Appendix D – DUI and Criminal Mandatory Convictions

The current Appendix C is located at http://www.flhsmv.gov/courts/utc/

DUI Offenses – Mandatory Revocation:

DUI offenses include all convictions based on FS 316.193 and are defined by the Department of Highway Safety and Motor Vehicles (DHSMV) using violation codes **647 (DUI), 648 (DUI – Property Damage/Personal Injury), 649 (DUI-SBI), 657 (DUI – Bicycle), 658 (DUI – Bicycle w/ Property Damage/Personal Injury)** and **659 (DUI – Bicycle with SBI)**. Offenses reporting with these violation codes **must** provide DL action using a specific combination of ICD Disposition fields as follows (excluding verdicts of Dismissed – 3, Not Guilty – 2, Nolle Pros – 8, Other – B):

	ICD 26	ICD 27	ICD 34	ICD 35	ICD 161	Comments
1	C	1	0	0000000	0000000	Court directed 1 year revocation
2	C	6	0	0000000	0000000	Court directed 6 month revocation
3	C	M	0	0000000	0000000	Court directed maximum revocation
4	C	N	0	0000000	0000000	Court directed minimum revocation
5	C	X	0	YYMMDDD	0000000	Court directed specified Length revocation; must be greater than 179 days [1]
6	C	X	0	00000997	YYMMDDD	Court directed with incarceration after disposition; defaults to indefinite revocation at DHSMV Post incarceration length of revocation must be entered in field 161[2] (0100000, 0060000, 0009000, etc.) 0000998 (lifetime) 0000999 (indefinite)
7	C	X	0	0000998	0000000	Court directed lifetime (permanent) revocation without incarceration.
8	C	X	0	0000999	0000000	Court directed indefinite revocation without incarceration.
9	D	M	0	0000000	0000000	Departmental action for maximum revocation [3]
10	C	M	0	0000997	0000000	Court directed maximum revocation after incarceration.
11	C	N	0	0000997	0000000	Court directed minimum revocation after incarceration.
12	D	M	0	0000997	0000000	Departmental action for maximum revocation [3] after incarceration.

Criminal Mandatory Traffic Offenses – Mandatory Suspension/Revocation:

Convictions for which the Department of Highway Safety and Motor Vehicles (DHSMV) is mandated by law to take suspension or revocation action even when not directed to do so by the Court. These violations are defined by DHSMV using violation codes **171 (DUI – Bicycle Manslaughter), 172 (DUI – Manslaughter), 249 [8] (Murder from Operation of Motor Vehicle), 250 [8] (Vehicular Homicide), 254 [8](Manslaughter Which Used MV), 280 (Operating MV Not Properly Insured), 311 (Crash – Leaving Seen Of), 314 (Fleeing/Eluding), 315 [6] (Fleeing/Elude – SBI or Death), 349 (Load Dropping – SBI or Death), 445 (IID Violation), 550 (Reckless – SBI), 571 (Racing on Highway) and 821 [4] (Conveyance of Fuel – CMV)**. Offenses reporting with these violation codes **must** provide DL action using a specific combination of ICD Disposition fields as follows:

	ICD 26 and 27	ICD 34	ICD 35	ICD 161	Comments
1	Blank	0	0000000	0000000	Departmental action for suspension/revocation length [5]
2	Blank	3	YYMMDDD	0000000	Court directed specified Length [1]
3	Blank	3	0000997	YYMMDDD	Court directed with incarceration after disposition; defaults to indefinite revocation at DHSMV Post incarceration length of revocation must be entered in field 161[2] (0100000, 0060000, 0009000, etc.) 0000998 (lifetime) 0000999 (indefinite)
4	Blank	3	0000998	0000000	Court directed lifetime (permanent) suspension/revocation
5	Blank	3	0000999	0000000	Court directed indefinite suspension/revocation

Criminal Mandatory Offenses – Mandatory Suspension/Revocation:

