

By Senator Wise

5-00315-08

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1 A bill to be entitled

2 An act relating to driving under the influence; amending  
3 s. 316.193, F.S.; requiring that an ignition interlock  
4 device be installed for a specified period after a  
5 conviction of certain offenses; revising provisions  
6 relating to the period for which an interlock device may  
7 be required following a second conviction of certain  
8 offenses; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsections (2) and (4) of section 316.193,  
13 Florida Statutes, are amended to read:

14 316.193 Driving under the influence; penalties.--

15 (2) (a) Except as provided in paragraph (b), subsection (3),  
16 or subsection (4), any person who is convicted of a violation of  
17 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

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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 if the person  
34 had a blood alcohol level or breath alcohol level of 0.15 or  
35 higher but less than 0.20 at the time of the offense.

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 felony  
41 of the third degree, punishable as provided in s. 775.082, s.  
42 775.083, or s. 775.084. In addition, the court shall order the  
43 mandatory placement for a period of not less than 2 years, at the  
44 convicted person's sole expense, of an ignition interlock device  
45 approved by the department in accordance with s. 316.1938 upon  
46 all vehicles that are individually or jointly leased or owned and  
47 routinely operated by the convicted person, when the convicted  
48 person qualifies for a permanent or restricted license. ~~The~~  
49 ~~installation of such device may not occur before July 1, 2003.~~

50 2. Any person who is convicted of a third violation of this  
51 section for an offense that occurs more than 10 years after the  
52 date of a prior conviction for a violation of this section shall  
53 be punished by a fine of not less than \$1,000 or more than \$2,500  
54 and by imprisonment for not more than 12 months. In addition, the  
55 court shall order the mandatory placement for a period of at  
56 least 2 years, at the convicted person's sole expense, of an  
57 ignition interlock device approved by the department in  
58 accordance with s. 316.1938 upon all vehicles that are

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59 individually or jointly leased or owned and routinely operated by  
60 the convicted person, when the convicted person qualifies for a  
61 permanent or restricted license. The installation of such device  
62 may not occur before July 1, 2003.

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

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

75 (a) By a fine of:

76 1. Not less than \$500 or more than \$1,000 for a first  
77 conviction.

78 2. Not less than \$1,000 or more than \$2,000 for a second  
79 conviction.

80 3. Not less than \$2,000 for a third or subsequent  
81 conviction.

82 (b) By imprisonment for:

83 1. Not more than 9 months for a first conviction.

84 2. Not more than 12 months for a second conviction.

85

86 For the purposes of this subsection, only the instant offense is  
87 required to be a violation of subsection (1) by a person who has

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88 a blood-alcohol level or breath-alcohol level of 0.20 or higher.

89 (c) In addition to the penalties in paragraphs (a) and (b),  
90 the court shall order the mandatory placement, at the convicted  
91 person's sole expense, of an ignition interlock device approved  
92 by the department in accordance with s. 316.1938 upon all  
93 vehicles that are individually or jointly leased or owned and  
94 routinely operated by the convicted person for at least 1 year ~~up~~  
95 ~~to 6 months~~ for the first offense and for at least 2 years for a  
96 second offense, when the convicted person qualifies for a  
97 permanent or restricted license. ~~The installation of such device~~  
98 ~~may not occur before July 1, 2003.~~

99 Section 2. This act shall take effect July 1, 2008.