

1 A bill to be entitled
2 An act relating to ignition interlock devices;
3 amending s. 316.193, F.S.; providing for placement of
4 ignition interlock devices upon all vehicles that are
5 individually or jointly leased or owned and routinely
6 operated by certain persons convicted of driving under
7 the influence for specified periods based on the
8 violation; providing an exception for certain first-
9 time convictions to allow an option of driver license
10 suspension or placement of an ignition interlock
11 device; giving the court discretion to revoke the
12 driver license or driving privilege notwithstanding
13 the allowed option; revising the required installation
14 periods for certain violations; providing for credit
15 for periods of compliance with ignition interlock
16 license requirements under a specified provision;
17 amending s. 316.1937, F.S.; revising the maximum
18 allowable blood-alcohol level at which an ignition
19 interlock device will allow operation of a vehicle;
20 revising provisions prohibiting tampering with or
21 circumventing an ignition interlock device; revising
22 provisions concerning operation of vehicles owned or
23 leased by the employer of a person subject to ignition
24 interlock restrictions when such operation is required
25 in the scope of his or her employment; amending s.
26 322.2615, F.S.; providing that an application for
27 ignition interlock-restricted driving privileges to be
28 issued under specified provisions made more than a

29 | certain number of days after a notice of suspension
 30 | constitutes a waiver of the right to review of the
 31 | suspension; providing for ignition interlock licenses
 32 | and licenses for business or employment purposes and
 33 | requirements for such licenses; deleting certain
 34 | references relating to temporary licenses for business
 35 | or employment purposes; providing for credit for
 36 | periods of compliance with ignition interlock license
 37 | requirements; amending s. 322.271, F.S.; defining the
 38 | term "an ignition interlock license"; requiring that
 39 | any driving privilege extended to persons with
 40 | previous arrests under specified provisions must
 41 | require use of an ignition interlock device; reducing
 42 | the period certain persons whose licenses have been
 43 | revoked must wait before being eligible to reapply for
 44 | reinstatement; amending s. 322.28, F.S.; revising
 45 | provisions relating to periods of driver license
 46 | suspension or revocation; providing an effective date.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:
 49 |

50 | Section 1. Subsections (1), (2), and (4) and paragraphs
 51 | (b) and (c) of subsection (6) of section 316.193, Florida
 52 | Statutes, are amended to read:

53 | 316.193 Driving under the influence; penalties.—

54 | (1) A person commits ~~is guilty of~~ the offense of driving
 55 | under the influence and is subject to punishment as provided in
 56 | subsection (2) if the person is driving or in actual physical

57 control of a vehicle within this state and:

58 (a) The person is under the influence of alcoholic
 59 beverages, any chemical substance set forth in s. 877.111, or
 60 any substance controlled under chapter 893, when affected to the
 61 extent that the person's normal faculties are impaired;

62 (b) The person has a blood-alcohol level of 0.08 or more
 63 grams of alcohol per 100 milliliters of blood; or

64 (c) The person has a breath-alcohol level of 0.08 or more
 65 grams of alcohol per 210 liters of breath.

66 (2)(a) Except as provided in paragraph (b), subsection
 67 (3), or subsection (4), any person who is convicted of a
 68 violation of subsection (1) shall be punished:

69 1. By a fine of:

70 a. At least ~~Not less than~~ \$500 but not ~~ex~~ more than \$1,000
 71 for a first conviction.

72 b. At least ~~Not less than~~ \$1,000 but not ~~ex~~ more than
 73 \$2,000 for a second conviction; and

74 2. By imprisonment for:

75 a. Not more than 6 months for a first conviction.

76 b. Not more than 9 months for a second conviction.

77 3. Except as provided in sub-sub-subparagraph a.(I), ~~For a~~
 78 ~~second conviction,~~ by mandatory placement for the following a
 79 period ~~of at least 1 year,~~ at the convicted person's sole
 80 expense, of an ignition interlock device approved by the
 81 department in accordance with s. 316.1938 upon all vehicles that
 82 are individually or jointly leased or owned and routinely
 83 operated by the convicted person, when the convicted person
 84 qualifies for a permanent or restricted license;

85 a.(I) Except as provided in sub-sub-subparagraph (II), the
86 convicted person shall have the option of choosing either the
87 driver license or driving privilege revocation for the period
88 specified in s. 322.28(2)(a)1., or installation of an ignition
89 interlock device in accordance with this subparagraph, for at
90 least 12 months for a first conviction. However, the court, in
91 its sole discretion, may revoke the convicted person's driver
92 license or driving privilege for the period specified in s.
93 322.28(2)(a)1.;

