

By Senator Wise

5-1368-07

See HB

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A bill to be entitled

An act relating to driving under the influence;
amending s. 316.193, F.S.; providing that
ignition interlock devices be required for a
specified period after the first conviction of
certain offenses; revising provisions relating
to the period for which an interlock device may
be required for the second conviction of
certain offenses; providing an effective date.

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

Section 1. Subsection (2) and paragraph (c) of
subsection (4) of section 316.193, Florida Statutes, are
amended to read:

316.193 Driving under the influence; penalties.--

(2)(a) Except as provided in paragraph (b), subsection
(3), or subsection (4), any person who is convicted of a
violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than \$250 or more than \$500 for a first
conviction.

b. Not less than \$500 or more than \$1,000 for a second
conviction; ~~and~~

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction;

~~and-~~

3. ~~For a second conviction,~~ By mandatory placement for
a period of at least 1 year, at the convicted person's sole
expense, of an ignition interlock device approved by the

1 department in accordance with s. 316.1938 upon all vehicles
2 that are individually or jointly leased or owned and routinely
3 operated by the convicted person, when the convicted person
4 qualifies for a permanent or restricted license. ~~The~~
5 ~~installation of such device may not occur before July 1, 2003.~~

6 (b)1. Any person who is convicted of a third violation
7 of this section for an offense that occurs within 10 years
8 after a prior conviction for a violation of this section
9 commits a felony of the third degree, punishable as provided
10 in s. 775.082, s. 775.083, or s. 775.084. In addition, the
11 court shall order the mandatory placement for a period of not
12 less than 2 years, at the convicted person's sole expense, of
13 an ignition interlock device approved by the department in
14 accordance with s. 316.1938 upon all vehicles that are
15 individually or jointly leased or owned and routinely operated
16 by the convicted person, when the convicted person qualifies
17 for a permanent or restricted license. The installation of
18 such device may not occur before July 1, 2003.

19 2. Any person who is convicted of a third violation of
20 this section for an offense that occurs more than 10 years
21 after the date of a prior conviction for a violation of this
22 section shall be punished by a fine of not less than \$1,000 or
23 more than \$2,500 and by imprisonment for not more than 12
24 months. In addition, the court shall order the mandatory
25 placement for a period of at least 2 years, at the convicted
26 person's sole expense, of an ignition interlock device
27 approved by the department in accordance with s. 316.1938 upon
28 all vehicles that are individually or jointly leased or owned
29 and routinely operated by the convicted person, when the
30 convicted person qualifies for a permanent or restricted
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1 | license. ~~The installation of such device may not occur before~~
2 | ~~July 1, 2003.~~

3 | 3. Any person who is convicted of a fourth or
4 | subsequent violation of this section, regardless of when any
5 | prior conviction for a violation of this section occurred,
6 | commits a felony of the third degree, punishable as provided
7 | in s. 775.082, s. 775.083, or s. 775.084. However, the fine
8 | imposed for such fourth or subsequent violation may be not
9 | less than \$1,000.

10 | (4) Any person who is convicted of a violation of
11 | subsection (1) and who has a blood-alcohol level or
12 | breath-alcohol level of 0.20 or higher, or any person who is
13 | convicted of a violation of subsection (1) and who at the time
14 | of the offense was accompanied in the vehicle by a person
15 | under the age of 18 years, shall be punished:

16 | (c) In addition to the penalties in paragraphs (a) and
17 | (b), the court shall order the mandatory placement, at the
18 | convicted person's sole expense, of an ignition interlock
19 | device approved by the department in accordance with s.
20 | 316.1938 upon all vehicles that are individually or jointly
21 | leased or owned and routinely operated by the convicted person
22 | ~~for up to 6 months for the first offense and for at least 2~~
23 | ~~years for a second offense~~, when the convicted person
24 | qualifies for a permanent or restricted license. ~~The~~
25 | ~~installation of such device may not occur before July 1, 2003.~~

26 | Section 2. This act shall take effect July 1, 2007.
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