

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Harrell offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (d) of subsection (2) of section  
6 322.271, Florida Statutes, is amended to read:

7 322.271 Authority to modify revocation, cancellation, or  
8 suspension order.--

9 (2)

10 (d) The department, based upon review of the licensee's  
11 application for reinstatement, may require use of an ignition  
12 interlock device pursuant to s. 322.2715 ~~s. 316.1937~~.

13 Section 2. Section 322.2715, Florida Statutes, is created  
14 to read:

15 322.2715 Ignition interlock device.--

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16       (1) Before issuing a permanent or restricted driver's  
17 license under this chapter, the department shall require the  
18 placement of a department-approved ignition interlock device for  
19 any person convicted of committing an offense of driving under  
20 the influence as specified in subsection (3), except that  
21 consideration may be given to those individuals having a  
22 documented medical condition that would prohibit the device from  
23 functioning normally. An interlock device shall be placed on all  
24 vehicles that are individually or jointly leased or owned and  
25 routinely operated by the convicted person.

26       (2) For purposes of this section, any conviction for a  
27 violation of s. 316.193, a previous conviction for a violation  
28 of former s. 316.1931, or a conviction outside this state for  
29 driving under the influence, driving while intoxicated, driving  
30 with an unlawful blood alcohol level, or any other similar  
31 alcohol-related or drug-related traffic offense is a conviction  
32 of driving under the influence.

33       (3) If the person is convicted of:

34       (a) A first offense of driving under the influence under  
35 s. 316.193 and has an unlawful blood alcohol level or breath  
36 alcohol level as specified in s. 316.193(4), or if a person is  
37 convicted of a violation of s. 316.193 and was at the time of  
38 the offense accompanied in the vehicle by a person younger than  
39 18 years of age, the person shall have the ignition interlock  
40 device installed for 6 months for the first offense and for at  
41 least 2 years for a second offense.

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

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

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

53       (4) If the court fails to order the mandatory placement of  
54 the ignition interlock device or fails to order for the  
55 applicable period the mandatory placement of an ignition  
56 interlock device under s. 316.193 or s. 316.1937 at the time of  
57 imposing sentence or within 30 days thereafter, the department  
58 shall immediately require that the ignition interlock device be  
59 installed as provided in this section, except that consideration  
60 may be given to those individuals having a documented medical  
61 condition that would prohibit the device from functioning  
62 normally. This subsection applies to the reinstatement of the  
63 driving privilege following a revocation, suspension, or  
64 cancellation that is based upon a conviction for the offense of  
65 driving under the influence which occurs on or after July 1,  
66 2005.

67       Section 3. This act shall take effect July 1, 2005.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to driving under the influence; amending  
s. 322.271, F.S.; correcting a cross-reference; creating  
s. 322.2715, F.S.; directing the Department of Highway  
Safety and Motor Vehicles to require the placement of a  
department-approved ignition interlock device on specified  
vehicles operated by any person convicted of committing  
certain driving-under-the-influence offenses; providing an  
exception; specifying the duration of each installation  
period based upon the number of DUI convictions; directing  
the department to require installation of the ignition  
interlock if the court fails to order the mandatory  
placement of the device or fails to order placement for  
the applicable period; providing an exception; providing  
an effective date.

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