

Bill No. SB 2030

Amendment No. 2 Barcode 251838

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment (with title amendment)

On page 73, between lines 6 and 7,

insert:

Section 53. Section 322.2715, Florida Statutes, is created to read:

322.2715 Ignition interlock device.--

(1) Before issuing a permanent or restricted driver's license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any person convicted of committing an offense of driving under the influence as specified in subsection (3). An interlock device shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

(2) For purposes of this section, any conviction for a violation of s. 316.193, a previous conviction for a violation of former s. 316.1931, or a conviction outside this state for

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1 driving under the influence, driving while intoxicated,
2 driving with an unlawful blood alcohol level, or any other
3 similar alcohol-related or drug-related traffic offense is a
4 conviction of driving under the influence.

5 (3) If the person is convicted of:

6 (a) A first offense of driving under the influence
7 under s. 316.193 and has an unlawful blood alcohol level or
8 breath alcohol level as specified in s. 316.193(4), or if a
9 person is convicted of a violation of s. 316.193 and was at
10 the time of the offense accompanied in the vehicle by a person
11 under the age of 18 years, the person shall have the ignition
12 interlock device installed for 6 months for the first offense
13 and for at least 2 years for a second offense.

14 (b) A second offense of driving under the influence,
15 the ignition interlock device shall be installed for a period
16 of not less than 1 year.

17 (c) A third offense of driving under the influence
18 which occurs within 10 years after a prior conviction for a
19 violation of s. 316.193, the ignition interlock device shall
20 be installed for a period of not less than 2 years.

21 (d) A third offense of driving under the influence
22 which occurs more than 10 years after the date of a prior
23 conviction, the ignition interlock device shall be installed
24 for a period of not less than 2 years.

25 (4) If the court fails to order the mandatory
26 placement of the ignition interlock device or fails to order
27 for the applicable period the mandatory placement of an
28 ignition interlock device under s. 316.193 or s. 316.1937 at
29 the time of imposing sentence or within 30 days thereafter,
30 the department shall immediately require that the ignition
31 interlock device be installed as provided in this section.

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1 This section applies to the reinstatement of the driving
2 privilege from a revocation, suspension, or cancellation based
3 upon an offense of driving under the influence which occurs on
4 or after July 1, 2004.

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6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 2, line 6, after the semicolon,

12

13 insert:

14 creating s. 322.2715, F.S.; directing the
15 Department of Highway Safety and Motor Vehicles
16 to require placement of a department-approved
17 ignition interlock device on specified vehicles
18 operated by any person convicted of committing
19 certain driving-under-the-influence offenses;
20 specifying the duration of each installation
21 period based upon the number of DUI
22 convictions; directing the department to
23 require installation of the ignition interlock
24 if the court fails to order the mandatory
25 placement of the device or fails to order
26 placement for the applicable period;

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