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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2013	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3540 - 3633
and insert:

Section 59. Subsections (4) and (5) of section 322.271, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

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

(4) Notwithstanding the provisions of s. 322.28(2)(d) ~~322.28(2)(e)~~, a person whose driving privilege has been permanently revoked because he or she has been convicted of DUI



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13 manslaughter in violation of s. 316.193 and has no prior
14 convictions for DUI-related offenses may, upon the expiration of
15 5 years after the date of such revocation or the expiration of 5
16 years after the termination of any term of incarceration under
17 s. 316.193 or former s. 316.1931, whichever date is later,
18 petition the department for reinstatement of his or her driving
19 privilege.

20 (a) Within 30 days after the receipt of such a petition,
21 the department shall afford the petitioner an opportunity for a
22 hearing. At the hearing, the petitioner must demonstrate to the
23 department that he or she:

24 1. Has not been arrested for a drug-related offense during
25 the 5 years preceding the filing of the petition;

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

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

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

31 (b) At such hearing, the department shall determine the
32 petitioner's qualification, fitness, and need to drive. Upon
33 such determination, the department may, in its discretion,
34 reinstate the driver ~~driver's~~ license of the petitioner. Such
35 reinstatement must be made subject to the following
36 qualifications:

37 1. The license must be restricted for employment purposes
38 for at least ~~not less than~~ 1 year; and

39 2. Such person must be supervised by a DUI program licensed
40 by the department and report to the program for such supervision
41 and education at least four times a year or additionally as



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42 required by the program for the remainder of the revocation
43 period. Such supervision shall include evaluation, education,
44 referral into treatment, and other activities required by the
45 department.

46 (c) Such person must assume the reasonable costs of
47 supervision. If such person fails to comply with the required
48 supervision, the program shall report the failure to the
49 department, and the department shall cancel such person's
50 driving privilege.

51 (d) If, after reinstatement, such person is convicted of an
52 offense for which mandatory revocation of his or her license is
53 required, the department shall revoke his or her driving
54 privilege.

55 (e) The department shall adopt rules regulating the
56 providing of services by DUI programs pursuant to this section.

57 (5) Notwithstanding the provisions of s. 322.28(2)(d)
58 ~~322.28(2)(e)~~, a person whose driving privilege has been
59 permanently revoked because he or she has been convicted four or
60 more times of violating s. 316.193 or former s. 316.1931 may,
61 upon the expiration of 5 years after the date of the last
62 conviction or the expiration of 5 years after the termination of
63 any incarceration under s. 316.193 or former s. 316.1931,
64 whichever is later, petition the department for reinstatement of
65 his or her driving privilege.

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

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



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

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

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

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

81 1. The petitioner's license must be restricted for
82 employment purposes for at least ~~not less than~~ 1 year; and

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

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

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

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



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100 (7) A person who has never had a driver license suspended
101 under s. 322.2615, has never been disqualified under s. 322.64,
102 has never been convicted of a violation of s. 316.193, has never
103 applied for a business purposes only license, as defined in this
104 section, whose driving privilege has been suspended pursuant to
105 this section may apply for a business purposes only driver
106 license without a hearing if the person meets the requirements
107 of this section and s. 322.291, and is otherwise eligible for a
108 driver license.

109 (a) For purposes of this subsection, a previous conviction
110 outside of this state for driving under the influence, driving
111 while intoxicated, driving with an unlawful blood-alcohol level,
112 or any other alcohol-related or drug-related traffic offense
113 similar to the offense of driving under the influence as
114 provided in s. 316.193 will be considered a previous conviction
115 for a violation of s. 316.193, and a conviction for violation of
116 former s. 316.028, former s. 316.1931, or former s. 860.01 is
117 considered a conviction for a violation of s. 316.193.

118 (b) The reinstatement shall be restricted to business
119 purposes only for the duration of the suspension imposed under
120 s. 322.2615.

121 (c) Acceptance of the reinstated driving privilege as
122 provided in this subsection is deemed a waiver of the right to
123 formal and informal review under s. 322.2615. The waiver may not
124 be used as evidence in any other proceeding.

125
126 ===== T I T L E A M E N D M E N T =====

127 And the title is amended as follows:

128 Delete lines 232 - 235



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129 and insert:
130 316.550, 317.0003, 320.08, 320.0847, 322.282, 324.023,
131 324.171, 324.191, 627.733, and 627.7415, F.S.;
132 correcting cross-references and conforming provisions
133 to changes made by the act; amending s. 322.271, F.S.;
134 providing procedures for certain persons who have no
135 previous convictions for certain alcohol-related
136 driving offenses to be issued a driver license for
137 business purposes only; providing an