



199484

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 2/RCS	.	
3/11/2008	.	
	.	
	.	

1 The Committee on Transportation (Villalobos) recommended the
 2 following **amendment to amendment (335746)** :

Senate Amendment

Delete line(s) 33-157

and insert:

8 ~~b. Up to 1 year for a second conviction. The installation of~~
 9 ~~such device may not occur before July 1, 2003.~~

10 (b)1. Any person who is convicted of a third violation of
 11 this section for an offense that occurs within 10 years after a
 12 prior conviction for a violation of this section commits a
 13 felony of the third degree, punishable as provided in s.
 14 775.082, s. 775.083, or s. 775.084. In addition, the court shall
 15 order the mandatory placement for a period of not less than 2

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16 years, at the convicted person's sole expense, of an ignition
17 interlock device approved by the department in accordance with
18 s. 316.1938 upon all vehicles that are individually or jointly
19 leased or owned and routinely operated by the convicted person,
20 when the convicted person qualifies for a permanent or
21 restricted license. ~~The installation of such device may not
22 occur before July 1, 2003.~~

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

36 3. Any person who is convicted of a fourth or subsequent
37 violation of this section, regardless of when any prior
38 conviction for a violation of this section occurred, commits a
39 felony of the third degree, punishable as provided in s.
40 775.082, s. 775.083, or s. 775.084. However, the fine imposed
41 for such fourth or subsequent violation may be not less than
42 \$1,000.

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43 (4) Any person who is convicted of a violation of
44 subsection (1) and who has a blood-alcohol level or breath-
45 alcohol level of 0.20 or higher, or any person who is convicted
46 of a violation of subsection (1) and who at the time of the
47 offense was accompanied in the vehicle by a person under the age
48 of 18 years, shall be punished:

49 (c) In addition to the penalties in paragraphs (a) and
50 (b), the court shall order the mandatory placement, at the
51 convicted person's sole expense, of an ignition interlock device
52 approved by the department in accordance with s. 316.1938 upon
53 all vehicles that are individually or jointly leased or owned
54 and routinely operated by the convicted person for up to 1 year
55 ~~up to 6 months~~ for the first offense and for at least 2 years
56 for a second offense, when the convicted person qualifies for a
57 permanent or restricted license. ~~The installation of such device~~
58 ~~may not occur before July 1, 2003.~~

59 Section 3. Subsection (8) of section 322.21, Florida
60 Statutes, is amended to read:

61 322.21 License fees; procedure for handling and collecting
62 fees.--

63 (8) Any person who applies for reinstatement following the
64 suspension or revocation of the person's driver's license shall
65 pay a service fee of \$35 following a suspension, and \$60
66 following a revocation, which is in addition to the fee for a
67 license. Any such applicant required to have an ignition
68 interlock device installed under this chapter or chapter 316
69 shall also pay a service fee of \$15. Any person who applies for
70 reinstatement of a commercial driver's license following the

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71 disqualification of the person's privilege to operate a
72 commercial motor vehicle shall pay a service fee of \$60, which
73 is in addition to the fee for a license. The department shall
74 collect all of these fees at the time of reinstatement. The
75 department shall issue proper receipts for such fees and shall
76 promptly transmit all funds received by it as follows:

77 (a) Of the \$35 fee received from a licensee for
78 reinstatement following a suspension, the department shall
79 deposit \$15 in the General Revenue Fund and \$20 in the Highway
80 Safety Operating Trust Fund.

81 (b) Of the \$60 fee received from a licensee for
82 reinstatement following a revocation or disqualification, the
83 department shall deposit \$35 in the General Revenue Fund and \$25
84 in the Highway Safety Operating Trust Fund.

85 (c) The entire \$15 fee received from a licensee required
86 to have an interlock device installed shall be deposited by the
87 department into the DUI Programs Coordination Trust Fund.

88
89 If the revocation or suspension of the driver's license was for
90 a violation of s. 316.193, or for refusal to submit to a lawful
91 breath, blood, or urine test, an additional fee of \$115 must be
92 charged. However, only one \$115 fee may be collected from one
93 person convicted of violations arising out of the same incident.
94 The department shall collect the \$115 fee and deposit the fee
95 into the Highway Safety Operating Trust Fund at the time of
96 reinstatement of the person's driver's license, but the fee may
97 not be collected if the suspension or revocation is overturned.
98 If the revocation or suspension of the driver's license was for

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99 a conviction for a violation of s. 817.234(8) or (9) or s.
100 817.505, an additional fee of \$180 is imposed for each offense.
101 The department shall collect and deposit the additional fee into
102 the Highway Safety Operating Trust Fund at the time of
103 reinstatement of the person's driver's license.

104 Section 4. Subsection (1) and paragraph (a) of subsection
105 (3) of section 322.2715, Florida Statutes, are amended to read:

106 322.2715 Ignition interlock device.--

107 (1) Before issuing a permanent or restricted driver's
108 license under this chapter, the department shall require the
109 placement of a department-approved ignition interlock device,
110 installed in such a manner that the vehicle will not start if
111 the operator's blood-alcohol level is in excess of the level
112 provided in s. 316.1937(1), for any person convicted of
113 committing an offense of driving under the influence as
114 specified in subsection (3), except that consideration may be
115 given to those individuals having a documented medical condition
116 that would prohibit the device from functioning normally. An
117 interlock device shall be placed on all vehicles that are
118 individually or jointly leased or owned and routinely operated
119 by the convicted person.

120 (3) If the person is convicted of:

121 (a) A first offense of driving under the influence under
122 s. 316.193 and has an unlawful blood-alcohol level or breath-
123 alcohol level as specified in s. 316.193(4), or if a person is
124 convicted of a violation of s. 316.193 and was at the time of
125 the offense accompanied in the vehicle by a person younger than
126 18 years of age, the person shall have the ignition interlock

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127 device installed for up to 1 year ~~6 months~~ for the first offense
128 and for at least 2 years for a second offense. The ignition
129 interlock device shall be installed for at least 6 months for a
130 first conviction if the person had a blood-alcohol level or
131 breath-alcohol level of 0.15 or higher but less than 0.20 at the
132 time of the offense and up to 1 year for a second conviction