

1 A bill to be entitled

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

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

18  
 19 Section 1. Paragraph (d) of subsection (2) of section  
 20 322.271, Florida Statutes, is amended to read:

21 322.271 Authority to modify revocation, cancellation, or  
 22 suspension order.--

23 (2)

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

27 Section 2. Section 322.2715, Florida Statutes, is created  
 28 to read:

29        322.2715 Ignition interlock device.--

30        (1) Before issuing a permanent or restricted driver's  
31 license under this chapter, the department shall require the  
32 placement of a department-approved ignition interlock device for  
33 any person convicted of committing an offense of driving under  
34 the influence as specified in subsection (3), except that  
35 consideration may be given to those individuals having a  
36 documented medical condition that would prohibit the device from  
37 functioning normally. An interlock device shall be placed on all  
38 vehicles that are individually or jointly leased or owned and  
39 routinely operated by the convicted person.

40        (2) For purposes of this section, any conviction for a  
41 violation of s. 316.193, a previous conviction for a violation  
42 of former s. 316.1931, or a conviction outside this state for  
43 driving under the influence, driving while intoxicated, driving  
44 with an unlawful blood alcohol level, or any other similar  
45 alcohol-related or drug-related traffic offense is a conviction  
46 of driving under the influence.

47        (3) If the person is convicted of:

48        (a) A first offense of driving under the influence under  
49 s. 316.193 and has an unlawful blood alcohol level or breath  
50 alcohol level as specified in s. 316.193(4), or if a person is  
51 convicted of a violation of s. 316.193 and was at the time of  
52 the offense accompanied in the vehicle by a person younger than  
53 18 years of age, the person shall have the ignition interlock  
54 device installed for 6 months for the first offense and for at  
55 least 2 years for a second offense.

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

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

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

67        (4) If the court fails to order the mandatory placement of  
 68 the ignition interlock device or fails to order for the  
 69 applicable period the mandatory placement of an ignition  
 70 interlock device under s. 316.193 or s. 316.1937 at the time of  
 71 imposing sentence or within 30 days thereafter, the department  
 72 shall immediately require that the ignition interlock device be  
 73 installed as provided in this section, except that consideration  
 74 may be given to those individuals having a documented medical  
 75 condition that would prohibit the device from functioning  
 76 normally. This subsection applies to the reinstatement of the  
 77 driving privilege following a revocation, suspension, or  
 78 cancellation that is based upon a conviction for the offense of  
 79 driving under the influence which occurs on or after July 1,  
 80 2005.

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

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