

Bill No. CS for SB 1316

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

·  
·  
·  
·  
·  
·

Senator Webster moved the following amendment:

**Senate Amendment (with title amendment)**

On page 1, line 24, through page 2, line 29, delete those lines

and insert:

Section 1. Section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.--

(1)(a) Discretionary ignition interlock device--In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193, and who is granted probation, shall not operate a motor vehicle during the period of probation unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of 0.05 ~~percent~~ or as otherwise

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1 specified by the court. The court may require the use of an  
2 approved ignition interlock device for the period of  
3 probation, said period to be for not less than 6 months, if  
4 the person is permitted to operate a motor vehicle, whether  
5 the privilege to operate a motor vehicle is restricted or  
6 not, as determined by the court.

7 (b) Mandatory ignition interlock device--On or after  
8 July 1, 2000, in addition to any other authorized penalties,  
9 the court shall require that any person whose license is  
10 revoked pursuant to s. 322.28(2)(a)2. or s. 322.28(2)(a)3. and  
11 who obtains a restricted license pursuant to s. 322.271 shall  
12 not operate a motor vehicle unless the vehicle is equipped  
13 with a functioning ignition interlock device certified by the  
14 department as provided in s. 316.1938 for at least the first  
15 year following the issuance of the restricted license. The  
16 ignition interlock device must be installed in such a manner  
17 that the vehicle will not start if the operator's  
18 blood-alcohol level is in excess of .05 or otherwise as  
19 provided by department rule. If the requirement for the  
20 ignition interlock device is not specified by the court at the  
21 time of imposing sentence, or within 30 days thereafter, the  
22 department shall require an ignition interlock device as  
23 specifed herein prior to issuing a restricted license.

24 (2) If the court imposes the use of an ignition  
25 interlock device pursuant to subsection (1)~~as a condition of~~  
26 ~~probation~~, the court shall:

27 (a) Stipulate on the record the requirement for, and  
28 the period of, the use of a certified ignition interlock  
29 device.

30 (b) Order that the records of the department reflect  
31 such requirement.

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1           (c) Order that an ignition interlock device be  
2 installed, as the court may determine necessary, on any  
3 vehicle owned or operated by the offender ~~probationer~~.

4           (d) Determine the offender's ~~probationer's~~ ability to  
5 pay for installation and monitoring of the device if the  
6 offender ~~probationer~~ claims inability to pay. If the court  
7 determines that the offender ~~probationer~~ is unable to pay for  
8 installation and monitoring of the device, the court may order  
9 that any portion of a fine paid by the offender ~~probationer~~  
10 for a violation of s. 316.193 shall be allocated to defray the  
11 costs of installing and monitoring the device.

12           (e) Require proof of installation of the device and  
13 periodic reporting to the probation officer if the offender is  
14 on probation or to the department if the offender's  
15 probationary period has ended for verification of the  
16 operation of the device in the offender's ~~probationer's~~  
17 vehicle.

18           (3) If the court imposes the use of an ignition  
19 interlock device as a term of probation on a person whose  
20 driving privilege is not suspended or revoked, the court shall  
21 require the person to provide proof of compliance to the  
22 probation officer within 30 days. If the person fails to  
23 provide proof of installation within that period, absent a  
24 finding by the court of good cause for that failure which is  
25 entered in the court record, the court shall revoke or  
26 terminate the person's probation.

27           (4) If the court imposes the use of an ignition  
28 interlock device ~~as a term of probation~~ on a person whose  
29 driving privilege is suspended or revoked for a period of less  
30 than 3 years, the department shall require proof of compliance  
31 before reinstatement of the person's driving privilege.

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1           (5)(a) In addition to any other provision of law, upon  
2 conviction of a violation of this section the department shall  
3 revoke the person's driving privilege for 1 year from the date  
4 of conviction. Upon conviction of a separate violation of  
5 this section during the same period of required use of an  
6 ignition interlock device, the department shall revoke the  
7 person's driving privilege for 5 years from the date of  
8 conviction.

9           (b) Any person convicted of a violation of subsection  
10 (6) who does not have a driver's license shall, in addition to  
11 any other penalty provided by law, pay a fine of not less than  
12 \$250 or more than \$500 per each such violation. In the event  
13 that the person is unable to pay any such fine, the fine shall  
14 become a lien against the motor vehicle used in violation of  
15 subsection (6) and payment shall be made pursuant to s.  
16 316.3025(4).

17           (6)(a) It is unlawful to tamper with, or to circumvent  
18 the operation of, a court-ordered ignition interlock device.

19           (b) It is unlawful for any person whose driving  
20 privilege is restricted pursuant to this section to request or  
21 solicit any other person to blow into an ignition interlock  
22 device or to start a motor vehicle equipped with the device  
23 for the purpose of providing the person so restricted with an  
24 operable motor vehicle.

25           (c) It is unlawful to blow into an ignition interlock  
26 device or to start a motor vehicle equipped with the device  
27 for the purpose of providing an operable motor vehicle to a  
28 person whose driving privilege is restricted pursuant to this  
29 section.

30           (d) It is unlawful to knowingly lease or lend a motor  
31 vehicle to a person who has had his or her driving privilege

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1 restricted ~~under a condition of probation~~ as provided in this  
2 section, unless the vehicle is equipped with a functioning,  
3 certified ignition interlock device. Any person whose driving  
4 privilege is restricted by ~~under a condition of probation~~  
5 requiring an ignition interlock device shall notify any other  
6 person who leases or loans a motor vehicle to him or her of  
7 such driving restriction.

