

1 A bill to be entitled
 2 An act relating to interlock ignition devices ordered
 3 for probation for DUI; providing a short title;
 4 amending s. 316.193, F.S.; requiring that the court,
 5 as a condition of probation for a conviction of the
 6 offense of driving under the influence, impound or
 7 immobilize the vehicle that was operated by or was in
 8 the actual control of the defendant or require the
 9 defendant to install an interlock ignition device on
 10 all vehicles that are individually or jointly leased
 11 or owned and routinely operated by the defendant for a
 12 specified period; providing an effective date.

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

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 16 Section 1. This act may be cited as the "Matthew William
 17 Beard and Grace Redgate Act."

18 Section 2. Paragraph (a) of subsection (6) of section
 19 316.193, Florida Statutes, is amended to read:

20 316.193 Driving under the influence; penalties.—

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

24 (a) For the first conviction, the court shall place the
 25 defendant on probation for a period not to exceed 1 year and, as
 26 a condition of the ~~such~~ probation, shall order the defendant to
 27 participate in public service or a community work project for a
 28 minimum of 50 hours. The court may order a defendant to pay a

29 fine of \$10 for each hour of public service or community work
30 otherwise required only if the court finds that the residence or
31 location of the defendant at the time public service or
32 community work is required or the defendant's employment
33 obligations would create an undue hardship for the defendant.
34 ~~However,~~ The total period of probation and incarceration may not
35 exceed 1 year. The court must also, as a condition of probation,
36 order:

37 1. The impoundment or immobilization of the vehicle that
38 was operated by or was in the actual control of the defendant or
39 any one vehicle registered in the defendant's name at the time
40 of impoundment or immobilization, for a period of 10 days or for
41 the unexpired term of any lease or rental agreement that expires
42 within 10 days. The impoundment or immobilization must not occur
43 concurrently with the incarceration of the defendant. The
44 impoundment or immobilization order may be dismissed in
45 accordance with paragraph (e), paragraph (f), paragraph (g), or
46 paragraph (h); or

47 2. The installation of an interlock ignition device in
48 accordance with s. 316.1938 on all vehicles that are
49 individually or jointly leased or owned and routinely operated
50 by the defendant for at least 3 continuous months.

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52 For the purposes of this section, any conviction for a violation
53 of s. 327.35; a previous conviction for the violation of former
54 s. 316.1931, former s. 860.01, or former s. 316.028; or a
55 previous conviction outside this state for driving under the
56 influence, driving while intoxicated, driving with an unlawful

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57 | blood-alcohol level, driving with an unlawful breath-alcohol
58 | level, or any other similar alcohol-related or drug-related
59 | traffic offense, is also considered a previous conviction for
60 | violation of this section. However, in satisfaction of the fine
61 | imposed pursuant to this section, the court may, upon a finding
62 | that the defendant is financially unable to pay either all or
63 | part of the fine, order that the defendant participate for a
64 | specified additional period of time in public service or a
65 | community work project in lieu of payment of that portion of the
66 | fine which the court determines the defendant is unable to pay.
67 | In determining such additional sentence, the court shall
68 | consider the amount of the unpaid portion of the fine and the
69 | reasonable value of the services to be ordered; however, the
70 | court may not compute the reasonable value of services at a rate
71 | less than the federal minimum wage at the time of sentencing.

72 | Section 3. This act shall take effect July 1, 2012.