

By Senator Hukill

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1                   A bill to be entitled  
2           An act relating to ignition interlock devices;  
3           amending s. 316.193, F.S.; requiring mandatory  
4           placement of an ignition interlock device on all  
5           vehicles owned or operated by a person convicted of  
6           driving under the influence for specified periods  
7           based on the violation; revising the required  
8           installation periods for certain violations; amending  
9           s. 316.1937, F.S.; revising the maximum allowable  
10          blood-alcohol level at which an ignition interlock  
11          device will allow operation of a vehicle; revising  
12          provisions prohibiting tampering with or circumventing  
13          an ignition interlock device; revising provisions  
14          concerning operation of vehicles owned or leased by  
15          the employer of a person subject to ignition interlock  
16          restrictions when such operation is required in the  
17          scope of his or her employment; amending s. 322.25,  
18          F.S.; requiring that court orders for reinstatement of  
19          a license privilege for driving under the influence  
20          include a requirement for an ignition interlock  
21          device; amending s. 322.2615, F.S.; deleting  
22          provisions relating to temporary licenses for business  
23          or employment purposes; providing for ignition  
24          interlock licenses and requirements for such licenses;  
25          amending s. 322.28, F.S.; providing for ignition  
26          interlock licenses following driver license or driving  
27          privilege suspension; providing requirements for such  
28          licenses; providing that a driver who obtains an  
29          ignition interlock license during a period of

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30 revocation shall receive credit on a day-for-day basis  
31 for the period the person holds a valid ignition  
32 interlock license toward any mandatory period of  
33 ignition interlock device-restricted use arising from  
34 the same incident; providing for ignition interlock  
35 licenses for persons whose driver license or driving  
36 privilege has been permanently revoked; providing  
37 requirements for such licenses; amending s. 322.271,  
38 F.S.; deleting provisions providing for petitions for  
39 reinstatement of a driving privilege in certain  
40 circumstances following a revocation for a period of 5  
41 years or less under specified provisions; amending s.  
42 322.2715, F.S.; revising requirements for installation  
43 of ignition interlock devices as a condition of  
44 issuance of a permanent or restricted license for  
45 persons convicted of driving under the influence;  
46 requiring that the ignition interlock device  
47 restriction remain in effect until the Department of  
48 Highway Safety and Motor Vehicles receives a  
49 declaration from the person's ignition interlock  
50 device vendor certifying that certain incidents did  
51 not occur during a specified period; providing an  
52 effective date.

53  
54 WHEREAS, ignition interlocks are devices that can be  
55 installed in motor vehicles to prevent operation of the vehicle  
56 by a driver who has a blood alcohol concentration (BAC) above a  
57 specified level, and

58 WHEREAS, strong research evidence establishes the

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59 effectiveness of ignition interlocks in reducing the number of  
60 people previously convicted of alcohol-impaired driving from  
61 reoffending and being rearrested, and

62 WHEREAS, more widespread and sustained use of ignition  
63 interlocks by those previously convicted of alcohol-impaired  
64 driving could result in the significant reduction in alcohol-  
65 related vehicle crashes and save lives, NOW, THEREFORE,

66

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

68

69 Section 1. Subsections (1), (2), and (4) of section  
70 316.193, Florida Statutes, are amended to read:

71 316.193 Driving under the influence; penalties.-

72 (1) A person commits ~~is guilty of~~ the offense of driving  
73 under the influence and is subject to punishment as provided in  
74 subsection (2) if the person is driving or in actual physical  
75 control of a vehicle within this state and:

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

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

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

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

87 1. By a fine of:

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88 a. At least ~~Not less than~~ \$500 but not ~~or~~ more than \$1,000  
89 for a first conviction.

90 b. At least ~~Not less than~~ \$1,000 but not ~~or~~ more than  
91 \$2,000 for a second conviction; and

92 2. By imprisonment for:

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

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

95 3. ~~For a second conviction,~~ By mandatory placement for the  
96 following a period ~~of at least 1 year,~~ at the convicted person's  
97 sole expense, of an ignition interlock device approved by the  
98 department in accordance with s. 316.1938 upon all vehicles ~~that~~  
99 ~~are individually or jointly leased or owned~~ or ~~and routinely~~  
100 operated by the convicted person, when the convicted person  
101 qualifies for a permanent or restricted license:

102 a. (I) Except as provided in sub-sub-subparagraph (II), for  
103 a first conviction at least 6 months; or

104 (II) For a first conviction in which the convicted person  
105 had a blood-alcohol level or breath-alcohol level of 0.15 or  
106 higher, or the convicted person at the time of the offense was  
107 accompanied in the vehicle by a person younger than 18 years of  
108 age, for at least 6 continuous months;

109 b. (I) Except as provided in sub-sub-subparagraph (II), for  
110 a second conviction at least 1 year; or

111 (II) For a second conviction in which the convicted person  
112 had a blood-alcohol level or breath-alcohol level of 0.15 or  
113 higher, or the convicted person at the time of the offense was  
114 accompanied in the vehicle by a person younger than 18 years of  
115 age, for at least 2 continuous years; or

116 c. For a third conviction, for at least 2 years. ~~The~~

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117 ~~installation of such device may not occur before July 1, 2003.~~

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

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

144 3. Any person who is convicted of a fourth or subsequent  
145 violation of this section, regardless of when any prior

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146 conviction for a violation of this section occurred, commits a  
147 felony of the third degree, punishable as provided in s.  
148 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
149 for such fourth or subsequent violation must ~~may~~ be at least ~~not~~  
150 ~~less than~~ \$2,000.

