

1 A bill to be entitled
 2 An act relating to penalties for driving under the
 3 influence; amending s. 316.193, F.S.; requiring a court to
 4 order a defendant, after a first conviction for driving
 5 under the influence, to participate in not less than 50
 6 hours of community service as a condition of probation;
 7 authorizing a court to impose a specified fine under
 8 certain conditions; providing an exception; providing an
 9 effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Paragraph (a) of subsection (6) of section
 14 316.193, Florida Statutes, is amended to read:

15 316.193 Driving under the influence; penalties.--

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

19 (a) For the first conviction, the court shall place the
 20 defendant on probation for a period not to exceed 1 year and, as
 21 a condition of such probation, shall order the defendant to
 22 participate in public service or a community work project for a
 23 minimum of 50 hours. ~~;~~ ~~or~~ The court may order a ~~instead,~~ ~~that any~~
 24 defendant to pay an additional fine of \$10 for each hour of
 25 public service or community work otherwise required only, if the
 26 court finds that, ~~after consideration of~~ the residence or
 27 location of the defendant at the time public service or
 28 community work is required or the defendant's employment

29 obligations would create an undue hardship for the defendant,
30 ~~payment of the fine is in the best interests of the state.~~
31 However, the total period of probation and incarceration may not
32 exceed 1 year. The court must also, as a condition of probation,
33 order the impoundment or immobilization of the vehicle that was
34 operated by or in the actual control of the defendant or any one
35 vehicle registered in the defendant's name at the time of
36 impoundment or immobilization, for a period of 10 days or for
37 the unexpired term of any lease or rental agreement that expires
38 within 10 days. The impoundment or immobilization must not occur
39 concurrently with the incarceration of the defendant. The
40 impoundment or immobilization order may be dismissed in
41 accordance with paragraph (e), paragraph (f), paragraph (g), or
42 paragraph (h).

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44 For the purposes of this section, any conviction for a violation
45 of s. 327.35; a previous conviction for the violation of former
46 s. 316.1931, former s. 860.01, or former s. 316.028; or a
47 previous conviction outside this state for driving under the
48 influence, driving while intoxicated, driving with an unlawful
49 blood-alcohol level, driving with an unlawful breath-alcohol
50 level, or any other similar alcohol-related or drug-related
51 traffic offense, is also considered a previous conviction for
52 violation of this section. However, in satisfaction of the fine
53 imposed pursuant to this section, the court may, upon a finding
54 that the defendant is financially unable to pay either all or
55 part of the fine, order that the defendant participate for a
56 specified additional period of time in public service or a

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57 | community work project in lieu of payment of that portion of the
58 | fine which the court determines the defendant is unable to pay.
59 | In determining such additional sentence, the court shall
60 | consider the amount of the unpaid portion of the fine and the
61 | reasonable value of the services to be ordered; however, the
62 | court may not compute the reasonable value of services at a rate
63 | less than the federal minimum wage at the time of sentencing.

64 | Section 2. This act shall take effect July 1, 2009.