

Bill No. SB 1456

Amendment No. 1 Barcode 020786

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Campbell, Slosberg and Simmons Safety Act."

Section 2. Section 316.1937, Florida Statutes, is amended to read:

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

(1) 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 shall not operate a motor vehicle 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 ~~breath blood~~ alcohol level is in excess of 0.025 grams of

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1 alcohol per 210 liters of breath ~~0.05 percent~~ or as otherwise
2 specified by the court. The court may require the use of an
3 approved ignition interlock device for a period of not less
4 than 6 months, if the person is permitted to operate a motor
5 vehicle, whether or not the privilege to operate a motor
6 vehicle is restricted, as determined by the court. The court,
7 however, shall order placement of an ignition interlock device
8 in those circumstances required by s. 316.193.

9 (2) If the court imposes the use of an ignition
10 interlock device, the court shall:

11 (a) Stipulate on the record the requirement for, and
12 the period of, the use of a certified ignition interlock
13 device.

14 (b) Order that the records of the department reflect
15 such requirement.

16 (c) Order that an ignition interlock device be
17 installed, as the court may determine necessary, on any
18 vehicle owned or operated by the person.

19 (d) Determine the person's ability to pay for
20 installation of the device if the person claims inability to
21 pay. If the court determines that the person is unable to pay
22 for installation of the device, the court may order that any
23 portion of a fine paid by the person for a violation of s.
24 316.193 shall be allocated to defray the costs of installing
25 the device.

26 (e) Require proof of installation of the device,
27 monitoring by a licensed DUI program of the person required to
28 have an ignition interlock device, and periodic reporting to
29 the department by the licensed DUI program for verification of
30 the operation of the device in the person's vehicle.

31 (3) If the court imposes the use of an ignition

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1 interlock device on a person whose driving privilege is not
2 suspended or revoked, the court shall require the person to
3 provide proof of compliance to the department within 30 days.
4 If the person fails to provide proof of installation within
5 that period, absent a finding by the court of good cause for
6 that failure which is entered in the court record, the court
7 shall notify the department.

8 (4) If the court imposes the use of an ignition
9 interlock device on a person whose driving privilege is
10 suspended or revoked for a period of less than 3 years, the
11 department shall require proof of compliance before
12 reinstatement of the person's driving privilege.

13 (5)(a) In addition to any other provision of law, upon
14 conviction of a violation of this section the department shall
15 revoke the person's driving privilege for 1 year from the date
16 of conviction. Upon conviction of a separate violation of
17 this section during the same period of required use of an
18 ignition interlock device, the department shall revoke the
19 person's driving privilege for 5 years from the date of
20 conviction.

21 (b) Any person convicted of a violation of subsection
22 (6) who does not have a driver's license shall, in addition to
23 any other penalty provided by law, pay a fine of not less than
24 \$250 or more than \$500 per each such violation. In the event
25 that the person is unable to pay any such fine, the fine shall
26 become a lien against the motor vehicle used in violation of
27 subsection (6) and payment shall be made pursuant to s.
28 316.3025(4).

29 (6) If a person is convicted of DUI and is accepted
30 into a supervision program conducted by a licensed DUI program
31 the requirement for the ignition interlock shall be waived. If

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1 the DUI offender fails the abstinence requirement of the
2 program, the supervision program shall continue and an
3 ignition interlock device shall be required for 1 year of a
4 5-year license revocation period required by s. 322.28(2)(a)
5 and for 2 years of a 10-year license revocation period
6 required by s. 322.28(2)(a), and the time period of the
7 original license suspension shall be extended such that the
8 period of suspension shall be deemed to begin on the date the
9 ignition interlock device is installed. If such DUI offender
10 fails the abstinence requirement of the supervision program a
11 second time, the offender's restricted license shall be
12 revoked for the remaining revocation period.

13 (7) The requirement to place an ignition interlock
14 device in a convicted person's vehicles shall be recorded on
15 the person's license and in the department's records.

16 (8) If, while required to place an ignition interlock
17 device on his or her vehicle, the convicted person is on any
18 type of probation, the probation order shall contain a
19 condition requiring the placement of an ignition interlock
20 device, as required by this section, effective upon the
21 convicted person obtaining a license under s. 322.271. The
22 convicted person shall notify his or her probation officer of
23 said condition within 72 hours after imposition of said
24 condition.

25 (9)(6)(a) It is unlawful to tamper with, or to
26 circumvent the operation of, a court-ordered ignition
27 interlock device.

