

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

12
 13 Be It Enacted by the Legislature of the State of Florida:

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

17 316.193 Driving under the influence; penalties.--

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

21 1. By a fine of:

22 a. Not less than \$250 or more than \$500 for a first
 23 conviction; and--

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

26 2. By imprisonment for:

27 a. Not more than 6 months for a first conviction; and--

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

29 3. ~~For a second conviction,~~ By mandatory placement ~~for a~~
 30 ~~period of at least 1 year,~~ at the convicted person's sole
 31 expense, of an ignition interlock device approved by the
 32 department in accordance with s. 316.1938 upon all vehicles that
 33 are individually or jointly leased or owned and routinely
 34 operated by the convicted person, when the convicted person
 35 qualifies for a permanent or restricted license, for:

36 a. At least 6 months for a first conviction when the
 37 convicted person has been referred to a substance abuse
 38 treatment provider, as provided in subsection (5); and

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

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

54 2. Any person who is convicted of a third violation of
 55 this section for an offense that occurs more than 10 years after
 56 the date of a prior conviction for a violation of this section

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

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

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

80 (c) In addition to the penalties in paragraphs (a) and
81 (b), the court shall order the mandatory placement, at the
82 convicted person's sole expense, of an ignition interlock device
83 approved by the department in accordance with s. 316.1938 upon
84 all vehicles that are individually or jointly leased or owned

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

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

92 316.1937 Ignition interlock devices, requiring; unlawful
93 acts.--

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

109 Section 3. This act shall take effect July 1, 2008.