

By Representative Dockery

1 A bill to be entitled
2 An act relating to driving under the influence;
3 amending s. 316.193, F.S.; providing for an
4 additional period of probation where the court
5 orders restitution with respect to driving
6 under the influence; providing an effective
7 date.

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

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11 Section 1. Paragraph (a) of subsection (6) of section
12 316.193, Florida Statutes, is amended to read:

13 316.193 Driving under the influence; penalties.--

14 (6) With respect to any person convicted of a
15 violation of subsection (1), regardless of any penalty imposed
16 pursuant to subsection (2), subsection (3), or subsection (4):

17 (a) For the first conviction, the court shall place
18 the defendant on probation for a period not to exceed 1 year
19 and, as a condition of such probation, shall order the
20 defendant to participate in public service or a community work
21 project for a minimum of 50 hours; or the court may order
22 instead, that any defendant pay an additional fine of \$10 for
23 each hour of public service or community work otherwise
24 required, if, after consideration of the residence or location
25 of the defendant at the time public service or community work
26 is required, payment of the fine is in the best interests of
27 the state. However, the total period of probation and
28 incarceration may not exceed 1 year unless restitution is
29 ordered. If restitution is ordered, the defendant may be
30 sentenced, in addition to the period of incarceration or
31 probation otherwise provided, to probation for a period not to

1 exceed 4 additional years for the purpose of the defendant's
2 completing payment of restitution and court costs.The court
3 must also, as a condition of probation, order the impoundment
4 or immobilization of the vehicle that was operated by or in
5 the actual control of the defendant or any one vehicle
6 registered in the defendant's name at the time of impoundment
7 or immobilization, for a period of 10 days or for the
8 unexpired term of any lease or rental agreement that expires
9 within 10 days. The impoundment or immobilization must not
10 occur concurrently with the incarceration of the defendant.
11 The impoundment or immobilization order may be dismissed in
12 accordance with paragraph (e), paragraph (f), or paragraph
13 (g).

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15 For the purposes of this section, any conviction for a
16 violation of s. 327.35; a previous conviction for the
17 violation of former s. 316.1931, former s. 860.01, or former
18 s. 316.028; or a previous conviction outside this state for
19 driving under the influence, driving while intoxicated,
20 driving with an unlawful blood-alcohol level, driving with an
21 unlawful breath-alcohol level, or any other similar
22 alcohol-related or drug-related traffic offense, is also
23 considered a previous conviction for violation of this
24 section. However, in satisfaction of the fine imposed pursuant
25 to this section, the court may, upon a finding that the
26 defendant is financially unable to pay either all or part of
27 the fine, order that the defendant participate for a specified
28 additional period of time in public service or a community
29 work project in lieu of payment of that portion of the fine
30 which the court determines the defendant is unable to pay. In
31 determining such additional sentence, the court shall consider

1 the amount of the unpaid portion of the fine and the
2 reasonable value of the services to be ordered; however, the
3 court may not compute the reasonable value of services at a
4 rate less than the federal minimum wage at the time of
5 sentencing.

6 Section 2. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

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Provides that, with respect to a conviction for driving under the influence, if restitution is ordered, the defendant may be sentenced to an additional period of probation, not to exceed 4 years, for the purpose of completing payment of restitution and court costs.