

CLIENT OPTION FORM

**DMV/ADMINISTRATIVE SUSPENSION ADVISEMENT OF OPTIONS
AND CLIENT DECISION FORM FOR FIRST OFFENSE DUI
AND/OR FIRST ADMINISTRATIVE DRIVER LICENSE SUSPENSION**

I, _____ (driver printed name), provide the following information to Lockett Law as a privileged communication that shall only be used for possible representation or actual representation. I acknowledge, as true and accurate, that my driver’s license ___ was, ___ was not valid at the time of my recent arrest, and that I have had _____ (Insert actual number), prior driver license suspension(s) for any of the following:

- refusing a breath, blood, or urine test;
- having an unlawful blood or breath test result;
- having a prior administrative suspension(s) of my commercial driver license
- having operated a commercial vehicle and refusing a breath, blood or urine test,
- having operated a commercial vehicle while having an unlawful blood or breath test result;

- having (a) prior conviction(s) for Driving Under the Influence in any state, or
- any alcohol-related or drug-related traffic offense similar to the offense of DUI under Florida statute 316.193, in this state or any other state.

I have a pending administrative suspension due to: (mark an “X” where applicable)

_____ Refusing to submit to a blood breath or urine test. (One year suspension.)

_____ Having an unlawful blood or breath test. (Six month suspension.)

The date of my DUI citation is _____ making my 10 day **absolute** deadline _____.

I have been advised by Lockett Law that if I answered the first paragraph as zero or none regarding prior suspensions, Florida law allows me three possible options outlined below so long as my license was otherwise valid at the time of the instant arrest. All others are not eligible for option 1, and only may decide between options 2 and 3 so long as the license was valid at the time of the instant arrest. (please initial the option of your choosing):

_____ **1) “WAIVER ROUTE” (IMMEDIATELY OBTAIN HARDSHIP LICENSE FOR THE ENTIRE SUSPENSION PERIOD):** I choose to waive my right to an informal or formal review hearing to challenge my pending administrative suspension. I will request an “eligibility review,” through the Bureau of Administrative Reviews (hereinafter referred to as B.A.R.),* in an effort to reinstate my driving privilege on a restricted basis for business purposes only, for the full period of my suspension (see attached memo for restrictions). Should I choose this option I understand that **within 10 regular days (not business days) from the date of my DUI citation or notice of suspension, I MUST TAKE THE**

_____ marking your initial here confirms you have read and understand the content of this page.

FOLLOWING ACTIONS:

STEP 1: Obtain a photo ID from the tax collectors officer, if you do not have already have a passport.

STEP 2: Take to Northeast Florida Safety Council when registering for DUI school: photo ID, proof of residency, the complete arrest and booking report including breath/blood affidavit or refusal affidavit, and the DUI citation.** The registration process will take *a minimum of one hour*, and the school charges non-refundable \$275.00 + fee (subject to change).

STEP 3: Fax application, proof of enrollment in DUI school and your DUI citation to the Bureau of Administrative Reviews.* There is a \$25.00 non-refundable fee for this request.

STEP 4: If you are granted a hardship license, the Bureau of Administrative Reviews will send you to another DMV location to obtain the physical license. Reinstatement will cost \$206.25 (subject to change). This step does not necessarily need to be completed within the 10 day deadline, but the above 3 steps MUST.

I understand that time is of the essence, and that I must carefully consider the hours of operation for both the B.A.R. and Northeast Florida Safety Counsel. I understand that I must also complete the DUI school to maintain my hardship license, and to reinstate my license at the conclusion of the suspension period. I understand that DUI school will perform an evaluation that may result in me being referred to counseling, and that completing any referred counseling will be necessary to maintain my hardship license. If I fail to complete the DUI school or any recommended counseling, a suspension will be issued for non-completion. I understand that by making this choice an administrative suspension will appear on my lifetime driving record (which is not a criminal record). I understand that if the B.A.R.s determines that I was incorrect as to the number (zero or none) I stated in the first paragraph of this document that I must then request a Formal Review hearing (see option #2 below). I can then choose to either complete DUI school (which will be noted on my permanent driving record) or lose the fee I paid for DUI school and take a chance on not being required to take the school at a later time.