94 (II) For a first conviction in which the convicted person
95 had a blood-alcohol level or breath-alcohol level of 0.15 or
96 higher, or the convicted person at the time of the offense was
97 accompanied in the vehicle by a person younger than 18 years of
98 age, for at least 18 months;

99 b.(I) Except as provided in sub-sub-subparagraph (II), for
100 a second conviction at least 24 months;

101 (II) For a second conviction in which the convicted person
102 had a blood-alcohol level or breath-alcohol level of 0.15 or
103 higher, or the convicted person at the time of the offense was
104 accompanied in the vehicle by a person younger than 18 years of
105 age, for at least 30 months;

106 c. For a third conviction, for at least 36 months.

107 4. Any period of required ignition interlock device use
108 under sub-sub-subparagraph 3.a.(I) shall be reduced on a day-
109 for-day basis for any period such convicted person complies with
110 the requirements of an ignition interlock license as defined in
111 s. 322.271 ~~The installation of such device may not occur before~~
112 July 1, 2003.

113 (b)1. Any person who is convicted of a third violation of
114 this section for an offense that occurs within 10 years of ~~after~~
115 a prior conviction for a violation of this section commits a
116 felony of the third degree, punishable as provided in s.
117 775.082, s. 775.083, or s. 775.084. ~~In addition, the court shall~~
118 ~~order the mandatory placement for a period of not less than 2~~
119 ~~years, at the convicted person's sole expense, of an ignition~~
120 ~~interlock device approved by the department in accordance with~~
121 ~~s. 316.1938 upon all vehicles that are individually or jointly~~
122 ~~leased or owned and routinely operated by the convicted person,~~
123 ~~when the convicted person qualifies for a permanent or~~
124 ~~restricted license. The installation of such device may not~~
125 ~~occur before July 1, 2003.~~

126 2. Any person who is convicted of a third violation of
127 this section for an offense that occurs more than 10 years of
128 ~~after~~ the date of a prior conviction for a violation of this
129 section shall be punished by a fine of at least ~~not less than~~
130 \$2,000 but not ~~or~~ more than \$5,000 and by imprisonment for not
131 more than 12 months. ~~In addition, the court shall order the~~
132 ~~mandatory placement for a period of at least 2 years, at the~~
133 ~~convicted person's sole expense, of an ignition interlock device~~
134 ~~approved by the department in accordance with s. 316.1938 upon~~
135 ~~all vehicles that are individually or jointly leased or owned~~
136 ~~and routinely operated by the convicted person, when the~~
137 ~~convicted person qualifies for a permanent or restricted~~
138 ~~license. The installation of such device may not occur before~~
139 ~~July 1, 2003.~~

140 3. Any person who is convicted of a fourth or subsequent

141 violation of this section, regardless of when any prior
142 conviction for a violation of this section occurred, commits a
143 felony of the third degree, punishable as provided in s.
144 775.082, s. 775.083, or s. 775.084. However, the fine imposed
145 for such fourth or subsequent violation must ~~may~~ be at least ~~not~~
146 ~~less than~~ \$2,000.

147 (4) Any person who is convicted of a violation of
148 subsection (1) and who has a blood-alcohol level or breath-
149 alcohol level of 0.15 or higher, or any person who is convicted
150 of a violation of subsection (1) and who at the time of the
151 offense was accompanied in the vehicle by a person under the age
152 of 18 years, shall be punished:

153 (a) By a fine of:

154 1. At least ~~Not less than~~ \$1,000 but not ~~or~~ more than
155 \$2,000 for a first conviction.

156 2. At least ~~Not less than~~ \$2,000 but not ~~or~~ more than
157 \$4,000 for a second conviction.

158 3. At least ~~Not less than~~ \$4,000 for a third or subsequent
159 conviction.

160 (b) By imprisonment for:

161 1. Not more than 9 months for a first conviction.

162 2. Not more than 12 months for a second conviction.