28 (b) It is unlawful for any person whose driving
29 privilege is restricted pursuant to this section to request or
30 solicit any other person to blow into an ignition interlock
31 device or to start a motor vehicle equipped with the device

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1 for the purpose of providing the person so restricted with an
2 operable motor vehicle.

3 (c) It is unlawful to blow into an ignition interlock
4 device or to start a motor vehicle equipped with the device
5 for the purpose of providing an operable motor vehicle to a
6 person whose driving privilege is restricted pursuant to this
7 section.

8 (d) It is unlawful to knowingly lease or lend a motor
9 vehicle to a person who has had his or her driving privilege
10 restricted as provided in this section, unless the vehicle is
11 equipped with a functioning, certified ignition interlock
12 device. Any person whose driving privilege is restricted
13 under a condition of probation requiring an ignition interlock
14 device shall notify any other person who leases or loans a
15 motor vehicle to him or her of such driving restriction.

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

27 ~~(11)(8)~~ In addition to the penalties provided in this
28 section, a violation of this section is a noncriminal traffic
29 infraction, punishable as a nonmoving violation as provided in
30 chapter 318.

31 Section 3. Section 316.1938, Florida Statutes, is

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1 amended to read:

2 316.1938 Ignition interlock devices, certification;
3 warning label.--

4 (1) The Department of Highway Safety and Motor
5 Vehicles is authorized to contract, in accordance with chapter
6 287, with a provider or providers to furnish all or some of
7 the commodities and contractual services required for the
8 implementation of this section.

9 ~~(2)(1)~~ The Department of Highway Safety and Motor
10 Vehicles shall certify or cause to be certified the accuracy
11 and precision of the breath-testing component of the ignition
12 interlock devices as required by s. 316.1937, ~~and shall~~
13 ~~publish a list of approved devices, together with rules~~
14 ~~governing the accuracy and precision of the breath-testing~~
15 ~~component of such devices as adopted by rule in compliance~~
16 ~~with s. 316.1937. The cost of certification shall be borne by~~
17 ~~the manufacturers of ignition interlock devices.~~

18 ~~(3)(2)~~ No model of ignition interlock device shall be
19 certified unless it meets the accuracy requirements specified
20 by ~~rule of the department.~~

21 ~~(4)(3)~~ The department shall design and adopt by rule
22 a warning label which shall be affixed to each ignition
23 interlock device upon installation. The label shall contain a
24 warning that any person tampering, circumventing, or otherwise
25 misusing the device is guilty of a violation of law and may be
26 subject to civil liability.

27 Section 4. Section 318.1225, Florida Statutes, is
28 created to read:

29 318.1225 Additional charges for traffic violations.--

30 (1) Notwithstanding s. 318.121 and in addition to the
31 stated fines in s. 318.18, the court shall impose an

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1 additional \$25 for all moving violations and an additional \$10
2 for all nonmoving violations.

3 (2) Notwithstanding s. 318.121 and in addition to any
4 other fines imposed, the court shall impose \$100 for any
5 person violating s. 316.027(1).

6 (3) Notwithstanding s. 318.121 and in addition to any
7 other fines imposed the court shall impose a surcharge of \$100
8 on any fine imposed under s. 316.192 or s. 316.193.

9 (4)(a) For fiscal year 2003-2004, the first \$1 million
10 of all additional fines and surcharges collected under this
11 section and s. 322.287 shall be distributed to MADD Florida to
12 be used to fund local victim services and education and
13 awareness programs in the state. Contingent upon the enactment
14 of legislation during the 2003 Legislative Session requiring a
15 study by the department of the effects of aging on driving
16 ability and the creation of an advisory council for that
17 purpose, the next \$1 million shall be distributed to the
18 department to fund the study and the creation and operation of
19 the advisory council. Finally, fifty cents from each fine
20 collected pursuant to s. 318.1225(3) related to a violation of
21 s. 316.193 and from each fee collected pursuant to s.
22 322.287(2) related to a violation of s. 322.2615 or s.
23 322.2616 shall be remitted to the Department of Revenue to be
24 distributed to the Florida Poison Information Network for
25 poisoning education and services. The remaining funds
26 resulting from the additional fines and surcharges shall be
27 deposited into the General Revenue Fund.

