



575708

LEGISLATIVE ACTION

Senate	.	House
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Floor: 3/AD/2R	.	Floor: C
04/28/2009 04:52 PM	.	04/30/2009 02:51 PM
	.	

Senator Richter moved the following:

Senate Amendment (with title amendment)

Between lines 180 and 181
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):

(a) For the first conviction, the court shall place the
defendant on probation for a period not to exceed 1 year and, as



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

35
36 For the purposes of this section, any conviction for a violation
37 of s. 327.35; a previous conviction for the violation of former
38 s. 316.1931, former s. 860.01, or former s. 316.028; or a
39 previous conviction outside this state for driving under the
40 influence, driving while intoxicated, driving with an unlawful
41 blood-alcohol level, driving with an unlawful breath-alcohol



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42 level, or any other similar alcohol-related or drug-related
43 traffic offense, is also considered a previous conviction for
44 violation of this section. However, in satisfaction of the fine
45 imposed pursuant to this section, the court may, upon a finding
46 that the defendant is financially unable to pay either all or
47 part of the fine, order that the defendant participate for a
48 specified additional period of time in public service or a
49 community work project in lieu of payment of that portion of the
50 fine which the court determines the defendant is unable to pay.
51 In determining such additional sentence, the court shall
52 consider the amount of the unpaid portion of the fine and the
53 reasonable value of the services to be ordered; however, the
54 court may not compute the reasonable value of services at a rate
55 less than the federal minimum wage at the time of sentencing.

56

57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete line 16

60 and insert:

61 trauma centers; amending s. 316.193, F.S.; requiring a court to
62 order a defendant, after a first conviction for driving under
63 the influence, to participate in a minimum of 50 hours of
64 community service as a condition of probation; authorizing a
65 court to impose a specified fine under certain conditions;
66 providing an effective date.