

By the Committee on Transportation; and Senator Wise

596-03691-10

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1 A bill to be entitled
2 An act relating to driving under the influence;
3 amending s. 322.28, F.S.; deleting a requirement for
4 permanent revocation of the driver's license or
5 driving privilege of a person who has been convicted
6 four times for violating specified offenses of driving
7 under the influence; providing that a person who has
8 been convicted three times for violating specified
9 offenses of driving under the influence may obtain a
10 driver's license upon satisfying certain conditions;
11 providing an effective date.

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

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15 Section 1. Paragraphs (a) and (e) of subsection (2) of
16 section 322.28, Florida Statutes, are amended, and paragraph (f)
17 is added to that subsection, to read:

18 322.28 Period of suspension or revocation.—

19 (2) In a prosecution for a violation of s. 316.193 or
20 former s. 316.1931, the following provisions apply:

21 (a) Upon conviction of the driver, the court, along with
22 imposing sentence, shall revoke the driver's license or driving
23 privilege of the person so convicted, effective on the date of
24 conviction, and shall prescribe the period of such revocation in
25 accordance with the following provisions:

26 1. Upon a first conviction for a violation of the
27 provisions of s. 316.193, except a violation resulting in death,
28 the driver's license or driving privilege shall be revoked for
29 not less than 180 days or more than 1 year.

596-03691-10

2010924c1

30 2. Upon a second conviction for an offense that occurs
31 within a period of 5 years after the date of a prior conviction
32 for a violation of the provisions of s. 316.193 or former s.
33 316.1931 or a combination of such sections, the driver's license
34 or driving privilege shall be revoked for not less than 5 years.

35 3. Upon a third or subsequent conviction for an offense
36 that occurs within a period of 10 years after the date of a
37 prior conviction for the violation of the provisions of s.
38 316.193 or former s. 316.1931 or a combination of such sections,
39 the driver's license or driving privilege shall be revoked for
40 not less than 10 years.

41
42 For the purposes of this paragraph, a previous conviction
43 outside this state for driving under the influence, driving
44 while intoxicated, driving with an unlawful blood-alcohol level,
45 or any other alcohol-related or drug-related traffic offense
46 similar to the offense of driving under the influence as
47 proscribed by s. 316.193 will be considered a previous
48 conviction for violation of s. 316.193, and a conviction for
49 violation of former s. 316.028, former s. 316.1931, or former s.
50 860.01 is considered a conviction for violation of s. 316.193.

51 ~~(e) The court shall permanently revoke the driver's license~~
52 ~~or driving privilege of a person who has been convicted four~~
53 ~~times for violation of s. 316.193 or former s. 316.1931 or a~~
54 ~~combination of such sections.~~ The court shall permanently revoke
55 the driver's license or driving privilege of any person who has
56 been convicted of DUI manslaughter in violation of s. 316.193.
57 If the court has not permanently revoked such driver's license
58 or driving privilege within 30 days after imposing sentence, the

596-03691-10

2010924c1

59 department shall permanently revoke the driver's license or
60 driving privilege pursuant to this paragraph. No driver's
61 license or driving privilege may be issued or granted to any
62 such person. This paragraph applies only if at least one of the
63 convictions for violation of s. 316.193 or former s. 316.1931
64 was for a violation that occurred after July 1, 1982. For the
65 purposes of this paragraph, a conviction for violation of former
66 s. 316.028, former s. 316.1931, or former s. 860.01 is also
67 considered a conviction for violation of s. 316.193. Also, a
68 conviction of driving under the influence, driving while
69 intoxicated, driving with an unlawful blood-alcohol level, or
70 any other similar alcohol-related or drug-related traffic
71 offense outside this state is considered a conviction for the
72 purposes of this paragraph.

73 (f)1. A person who has been convicted three or more times
74 of a violation of s. 316.193 or former s. 316.1931 or a
75 combination of such sections may obtain a driver's license only
76 upon satisfying the following conditions:

77 a. At least 5 years have passed since the applicant's most
78 recent violation.

79 b. The applicant has not been convicted of driving with a
80 suspended or revoked license.

81 c. The applicant has completed within the last 6 months a
82 driver improvement course and a DUI program pursuant to s.
83 316.193(5).

84 2. A person receiving a license under this paragraph shall
85 be required to install an ignition interlock device approved by
86 the department in accordance with s. 316.1938 for a period of
87 not less than 5 continuous years and be subject to special

596-03691-10

2010924c1

88 supervision requirements under ss. 322.271 and 322.292 and rules
89 adopted pursuant thereto.

90 Section 2. This act shall take effect July 1, 2010.