

1                                   A bill to be entitled  
 2           An act relating to penalties for driving under the  
 3           influence; amending s. 316.193, F.S.; increasing the  
 4           amount of a fine that may be imposed under certain  
 5           conditions; providing for distribution of the additional  
 6           funds; providing an effective date.

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

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 10           Section 1. Paragraph (a) of subsection (6) of section  
 11   316.193, Florida Statutes, is amended to read:

12           316.193 Driving under the influence; penalties.--

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

16           (a) For the first conviction, the court shall place the  
 17   defendant on probation for a period not to exceed 1 year and, as  
 18   a condition of such probation, shall order the defendant to  
 19   participate in public service or a community work project for a  
 20   minimum of 50 hours; or the court may order instead, that any  
 21   defendant pay an additional fine of \$50 ~~\$10~~ for each hour of  
 22   public service or community work otherwise required, if, after  
 23   consideration of the residence or location of the defendant at  
 24   the time public service or community work is required, payment  
 25   of the fine is in the best interests of the state. Of each \$50  
 26   collected pursuant to this paragraph, \$30 shall be deposited in  
 27   the State Courts Revenue Trust Fund, \$5 shall be deposited in  
 28   the State Attorneys Revenue Trust Fund, and \$5 shall be

29 deposited in the Public Defenders Revenue Trust Fund. However,  
30 the total period of probation and incarceration may not exceed 1  
31 year. The court must also, as a condition of probation, order  
32 the impoundment or immobilization of the vehicle that was  
33 operated by or in the actual control of the defendant or any one  
34 vehicle registered in the defendant's name at the time of  
35 impoundment or immobilization, for a period of 10 days or for  
36 the unexpired term of any lease or rental agreement that expires  
37 within 10 days. The impoundment or immobilization must not occur  
38 concurrently with the incarceration of the defendant. The  
39 impoundment or immobilization order may be dismissed in  
40 accordance with paragraph (e), paragraph (f), paragraph (g), or  
41 paragraph (h).

42  
43 For the purposes of this section, any conviction for a violation  
44 of s. 327.35; a previous conviction for the violation of former  
45 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
46 previous conviction outside this state for driving under the  
47 influence, driving while intoxicated, driving with an unlawful  
48 blood-alcohol level, driving with an unlawful breath-alcohol  
49 level, or any other similar alcohol-related or drug-related  
50 traffic offense, is also considered a previous conviction for  
51 violation of this section. However, in satisfaction of the fine  
52 imposed pursuant to this section, the court may, upon a finding  
53 that the defendant is financially unable to pay either all or  
54 part of the fine, order that the defendant participate for a  
55 specified additional period of time in public service or a  
56 community work project in lieu of payment of that portion of the

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

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