

1                   A bill to be entitled  
 2           An act relating to driving under the influence; creating  
 3           s. 316.19345, F.S.; requiring that a defendant charged  
 4           with driving under the influence be held in custody until  
 5           a first appearance hearing; requiring specified  
 6           investigation prior to and presentation of findings at  
 7           such a hearing; specifying factors to be considered in  
 8           determining whether to grant pretrial release; prohibiting  
 9           release of a defendant after a first appearance hearing  
 10          until specified conditions are met; providing an effective  
 11          date.

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

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 15           Section 1. Section 316.19345, Florida Statutes, is created  
 16          to read:

17           316.19345 Driving under the influence; custody; first  
 18          appearance; pretrial release.--

19           (1) When a defendant is arrested for any charge of driving  
 20          under the influence, he or she shall be held in custody until  
 21          brought before the court for admittance to pretrial release in  
 22          accordance with chapter 903.

23           (2) Prior to a defendant's first appearance for any charge  
 24          of driving under the influence, the state attorney's office  
 25          shall perform a thorough investigation of the defendant's  
 26          criminal history, including, but not limited to, prior arrests  
 27          for criminal traffic offenses. This information shall be  
 28          presented at first appearance for consideration by the court

29 when considering pretrial release of the defendant. In  
30 determining whether to grant pretrial release, the court shall  
31 consider the factors enumerated in s. 903.046.

32 (3) A defendant who is arrested for driving under the  
33 influence shall not be released from custody after his or her  
34 first appearance until:

35 (a) At least 8 hours have elapsed from the time that he or  
36 she was arrested; or

37 (b) He or she:

38 1. Is no longer under the influence of alcoholic  
39 beverages, any chemical substance set forth in s. 877.111, or  
40 any substance controlled under chapter 893 and affected to the  
41 extent that his or her normal faculties are impaired; or

42 2. Has a blood-alcohol level or breath-alcohol level less  
43 than 0.05 and was alleged to have been driving under the  
44 influence of alcoholic beverages.

45 Section 2. This act shall take effect July 1, 2006.