163

164 ~~For the purposes of this subsection, only the instant offense is~~
165 ~~required to be a violation of subsection (1) by a person who has~~
166 ~~a blood-alcohol level or breath-alcohol level of 0.15 or higher.~~

167 ~~(c) In addition to the penalties in paragraphs (a) and~~
168 ~~(b), the court shall order the mandatory placement, at the~~

169 ~~convicted person's sole expense, of an ignition interlock device~~
170 ~~approved by the department in accordance with s. 316.1938 upon~~
171 ~~all vehicles that are individually or jointly leased or owned~~
172 ~~and routinely operated by the convicted person for not less than~~
173 ~~6 continuous months for the first offense and for not less than~~
174 ~~2 continuous years for a second offense, when the convicted~~
175 ~~person qualifies for a permanent or restricted license.~~

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

179 (b) For the second conviction for an offense that occurs
180 within a period of 5 years of ~~after~~ the date of a prior
181 conviction for violation of this section, the court shall order
182 imprisonment for at least ~~not less than~~ 10 days. The court must
183 also, as a condition of probation, order the impoundment or
184 immobilization of all vehicles owned by the defendant at the
185 time of impoundment or immobilization, for a period of 30 days
186 or for the unexpired term of any lease or rental agreement that
187 expires within 30 days. The impoundment or immobilization must
188 not occur concurrently with the incarceration of the defendant
189 and must occur concurrently with the driver's license revocation
190 imposed under s. 322.28(2)(a)2. The impoundment or
191 immobilization order may be dismissed in accordance with
192 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).
193 At least 48 hours of confinement must be consecutive.

194 (c) For the third or subsequent conviction for an offense
195 that occurs within a period of 10 years of ~~after~~ the date of a
196 prior conviction for violation of this section, the court shall

197 order imprisonment for not less than 30 days. The court must
198 also, as a condition of probation, order the impoundment or
199 immobilization of all vehicles owned by the defendant at the
200 time of impoundment or immobilization, for a period of 90 days
201 or for the unexpired term of any lease or rental agreement that
202 expires within 90 days. The impoundment or immobilization must
203 not occur concurrently with the incarceration of the defendant
204 and must occur concurrently with the driver's license revocation
205 imposed under s. 322.28(2)(a)3. The impoundment or
206 immobilization order may be dismissed in accordance with
207 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).
208 At least 48 hours of confinement must be consecutive.

209
210 For the purposes of this section, any conviction for a violation
211 of s. 327.35; a previous conviction for the violation of former
212 s. 316.1931, former s. 860.01, or former s. 316.028; or a
213 previous conviction outside this state for driving under the
214 influence, driving while intoxicated, driving with an unlawful
215 blood-alcohol level, driving with an unlawful breath-alcohol
216 level, or any other similar alcohol-related or drug-related
217 traffic offense, is also considered a previous conviction for
218 violation of this section. However, in satisfaction of the fine
219 imposed pursuant to this section, the court may, upon a finding
220 that the defendant is financially unable to pay either all or
221 part of the fine, order that the defendant participate for a
222 specified additional period of time in public service or a
223 community work project in lieu of payment of that portion of the
224 fine which the court determines the defendant is unable to pay.

225 In determining such additional sentence, the court shall
 226 consider the amount of the unpaid portion of the fine and the
 227 reasonable value of the services to be ordered; however, the
 228 court may not compute the reasonable value of services at a rate
 229 less than the federal minimum wage at the time of sentencing.

230 Section 2. Subsection (1), paragraphs (a) and (d) of
 231 subsection (6), and subsection (7) of section 316.1937, Florida
 232 Statutes, are amended to read:

233 316.1937 Ignition interlock devices, requiring; unlawful
 234 acts.—

235 (1) In addition to any other authorized penalties, the
 236 court may require that any person who is convicted of driving
 237 under the influence in violation of s. 316.193 shall not operate
 238 a motor vehicle unless that vehicle is equipped with a
 239 functioning ignition interlock device certified by the
 240 department as provided in s. 316.1938, and installed in such a
 241 manner that the vehicle will not start if the operator's blood
 242 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
 243 specified by the court. The court, in its sole discretion, may
 244 require the use of an approved ignition interlock device for any
 245 a period in excess of the minimums ~~of not less than 6 continuous~~
 246 ~~months, if the person is permitted to operate a motor vehicle,~~
 247 ~~whether or not the privilege to operate a motor vehicle is~~
 248 ~~restricted, as determined by the court. The court, however,~~
 249 ~~shall order placement of an ignition interlock device in those~~
 250 ~~circumstances~~ required by s. 316.193(2) ~~316.193~~.

251 (6) (a) It is unlawful to tamper with, or to circumvent the
 252 operation of, an ~~a court ordered~~ ignition interlock device for

253 | the purpose of providing the person so restricted with an
 254 | operable motor vehicle.

