such action. Failure to provide such
24 notice does not affect the court's suspension or revocation of
25 the offender's driver's license.

26 (b) Notwithstanding any other law, the clerk of the court
27 shall notify the person charged with a violation of this section
28 that he or she may request the circuit court to conduct a hearing
29 at the arraignment, in lieu of the person participating in an

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30 informal administrative hearing conducted by the department
31 pursuant to s. 322.2615(4), to determine whether the department's
32 decision to suspend the person's driver's license is supported by
33 a preponderance of the evidence.

34 Section 2. This act shall take effect July 1, 2008.