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LEGISLATIVE ACTION

Senate . House

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04/27/2010 04:17 PM

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Senator Wise moved the following:

**Senate Amendment (with title amendment)**

Between lines 1918 and 1919

insert:

Section 38. Effective October 1, 2010, present subsection (5) of section 322.271, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(5) Notwithstanding s. 322.28(2)(e), a person whose driving privilege has been permanently revoked because he or she has been convicted four or more times of violating s. 316.193 or



540110

14 former s. 316.1931 may, 10 years after the date of the last  
15 conviction or 10 years after the termination of any  
16 incarceration under s. 316.193 or former s. 316.1931, whichever  
17 is later, petition the department for reinstatement of his or  
18 her driving privilege.

19 (a) Within 30 days after receipt of a petition, the  
20 department shall provide for a hearing, at which the petitioner  
21 must demonstrate that he or she:

22 1. Has not been arrested for a drug-related offense for at  
23 least 5 years before filing the petition;

24 2. Has not driven a motor vehicle without a license for at  
25 least 5 years before the hearing;

26 3. Has been drug-free for at least 5 years before the  
27 hearing; and

28 4. Has completed a DUI program licensed by the department.

29 (b) At the hearing, the department shall determine the  
30 petitioner's qualification, fitness, and need to drive, and may  
31 reinstate the petitioner's driver's license. The reinstatement  
32 is subject to the following:

33 1. The petitioner's license must be restricted for  
34 employment purposes for at least 1 year; and

35 2. The petitioner must be supervised by a DUI program  
36 licensed by the department and must report to the program for  
37 supervision and education at least four times a year or more, as  
38 required by the program, for the remainder of the revocation  
39 period. The supervision includes evaluation, education, referral  
40 into treatment, and other activities required by the department.

41 (c) The petitioner must assume the reasonable costs of  
42 supervision. If the petitioner does not comply with the required



540110

43 supervision, the program shall report the failure to the  
44 department, and the department shall cancel the petitioner's  
45 driving privilege.

46 (d) If, after reinstatement, the petitioner is convicted of  
47 an offense for which mandatory license revocation is required,  
48 the department shall revoke his or her driving privilege.

49 (e) The department shall adopt rules regulating the  
50 services provided by DUI programs pursuant to this section.

51 Section 39. Effective October 1, 2011, subsection (5) of  
52 section 322.271, Florida Statutes, as created by this act, is  
53 amended to read:

54 322.271 Authority to modify revocation, cancellation, or  
55 suspension order.—

56 (5) Notwithstanding s. 322.28(2)(e), a person whose driving  
57 privilege has been permanently revoked because he or she has  
58 been convicted four or more times of violating s. 316.193 or  
59 former s. 316.1931 may, 5 ~~10~~ years after the date of the last  
60 conviction or 5 ~~10~~ years after the termination of any  
61 incarceration under s. 316.193 or former s. 316.1931, whichever  
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540110

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85 into treatment, and other activities required by the department.

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89 department, and the department shall cancel the petitioner's  
90 driving privilege.

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92 an offense for which mandatory license revocation is required,  
93 the department shall revoke his or her driving privilege.

94 (e) The department shall adopt rules regulating the  
95 services provided by DUI programs pursuant to this section.

96 Section 40. Paragraph (e) is added to subsection (3) of  
97 section 322.2715, Florida Statutes, to read:

98 322.2715 Ignition interlock device.—

99 (3) If the person is convicted of:

100 (e) A fourth or subsequent offense of driving under the



540110

101 influence, the ignition interlock device shall be installed for  
102 at least 5 years.

103  
104 ===== T I T L E A M E N D M E N T =====

105 And the title is amended as follows:

106 Delete line 176

107 and insert:

108 officer to submit such report; amending s. 322.271,  
109 F.S.; providing procedures for the restoration of the  
110 driving privileges of certain persons whose driving  
111 privileges have been revoked; providing for a hearing;  
112 providing for the adoption of rules; providing a  
113 phase-in period; amending s. 322.2715, F.S.; requiring  
114 the installation of an ignition interlock device under  
115 certain circumstances; amending s. 322.34,