255 | (d) It is unlawful to knowingly lease or lend a motor
 256 | vehicle to a person who has had his or her driving privilege
 257 | restricted as provided in this section, unless the vehicle is
 258 | equipped with a functioning, certified ignition interlock
 259 | device. Any person whose driving privilege requires the person
 260 | to operate only vehicles equipped with an approved, functioning
 261 | ~~is restricted under a condition of probation requiring an~~
 262 | ignition interlock device shall notify any other person who
 263 | leases or loans a motor vehicle to him or her of such driving
 264 | restriction.

265 | (7) Notwithstanding the provisions of this section, if a
 266 | person is required to operate a motor vehicle in the course and
 267 | scope of his or her employment and if the vehicle is owned or
 268 | leased by the employer, the person may operate that vehicle
 269 | without installation of an approved ignition interlock device if
 270 | the department has received notification from the employer in a
 271 | form acceptable to the department that the employer has been
 272 | notified of the ~~such~~ driving privilege restriction before the
 273 | restricted person operates the vehicle and if proof of that
 274 | notification is with the vehicle. This employment exemption does
 275 | not apply, however, if the business entity which owns or leases
 276 | the vehicle is owned or controlled by the person whose driving
 277 | privilege has been restricted.

278 | Section 3. Subsections (1) and (10) of section 322.2615,
 279 | Florida Statutes, are amended to read:

280 | 322.2615 Suspension of license; right to review.—

281 (1) (a) A law enforcement officer or correctional officer
282 shall, on behalf of the department, suspend the driving
283 privilege of a person who is driving or in actual physical
284 control of a motor vehicle and who has an unlawful blood-alcohol
285 level or breath-alcohol level of 0.08 or higher, or of a person
286 who has refused to submit to a urine test or a test of his or
287 her breath-alcohol or blood-alcohol level. The officer shall
288 take the person's driver ~~driver's~~ license and issue the person a
289 10-day temporary permit if the person is otherwise eligible for
290 the driving privilege and shall issue the person a notice of
291 suspension. If a blood test has been administered, the officer
292 or the agency employing the officer shall transmit such results
293 to the department within 5 days after receipt of the results. If
294 the department then determines that the person had a blood-
295 alcohol level or breath-alcohol level of 0.08 or higher, the
296 department shall suspend the person's driver ~~driver's~~ license
297 pursuant to subsection (3).

298 (b) The suspension under paragraph (a) shall be pursuant
299 to, and the notice of suspension shall inform the driver of, the
300 following:

301 1.a. The driver refused to submit to a lawful breath,
302 blood, or urine test and his or her driving privilege is
303 suspended for a period of 1 year for a first refusal or for a
304 period of 18 months if his or her driving privilege has been
305 previously suspended as a result of a refusal to submit to such
306 a test; or

307 b. The driver was driving or in actual physical control of
308 a motor vehicle and had an unlawful blood-alcohol level or

309 breath-alcohol level of 0.08 or higher and his or her driving
310 privilege is suspended for a period of 6 months for a first
311 offense or for a period of 1 year if his or her driving
312 privilege has been previously suspended under this section.

313 2. The suspension period shall commence on the date of
314 issuance of the notice of suspension.

315 3. The driver may request a formal or informal review of
316 the suspension by the department within 10 days after the date
317 of issuance of the notice of suspension.

318 4. If the driver applies within 10 days after the date of
319 issuance of the notice of suspension for ignition interlock-
320 restricted driving privileges to be issued under paragraph (a),
321 paragraph (10) (b), or paragraph (10) (c), the driver waives his
322 or her right to a formal or an informal review of the
323 suspension.

324 ~~5.4.~~ The temporary permit issued at the time of suspension
325 expires at midnight of the 10th day following the date of
326 issuance of the notice of suspension.

327 ~~6.5.~~ The driver may submit to the department any materials
328 relevant to the suspension.

329 (10) A person whose driver ~~driver's~~ license is suspended
330 under subsection (1) or subsection (3) may apply for issuance of
331 a license for business or employment purposes only if the person
332 is otherwise eligible for the driving privilege pursuant to s.
333 322.271. Any period a person complies with the provisions of his
334 or her ignition interlock license during a suspension or
335 revocation under this section will reduce on a day-for-day basis
336 any mandatory ignition interlock device requirement arising from

337 | the same incident. However, a person who has a previous
338 | conviction for a violation of s. 316.193 may apply for a license
339 | for business or employment purposes only if eligible pursuant to
340 | s. 322.271, and may not apply for an ignition interlock license.

