



305004

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: WD   | . |       |
| 04/13/2010 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

---

The Committee on Finance and Tax (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 11 and 12  
insert:

Section 1. Present subsection (5) of section 316.192, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

316.192 Reckless driving.—

(5) Notwithstanding any other provision of this section, an additional charge in the amount of \$300 shall be added to any fine imposed pursuant to this section. One hundred fifty dollars from each such charge shall be remitted to the Department of



305004

13 Revenue for deposit into the Emergency Medical Services Trust  
14 Fund and \$150 shall be remitted to the Department of Revenue for  
15 deposit into the Education Enhancement Trust Fund.

16 Section 2. Paragraph (b) of subsection (2) of section  
17 316.193, Florida Statutes, is amended to read:

18 316.193 Driving under the influence; penalties.-

19 (2)

20 (b)1. Any person who is convicted of a third violation of  
21 this section for an offense that occurs within 10 years after a  
22 prior conviction for a violation of this section commits a  
23 felony of the third degree, punishable as provided in s.  
24 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
25 order the mandatory placement for a period of not less than 2  
26 years, at the convicted person's sole expense, of an ignition  
27 interlock device approved by the department in accordance with  
28 s. 316.1938 upon all vehicles that are individually or jointly  
29 leased or owned and routinely operated by the convicted person,  
30 when the convicted person qualifies for a permanent or  
31 restricted license. The installation of such device may not  
32 occur before July 1, 2003.

33 2. Any person who is convicted of a third violation of this  
34 section for an offense that occurs more than 10 years after the  
35 date of a prior conviction for a violation of this section shall  
36 be punished by a fine of not less than \$2,000 or more than  
37 \$5,000 and by imprisonment for not more than 12 months. In  
38 addition, the court shall order the mandatory placement for a  
39 period of at least 2 years, at the convicted person's sole  
40 expense, of an ignition interlock device approved by the  
41 department in accordance with s. 316.1938 upon all vehicles that



305004

42 are individually or jointly leased or owned and routinely  
43 operated by the convicted person, when the convicted person  
44 qualifies for a permanent or restricted license. The  
45 installation of such device may not occur before July 1, 2003.

46 3. Any person who is convicted of a fourth or subsequent  
47 violation of this section, regardless of when any prior  
48 conviction for a violation of this section occurred, commits a  
49 felony of the third degree, punishable as provided in s.  
50 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
51 for such fourth or subsequent violation may be not less than  
52 \$2,000.

53 4. Notwithstanding any other provision of this section, a  
54 fine in the amount of \$300 shall be assessed against each driver  
55 who refuses to submit to a blood-alcohol level test when asked  
56 to do so by a law enforcement officer. One hundred fifty dollars  
57 from each such fine shall be remitted to the Department of  
58 Revenue for deposit into the Emergency Medical Services Trust  
59 Fund and \$150 shall be remitted to the Department of Revenue for  
60 deposit into the Education Enhancement Trust Fund.

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete lines 2 - 3

65 and insert:

66 An act relating to the operation of motor vehicles;  
67 amending s. 316.192, F.S.; providing for an additional  
68 fine to be imposed for the offense of reckless  
69 driving; providing for the distribution of the fines  
70 collected; amending s. 316.193, F.S.; providing for an



305004

71 additional fine to be assessed against a driver who  
72 refuses to submit to a blood-alcohol level test when  
73 asked to do so by a law enforcement officer; providing  
74 for the distribution of the fines collected; amending  
75 s. 320.08, F.S.; decreasing