

1 A bill to be entitled
 2 An act relating to driving under the influence; amending
 3 s. 316.193, F.S.; providing that ignition interlock
 4 devices be required for a specified period after the first
 5 conviction of certain offenses; revising provisions
 6 relating to the period for which an interlock device may
 7 be required for the second conviction of certain offenses;
 8 providing an effective date.

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

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

14 316.193 Driving under the influence; penalties.--

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

18 1. By a fine of:

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

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

23 2. By imprisonment for:

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

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

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

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

34 | (b)1. Any person who is convicted of a third violation of
35 | this section for an offense that occurs within 10 years after a
36 | prior conviction for a violation of this section commits a
37 | felony of the third degree, punishable as provided in s.
38 | 775.082, s. 775.083, or s. 775.084. In addition, the court shall
39 | order the mandatory placement for a period of not less than 2
40 | years, at the convicted person's sole expense, of an ignition
41 | interlock device approved by the department in accordance with
42 | s. 316.1938 upon all vehicles that are individually or jointly
43 | leased or owned and routinely operated by the convicted person,
44 | when the convicted person qualifies for a permanent or
45 | restricted license. The installation of such device may not
46 | occur before July 1, 2003.

47 | 2. Any person who is convicted of a third violation of
48 | this section for an offense that occurs more than 10 years after
49 | the date of a prior conviction for a violation of this section
50 | shall be punished by a fine of not less than \$1,000 or more than
51 | \$2,500 and by imprisonment for not more than 12 months. In
52 | addition, the court shall order the mandatory placement for a
53 | period of at least 2 years, at the convicted person's sole
54 | expense, of an ignition interlock device approved by the
55 | department in accordance with s. 316.1938 upon all vehicles that
56 | are individually or jointly leased or owned and routinely

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57 operated by the convicted person, when the convicted person
58 qualifies for a permanent or restricted license. ~~The~~
59 ~~installation of such device may not occur before July 1, 2003.~~

60 3. Any person who is convicted of a fourth or subsequent
61 violation of this section, regardless of when any prior
62 conviction for a violation of this section occurred, commits a
63 felony of the third degree, punishable as provided in s.
64 775.082, s. 775.083, or s. 775.084. However, the fine imposed
65 for such fourth or subsequent violation may be not less than
66 \$1,000.

67 (4) Any person who is convicted of a violation of
68 subsection (1) and who has a blood-alcohol level or breath-
69 alcohol level of 0.20 or higher, or any person who is convicted
70 of a violation of subsection (1) and who at the time of the
71 offense was accompanied in the vehicle by a person under the age
72 of 18 years, shall be punished:

73 (c) In addition to the penalties in paragraphs (a) and
74 (b), the court shall order the mandatory placement, at the
75 convicted person's sole expense, of an ignition interlock device
76 approved by the department in accordance with s. 316.1938 upon
77 all vehicles that are individually or jointly leased or owned
78 and routinely operated by the convicted person ~~for up to 6~~
79 ~~months for the first offense and for at least 2 years for a~~
80 ~~second offense~~, when the convicted person qualifies for a
81 permanent or restricted license. ~~The installation of such device~~
82 ~~may not occur before July 1, 2003.~~

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