

By Senator Laurent

17-269-00

See HB 151

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A bill to be entitled  
An act relating to driving under the influence;  
amending s. 316.193, F.S.; providing for an  
additional period of probation where the court  
orders restitution with respect to driving  
under the influence; amending s. 948.15, F.S.,  
relating to probation services for defendants  
found guilty of misdemeanors involving the use  
of alcohol; conforming provisions to changes  
made by the act; providing an effective date.

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

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

316.193 Driving under the influence; penalties.--

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

(a) For the first conviction, the court shall place  
the defendant on probation for a period not to exceed 1 year  
and, as a condition of such probation, shall order the  
defendant to participate in public service or a community work  
project for a minimum of 50 hours; or the court may order  
instead, that any defendant pay an additional fine of \$10 for  
each hour of public service or community work otherwise  
required, if, after consideration of the residence or location  
of the defendant at the time public service or community work  
is required, payment of the fine is in the best interests of  
the state. However, the total period of probation and  
incarceration may not exceed 1 year unless restitution is

1 ordered. If restitution is ordered, the defendant may be  
2 placed on probation, with or without incarceration as a  
3 condition thereof, for a period not to exceed 5 years.  
4 However, if after 1 year the defendant has completed payment  
5 of the restitution, fine, and court costs and is otherwise in  
6 compliance with the terms of probation, the probation shall  
7 terminate.The court must also, as a condition of probation,  
8 order the impoundment or immobilization of the vehicle that  
9 was operated by or in the actual control of the defendant or  
10 any one vehicle registered in the defendant's name at the time  
11 of impoundment or immobilization, for a period of 10 days or  
12 for the unexpired term of any lease or rental agreement that  
13 expires within 10 days. The impoundment or immobilization must  
14 not occur concurrently with the incarceration of the  
15 defendant. The impoundment or immobilization order may be  
16 dismissed in accordance with paragraph (e), paragraph (f), or  
17 paragraph (g).

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19 For the purposes of this section, any conviction for a  
20 violation of s. 327.35; a previous conviction for the  
21 violation of former s. 316.1931, former s. 860.01, or former  
22 s. 316.028; or a previous conviction outside this state for  
23 driving under the influence, driving while intoxicated,  
24 driving with an unlawful blood-alcohol level, driving with an  
25 unlawful breath-alcohol level, or any other similar  
26 alcohol-related or drug-related traffic offense, is also  
27 considered a previous conviction for violation of this  
28 section. However, in satisfaction of the fine imposed pursuant  
29 to this section, the court may, upon a finding that the  
30 defendant is financially unable to pay either all or part of  
31 the fine, order that the defendant participate for a specified

1 additional period of time in public service or a community  
2 work project in lieu of payment of that portion of the fine  
3 which the court determines the defendant is unable to pay. In  
4 determining such additional sentence, the court shall consider  
5 the amount of the unpaid portion of the fine and the  
6 reasonable value of the services to be ordered; however, the  
7 court may not compute the reasonable value of services at a  
8 rate less than the federal minimum wage at the time of  
9 sentencing.

10 Section 2. Subsection (1) of section 948.15, Florida  
11 Statutes, is amended to read:

12 948.15 Misdemeanor probation services.--

13 (1) Defendants found guilty of misdemeanors who are  
14 placed on probation shall be under supervision not to exceed 6  
15 months unless otherwise specified by the court. In relation  
16 to any misdemeanor offense ~~other than a felony~~ in which the  
17 use of alcohol is a significant factor, the period of  
18 probation may be up to 1 year, except as provided in s.  
19 316.193(6).

20 Section 3. This act shall take effect July 1, 2000.

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23 LEGISLATIVE SUMMARY

24 Provides that, with respect to a conviction for driving  
25 under the influence, if restitution is ordered, the  
26 defendant may be sentenced to an additional period of  
27 probation, not to exceed 5 years, for the purpose of  
28 completing payment of the restitution, fine, and court  
29 costs.  
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