

1 A bill to be entitled
 2 An act relating to driving under the influence;
 3 amending s. 316.193, F.S.; requiring mandatory
 4 placement, at the convicted person's sole expense, of
 5 an ignition interlock device for a specified period
 6 for a first conviction for driving under the
 7 influence; deleting obsolete provisions; conforming
 8 provisions to changes made by the act; providing an
 9 effective date.

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

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13 Section 1. Subsection (2) of section 316.193, Florida
 14 Statutes, is amended to read:

15 316.193 Driving under the influence; penalties.—

16 (2) (a) Except as provided in paragraph (b), subsection
 17 (3), or subsection (4), any person who is convicted of a
 18 violation of subsection (1) shall be punished:

19 1. By a fine of:

20 a. Not less than \$500 or more than \$1,000 for a first
 21 conviction.

22 b. Not less than \$1,000 or more than \$2,000 for a second
 23 conviction; and

24 2. By imprisonment for:

25 a. Not more than 6 months for a first conviction.

26 b. Not more than 9 months for a second conviction.

27 3. By mandatory placement, at the convicted person's sole
 28 expense, of an ignition interlock device approved by the
 29 department in accordance with s. 316.1938:

30 a. For a first conviction, for a period of at least 6
 31 months; or

32 b. For a second conviction, by mandatory placement for a
 33 period of at least 1 year, at the convicted person's sole
 34 expense, of an ignition interlock device approved by the
 35 department in accordance with s. 316.1938

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 37 upon all vehicles that are individually or jointly leased or
 38 owned and routinely operated by the convicted person, when the
 39 convicted person qualifies for a permanent or restricted
 40 license. ~~The installation of such device may not occur before~~
 41 ~~July 1, 2003.~~

42 (b)1. Any person who is convicted of a third violation of
 43 this section for an offense that occurs within 10 years after a
 44 prior conviction for a violation of this section commits a
 45 felony of the third degree, punishable as provided in s.
 46 775.082, s. 775.083, or s. 775.084. In addition, the court shall
 47 order the mandatory placement for a period of not less than 2
 48 years, at the convicted person's sole expense, of an ignition
 49 interlock device approved by the department in accordance with
 50 s. 316.1938 upon all vehicles that are individually or jointly
 51 leased or owned and routinely operated by the convicted person,
 52 when the convicted person qualifies for a permanent or

53 restricted license. ~~The installation of such device may not~~
54 ~~occur before July 1, 2003.~~

55 2. Any person who is convicted of a third violation of
56 this section for an offense that occurs more than 10 years after
57 the date of a prior conviction for a violation of this section
58 shall be punished by a fine of not less than \$2,000 or more than
59 \$5,000 and by imprisonment for not more than 12 months. In
60 addition, the court shall order the mandatory placement for a
61 period of at least 2 years, at the convicted person's sole
62 expense, of an ignition interlock device approved by the
63 department in accordance with s. 316.1938 upon all vehicles that
64 are individually or jointly leased or owned and routinely
65 operated by the convicted person, when the convicted person
66 qualifies for a permanent or restricted license. ~~The~~
67 ~~installation of such device may not occur before July 1, 2003.~~

68 3. Any person who is convicted of a fourth or subsequent
69 violation of this section, regardless of when any prior
70 conviction for a violation of this section occurred, commits a
71 felony of the third degree, punishable as provided in s.
72 775.082, s. 775.083, or s. 775.084. However, the fine imposed
73 for such fourth or subsequent violation may be not less than
74 \$2,000.

75 ~~(c) In addition to the penalties in paragraph (a), the~~
76 ~~court may order placement, at the convicted person's sole~~
77 ~~expense, of an ignition interlock device approved by the~~
78 ~~department in accordance with s. 316.1938 for at least 6~~

CS/HB 555

2016

79 ~~continuous months upon all vehicles that are individually or~~
80 ~~jointly leased or owned and routinely operated by the convicted~~
81 ~~person if, at the time of the offense, the person had a blood-~~
82 ~~alcohol level or breath-alcohol level of .08 or higher.~~

83 Section 2. This act shall take effect October 1, 2016.