28 (b) For fiscal year 2004-2005 and thereafter, the
29 first \$1 million of all additional fines and surcharges
30 collected annually under this section and s. 322.287 shall be
31 distributed to MADD Florida. Contingent upon the enactment of

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1 legislation during the 2003 Legislative Session requiring a
2 study by the department of the effects of aging on driving
3 ability and the creation of an advisory council for that
4 purpose, the next \$1 million shall be distributed to the
5 department to fund the study and the creation and operation of
6 the advisory council. Finally, fifty cents from each fine
7 collected pursuant to s. 318.1225(3) related to a violation of
8 s. 316.193 and from each fee collected pursuant to s.
9 322.287(2) related to a violation of s. 322.2615 or s.
10 322.2616 shall be remitted to the Department of Revenue to be
11 distributed to the Florida Poison Information Network for
12 poisoning education and services. The remaining funds
13 resulting from the additional fines and surcharges shall be
14 distributed between the Biomedical Research Trust Fund and the
15 Grants and Donation's Trust Fund as follows:

16 1. Effective July 1, 2004, up to \$25 million shall be
17 remitted annually to the Biomedical Research Trust Fund in the
18 Department of Health established in s. 20.435.

19 2. Effective July 1, 2004, up to \$23.6 million shall
20 be remitted annually to the Grants and Donations Trust Fund to
21 be distributed to Florida's trauma centers.

22 3. Funds collected under this section which are not
23 distributed to MADD Florida, to the department for the purpose
24 of funding a study on the effects of aging on driving ability
25 and an advisory council, to the Florida Poison Information
26 Network, to the Biomedical Research Trust Fund or the Grants
27 and Donations Trust Fund shall be deposited into the General
28 Revenue Fund.

29 Section 5. Subsection (13) is added to section 318.21,
30 Florida Statutes, to read:

31 318.21 Disposition of civil penalties by county

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1 courts.--All civil penalties received by a county court
2 pursuant to the provisions of this chapter shall be
3 distributed and paid monthly as follows:

4 (13) The additional fines and surcharges provided for
5 under s. 318.1225, must be collected and distributed by the
6 clerk of the court as provided in that section.

7 Section 6. Section 322.287, Florida Statutes, is
8 created to read:

9 322.287 Reinstatement fees.--

10 (1) In addition to any other fines, fees, or charges
11 imposed, the department shall impose an additional \$50 fee for
12 reinstating and returning a license suspended under s. 322.27.

13 (2) In addition to any other fines, fees, or charges
14 imposed, the department shall impose an additional \$100 fee
15 for reinstating and returning a license suspended pursuant to
16 s. 322.2615 or s. 322.2616.

17 (3) Driving privileges may not be reinstated until the
18 applicable fees under this section have been paid in full.

19 (4) All moneys collected under this section shall be
20 distributed in the manner provided in s. 318.1225.

21 Section 7. This act shall take effect October 1, 2003,
22 except that the amendments to sections 316.1937 and 316.1938,
23 Florida Statutes, shall take effect July 1, 2003.

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

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29
30 and insert:

31 A bill to be entitled

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1 An act relating to driving privilege; providing
2 a popular name; amending s. 316.1937, F.S.;
3 establishing a breath alcohol level, rather
4 than a blood alcohol level as the basis for
5 requiring the installation of an ignition
6 interlock device on a vehicle operated by a DUI
7 offender; requiring the installation of
8 ignition interlock devices on certain vehicles
9 for certain period of time where offender fails
10 the abstinence requirement of a supervision
11 program; extending the period of license
12 suspension under such circumstances; providing
13 that the requirement to place an ignition
14 interlock device in a vehicle be recorded on
15 the offender's license and in the records of
16 the Department of Highway Safety and Motor
17 Vehicles; requiring the placement of an
18 ignition interlock device as a condition of
19 licensure for certain probationers; requiring
20 notification by an offender to a probation
21 officer when installation of an ignition
22 interlock device is required as a condition of
23 probation; amending s. 316.1938, F.S.;
24 authorizing the Department of Highway Safety
25 and Motor Vehicles to contract for certain
26 commodities and services; deleting requirement
27 that the department publish a list of approved
28 ignition interlock devices; deleting
29 requirement that manufacturers of ignition
30 interlock devices pay the cost of certifying
31 ignition interlock devices; creating s.

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1 318.1225, F.S.; providing additional charges
2 for certain traffic violations; providing for
3 distribution of moneys collected; amending s.
4 318.21, F.S.; revising provisions relating to
5 disposition of civil penalties by county
6 courts; creating s. 322.287, F.S.; providing
7 additional fee for reinstatement of suspended
8 driving privilege; providing an effective date.

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