Convictions for which the Department of Highway Safety and Motor Vehicles (DHSMV) is mandated by law to take suspension or revocation action even when not directed to do so by the Court. These violations are defined by DHSMV using violation codes **228 (Insurance Fraud), 248 (Petit Theft of Gas), 251 (Theft of MV Parts $100,000 or more), 252 (Felony Which Used a MV), 253 (Fraudulent DL Application), 255 (False Affidavit Concerning DL), 257 (893 which in MV), 374 (Fraud DL – Use/Possession), 401 (Prostitution/Lewd w/ MV).** Offenses reporting with these violation codes **must** provide DL action using a specific combination of ICD Disposition fields as follows:

	ICD 26 and 27	ICD 34	ICD 35	Comments
1	Blank	0	0000000	Departmental action for suspension/revocation length [5]
2	Blank	3	YYMMDDD	Court directed specified Length [1]
3	Blank	3	0000998	Court directed lifetime (permanent) suspension/revocation
4	Blank	3	0000999	Court directed indefinite suspension/revocation

FS 316.1935 – Fleeing and Attempting to Elude:

Effective July 1, 2004, pursuant to Florida statute 316.1935, all offenses committed on or after this date require a mandatory revocation of the offender's driving privilege. DHSMV is authorized by Florida Statutes 322.26(3) and 322.28(1) to take departmental action for these offenses even when not directed to do so by the Court. This includes any offenses reported using violation codes **314 (Fleeing/Elude)** and **315 (Fleeing/Elude – Death/SBI)**. Offenses for violation codes **314** and **315** should be reported as follows:

Statute/Description	Viol	ICD 26 and 27	ICD 34	ICD 35	ICD 161	Comments
316.1935(1), (2), (3) or (4)	314	Blank	3	YYMMDDD	0000000	Court shall revoke for a period not less than 1 year nor exceeding 5 years
316.1935 (3b) or (4b); serious bodily injury or death	315	Blank	3	0000997	YYMMDDD	Court shall direct revoke for a period not less than 1 year nor exceeding 5 years; court shall impose 3 years minimum incarceration. and post

						incarceration length of revocation must be entered in field 161[6]
316.1935(1), (2), (3) or (4)	314/315	Blank	3	YYMMDDD	0000000	DHSMV will revoke according to the direction of the court when the Court directs susp/rev for a period less than 1 year or exceeding 5 years
316.1935(1), (2), (3) or (4)	314/315	Blank	0	0000000	0000000	Departmental action for revocation length [5]

Other Offenses – Discretionary Court Directed Suspension/Revocation:

Florida Statutes 316.655(2) and 322.26(8) allow the court to suspend/revoke an offender's driving privilege for any convictions of Florida Statute chapters **316**, **320** or **322** and/or other offenses as allowed by statute and specifically referenced in Appendix "C".

The following values must be supplied to report a court directed suspension/revocation:

	ICD 26 and 27	ICD 34	ICD 35	ICD 161	Comments
1	Blank	1 or 2	YYMMDDD	0000000	Used to add the statement "Susp/Rev Directed By Court" to offender's driving record with length of suspension [1]
2	Blank	1 or 2	0000997	YYMMDD	Court directed with incarceration after disposition for violations of Chapter 316 and 782; defaults to indefinite suspension/revocation at DHSMV and post incarceration length of revocation must be entered in field 161[2]

| 3 | Blank | 1 or 2 | 0000998 | 0000000 | Court directed lifetime (permanent) suspension/revocation |
| 4 | Blank | 1 or 2 | 0000999 | 0000000 | Court directed indefinite suspension/revocation |

The court **must** suspend/revoke for any offense reporting with violation codes **147, 160, 161, 162, 247, 319, 446, 447.** In the event that the court does not direct suspension/revocation for these offenses, courts must submit dispositions using violation code **383**. DHSMV is **not** authorized by Florida Statutes to take departmental action for these offenses; a suspension/revocation period will not be applied to the offender's driving privilege by the department. Entries will **not** appear on an offender's driver's record for offenses specified below without the imposition of a driver's license action.

