



672186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. 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 the provisions of s. 322.28(2)(e), a person whose driving privilege has been permanently revoked



672186

13 because he or she has been convicted four or more times of
14 violating s. 316.193 or former s. 316.1931 may, upon the
15 expiration of 10 years after the date of the last conviction or
16 the expiration of 10 years after the termination of any
17 incarceration under s. 316.193 or former s. 316.1931, whichever
18 is later, petition the department for reinstatement of his or
19 her driving privilege.

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

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

25 2. Has not driven a motor vehicle without a license for at
26 least 5 years prior to the hearing;

27 3. Has been drug-free for at least 5 years prior to the
28 hearing; and

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

30 (b) At the hearing, the department shall determine the
31 petitioner's qualification, fitness, and need to drive, and may,
32 after such determination, reinstate the petitioner's driver's
33 license. The reinstatement shall be subject to the following
34 qualifications:

35 1. The petitioner's license must be restricted for
36 employment purposes for not less than 1 year; and

37 2. The petitioner must be supervised by a DUI program
38 licensed by the department and must report to the program for
39 supervision and education at least four times a year or more, as
40 required by the program, for the remainder of the revocation
41 period. The supervision shall include evaluation, education,



672186

42 referral into treatment, and other activities required by the
43 department.

44 (c) The petitioner must assume the reasonable costs of
45 supervision. If the petitioner does not comply with the required
46 supervision, the program shall report the failure to the
47 department, and the department shall cancel such person's
48 driving privilege.

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

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

54 Section 2. Effective October 1, 2011, subsection (5) of
55 section 322.271, Florida Statutes, as created by this act, is
56 amended to read:

57 322.271 Authority to modify revocation, cancellation, or
58 suspension order.—

59 (5) Notwithstanding the provisions of s. 322.28(2)(e), a
60 person whose driving privilege has been permanently revoked
61 because he or she has been convicted four or more times of
62 violating s. 316.193 or former s. 316.1931 may, upon the
63 expiration of 5 10 years after the date of the last conviction
64 or the expiration of 5 10 years after the termination of any
65 incarceration under s. 316.193 or former s. 316.1931, whichever
66 is later, petition the department for reinstatement of his or
67 her driving privilege.

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



672186

71 1. Has not been arrested for a drug-related offense for at
72 least 5 years prior to filing the petition;

73 2. Has not driven a motor vehicle without a license for at
74 least 5 years prior to the hearing;

75 3. Has been drug-free for at least 5 years prior to the
76 hearing; and

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

78 (b) At the hearing, the department shall determine the
79 petitioner's qualification, fitness, and need to drive, and may,
80 after such determination, reinstate the petitioner's driver's
81 license. The reinstatement shall be subject to the following
82 qualifications:

83 1. The petitioner's license must be restricted for
84 employment purposes for not less than 1 year; and

85 2. The petitioner must be supervised by a DUI program
86 licensed by the department and must report to the program for
87 supervision and education at least four times a year or more, as
88 required by the program, for the remainder of the revocation
89 period. The supervision shall include evaluation, education,
90 referral into treatment, and other activities required by the
91 department.

92 (c) The petitioner must assume the reasonable costs of
93 supervision. If the petitioner does not comply with the required
94 supervision, the program shall report the failure to the
95 department, and the department shall cancel such person's
96 driving privilege.

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



672186

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

102 Section 3. Paragraph (e) is added to subsection (3) of
103 section 322.2715, Florida Statutes, to read:

104 322.2715 Ignition interlock device.—

105 (3) If the person is convicted of:

106 (e) A fourth or subsequent offense of driving under the
107 influence, the ignition interlock device shall be installed for
108 a period of not less than 5 years.

109 Section 4. Except as otherwise expressly provided in this
110 act, this act shall take effect July 1, 2010.

111

112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete everything before the enacting clause
115 and insert:

116 A bill to be entitled
117 An act relating to drivers' licenses; amending s.
118 322.271, F.S.; providing procedures for the
119 restoration of the driving privileges of certain
120 persons whose driving privileges have been revoked;
121 providing for a hearing; providing for the adoption of
122 rules; providing a phase-in period; amending s.
123 322.2715, F.S.; requiring the installation of an
124 ignition interlock device under certain circumstances;
125 providing effective dates.