

1 A bill to be entitled
 2 An act relating to driving under the influence; creating
 3 s. 322.2715, F.S.; directing the Department of Highway
 4 Safety and Motor Vehicles to require the placement of a
 5 department-approved ignition interlock device on specified
 6 vehicles operated by any person convicted of committing
 7 certain driving-under-the-influence offenses; specifying
 8 the duration of each installation period based upon the
 9 number of DUI convictions; directing the department to
 10 require installation of the ignition interlock if the
 11 court fails to order the mandatory placement of the device
 12 or fails to order placement for the applicable period;
 13 providing an effective date.

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

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 17 Section 1. Section 322.2715, Florida Statutes, is created
 18 to read:

19 322.2715 Ignition interlock device.--

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

28 (2) For purposes of this section, any conviction for a

29 violation of s. 316.193, a previous conviction for a violation
30 of former s. 316.1931, or a conviction outside this state for
31 driving under the influence, driving while intoxicated, driving
32 with an unlawful blood alcohol level, or any other similar
33 alcohol-related or drug-related traffic offense is a conviction
34 of driving under the influence.

35 (3) If the person is convicted of:

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

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

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

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

55 (4) If the court fails to order the mandatory placement of
56 the ignition interlock device or fails to order for the

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57 applicable period the mandatory placement of an ignition
58 interlock device under s. 316.193 or s. 316.1937 at the time of
59 imposing sentence or within 30 days thereafter, the department
60 shall immediately require that the ignition interlock device be
61 installed as provided in this section. This subsection applies
62 to the reinstatement of the driving privilege following a
63 revocation, suspension, or cancellation that is based upon an
64 offense of driving under the influence which occurs on or after
65 July 1, 2005.

66 Section 2. This act shall take effect July 1, 2005.