341 | (a) If the suspension of the driver ~~driver's~~ license of
342 | the person for failure to submit to a breath, urine, or blood
343 | test is sustained, the person is not eligible to receive an
344 | ignition interlock license.

345 | (b) If the suspension of the driver license of the person
346 | for failure to submit to a breath, urine, or blood test is
347 | sustained, the person is not eligible to receive a license for
348 | business or employment purposes only, pursuant to s. 322.271,
349 | until 90 days have elapsed after the expiration of the last
350 | temporary permit issued. If the driver is not issued a 10-day
351 | permit pursuant to this section or s. 322.64 because he or she
352 | is ineligible for the permit and the suspension for failure to
353 | submit to a breath, urine, or blood test is not invalidated by
354 | the department, the driver is not eligible to receive a business
355 | or employment license pursuant to s. 322.271 until 90 days have
356 | elapsed from the date of the suspension.

357 | (c) ~~(b)~~ If the suspension of the driver ~~driver's~~ license of
358 | the person relating to unlawful blood-alcohol level or breath-
359 | alcohol level of 0.08 or higher is sustained, the person is ~~not~~
360 | eligible to receive an ignition interlock ~~a license for business~~
361 | ~~or employment purposes only~~ pursuant to s. 322.271 upon the
362 | effective date of the notice of suspension or upon ~~until 30 days~~
363 | ~~have elapsed after~~ the expiration of the last temporary permit
364 | issued. If the driver is not issued a 10-day permit pursuant to

365 | this section or s. 322.64 because he or she is ineligible for
366 | the permit and the suspension relating to unlawful blood-alcohol
367 | level or breath-alcohol level of 0.08 or higher is not
368 | invalidated by the department, the driver is ~~not~~ eligible to
369 | receive an ignition interlock ~~a business or employment~~ license
370 | pursuant to s. 322.271 upon the effective ~~until 30 days have~~
371 | ~~elapsed from the~~ date of the suspension. Any period a person
372 | complies with the provisions of his or her ignition interlock
373 | license during a suspension or revocation under this section
374 | will reduce on a day-for-day basis any mandatory ignition
375 | interlock device requirement arising from the same incident.

376 | Section 4. Subsection (1) and paragraph (c) of subsection
377 | (2) of section 322.271, Florida Statutes, are amended to read:

378 | 322.271 Authority to modify revocation, cancellation, or
379 | suspension order.—

380 | (1) (a) Upon the suspension, cancellation, or revocation of
381 | the driver ~~driver's~~ license of any person as authorized or
382 | required in this chapter, except a person whose license is
383 | revoked as a habitual traffic offender under s. 322.27(5) or a
384 | person who is ineligible to be granted the privilege of driving
385 | on a limited or restricted basis under subsection (2), the
386 | department shall immediately notify the licensee and, upon his
387 | or her request, shall afford him or her an opportunity for a
388 | hearing pursuant to chapter 120, as early as practicable within
389 | not more than 30 days after receipt of such request, in the
390 | county wherein the licensee resides, unless the department and
391 | the licensee agree that such hearing may be held in some other
392 | county.

393 (b) A person whose driving privilege has been revoked
394 under s. 322.27(5) may, upon expiration of 12 months from the
395 date of such revocation, petition the department for
396 reinstatement of his or her driving privilege. Upon such
397 petition and after investigation of the person's qualification,
398 fitness, and need to drive, the department shall hold a hearing
399 pursuant to chapter 120 to determine whether the driving
400 privilege shall be reinstated on a restricted basis solely for
401 business or employment purposes.

402 (c) For the purposes of this section, the term:

403 1. "A driving privilege restricted to business purposes
404 only" means a driving privilege that is limited to any driving
405 necessary to maintain livelihood, including driving to and from
406 work, necessary on-the-job driving, driving for educational
407 purposes, and driving for church and for medical purposes.

408 2. "A driving privilege restricted to employment purposes
409 only" means a driving privilege that is limited to driving to
410 and from work and any necessary on-the-job driving required by
411 an employer or occupation.

412 3. "An ignition interlock license" means a license that
413 requires that the person operate only a motor vehicle equipped
414 with a functioning ignition interlock device certified by the
415 department in accordance with s. 316.1938. A person who has a
416 previous conviction for a violation of s. 316.193 is not
417 eligible to receive an ignition interlock license.