Statute	Description	Class	Disp	Pts	Mand	Fine	Viol
893.13	Possession of Controlled Substance excluding offenses which are in violation of FS 893.13, Viol Code 257 (reference Appendix "C")	C	C	0	R		147
790.22(3)	Unlawful Possession Firearm by Minor U/18	C	C	0	R		160
790.22(9)	Committing Offense/Use/Possession Firearm by Minor U/18	C	C	0	R		161
806.13	Criminal Mischief U/18	C	C	0	R		162
812.014	Petit Theft (subsections including 2(e), 3(a) and 3(b)	C	C	0	R/S		247
562.11 (1) (a)	Sell, give, permit to serve alcoholic beverages to U/21	C	C	0	R/S		319
562.11(2)	Possession Alcoholic Beverage by Minor	C	c	0	R/S		447
562.111(1)	Misrepresentation of age to obtain alcohol	C	c	0	R/S		446

Reporting Fatalities:

Violation codes 314, 315, 431, 457, 531, and 571 involving a fatality require a one year suspension. In the event that the court declines to impose the suspension OR imposes a suspension period less than one year, DHSMV will take departmental action and suspend the offender's driving privilege for one year. When reporting these dispositions with fatality the following values must be provided [7]:

	CIT ICD 78	CIT ICD 83	DIS ICD 34	DIS ICD 35	DIS ICD 161	Comments
1	Y	Y	4	000000	0000000	When the court has **not** directed a suspension/revocation period, DHSMV will take administrative action suspending the offender's driving privilege for one year.
2	Y	Y	4	YYMMDDD	0000000	Any offense with fatality where the court has directed a suspension period equal to or greater than 6 months
3	Y	Y	4	0000997	YYMMDDD	Court directed with incarceration after disposition; defaults to indefinite revocation at DHSMV Post incarceration length of revocation must be entered in field 161[2] (0100000, 0060000, 0009000, etc.) 0000998 (lifetime) 0000999 (indefinite)

Other violation codes involving a fatality require a six months suspension. In the event that the court declines to impose the suspension OR imposes a suspension period less than six months, DHSMV will take departmental action and suspend the offender's driving privilege for six months. When reporting these dispositions with fatality the following values must be provided.

	CIT ICD 78	CIT ICD 83	DIS ICD 34	DIS ICD 35	DIS ICD 161	Comments
1	Y	Y	0	000000	0000000	When the court has not directed a suspension/revocation period; DHSMV will take administrative action suspending the offender's driving privilege for six months.
2	Y	Y	0	YYMMDDD	0000000	When the court has directed a suspension period equal to or greater than six months.
3	Y	Y	0	0000997	YYMMDDD	Court directed with incarceration after disposition; defaults to indefinite revocation at DHSMV Post incarceration length of revocation must be entered in field 161[2]

[1] **YYMMDDD** – Number of years (YY) 1 year = 01, etc.; number of months (MM) 1 month = 01, 12 months = 12, cannot exceed 12 months; number of days 1 = 001, etc., cannot exceed 365

[2] Values **0000997** incarceration suspension/revocation will initially be set to indefinite suspensions on the offender's driver's license record; DHSMV will correct the time period for the DL action once the offender is released from incarceration; per Florida statutes the effective date of the DL action must coincide with the offender's date of release from incarceration. Any Offense submitting disposition values of "0000997" in DIS ICD FIELD 35 **must** also supply the value of **"9" incarceration** in DIS ICD **FIELD 30** and **must** report the length of time the license will be suspended or revoked in DIS ICD **FIELD 161**

[3] Values **D/M** representing Department Maximum **must** be supplied for all DUI offenses where the court has not directed a suspension/revocation period; these values allow DHSMV to take administrative action per Florida statutes

[4] Violation code **821** should be used only for citations issued to drivers of commercial motor vehicles in violation of Florida Statute 316.80(1) Unlawful Conveyance of Fuel (see also FS 322.26(3)).
These records **must** also provide the value of **"Y"** in CIT ICD **FIELD 32** whenever violation code 821 is used.

[5] Values for departmental actions **must** be supplied for all Criminal Mandatory offenses where the court has not directed a suspension/revocation period; this allows DHSMV to take administrative action per Florida Statutes

[6] Any offenses reporting with violation code **315 must** also supply the value **"9" incarceration** in DIS ICD **FIELD 30** and must report the length of time the license will be suspended or revoked in DIS ICD **FIELD 161**

[7] Offenses with violation codes listed above as Criminal Mandatory Offenses should **not** report values listed in this section; refer above referenced section for reporting requirements

[8] Violation codes **249**, **250** and **254** must have value "**Y**" in ICD **FIELD 78**