

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           amending s. 316.1937, F.S.; reducing the maximum  
 9           permissible blood alcohol level at which an ignition  
 10          interlock device will allow a vehicle to start; providing  
 11          an effective date.

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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.

29           b. Not more than 9 months for a second conviction; and-  
 30           3. ~~For a second conviction,~~ By mandatory placement ~~for a~~  
 31 ~~period of at least 1 year,~~ at the convicted person's sole  
 32 expense, of an ignition interlock device approved by the  
 33 department in accordance with s. 316.1938 upon all vehicles that  
 34 are individually or jointly leased or owned and routinely  
 35 operated by the convicted person, when the convicted person  
 36 qualifies for a permanent or restricted license, for:  
 37           a. At least 6 months for a first conviction when the  
 38 convicted person has been referred to a substance abuse  
 39 treatment provider, as provided in subsection (5).  
 40           b. At least 1 year for a second conviction. ~~The~~  
 41 ~~installation of such device may not occur before July 1, 2003.~~  
 42           (b)1. Any person who is convicted of a third violation of  
 43 this section for an offense that occurs within 10 years after a  
 44 prior conviction for a violation of this section commits a  
 45 felony of the third degree, punishable as provided in s.  
 46 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
 47 order the mandatory placement for a period of not less than 2  
 48 years, at the convicted person's sole expense, of an ignition  
 49 interlock device approved by the department in accordance with  
 50 s. 316.1938 upon all vehicles that are individually or jointly  
 51 leased or owned and routinely operated by the convicted person,  
 52 when the convicted person qualifies for a permanent or  
 53 restricted license. ~~The installation of such device may not~~  
 54 ~~occur before July 1, 2003.~~  
 55           2. Any person who is convicted of a third violation of  
 56 this section for an offense that occurs more than 10 years after

57 | the date of a prior conviction for a violation of this section  
58 | shall be punished by a fine of not less than \$1,000 or more than  
59 | \$2,500 and by imprisonment for not more than 12 months. In  
60 | addition, the court shall order the mandatory placement for a  
61 | period of at least 2 years, at the convicted person's sole  
62 | expense, of an ignition interlock device approved by the  
63 | department in accordance with s. 316.1938 upon all vehicles that  
64 | are individually or jointly leased or owned and routinely  
65 | operated by the convicted person, when the convicted person  
66 | qualifies for a permanent or restricted license. ~~The~~  
67 | ~~installation of such device may not occur before July 1, 2003.~~

68 |         3. Any person who is convicted of a fourth or subsequent  
69 | violation of this section, regardless of when any prior  
70 | conviction for a violation of this section occurred, commits a  
71 | felony of the third degree, punishable as provided in s.  
72 | 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
73 | for such fourth or subsequent violation may be not less than  
74 | \$1,000.

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

81 |         (c) In addition to the penalties in paragraphs (a) and  
82 | (b), the court shall order the mandatory placement, at the  
83 | convicted person's sole expense, of an ignition interlock device  
84 | approved by the department in accordance with s. 316.1938 upon

85 all vehicles that are individually or jointly leased or owned  
86 and routinely operated by the convicted person for at least 1  
87 year ~~up to 6 months~~ for the first offense and for at least 2  
88 years for a second offense, when the convicted person qualifies  
89 for a permanent or restricted license. ~~The installation of such~~  
90 ~~device may not occur before July 1, 2003.~~

91 Section 2. Subsection (1) of section 316.1937, Florida  
92 Statutes, is amended to read:

93 316.1937 Ignition interlock devices, requiring; unlawful  
94 acts.--

95 (1) In addition to any other authorized penalties, the  
96 court may require that any person who is convicted of driving  
97 under the influence in violation of s. 316.193 shall not operate  
98 a motor vehicle unless that vehicle is equipped with a  
99 functioning ignition interlock device certified by the  
100 department as provided in s. 316.1938, and installed in such a  
101 manner that the vehicle will not start if the operator's blood  
102 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise  
103 specified by the court. The court may require the use of an  
104 approved ignition interlock device for a period of not less than  
105 6 months, if the person is permitted to operate a motor vehicle,  
106 whether or not the privilege to operate a motor vehicle is  
107 restricted, as determined by the court. The court, however,  
108 shall order placement of an ignition interlock device in those  
109 circumstances required by s. 316.193.

110 Section 3. This act shall take effect July 1, 2007.