

By Senator Latvala

19-1640-00

See HB

1 A bill to be entitled
2 An act relating to driving under the influence;
3 amending s. 316.1937, F.S.; requiring certain
4 persons who have been convicted of driving
5 under the influence to operate a motor vehicle
6 with an ignition interlock device; providing
7 for certain court-ordered requirements;
8 providing a penalty for tampering with the
9 device; directing the Department of Highway
10 Safety and Motor Vehicles to require certain
11 persons supervised by a licensed DUI program
12 and participating in special supervision
13 services to operate a motor vehicle with an
14 ignition interlock device; providing for
15 monitoring; providing an effective date.

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

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19 Section 1. Subsection (1) of section 316.1937, Florida
20 Statutes, is amended to read:

21 316.1937 Ignition interlock devices, requiring;
22 unlawful acts.--

23 (1)(a) In addition to any other authorized penalties,
24 the court may require that any person who is convicted of
25 driving under the influence in violation of s. 316.193, and
26 who is granted probation, shall not operate a motor vehicle
27 during the period of probation unless that vehicle is equipped
28 with a functioning ignition interlock device certified by the
29 department as provided in s. 316.1938, and installed in such a
30 manner that the vehicle will not start if the operator's blood
31 alcohol level is in excess of 0.02 ~~0.05~~ percent or as

1 otherwise specified by the court. The court may require the
2 use of an 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 not,
6 as determined by the court.

7 (b) In addition to any other authorized penalties, the
8 court must require that any person who is convicted a second
9 time of driving under the influence in violation of s. 316.193
10 or former s. 316.1931 more than 5 years after the first
11 conviction, and any person who is convicted a third time of
12 driving under the influence in violation of s. 316.193 or
13 former s. 316.1931 more than 10 years after the first
14 conviction, shall not operate a motor vehicle unless the
15 vehicle is equipped with a functioning ignition interlock
16 device certified by the department as provided in s. 316.1938,
17 and installed in such a manner that the vehicle will not start
18 if the operator's blood alcohol level is in excess of 0.02
19 percent or otherwise as specified by the court. The court must
20 provide that if a person who is prohibited from operating a
21 motor vehicle unless the vehicle is equipped with an ignition
22 interlock device pursuant to this paragraph tampers with the
23 ignition interlock device or otherwise circumvents the
24 operation of such device as described in subsection (6) or,
25 except as provided in subsection (7), drives a motor vehicle
26 without such device in violation of the order of the court,
27 such person shall, in addition to any other authorized
28 penalty, have his or her license suspended for a minimum term
29 of 1 year.

30 (c) The Department of Highway Safety and Motor
31 Vehicles must require that any person who is being supervised

1 by a licensed DUI program and participating in special
2 supervision services pursuant to s. 322.271, who fails to
3 comply with the required supervision due to use of alcohol or
4 any substance controlled under chapter 893, but not due to
5 another DUI offense, upon recommendation from the DUI program
6 supervision staff, shall not operate a motor vehicle unless
7 the vehicle is equipped with a functioning ignition interlock
8 device certified by the department as provided in s. 316.1938,
9 and installed in such a manner that the vehicle will not start
10 if the operator's blood alcohol level is in excess of 0.02
11 percent or otherwise as specified by the department. Use of an
12 ignition interlock device in this circumstance shall be in
13 lieu of cancellation of the person's driving privilege as
14 provided in s. 322.271 and shall be required for a period of
15 at least 1 year. If a person who is prohibited from operating
16 a motor vehicle unless the vehicle is equipped with an
17 ignition interlock device pursuant to this paragraph tampers
18 with the ignition interlock device or otherwise circumvents
19 the operation of such device as described in subsection (6)
20 or, except as provided in subsection (7), drives a motor
21 vehicle without such device, such person's driver's license or
22 driving privilege shall be cancelled.

23 (d) Any person who is required to use an ignition
24 interlock device pursuant to this section must be monitored by
25 a licensed DUI program. The full cost of installation,
26 maintenance, and monitoring services shall be paid by the
27 person who is required to use the ignition interlock device,
28 except as otherwise provided in subsection (2).

29 Section 2. This act shall take effect July 1, 2000.
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LEGISLATIVE SUMMARY

Requires the installation and use of an ignition interlock device in the motor vehicle of described persons who have been convicted of driving under the influence and described persons who are being supervised by a licensed DUI program and participating in special supervision services. (See bill for details.)