Should I choose option one, I must also initial here to confirm that I have read the following warning:

_____ By choosing option one, I understand that I have waived my right to contest the administrative suspension of my driver license. I also understand that the administrative suspension entry will remain on my driving record (not my criminal record) for life. I understand that the outcome of my criminal case, that caused this suspension through DHSMV, will not alter this entry on my driving record. I understand that the only way this entry will be removed from my certified lifetime driving record is if my blood or breath alcohol level was above the legal limit and received a verdict of not guilty at trial in the criminal case.

_____ marking your initial here confirms you have read and understand the content of this page.

Furthermore, if my current case involves a refusal and should I receive a subsequent arrest for DUI at a later date, and I refuse a breath, blood, or urine test at that time, I will receive an additional misdemeanor charge for refusing to submit.

I understand, whether breath or blood test or refusal, that by waiving my right to a formal review hearing that my attorneys will not be able to ascertain sworn testimony from the witnesses and officers in my case prior to any criminal proceedings or evidentiary hearings. I understand that if I had chosen to complete a formal review that the sworn testimony obtained in that hearing could have potentially been used to impeach officers and witnesses later in my criminal case. Additionally, the sworn testimony could have been helpful in discovering defenses that otherwise may not necessarily be discovered. I understand that because my case is a misdemeanor that depositions are not automatically granted, therefore without this hearing my attorney may not be given the opportunity to speak with officers and witnesses prior to any evidentiary hearing.

I understand that this entry on my driving record has the potential to affect my insurance. I understand that if I drive for employment purposes that this entry may cause potential employment issues. I understand that if I hold a CDL license that additional penalties will most likely apply, and my CDL classification may be removed. I further understand that any restricted license I receive will not apply to my CDL and will only be permitted to drive, on a restricted basis, for non-commercial purposes.

OUT OF STATE LICENSE HOLDERS: I understand that if I am not a Florida DL holder and that if I chose option 1 that I will have to first surrender my out of state DL and then obtain a Florida driver's license in order to obtain the restricted permit for my administrative suspension. Lockett Law cannot advise those with out of state drivers licenses what their home state's driving record will reflect and should there be any "holds" or suspensions in that home state, Florida DMV will not issue you a license here until such hold or suspension is cleared. I further understand that a DUI arrest here in Florida will only suspend my Florida driving privileges and will not necessarily result in a suspension of my out of state driver's license unless I am ultimately convicted of the DUI here in Florida. This may provide additional incentive to select option 2 below for those out of state DL holders who do not currently reside, work, or need to drive in Florida.

____ 2) **FORMAL REVIEW DMV HEARING:** I choose to have a formal review hearing of my administrative suspension within 10 days after the issuance of my DUI Citation or notice of suspension by going to the B.A.R.* to request a formal review hearing. I understand the B.A.R. will require that I complete an application for formal review and I must have my DUI citation with me at the time of application. I understand that there is a \$25.00 filing fee.* I understand that I must clearly mark on the application that my request is for a *formal review hearing* and **not** an informal hearing. If I hire the firm of Lockett Law in a timely manner, and inform them timely of my decision to contest the suspension, the firm will take these steps for me if I did not already proceed under option 1.

