

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Glorioso offered the following:

Amendment (with title amendment)

Between lines 1811 and 1812, insert:

Section 35. Effective October 1, 2010, 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 because he or she has been convicted four or more times of violating s. 316.193 or former s. 316.1931 may, upon the expiration of 10 years after the date of the last conviction or the expiration of 10 years after the termination of any incarceration under s. 316.193 or former s. 316.1931, whichever

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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 prior to filing the petition;

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

26 3. Has been drug-free for at least 5 years prior to 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 after such determination, reinstate the petitioner's driver's
32 license. The reinstatement shall be subject to the following
33 qualifications:

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

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

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

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45 supervision, the program shall report the failure to the
46 department, and the department shall cancel such person's
47 driving privilege.

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

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

54 Section 36. 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:

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

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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
98 of an offense for which mandatory license revocation is
99 required, the department shall revoke his or her driving
100 privilege.

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

103 Section 37. Paragraph (e) is added to subsection (3) of
104 section 322.2715, Florida Statutes, to read:

105 322.2715 Ignition interlock device.-

106 (3) If the person is convicted of:

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

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

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Between lines 182 and 183, insert:

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amending s. 322.271, F.S.; providing procedures for the

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restoration of the driving privileges of certain persons whose

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driving privileges have been revoked; providing for a hearing;

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providing for the adoption of rules; providing a phase-in

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period; amending s. 322.2715, F.S.; requiring the installation

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of an ignition interlock device under certain circumstances;