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

157 (a) By a fine of:

158 1. At least ~~Not less than~~ \$1,000 but not ~~or~~ more than  
159 \$2,000 for a first conviction.

160 2. At least ~~Not less than~~ \$2,000 but not ~~or~~ more than  
161 \$4,000 for a second conviction.

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

164 (b) By imprisonment for:

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

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

167  
168 For the purposes of this subsection, only the instant offense is  
169 required to be a violation of subsection (1) by a person who has  
170 a blood-alcohol level or breath-alcohol level of 0.15 or higher.

171 ~~(c) In addition to the penalties in paragraphs (a) and (b),~~  
172 ~~the court shall order the mandatory placement, at the convicted~~  
173 ~~person's sole expense, of an ignition interlock device approved~~  
174 ~~by the department in accordance with s. 316.1938 upon all~~

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175 ~~vehicles that are individually or jointly leased or owned and~~  
176 ~~routinely operated by the convicted person for not less than 6~~  
177 ~~continuous months for the first offense and for not less than 2~~  
178 ~~continuous years for a second offense, when the convicted person~~  
179 ~~qualifies for a permanent or restricted license.~~

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

183 316.1937 Ignition interlock devices, requiring; unlawful  
184 acts.—

185 (1) In addition to any other authorized penalties, the  
186 court may require that any person who is convicted of driving  
187 under the influence in violation of s. 316.193 may ~~shall~~ not  
188 operate a motor vehicle unless that vehicle is equipped with a  
189 functioning ignition interlock device certified by the  
190 department as provided in s. 316.1938, and installed in such a  
191 manner that the vehicle will not start if the operator's blood  
192 alcohol level is in excess of 0.025 ~~0.05~~ percent ~~or as otherwise~~  
193 ~~specified by the court. The court may require the use of an~~  
194 ~~approved ignition interlock device for a period of not less than~~  
195 ~~6 continuous months, if the person is permitted to operate a~~  
196 ~~motor vehicle, whether or not the privilege to operate a motor~~  
197 ~~vehicle is restricted, as determined by the court. The court,~~  
198 however, shall order placement of an ignition interlock device  
199 in those circumstances required by s. 316.193.

200 (6) (a) It is unlawful to tamper with, or to circumvent the  
201 operation of, an a court-ordered ignition interlock device for  
202 the purpose of providing the person so restricted with an  
203 operable motor vehicle.

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204 (d) It is unlawful to knowingly lease or lend a motor  
205 vehicle to a person who has had his or her driving privilege  
206 restricted as provided in this section, unless the vehicle is  
207 equipped with a functioning, certified ignition interlock  
208 device. Any person whose driving privilege is restricted ~~under a~~  
209 ~~condition of probation~~ requiring an ignition interlock device  
210 shall notify any other person who leases or loans a motor  
211 vehicle to him or her of such driving restriction.

212 (7) Notwithstanding the provisions of this section, if a  
213 person is required to operate a motor vehicle in the course and  
214 scope of his or her employment and if the vehicle is owned or  
215 leased by the employer, the person may operate that vehicle  
216 without installation of an approved ignition interlock device if  
217 the department has received notification in a form acceptable to  
218 the department that the employer has been notified of the ~~such~~  
219 driving privilege restriction before the restricted person  
220 operates the vehicle and if proof of that notification is with  
221 the vehicle. This employment exemption does not apply, however,  
222 if the business entity which owns or leases the vehicle is owned  
223 or controlled by the person whose driving privilege has been  
224 restricted.

225 Section 3. Subsection (7) of section 322.25, Florida  
226 Statutes, is amended to read:

227 322.25 When court to forward license to department and  
228 report convictions; temporary reinstatement of driving  
229 privileges.-

230 (7) Any licensed driver convicted of driving, or being in  
231 the actual physical control of, a vehicle within this state  
232 while under the influence of alcoholic beverages in violation of



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233 s. 316.193, any chemical substance set forth in s. 877.111, or  
234 any substance controlled under chapter 893, when affected to the  
235 extent that his or her normal faculties are impaired, and whose  
236 license and driving privilege have been revoked as provided in  
237 subsection (1) may be issued a court order for reinstatement of  
238 a driving privilege on a temporary basis; provided that, as a  
239 part of the penalty, upon conviction, the defendant is required  
240 to enroll in and complete a driver improvement course for the  
241 rehabilitation of drinking drivers and the driver is otherwise  
242 eligible for reinstatement of the driving privilege as provided  
243 by s. 322.282. The court order for reinstatement shall require  
244 that the person operate only a motor vehicle equipped with a  
245 functioning ignition interlock device, and the person must  
246 provide proof to the satisfaction of the department ~~be~~ on a form  
247 provided by the department that a functioning ignition interlock  
248 device has been installed on one or more vehicles to be operated  
249 by the person, and the form must be taken by the person  
250 convicted to a Florida driver ~~driver's~~ license examining office,  
251 where a temporary driving permit may be issued. The period of  
252 time for which a temporary permit issued in accordance with this  
253 subsection is valid shall be deemed to be part of the period of  
254 revocation imposed by the court.

