

By Senator Burt

16-385-02

1 A bill to be entitled
 2 An act relating to driving under the influence;
 3 amending s. 316.193, F.S.; increasing the
 4 penalty for a third conviction of driving under
 5 the influence to a third-degree felony;
 6 providing an effective date.

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

10 Section 1. Subsections (2) and (4) of section 316.193,
 11 Florida Statutes, are amended to read:

12 316.193 Driving under the influence; penalties.--
 13 (2)(a) Except as provided in paragraph (b), subsection
 14 (3), or subsection (4), any person who is convicted of a
 15 violation of subsection (1) shall be punished:

- 16 1. By a fine of:
 - 17 a. Not less than \$250 or more than \$500 for a first
 - 18 conviction.
 - 19 b. Not less than \$500 or more than \$1,000 for a second
 - 20 conviction; and—
 - 21 c. ~~Not less than \$1,000 or more than \$2,500 for a~~
 - 22 ~~third conviction; and~~
- 23 2. By imprisonment for:
 - 24 a. Not more than 6 months for a first conviction.
 - 25 b. Not more than 9 months for a second conviction.
 - 26 c. ~~Not more than 12 months for a third conviction.~~

27 (b) Any person who is convicted of a third ~~fourth~~ or
 28 subsequent violation of this section within 10 years after the
 29 first of three or more convictions for a violation of this
 30 section is guilty of a felony of the third degree, punishable
 31 as provided in s. 775.082, s. 775.083, or s. 775.084; however,

1 the fine imposed for such third ~~fourth~~ or subsequent violation
2 may be not less than \$1,000.

3 (4) Any person who is convicted of a violation of
4 subsection (1) and who has a blood-alcohol level or
5 breath-alcohol level of 0.20 or higher, or any person who is
6 convicted of a violation of subsection (1) and who at the time
7 of the offense was accompanied in the vehicle by a person
8 under the age of 18 years, shall be punished:

9 (a) By a fine of:

10 1. Not less than \$500 or more than \$1,000 for a first
11 conviction.

12 2. Not less than \$1,000 or more than \$2,000 for a
13 second conviction.

14 3. Not less than \$2,000 ~~or more than \$5,000~~ for a
15 third or subsequent conviction.

16 (b) By imprisonment for:

17 1. Not more than 9 months for a first conviction.

18 2. Not more than 12 months for a second conviction.

19 ~~3. Not more than 12 months for a third conviction.~~

20
21 For the purposes of this subsection, any conviction for a
22 violation of s. 327.35, only the instant offense is required
23 to be a violation of subsection (1) by a person who has a
24 blood-alcohol level or breath-alcohol level of 0.20 or higher.

25 Section 2. This act shall take effect October 1, 2002.

26
27 *****

28 SENATE SUMMARY

29 Increases the penalty for a third conviction of driving
30 under the influence to a third-degree felony.