

By the Committee on Transportation; and Senators Wise and Baker

596-04790-08

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1 A bill to be entitled

2 An act relating to driving under the influence; providing
3 a short title; amending s. 316.193, F.S.; requiring that
4 ignition interlock devices be used for a specified period
5 after a first conviction of certain offenses; revising
6 provisions relating to the period for which an ignition
7 interlock device may be required for a second conviction
8 of certain offenses; amending s. 322.21, F.S.; requiring a
9 service fee for ignition interlock devices; requiring that
10 the service fee be deposited into the DUI Programs
11 Coordination Trust Fund; amending s. 322.2715, F.S.;
12 requiring that ignition interlock devices be set to
13 prevent the vehicle from starting if the operator's blood-
14 alcohol level exceeds a specified amount; revising the
15 time that ignition interlock devices must be used after a
16 first conviction of certain offenses; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. This act may be cited as the "Grace Redgate
22 Act."

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

25 316.193 Driving under the influence; penalties.--

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

29 1. By a fine of:

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30 a. Not less than \$250 or more than \$500 for a first
31 conviction; or-

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

34 2. By imprisonment for:

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

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

37 3. ~~For a second conviction,~~ By mandatory placement ~~for a~~
38 ~~period of at least 1 year,~~ at the convicted person's sole
39 expense, of an ignition interlock device approved by the
40 department in accordance with s. 316.1938 upon all vehicles that
41 are individually or jointly leased or owned and routinely
42 operated by the convicted person, when the convicted person
43 qualifies for a permanent or restricted license, for:

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

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

49 (b)1. Any person who is convicted of a third violation of
50 this section for an offense that occurs within 10 years after a
51 prior conviction for a violation of this section commits a felony
52 of the third degree, punishable as provided in s. 775.082, s.
53 775.083, or s. 775.084. In addition, the court shall order the
54 mandatory placement for a period of not less than 2 years, at the
55 convicted person's sole expense, of an ignition interlock device
56 approved by the department in accordance with s. 316.1938 upon
57 all vehicles that are individually or jointly leased or owned and
58 routinely operated by the convicted person, when the convicted

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59 | person qualifies for a permanent or restricted license. ~~The~~
60 | ~~installation of such device may not occur before July 1, 2003.~~

61 | 2. Any person who is convicted of a third violation of this
62 | section for an offense that occurs more than 10 years after the
63 | date of a prior conviction for a violation of this section shall
64 | be punished by a fine of not less than \$1,000 or more than \$2,500
65 | and by imprisonment for not more than 12 months. In addition, the
66 | court shall order the mandatory placement for a period of at
67 | least 2 years, at the convicted person's sole expense, of an
68 | ignition interlock device approved by the department in
69 | accordance with s. 316.1938 upon all vehicles that are
70 | individually or jointly leased or owned and routinely operated by
71 | the convicted person, when the convicted person qualifies for a
72 | permanent or restricted license. ~~The installation of such device~~
73 | ~~may not occur before July 1, 2003.~~

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

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

86 | (c) In addition to the penalties in paragraphs (a) and (b),
87 | the court shall order the mandatory placement, at the convicted

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

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

98 322.21 License fees; procedure for handling and collecting
99 fees.--

100 (8) Any person who applies for reinstatement following the
101 suspension or revocation of the person's driver's license shall
102 pay a service fee of \$35 following a suspension, and \$60
103 following a revocation, which is in addition to the fee for a
104 license. Any such applicant required to have an ignition
105 interlock device installed under this chapter or chapter 316
106 shall also pay a service fee of \$15. Any person who applies for
107 reinstatement of a commercial driver's license following the
108 disqualification of the person's privilege to operate a
109 commercial motor vehicle shall pay a service fee of \$60, which is
110 in addition to the fee for a license. The department shall
111 collect all of these fees at the time of reinstatement. The
112 department shall issue proper receipts for such fees and shall
113 promptly transmit all funds received by it as follows:

114 (a) Of the \$35 fee received from a licensee for
115 reinstatement following a suspension, the department shall
116 deposit \$15 in the General Revenue Fund and \$20 in the Highway

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117 Safety Operating Trust Fund.

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

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

125

126 If the revocation or suspension of the driver's license was for a
127 violation of s. 316.193, or for refusal to submit to a lawful
128 breath, blood, or urine test, an additional fee of \$115 must be
129 charged. However, only one \$115 fee may be collected from one
130 person convicted of violations arising out of the same incident.
131 The department shall collect the \$115 fee and deposit the fee
132 into the Highway Safety Operating Trust Fund at the time of
133 reinstatement of the person's driver's license, but the fee may
134 not be collected if the suspension or revocation is overturned.
135 If the revocation or suspension of the driver's license was for a
136 conviction for a violation of s. 817.234(8) or (9) or s. 817.505,
137 an additional fee of \$180 is imposed for each offense. The
138 department shall collect and deposit the additional fee into the
139 Highway Safety Operating Trust Fund at the time of reinstatement
140 of the person's driver's license.

141 Section 4. Subsection (1) and paragraph (a) of subsection
142 (3) of section 322.2715, Florida Statutes, are amended to read:
143 322.2715 Ignition interlock device.--

144 (1) Before issuing a permanent or restricted driver's
145 license under this chapter, the department shall require the

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146 placement of a department-approved ignition interlock device,
147 installed in such a manner that the vehicle will not start if the
148 operator's blood-alcohol level is in excess of the level provided
149 in s. 316.1937(1), for any person convicted of committing an
150 offense of driving under the influence as specified in subsection
151 (3), except that consideration may be given to those individuals
152 having a documented medical condition that would prohibit the
153 device from functioning normally. An interlock device shall be
154 placed on all vehicles that are individually or jointly leased or
155 owned and routinely operated by the convicted person.

156 (3) If the person is convicted of:

157 (a) A first offense of driving under the influence under s.
158 316.193 and has an unlawful blood-alcohol level or breath-alcohol
159 level as specified in s. 316.193(4), or if a person is convicted
160 of a violation of s. 316.193 and was at the time of the offense
161 accompanied in the vehicle by a person younger than 18 years of
162 age, the person shall have the ignition interlock device
163 installed for up to 1 year ~~6 months~~ for the first offense and for
164 at least 2 years for a second offense. The ignition interlock
165 device shall be installed for at least 6 months for a first
166 conviction if the person had a blood-alcohol level or breath-
167 alcohol level of 0.15 or higher but less than 0.20 at the time of
168 the offense and up to 1 year for a second conviction as specified
169 in s. 316.193(2). If the court fails or neglects to order the
170 ignition interlock device to be installed pursuant to this
171 section, the department shall require the installation of the
172 device.

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