



532290

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2009	.	
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The Policy and Steering Committee on Ways and Means (Crist) recommended the following:

Senate Amendment (with title amendment)

Between lines 181 and 182
insert:

Section 5. Paragraph (a) of subsection (6) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):



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12 (a) For the first conviction, the court shall place the
13 defendant on probation for a period not to exceed 1 year and, as
14 a condition of such probation, shall order the defendant to
15 participate in public service or a community work project for a
16 minimum of 50 hours. ~~;~~ ~~or~~ The court may order a ~~instead,~~ ~~that any~~
17 defendant to pay a ~~an additional~~ fine of \$10 for each hour of
18 public service or community work otherwise required only, ~~if the~~
19 court finds that, ~~after consideration of~~ the residence or
20 location of the defendant at the time public service or
21 community work is required or the defendant's employment
22 obligations would create an undue hardship for the defendant,
23 ~~payment of the fine is in the best interests of the state.~~
24 However, the total period of probation and incarceration may not
25 exceed 1 year. The court must also, as a condition of probation,
26 order the impoundment or immobilization of the vehicle that was
27 operated by or in the actual control of the defendant or any one
28 vehicle registered in the defendant's name at the time of
29 impoundment or immobilization, for a period of 10 days or for
30 the unexpired term of any lease or rental agreement that expires
31 within 10 days. The impoundment or immobilization must not occur
32 concurrently with the incarceration of the defendant. The
33 impoundment or immobilization order may be dismissed in
34 accordance with paragraph (e), paragraph (f), paragraph (g), or
35 paragraph (h).

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 17

40 and insert:



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41 amending s. 316.193, F.S.; requiring a court to order
42 a defendant, after a first conviction for driving
43 under the influence, to participate in a minimum of 50
44 hours of community service as a condition of
45 probation; authorizing a court to impose a specified
46 fine under certain conditions; providing an effective
47 date.