

By the Committees on Criminal Justice; and Transportation; and
Senator Wise

591-04775-10

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1 A bill to be entitled
2 An act relating to driver's licenses; amending s.
3 322.271, F.S.; providing procedures for the
4 restoration of the driving privileges of certain
5 persons whose driving privileges have been revoked;
6 providing for a hearing; providing for the adoption of
7 rules; providing a phase-in period; amending s.
8 322.2715, F.S.; requiring the installation of an
9 ignition interlock device under certain circumstances;
10 providing effective dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

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

18 322.271 Authority to modify revocation, cancellation, or
19 suspension order.—

20 (5) Notwithstanding the provisions of s. 322.28(2)(e), a
21 person whose driving privilege has been permanently revoked
22 because he or she has been convicted four or more times of
23 violating s. 316.193 or former s. 316.1931 may, upon the
24 expiration of 10 years after the date of the last conviction or
25 the expiration of 10 years after the termination of any
26 incarceration under s. 316.193 or former s. 316.1931, whichever
27 is later, petition the department for reinstatement of his or
28 her driving privilege.

29 (a) Within 30 days after receipt of a petition, the

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30 department shall provide for a hearing, at which the petitioner
31 must demonstrate that he or she:

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

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

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

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

39 (b) At the hearing, the department shall determine the
40 petitioner's qualification, fitness, and need to drive, and may,
41 after such determination, reinstate the petitioner's driver's
42 license. The reinstatement shall be subject to the following
43 qualifications:

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

46 2. The petitioner must be supervised by a DUI program
47 licensed by the department and must report to the program for
48 supervision and education at least four times a year or more, as
49 required by the program, for the remainder of the revocation
50 period. The supervision shall include evaluation, education,
51 referral into treatment, and other activities required by the
52 department.

53 (c) The petitioner must assume the reasonable costs of
54 supervision. If the petitioner does not comply with the required
55 supervision, the program shall report the failure to the
56 department, and the department shall cancel such person's
57 driving privilege.

58 (d) If, after reinstatement, the petitioner is convicted of

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

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

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

66 322.271 Authority to modify revocation, cancellation, or
67 suspension order.—

68 (5) Notwithstanding the provisions of s. 322.28(2)(e), a
69 person whose driving privilege has been permanently revoked
70 because he or she has been convicted four or more times of
71 violating s. 316.193 or former s. 316.1931 may, upon the
72 expiration of 5 ~~10~~ years after the date of the last conviction
73 or the expiration of 5 ~~10~~ years after the termination of any
74 incarceration under s. 316.193 or former s. 316.1931, whichever
75 is later, petition the department for reinstatement of his or
76 her driving privilege.

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

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

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

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

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

87 (b) At the hearing, the department shall determine the

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88 petitioner's qualification, fitness, and need to drive, and may,
89 after such determination, reinstate the petitioner's driver's
90 license. The reinstatement shall be subject to the following
91 qualifications:

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

94 2. The petitioner must be supervised by a DUI program
95 licensed by the department and must report to the program for
96 supervision and education at least four times a year or more, as
97 required by the program, for the remainder of the revocation
98 period. The supervision shall include evaluation, education,
99 referral into treatment, and other activities required by the
100 department.

101 (c) The petitioner must assume the reasonable costs of
102 supervision. If the petitioner does not comply with the required
103 supervision, the program shall report the failure to the
104 department, and the department shall cancel such person's
105 driving privilege.

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

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

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

113 322.2715 Ignition interlock device.—

114 (3) If the person is convicted of:

115 (e) A fourth or subsequent offense of driving under the
116 influence, the ignition interlock device shall be installed for

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117 a period of not less than 5 years.

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