

Committee Substitute for Senate Bill No. 2762

An act relating to driving under the influence; amending s. 316.193, F.S.; providing that a previous conviction for the offense of driving under the influence is sufficient evidence to establish such conviction; providing that such evidence may be rebutted or contradicted; requiring the Department of Highway Safety and Motor Vehicles to review materials submitted by the law enforcement officer to determine whether the materials comply with applicable statutes, rules, and policies; directing the department to inform the law enforcement officer when a deficiency exists so that the deficiency may be corrected prior to the hearing; providing an effective date.

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

Section 1. Subsection (12) is added to section 316.193, Florida Statutes, to read:

316.193 Driving under the influence; penalties.—

(12) If the records of the Department of Highway Safety and Motor Vehicles show that the defendant has been previously convicted of the offense of driving under the influence, that evidence is sufficient by itself to establish that prior conviction for driving under the influence. However, such evidence may be contradicted or rebutted by other evidence. This presumption may be considered along with any other evidence presented in deciding whether the defendant has been previously convicted of the offense of driving under the influence.

Section 2. The Department of Highway Safety and Motor Vehicles shall review the materials submitted by the law enforcement officer to determine whether the materials comply with applicable statutes, rules, and policies, and the department shall inform the law enforcement officer when a deficiency exists so that the deficiency may be corrected prior to the hearing.

Section 3. This act shall take effect July 1, 2004.

Approved by the Governor June 24, 2004.

Filed in Office Secretary of State June 24, 2004.