

By Senator Crist

12-131-03

1 A bill to be entitled
2 An act relating to reinstatement of the driving
3 privilege; amending s. 322.271, F.S.; providing
4 that a person whose driving privilege has been
5 permanently revoked due to a specified number
6 of convictions of driving under the influence
7 may petition the Department of Highway Safety
8 and Motor Vehicles for reinstatement of his or
9 her driving privilege; providing an opportunity
10 for a hearing; requiring the department to
11 determine the petitioner's qualifications;
12 providing certain qualifications of
13 reinstatement; providing an effective date.

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

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17 Section 1. Subsection (4) of section 322.271, Florida
18 Statutes, is amended to read:

19 322.271 Authority to modify revocation, cancellation,
20 or suspension order.--

21 (4) ~~Notwithstanding the provisions of s. 322.28(2)(e),~~
22 a person whose driving privilege has been permanently revoked
23 because he or she has been convicted of DUI manslaughter in
24 violation of s. 316.193 and has no prior convictions for
25 DUI-related offenses or because he or she has been convicted
26 four or more times of violating s. 316.193 or former s.
27 316.1931, or a combination thereof, may, upon the expiration
28 of 5 years after the date of such revocation or the expiration
29 of 5 years after the termination of any term of incarceration
30 under s. 316.193 or former s. 316.1931, whichever date is

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1 later, petition the department for reinstatement of his or her
2 driving privilege.

3 (a) Within 30 days after the receipt of such a
4 petition, the department shall afford the petitioner an
5 opportunity for a hearing. At the hearing, the petitioner
6 must demonstrate to the department that he or she:

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

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

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

13 4. Has completed a DUI program licensed by the
14 department.

15 (b) At such hearing, the department shall determine
16 the petitioner's qualification, fitness, and need to drive.
17 Upon such determination, the department may, in its
18 discretion, reinstate the driver's license of the petitioner.
19 Such reinstatement must be made subject to the following
20 qualifications:

21 1. The license must be restricted for employment
22 purposes for not less than 1 year; and

23 2. Such person must be supervised by a DUI program
24 licensed by the department and report to the program for such
25 supervision and education at least four times a year or
26 additionally as required by the program for the remainder of
27 the revocation period. Such supervision shall include
28 evaluation, education, referral into treatment, and other
29 activities required by the department.

30 (c) Such person must assume the reasonable costs of
31 supervision. If such person fails to comply with the required

1 supervision, the program shall report the failure to the
2 department, and the department shall cancel such person's
3 driving privilege.

4 (d) If, after reinstatement, such person is convicted
5 of an offense for which mandatory revocation of his or her
6 license is required, the department shall revoke his or her
7 driving privilege.

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

11 Section 2. This act shall take effect July 1, 2003.

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14 SENATE SUMMARY

15 Provides a procedure by which a person whose driving
16 privilege has been permanently revoked due to four or
17 more convictions of driving under the influence may
18 petition the Department of Highway Safety and Motor
19 Vehicles for reinstatement of his or her driving
20 privilege. Requires that the department provide an
21 opportunity for a hearing. Requires the department to
22 determine the petitioner's qualifications, fitness, and
23 need to drive. Specifies qualifications for reinstatement
24 of a petitioner's driving privilege. (See bill for
25 details.)
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