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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2010	.	
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The Committee on Transportation (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

322.28 Period of suspension or revocation.—

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

(a) Upon conviction of the driver, the court, along with



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13 imposing sentence, shall revoke the driver's license or driving
14 privilege of the person so convicted, effective on the date of
15 conviction, and shall prescribe the period of such revocation in
16 accordance with the following provisions:

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

21 2. Upon a second conviction for an offense that occurs
22 within a period of 5 years after the date of a prior conviction
23 for a violation of the provisions of s. 316.193 or former s.
24 316.1931 or a combination of such sections, the driver's license
25 or driving privilege shall be revoked for not less than 5 years.

26 3. Upon a third or subsequent conviction for an offense
27 that occurs within a period of 10 years after the date of a
28 prior conviction for the violation of the provisions of s.
29 316.193 or former s. 316.1931 or a combination of such sections,
30 the driver's license or driving privilege shall be revoked for
31 not less than 10 years.

32
33 For the purposes of this paragraph, a previous conviction
34 outside this state for driving under the influence, driving
35 while intoxicated, driving with an unlawful blood-alcohol level,
36 or any other alcohol-related or drug-related traffic offense
37 similar to the offense of driving under the influence as
38 proscribed by s. 316.193 will be considered a previous
39 conviction for violation of s. 316.193, and a conviction for
40 violation of former s. 316.028, former s. 316.1931, or former s.
41 860.01 is considered a conviction for violation of s. 316.193.



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42 ~~(e) The court shall permanently revoke the driver's license~~
43 ~~or driving privilege of a person who has been convicted four~~
44 ~~times for violation of s. 316.193 or former s. 316.1931 or a~~
45 ~~combination of such sections.~~ The court shall permanently revoke
46 the driver's license or driving privilege of any person who has
47 been convicted of DUI manslaughter in violation of s. 316.193.
48 If the court has not permanently revoked such driver's license
49 or driving privilege within 30 days after imposing sentence, the
50 department shall permanently revoke the driver's license or
51 driving privilege pursuant to this paragraph. No driver's
52 license or driving privilege may be issued or granted to any
53 such person. This paragraph applies only if at least one of the
54 convictions for violation of s. 316.193 or former s. 316.1931
55 was for a violation that occurred after July 1, 1982. For the
56 purposes of this paragraph, a conviction for violation of former
57 s. 316.028, former s. 316.1931, or former s. 860.01 is also
58 considered a conviction for violation of s. 316.193. Also, a
59 conviction of driving under the influence, driving while
60 intoxicated, driving with an unlawful blood-alcohol level, or
61 any other similar alcohol-related or drug-related traffic
62 offense outside this state is considered a conviction for the
63 purposes of this paragraph.

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

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

70 b. The applicant has not been convicted of driving with a



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71 suspended or revoked license.

72 c. The applicant has completed within the last 6 months a
73 driver improvement course and a DUI program pursuant to s.
74 316.193(5).

75 2. A person receiving a license under this paragraph shall
76 be required to install an ignition interlock device approved by
77 the department in accordance with s. 316.1938 for a period of
78 not less than 5 continuous years and be subject to special
79 supervision requirements under ss. 322.271 and 322.292 and rules
80 adopted pursuant thereto.

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

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

85 And the title is amended as follows:

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87 Delete everything before the enacting clause
88 and insert:

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90 A bill to be entitled
91 An act relating to driving under the influence;
92 amending s. 322.28, F.S.; deleting a requirement for
93 permanent revocation of the driver's license or
94 driving privilege of a person who has been convicted
95 four times for violating specified driving under the
96 influence offenses; providing that a person who has
97 been convicted three times for violating specified
98 driving under the influence offenses may obtain a
99 driver's license upon satisfying specified conditions;



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providing an effective date.