

Bill No. SB 878

Barcode 615426

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Bennett) recommended the following **amendment to amendment** (530260):

Senate Amendment (with title amendment)

On page 5, between lines 29 and 30,

insert:

Section 6. Subsection (17) of section 322.2615, Florida Statutes, is created to read:

322.2615 Suspension of license; right to review.--
(17) Before issuing a permanent or restricted driver's license to a person suspended under this section for refusal to submit to a blood, breath, or urine test, the department shall require placement of a department-approved ignition interlock device. If this is the first suspension for refusal to submit to a blood, breath, or urine test, the ignition interlock device shall be required for a period of six months and in the case a second or subsequent suspension for refusal to submit to a blood, breath, or urine test, the ignition interlock shall be required for a period for a period of 1 year.

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1 Section 7. Subsection (3) of section 322.271, Florida
2 Statutes, is amended to read:

3 322.271 Authority to modify revocation, cancellation,
4 or suspension order.--

5 (3) Upon such hearing, the department shall either
6 suspend, affirm, or modify its order and may restore to the
7 licensee the privilege of driving on a limited or restricted
8 basis for business or employment use only. If the department
9 suspends, affirms or modifies its order and restores the
10 licensee the privilege of driving on a limited or restricted
11 basis for business or employment use after upholding an
12 administrative suspension for refusal the licensee is required
13 to have an ignition interlock device installed for the time
14 periods listed in s. 322.2715(3). If a hearing is not held,
15 then the administrative suspension for refusal is upheld and
16 goes into effect the licensee is required to have an ignition
17 interlock device installed for the time periods listed in s.
18 322.2715(3).

19 Section 8. Section 322.2715, Florida Statutes, is
20 amended to read:

21 322.2715 Ignition interlock device.--

22 (1) Before issuing a permanent or restricted driver's
23 license under this chapter, the department shall require the
24 placement of a department-approved ignition interlock device
25 for any person convicted of committing an offense of driving
26 under the influence or refusing to submit to breath, blood or
27 urine test as specified in subsection (3), except that
28 consideration may be given to those individuals having a
29 documented medical condition that would prohibit the device
30 from functioning normally. An interlock device shall be placed
31 on all vehicles that are individually or jointly leased or

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1 owned and routinely operated by the convicted person.

2 (2) For purposes of this section, any conviction for a
3 violation of s. 316.193, a previous conviction for a violation
4 of former s. 316.1931, or a conviction outside this state for
5 driving under the influence, driving while intoxicated,
6 driving with an unlawful blood-alcohol level, or any other
7 similar alcohol-related or drug-related traffic offense is a
8 conviction of driving under the influence.

9 (3) If the person is convicted of:

10 (a) A first offense of driving under the influence
11 under s. 316.193 and has an unlawful blood-alcohol level or
12 breath-alcohol level as specified in s. 316.193(4), or a
13 refusal under s. 316.1939 or if a person is convicted of a
14 violation of s. 316.193 and was at the time of the offense
15 accompanied in the vehicle by a person younger than 18 years
16 of age, the person shall have the ignition interlock device
17 installed for 6 months for the first offense and for at least
18 2 years for a second offense.

19 (b) A second offense of driving under the influence or
20 a refusal under s. 316.1939, the ignition interlock device
21 shall be installed for a period of not less than 1 year.

22 (c) A third offense of driving under the influence or
23 a refusal under s. 316.1939 which occurs within 10 years after
24 a prior conviction for a violation of s. 316.193, the ignition
25 interlock device shall be installed for a period of not less
26 than 2 years.

27 (d) A third offense of driving under the influence or
28 a refusal under s. 316.1939 which occurs more than 10 years
29 after the date of a prior conviction, the ignition interlock
30 device shall be installed for a period of not less than 2
31 years.

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

15

16 (Redesignate subsequent sections.)

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

20 And the title is amended as follows:

21 On page 19, line 20, after the semicolon

22

23 insert:

24 amending s. 322.2615, F.S.; requiring the
25 placement of a department-approved ignition
26 interlock device under certain circumstances;
27 amending s. 322.271, F.S.; requiring a licensee
28 to have an ignition interlock device installed
29 under certain circumstances after upholding an
30 administrative suspension; amending s.

31 322.2715, F.S.; requiring the installation of

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1 an ignition interlock device for specified time
2 periods for refusal to submit to testing under
3 s. 316.1939, F.S.;

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