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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 1/RCS	.	
3/11/2008	.	
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	.	

1 The Committee on Transportation (Bullard) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. This act may be cited as the "Grace Redgate
 8 Act."

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

11 316.193 Driving under the influence; penalties.--

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

15 1. By a fine of:

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16 a. Not less than \$250 or more than \$500 for a first
17 conviction; or.

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

20 2. By imprisonment for:

21 a. Not more than 6 months for a first conviction; or.

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

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

30 a. At least 6 months for a first conviction if the person
31 had a blood-alcohol level or breath-alcohol level of 0.15 or
32 higher but less than 0.20 at the time of the offense; or

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

35 (b)1. Any person who is convicted of a third violation of
36 this section for an offense that occurs within 10 years after a
37 prior conviction for a violation of this section commits a
38 felony of the third degree, punishable as provided in s.
39 775.082, s. 775.083, or s. 775.084. In addition, the court shall
40 order the mandatory placement for a period of not less than 2
41 years, at the convicted person's sole expense, of an ignition
42 interlock device approved by the department in accordance with
43 s. 316.1938 upon all vehicles that are individually or jointly

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44 leased or owned and routinely operated by the convicted person,
45 when the convicted person qualifies for a permanent or
46 restricted license. ~~The installation of such device may not~~
47 ~~occur before July 1, 2003.~~

48 2. Any person who is convicted of a third violation of
49 this section for an offense that occurs more than 10 years after
50 the date of a prior conviction for a violation of this section
51 shall be punished by a fine of not less than \$1,000 or more than
52 \$2,500 and by imprisonment for not more than 12 months. In
53 addition, the court shall order the mandatory placement for a
54 period of at least 2 years, at the convicted person's sole
55 expense, of an ignition interlock device approved by the
56 department in accordance with s. 316.1938 upon all vehicles that
57 are individually or jointly leased or owned and routinely
58 operated by the convicted person, when the convicted person
59 qualifies for a permanent or restricted license. ~~The~~
60 ~~installation of such device may not occur before July 1, 2003.~~

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

68 (4) Any person who is convicted of a violation of
69 subsection (1) and who has a blood-alcohol level or breath-
70 alcohol level of 0.20 or higher, or any person who is convicted
71 of a violation of subsection (1) and who at the time of the

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72 offense was accompanied in the vehicle by a person under the age
73 of 18 years, shall be punished:

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

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

86 322.21 License fees; procedure for handling and collecting
87 fees.--

88 (8) Any person who applies for reinstatement following the
89 suspension or revocation of the person's driver's license shall
90 pay a service fee of \$35 following a suspension, and \$60
91 following a revocation, which is in addition to the fee for a
92 license. Any such applicant required to have an ignition
93 interlock device installed under this chapter or chapter 316
94 shall also pay a service fee of \$15. Any person who applies for
95 reinstatement of a commercial driver's license following the
96 disqualification of the person's privilege to operate a
97 commercial motor vehicle shall pay a service fee of \$60, which
98 is in addition to the fee for a license. The department shall
99 collect all of these fees at the time of reinstatement. The



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100 department shall issue proper receipts for such fees and shall
101 promptly transmit all funds received by it as follows:

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

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

110 (c) The entire \$15 fee received from a licensee required
111 to have an interlock device installed shall be deposited by the
112 department into the DUI Programs Coordination Trust Fund.
113

114 If the revocation or suspension of the driver's license was for
115 a violation of s. 316.193, or for refusal to submit to a lawful
116 breath, blood, or urine test, an additional fee of \$115 must be
117 charged. However, only one \$115 fee may be collected from one
118 person convicted of violations arising out of the same incident.
119 The department shall collect the \$115 fee and deposit the fee
120 into the Highway Safety Operating Trust Fund at the time of
121 reinstatement of the person's driver's license, but the fee may
122 not be collected if the suspension or revocation is overturned.
123 If the revocation or suspension of the driver's license was for
124 a conviction for a violation of s. 817.234(8) or (9) or s.
125 817.505, an additional fee of \$180 is imposed for each offense.
126 The department shall collect and deposit the additional fee into

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127 the Highway Safety Operating Trust Fund at the time of
128 reinstatement of the person's driver's license.

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

131 322.2715 Ignition interlock device.--

132 (1) Before issuing a permanent or restricted driver's
133 license under this chapter, the department shall require the
134 placement of a department-approved ignition interlock device,
135 installed in such a manner that the vehicle will not start if
136 the operator's blood-alcohol level is in excess of the level
137 provided in s. 316.1937(1), for any person convicted of
138 committing an offense of driving under the influence as
139 specified in subsection (3), except that consideration may be
140 given to those individuals having a documented medical condition
141 that would prohibit the device from functioning normally. An
142 interlock device shall be placed on all vehicles that are
143 individually or jointly leased or owned and routinely operated
144 by the convicted person.

145 (3) If the person is convicted of:

146 (a) A first offense of driving under the influence under
147 s. 316.193 and has an unlawful blood-alcohol level or breath-
148 alcohol level as specified in s. 316.193(4), or if a person is
149 convicted of a violation of s. 316.193 and was at the time of
150 the offense accompanied in the vehicle by a person younger than
151 18 years of age, the person shall have the ignition interlock
152 device installed for 1 year ~~6 months~~ for the first offense and
153 for at least 2 years for a second offense. The ignition
154 interlock device shall be installed for at least 6 months for a



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155 first conviction if the person had a blood-alcohol level or
 156 breath-alcohol level of 0.15 or higher but less than 0.20 at the
 157 time of the offense and at least 1 year for a second conviction
 158 as specified in s. 316.193(2). If the court fails or neglects to
 159 order the ignition interlock device to be installed pursuant to
 160 this section, the department shall require the installation of
 161 the device.

162 Section 5. This act shall take effect October 1, 2008.

163
164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:

166 Delete everything before the enacting clause
167 and insert:

168 A bill to be entitled

169 An act relating to driving under the influence; providing
 170 a short title; amending s. 316.193, F.S.; requiring that
 171 ignition interlock devices be used for a specified period
 172 after a first conviction of certain offenses; revising
 173 provisions relating to the period for which an ignition
 174 interlock device may be required for a second conviction
 175 of certain offenses; amending s. 322.21, F.S.; requiring a
 176 service fee for ignition interlock devices; requiring that
 177 the service fee be deposited into the DUI Programs
 178 Coordination Trust Fund; amending s. 322.2715, F.S.;
 179 requiring that ignition interlock devices be set to
 180 prevent the vehicle from starting if the operator's blood-
 181 alcohol level exceeds a specified amount; revising the
 182 time that ignition interlock devices must be used after a

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first conviction of certain offenses; providing an

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effective date.