



119230

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

1           **Senate Substitute for Amendment (512206) (with title**  
2 **amendment)**

3  
4           Between lines 362 and 363  
5 insert:

6           Section 13. Subsections (1), (3), and (4) of section  
7 322.2715, Florida Statutes, are amended to read:

8           322.2715 Ignition interlock device.—

9           (1) Before issuing a permanent or restricted driver license  
10 under this chapter, the department shall require the placement



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11 of a department-approved ignition interlock device for any  
12 person convicted of committing an offense of driving under the  
13 influence as specified in subsection (3), except that  
14 consideration may be given to those individuals having a  
15 documented medical condition that would prohibit the device from  
16 functioning normally. If a medical waiver has been granted for a  
17 convicted person seeking a restricted license, the convicted  
18 person shall not be entitled to a restricted license until the  
19 required ignition interlock device installation period under  
20 subsection (3) expires, in addition to the time requirements  
21 under s. 322.271. If a medical waiver has been approved for a  
22 convicted person seeking permanent reinstatement of the driver  
23 license, the convicted person must be restricted to an  
24 employment-purposes-only license and be supervised by a licensed  
25 DUI program until the required ignition interlock device  
26 installation period under subsection (3) expires. An interlock  
27 device shall be placed on all vehicles that are individually or  
28 jointly leased or owned and routinely operated by the convicted  
29 person. Effective October 1, 2016, a qualified sobriety and drug  
30 monitoring program as defined in s. 316.193(15) and authorized  
31 by 23 U.S.C. s. 164 shall be used by the department in addition  
32 to the placement of an ignition interlock device required by  
33 this section.

34 (3) If the person is convicted of:

35 (a) A first offense of driving under the influence under s.  
36 316.193 and has an unlawful blood-alcohol level or breath-  
37 alcohol level as specified in s. 316.193(1), the ignition  
38 interlock device may be installed for at least 6 continuous  
39 months.



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40 (b) A first offense of driving under the influence under s.  
41 316.193 and has an unlawful blood-alcohol level or breath-  
42 alcohol level as specified in s. 316.193(4), or if a person is  
43 convicted of a violation of s. 316.193 and was at the time of  
44 the offense accompanied in the vehicle by a person younger than  
45 18 years of age, the person shall have the ignition interlock  
46 device installed for at least 6 continuous months for the first  
47 offense and for at least 2 continuous years for a second  
48 offense.

49 (c) A second offense of driving under the influence, the  
50 ignition interlock device shall be installed for a period of at  
51 least 1 continuous year.

52 (d) A third offense of driving under the influence which  
53 occurs within 10 years after a prior conviction for a violation  
54 of s. 316.193, the ignition interlock device shall be installed  
55 for a period of at least 2 continuous years.

56 (e) A third offense of driving under the influence which  
57 occurs more than 10 years after the date of a prior conviction,  
58 the ignition interlock device shall be installed for a period of  
59 at least 2 continuous years.

60 (f) A fourth or subsequent offense of driving under the  
61 influence, the ignition interlock device shall be installed for  
62 a period of at least 5 years.

63  
64 Effective October 1, 2016, for the offenses specified in this  
65 subsection, a qualified sobriety and drug monitoring program as  
66 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164  
67 shall be used by the department in addition to the placement of  
68 an ignition interlock device required by this section.



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69 (4) If the court fails to order the mandatory placement of  
70 the ignition interlock device or fails to order for the  
71 applicable period the mandatory placement of an ignition  
72 interlock device under s. 316.193 or s. 316.1937 at the time of  
73 imposing sentence or within 30 days thereafter, the department  
74 shall immediately require that the ignition interlock device be  
75 installed as provided in this section, except that consideration  
76 may be given to those individuals having a documented medical  
77 condition that would prohibit the device from functioning  
78 normally. Effective October 1, 2016, a qualified sobriety and  
79 drug monitoring program as defined in s. 316.193(15) and  
80 authorized by 23 U.S.C. s. 164 shall be used by the department  
81 in addition to the placement of an ignition interlock device  
82 required by this section. This subsection applies to the  
83 reinstatement of the driving privilege following a revocation,  
84 suspension, or cancellation that is based upon a conviction for  
85 the offense of driving under the influence which occurs on or  
86 after July 1, 2005.

87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 53

90 and insert:

91 mental condition; amending s. 322.2715, F.S.;

92 providing that a certain qualified sobriety and drug

93 monitoring program shall be used by the department on

94 or after a specified date in addition to the placement

95 of an ignition interlock device; providing an

96 effective date.