I understand that if I choose this option (2) I will be provided with a temporary restricted driving permit (if eligible) while my hearing is pending. I further understand that any restricted license I receive will not apply to my CDL (which will be suspended for at least one year) and I will only be permitted to _____ marking your initial here confirms you have read and understand the content of this page.

drive, on a restricted basis, for non-commercial purposes. If DMV invalidates the suspension after the formal hearing, then my CDL may be restored. I also understand that if the B.A.R. sides with the arresting agency and upholds the suspension (6 months for a breath test, 12 to 18 months for refusal), I will have to go 30 days without driving if I took a breath test or blood test, and 90 days if I refused, before I would be eligible to apply for a hardship license for the remainder of the suspension. This period of no driving is referred to as “hard time”. However, I understand that if I have a prior suspension for refusing a breath, blood, or urine test, my suspension period is 18 months and I am not eligible for a hardship permit if the suspension is upheld after the formal review hearing. If the B.A.R. decides there is not enough evidence to uphold the suspension, my full driving privileges will be reinstated and the administrative suspension will be removed from my driving record.

I further understand that if DMV upholds the suspension after the formal review hearing, that I will need (for those eligible) to follow Steps 1 through 4 outlined in option/section 1 above to obtain another restricted license once my hard time is up.

OUT OF STATE LICENSE HOLDERS: I understand that if I am not a Florida DL holder and I elect to have the formal hearing under option 2, that I will receive a temporary permit to drive on a restricted basis here in Florida while the DMV proceedings are pending. Should DMV uphold the suspension after the hearing and if you live or need to drive in Florida, you will have to first surrender your out of state DL and then obtain a Florida driver’s license in order to obtain the restricted permit for the remaining period of the suspension following the “hard time”. Lockett Law cannot advise those with out of state drivers licenses what their home state’s driving record will reflect and should there be any “holds” or suspensions in that home state, Florida DMV will not issue you a license here until such hold or suspension is cleared. I further understand that a DUI arrest here in Florida will only suspend my Florida driving privileges and will not necessarily result in a suspension of my out of state driver’s license unless I am ultimately convicted of the DUI here in Florida. Therefore, out of state license holders may obtain a duplicate license (in most states) in your home state and may continue to drive in any other state on an un-restricted/non-suspended basis unless you are ever convicted of the DUI here in Florida. This may provide additional incentive for you to choose to select option 2.

____ 3) **INFORMAL REVIEW.** I choose to apply for an informal review of my administrative suspension within 10 days after the issuance of my DUI citation or notice of suspension by going to the B.A.R.* to request an informal review hearing. ***I understand Lockett Law does not recommend this choice.*** I understand the B.A.R. requires that I complete an application, that I must have my DUI citation with me and that I will have to pay a \$25.00 filing fee.* I understand that I must clearly mark on the application that my request is for a **informal** review hearing and **not** a formal hearing.

____ marking your initial here confirms you have read and understand the content of this page.

My signature below signifies my full knowledge and understanding of the entire contents of this document and that Lockett Law has answered all my questions regarding the contents of this document.

Driver printed name

Driver signature

Witness printed name

Witness signature

* The local Bureau of Administrative Reviews Office (B.A.R.) is located at 7439 Wilson Boulevard, Jacksonville, Florida 32210, Telephone Number 904-777-2132, Fax 904-777-2132
Hours of operation: 7:00 a.m. through 6:00 p.m., but hearing are held between 7:30 a.m. and 4:30 p.m.

**Northeast Florida Safety Counsel - DUI School
DUVAL COUNTY - 1725 Art Museum Drive, Jacksonville, Florida 32207
904-399-3119 x3 for registration (7:30 a.m. to 4:00 p.m. Monday through Friday).

CLAY COUNTY - 1515 Smith Street, Orange Park, Florida 32073
904-264-8665 (call for hours of operation)

NASSAU COUNTY - 1555 S. 8th Street, Fernandina Beach, Florida 32034
904-491-4861 (or for Schedule of registration services call 904-399-3119)

ST. JOHNS COUNTY - 3760 US1 South, Bldg 2, Suite 280, St. Augustine, Florida 32086
904-764-1616, Monday through Friday 8:30 a.m. through 11:30 a.m, and 1:30 p.m. through 3:30 p.m.

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