418
419 Driving for any purpose other than as provided by this paragraph
420 is not permitted by a person whose driving privilege has been

421 restricted to employment or business purposes. In addition, a
422 person whose driving privilege is restricted to employment or
423 business purposes remains subject to any restriction that
424 applied to the type of license which the person held at the time
425 of the order of suspension, cancellation, or revocation. Any
426 driving privilege, including a driving privilege restricted to
427 business purposes or employment purposes only in accordance with
428 this section, that is extended to a person who has a previous
429 arrest for a violation of s. 316.193 or s. 316.1938 must be in
430 conjunction with mandatory installation of a functioning
431 ignition interlock device certified by the department in
432 accordance with s. 316.1938.

433 (2) At such hearing, the person whose license has been
434 suspended, canceled, or revoked may show that such suspension,
435 cancellation, or revocation causes a serious hardship and
436 precludes the person from carrying out his or her normal
437 business occupation, trade, or employment and that the use of
438 the person's license in the normal course of his or her business
439 is necessary to the proper support of the person or his or her
440 family.

441 (c) A person whose license has been revoked for a period
442 of 5 years or less pursuant to s. 322.28(2)(a) may, 6 ~~12~~ months
443 after the date the revocation was imposed, petition the
444 department for reinstatement of his or her driving privilege on
445 a restricted basis. A person whose license has been revoked for
446 more than 5 years under s. 322.28(2)(a) may, 12 ~~24~~ months after
447 the date the revocation was imposed, petition the department for
448 reinstatement of his or her driving privilege on a restricted

449 basis. Reinstatement under this subsection is restricted to
450 business or employment purposes only. In addition, the
451 department shall require such persons upon reinstatement to have
452 not driven and to have been drug free for at least 12 months
453 immediately before the reinstatement, to be supervised by a DUI
454 program licensed by the department, and to report to the program
455 at least three times a year as required by the program for the
456 duration of the revocation period for supervision. Such
457 supervision includes evaluation, education, referral into
458 treatment, and other activities required by the department. Such
459 persons shall assume reasonable costs of supervision. If the
460 person fails to comply with the required supervision, the
461 program shall report the failure to the department, and the
462 department shall cancel the person's driving privilege. This
463 paragraph does not apply to any person whose driving privilege
464 has been permanently revoked.

465 Section 5. Paragraph (a) of subsection (2) of section
466 322.28, Florida Statutes, is amended to read:

467 322.28 Period of suspension or revocation.—

468 (2) In a prosecution for a violation of s. 316.193 or
469 former s. 316.1931, the following provisions apply:

470 (a) Upon conviction of the driver, the court, along with
471 imposing sentence, shall revoke the driver's license or driving
472 privilege of the person so convicted, effective on the date of
473 conviction, and shall prescribe the period of such revocation in
474 accordance with the following provisions:

475 1. Upon a first conviction for a violation of ~~the~~
476 ~~provisions~~ of s. 316.193, except for a violation resulting in

477 | death, and except as provided in s. 316.193(2)(a)3.(I), the
 478 | driver ~~driver's~~ license or driving privilege shall be revoked
 479 | for at least ~~not less than~~ 180 days but not ~~or~~ more than 1 year.

480 | 2. Upon a second conviction for an offense that occurs
 481 | within a period of 5 years of ~~after~~ the date of a prior
 482 | conviction for a violation of the provisions of s. 316.193 or
 483 | former s. 316.1931 or a combination of such sections, the
 484 | driver's license or driving privilege shall be revoked for not
 485 | less than 5 years.

486 | 3. Upon a third conviction for an offense that occurs
 487 | within a period of 10 years of ~~after~~ the date of a prior
 488 | conviction for the violation of the provisions of s. 316.193 or
 489 | former s. 316.1931 or a combination of such sections, the
 490 | driver's license or driving privilege shall be revoked for not
 491 | less than 10 years.

492 |
 493 | For the purposes of this paragraph, a previous conviction
 494 | outside this state for driving under the influence, driving
 495 | while intoxicated, driving with an unlawful blood-alcohol level,
 496 | or any other alcohol-related or drug-related traffic offense
 497 | similar to the offense of driving under the influence as
 498 | proscribed by s. 316.193 will be considered a previous
 499 | conviction for violation of s. 316.193, and a conviction for
 500 | violation of former s. 316.028, former s. 316.1931, or former s.
 501 | 860.01 is considered a conviction for violation of s. 316.193.

502 | Section 6. This act shall take effect October 1, 2013.