

# Keeping A Driver's License - DMV Hearings for DUI in Brevard County, Florida

*It is important to reach out to an experienced Florida DUI lawyer and prepare for a DMV hearing as soon as a driver's license is suspended.*

COCOA, FL, UNITED STATES, July 26, 2022 /EINPresswire.com/ -- When facing a license suspension, one has the option to appeal the suspension through a hearing with the DHSMV (Department of Highway Safety and Motor Vehicles). However, only 10 days are allowed to appeal a hearing with the DMV to keep a driver's license.

Even if not found guilty of drunk driving, a license will be immediately suspended if a hearing with the DMV is not requested.

Therefore, it is important to reach out to an experienced [Florida DUI lawyer](#) and prepare for a DMV hearing as soon as a driver's license is suspended.

## License Suspension

According to F.S. 322.2615(1)(a), law enforcement has the right to suspend a driver's license if arrested for DUI or if the driver refuses to submit to chemical testing. The arresting officer will take the driver's license and issue a provisional license. This license is only valid for 10 days, and unless a review hearing is requested, the license will remain suspended at the conclusion of the ten days. The suspension begins the day the department tells the driver that their license has been suspended.

## DMV Hearings for DUIs

Two independent legal processes follow DUI arrests in Florida: a criminal DUI trial in Florida courts and an administrative hearing at DMV to determine the fate of the driver's license. The DMV hearing is a purely administrative process. With the exception of evaluating the legality of



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the arrest and sealing the officer's testimony, the DMV hearing has no legal bearing on the criminal case.

Typically, DMV hearings are far less formal than court trials. A DMV officer presides over the DUI hearing case. The DMV does not have the authority to penalize or put the driver in jail, but they can suspend driving privileges. The suspension of one's driver's license is often the most onerous punishment for first-time DUI offenders.

Preparing for [DMV Hearings for DUI](#)

It may be tough to handle the DMV hearing procedure without the assistance of a legal practitioner. The driver is required to submit a written request for an administrative review hearing within 10 days of receiving notice of the license suspension. The request must contain the driver's name, license number, birth date, and other information.

A [DUI lawyer](#) can file the request for a DMV hearing on the driver's behalf. The next step is to organize key case information with a DUI attorney. Every case is different and therefore a DUI lawyer can provide advice and solutions tailored to individual circumstances.

Understanding rights is also crucial to preparing for DMV hearings for DUIs. The driver has the right to be represented by an attorney at the DUI DMV hearing at the driver's own expense. The driver can also examine and contest evidence, subpoena and present witnesses, cross-examine witnesses, and testify on their own behalf.

The department must schedule a review no later than 30 days after receiving a request. When the DMV schedules a review, it will notify the driver of the time, date, and location of the license suspension hearing.

### Formal vs. Informal Hearings

According to Florida Statute 322.2615, an informal review entails merely a DMV evaluation of the suspension. During the hearing, a DMV officer will go over the materials provided by law police and the driver's attorney. After reviewing the case, the DMV will decide whether to keep, invalidate, or adjust the license suspension. The DMV will notify the driver of the outcome of the hearing.

A formal hearing, as opposed to an informal hearing, involves witnesses, evidence, testimony, and pertinent documents. If the driver requests a formal hearing and fails to attend on the scheduled day, their right to a hearing is automatically waived, and their license is suspended. A formal hearing will assess whether or not the DMV has sufficient grounds to suspend the driver's license.

### Types of DMV Hearings

A DMV hearing might be requested for one of two reasons: the driver was arrested for drunk driving, or the driver refused to submit to chemical testing for DUI, such as breath, blood, or urine testing.

### DMV Hearing for Drunk Driving

If arrested for drunk driving or driving under the influence of drugs, the DMV DUI hearing would determine the following:

- Was the cop justified in pulling the driver over?
- Was the driver in actual control of the vehicle when they were arrested?
- Was the driver under the influence of alcohol or a controlled substance?
- Was the driver's BAC higher than 0.08 percent, the legal limit?

### DMV Hearing for Refusing Test

If an officer asks the driver to submit to a breath, blood, or urine test and the driver refused, the hearing will assess numerous criteria, including:

- Did law police have probable cause to suspect DUI?
- Was the driver in physical control of a motor vehicle?
- Did law enforcement inform the driver that their license would be suspended?

### Preserving The Driving License

Remember, if arrested for driving under the influence or refusing to take a sobriety test, the driver has only 10 days to request a hearing, so take action quickly. It is important to reach out to an experienced Florida DUI lawyer and prepare for a DMV hearing as soon as a driver's license is suspended.

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