

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

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, for:

33 | a. At least 6 months for a first conviction when the
 34 | convicted person has been referred to a substance abuse
 35 | treatment provider, as provided in subsection (5).

36 | b. At least 1 year for a second conviction. ~~The~~
 37 | ~~installation of such device may not occur before July 1, 2003.~~

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

51 | 2. Any person who is convicted of a third violation of
 52 | this section for an offense that occurs more than 10 years after
 53 | the date of a prior conviction for a violation of this section
 54 | shall be punished by a fine of not less than \$1,000 or more than
 55 | \$2,500 and by imprisonment for not more than 12 months. In
 56 | addition, the court shall order the mandatory placement for a

57 | period of at least 2 years, at the convicted person's sole
58 | expense, of an ignition interlock device approved by the
59 | department in accordance with s. 316.1938 upon all vehicles that
60 | are individually or jointly leased or owned and routinely
61 | operated by the convicted person, when the convicted person
62 | qualifies for a permanent or restricted license. ~~The~~
63 | ~~installation of such device may not occur before July 1, 2003.~~

64 | 3. Any person who is convicted of a fourth or subsequent
65 | violation of this section, regardless of when any prior
66 | conviction for a violation of this section occurred, commits a
67 | felony of the third degree, punishable as provided in s.
68 | 775.082, s. 775.083, or s. 775.084. However, the fine imposed
69 | for such fourth or subsequent violation may be not less than
70 | \$1,000.

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

77 | (c) In addition to the penalties in paragraphs (a) and
78 | (b), the court shall order the mandatory placement, at the
79 | convicted person's sole expense, of an ignition interlock device
80 | approved by the department in accordance with s. 316.1938 upon
81 | all vehicles that are individually or jointly leased or owned
82 | and routinely operated by the convicted person for up to 1 year
83 | ~~6 months~~ for the first offense and for at least 2 years for a
84 | second offense, when the convicted person qualifies for a

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85 | permanent or restricted license. ~~The installation of such device~~
86 | ~~may not occur before July 1, 2003.~~

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