8 (7) Notwithstanding the provisions of this section, if  
9 a person is required to operate a motor vehicle in the course  
10 and scope of his or her employment and if the vehicle is owned  
11 by the employer, the person may operate that vehicle without  
12 installation of an approved ignition interlock device if the  
13 employer has been notified of such driving privilege  
14 restriction and if proof of that notification is with the  
15 vehicle. This employment exemption does not apply, however,  
16 if the business entity which owns the vehicle is owned or  
17 controlled by the person whose driving privilege has been  
18 restricted.

19 Section 2. Subsection (2), of section 322.271, Florida  
20 Statutes, 1998 Supplement, is amended to read:

21 322.271 Authority to modify revocation, cancellation,  
22 or suspension order.--

23 (2)(a) Upon such hearing, the person whose license has  
24 been suspended, canceled, or revoked may show that such  
25 suspension, cancellation, or revocation of his or her license  
26 causes a serious hardship and precludes the person's carrying  
27 out his or her normal business occupation, trade, or  
28 employment and that the use of the person's license in the  
29 normal course of his or her business is necessary to the  
30 proper support of the person or his or her family. Except as  
31 otherwise provided in this subsection, the department shall

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1 require proof of the successful completion of an approved  
2 driver training or substance abuse education course and may  
3 require letters of recommendation from respected  
4 businesspersons in the community, law enforcement officers, or  
5 judicial officers in determining whether such person should be  
6 permitted to operate a motor vehicle on a restricted basis for  
7 business or employment use only and in determining whether  
8 such person can be trusted to so operate a motor vehicle. If a  
9 driver's license has been suspended under the point system or  
10 pursuant to s. 322.2615, the department shall require proof of  
11 enrollment in an approved driver training course or substance  
12 abuse education course, and may require the letters of  
13 recommendation described in this subsection to determine if  
14 the driver should be reinstated on a restricted basis; if such  
15 person fails to complete the approved course within 90 days  
16 after reinstatement, the department shall cancel his or her  
17 driver's license until the course is successfully completed.  
18 The privilege of driving on a limited or restricted basis for  
19 business or employment use shall not be granted to a person  
20 who has been convicted of a violation of s. 316.193 until  
21 completion of such education or training course. Except as  
22 provided in paragraph (b), the privilege of driving on a  
23 limited or restricted basis for business or employment use  
24 shall not be granted to a person whose license is revoked  
25 pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and  
26 who has been convicted of a violation of s. 316.193 two or  
27 more times or whose license has been suspended two or more  
28 times for refusal to submit to a test pursuant to s. 322.2615  
29 or former s. 322.261.

30 (b) A person whose license has been revoked for a  
31 period of 5 years or less pursuant to s. 322.28(2)(a) may,

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1 upon the expiration of 12 months after the date said  
2 revocation was imposed, petition the department for  
3 reinstatement of his or her driving privilege on a restricted  
4 basis. A person whose license has been revoked for a period  
5 of more than 5 years under s. 322.28(2)(a) may, upon the  
6 expiration of 24 months after the date the revocation was  
7 imposed, petition the department for reinstatement of his or  
8 her driving privilege on a restricted basis. Reinstatement of  
9 the driving privilege pursuant to this subsection shall be  
10 restricted to business or employment purposes only. In  
11 addition, the department shall require such persons upon  
12 reinstatement to have not driven and to have been drug free  
13 for at least 12 months immediately prior to such  
14 reinstatement, to show compliance with s. 316.1937 or  
15 paragraph (d) of this subsection, to be supervised by a DUI  
16 program licensed by the department, and to report to the  
17 program at least three times a year as required by the program  
18 for the duration of the revocation period for supervision.  
19 Such supervision shall include evaluation, education, referral  
20 into treatment, and other activities required by the  
21 department. Such persons shall assume reasonable costs of  
22 supervision. If such person fails to comply with the required  
23 supervision, the program shall report the failure to the  
24 department, and the department shall cancel such person's  
25 driving privilege. This paragraph does not apply to any  
26 person whose driving privilege has been permanently revoked.

27 (c) For the purpose of this section, a previous  
28 conviction of driving under the influence, driving while  
29 intoxicated, driving with an unlawful blood-alcohol level, or  
30 any other similar alcohol-related or drug-related offense  
31 outside this state or a previous conviction of former s.

Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1 316.1931, former s. 316.028, or former s. 860.01 shall be  
2 considered a previous conviction for violation of s. 316.193.

3 (d) The department, based upon review of the  
4 licensee's application for reinstatement, may require use of  
5 an ignition interlock device pursuant to s. 316.1937.

6

7 (Redesignate subsequent sections.)

8

9

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

11 And the title is amended as follows:

12 On page 1, lines 2-8, delete those lines

13

14 and insert:

15 An act relating to revocation and suspension of  
16 driver's licenses; amending s. 316.1937, F.S.;  
17 requiring the use of an ignition interlock  
18 device on or after July 1, 2000 for any person  
19 whose license is revoked pursuant to s. 322.28,  
20 F.S. and who obtains a restricted license  
21 pursuant to s. 322.271, F.S; requiring the  
22 court to determine the offender's ability to  
23 pay for installation and monitoring of the  
24 device; requiring that proof of installation of  
25 the device and periodic reporting of the device  
26 be made to the probation officer or the  
27 department depending on the circumstances;  
28 providing certain nomenclature changes;  
29 amending s. 322.271, F.S.; providing that a  
30 person who seeks reinstatement of a driver's  
31 license revoked pursuant to s. 322.28, F.S.,



Bill No. CS for SB 1316

Amendment No. \_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

must show the department proof of the  
installation of an ignition interlock device if  
ordered; amending s. 322.2616, F.S.;