

By the Committee on Transportation and Economic Development Appropriations; and Senators Wise, Haridopolos and Sebesta

606-1891-05

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

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

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22 Section 1. Paragraph (d) of subsection (2) of section
23 322.271, Florida Statutes, is amended to read:

24 322.271 Authority to modify revocation, cancellation,
25 or suspension order.--

26 (2)

27 (d) The department, based upon review of the
28 licensee's application for reinstatement, may require use of
29 an ignition interlock device pursuant to s. 322.2715 ~~s.~~
30 ~~316.1937~~.

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

3 322.2715 Ignition interlock device.--

4 (1) Before issuing a permanent or restricted driver's
5 license under this chapter, the department shall require the
6 placement of a department-approved ignition interlock device
7 for any person convicted of committing an offense of driving
8 under the influence as specified in subsection (3), except
9 that consideration may be given to those individuals having a
10 documented medical condition that would prohibit the device
11 from functioning normally. An interlock device shall be placed
12 on all vehicles that are individually or jointly leased or
13 owned and routinely operated by the convicted person.

14 (2) For purposes of this section, any conviction for a
15 violation of s. 316.193, a previous conviction for a violation
16 of former s. 316.1931, or a conviction outside this state for
17 driving under the influence, driving while intoxicated,
18 driving with an unlawful blood alcohol level, or any other
19 similar alcohol-related or drug-related traffic offense is a
20 conviction of driving under the influence.

21 (3) If the person is convicted of:

22 (a) A first offense of driving under the influence
23 under s. 316.193 and has an unlawful blood alcohol level or
24 breath alcohol level as specified in s. 316.193(4), or if a
25 person is convicted of a violation of s. 316.193 and was at
26 the time of the offense accompanied in the vehicle by a person
27 younger than 18 years of age, the person shall have the
28 ignition interlock device installed for 6 months for the first
29 offense and for at least 2 years for a second offense.

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

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

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

12 (4) If the court fails to order the mandatory
13 placement of the ignition interlock device or fails to order
14 for the applicable period the mandatory placement of an
15 ignition interlock device under s. 316.193 or s. 316.1937 at
16 the time of imposing sentence or within 30 days thereafter,
17 the department shall immediately require that the ignition
18 interlock device be installed as provided in this section,
19 except that consideration may be given to those individuals
20 having a documented medical condition that would prohibit the
21 device from functioning normally. This subsection applies to
22 the reinstatement of the driving privilege following a
23 revocation, suspension, or cancellation that is based upon a
24 conviction for the offense of driving under the influence
25 which occurs on or after July 1, 2005.

26 Section 3. This act shall take effect July 1, 2005.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 530

The committee substitute modifies a cross reference and provides an exception for consideration to be given to individuals with a documented medical condition that would prohibit the ignition interlock device from functioning normally, when such persons are convicted of an offense of DUI requiring placement of the device.