255 Section 4. Subsection (10) of section 322.2615, Florida  
256 Statutes, is amended to read:

257 322.2615 Suspension of license; right to review.—

258 (10) A person whose driver ~~driver's~~ license is suspended  
259 under subsection (1) or subsection (3) may apply for issuance of  
260 a license ~~for business or employment purposes~~ only if the person  
261 is otherwise eligible ~~for the driving privilege pursuant to s.~~

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262 ~~322.271.~~

263 (a) If the suspension of the driver ~~driver's~~ license of the  
264 person for failure to submit to a breath, urine, or blood test  
265 is sustained, and the person is otherwise not eligible, the  
266 person may apply for an ignition interlock license upon proof of  
267 enrollment in and subject to the successful completion of a  
268 department-approved driver training or substance abuse education  
269 course to receive a license for business or employment purposes  
270 only, pursuant to s. 322.271, until 90 days have elapsed after  
271 the expiration of the last temporary permit issued. If the  
272 driver is not issued a 10-day permit pursuant to this section or  
273 s. 322.64 because he or she is ineligible for the permit and the  
274 suspension for failure to submit to a breath, urine, or blood  
275 test is not invalidated by the department, the driver is not  
276 eligible to receive a business or employment license pursuant to  
277 s. 322.271 until 90 days have elapsed from the date of the  
278 suspension.

279 (b) If the suspension of the driver ~~driver's~~ license of the  
280 person relating to unlawful blood-alcohol level or breath-  
281 alcohol level of 0.08 or higher is sustained, and the person is  
282 otherwise not eligible, the person may apply for an ignition  
283 interlock license upon proof of enrollment in and subject to  
284 enrollment in and the successful completion of a department-  
285 approved driver training or substance abuse education course to  
286 receive a license for business or employment purposes only  
287 pursuant to s. 322.271 until 30 days have elapsed after the  
288 expiration of the last temporary permit issued. If the driver is  
289 not issued a 10-day permit pursuant to this section or s. 322.64  
290 because he or she is ineligible for the permit and the

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291 ~~suspension relating to unlawful blood alcohol level or breath-~~  
292 ~~alcohol level of 0.08 or higher is not invalidated by the~~  
293 ~~department, the driver is not eligible to receive a business or~~  
294 ~~employment license pursuant to s. 322.271 until 30 days have~~  
295 ~~elapsed from the date of the suspension.~~

296 Section 5. Subsections (2) and (4) of section 322.28,  
297 Florida Statutes, are amended to read:

298 322.28 Period of suspension or revocation.—

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

301 (a) Upon conviction of the driver, the court, along with  
302 imposing sentence, shall revoke the driver ~~driver's~~ license or  
303 driving privilege of the person so convicted, effective on the  
304 date of conviction, and shall prescribe the period of such  
305 revocation in accordance with the following provisions:

306 1. Upon a first conviction for a violation of ~~the~~  
307 ~~provisions of~~ s. 316.193, except a violation resulting in death,  
308 the driver ~~driver's~~ license or driving privilege shall be  
309 revoked for at least ~~not less than~~ 180 days but not ~~or~~ more than  
310 1 year. Any time after the driver license or driving privilege  
311 has been revoked and the convicted person has proof of  
312 enrollment in and subject to the successful completion of a  
313 department-approved driver training or substance abuse education  
314 course, the convicted person may obtain an ignition interlock  
315 license restricting the convicted person to operating only motor  
316 vehicles equipped with a functioning ignition interlock device  
317 certified by the department as provided in s. 316.1938. Further,  
318 the convicted person shall have installed, at the convicted  
319 person's sole expense, an ignition interlock device approved by

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320 the department in accordance with s. 316.1938 upon all vehicles  
321 owned or operated by the convicted person.

322 2. Upon a second conviction for an offense that occurs  
323 within a period of 5 years after the date of a prior conviction  
324 for a violation of ~~the provisions of~~ s. 316.193 or former s.  
325 316.1931 or a combination of such sections, the driver ~~driver's~~  
326 license or driving privilege shall be revoked for at least ~~not~~  
327 ~~less than~~ 5 years. Any time after the driver license or driving  
328 privilege has been revoked and the convicted person has proof of  
329 enrollment in and subject to successful completion of a  
330 department-approved driver training or substance abuse education  
331 course, the convicted person may obtain an ignition interlock  
332 license restricting the convicted person to operating only motor  
333 vehicles equipped with a functioning ignition interlock device  
334 certified by the department as provided in s. 316.1938. Further,  
335 the convicted person shall have installed, at the convicted  
336 person's sole expense, an ignition interlock device approved by  
337 the department in accordance with s. 316.1938 upon all vehicles  
338 owned or operated by the convicted person.

339 3. Upon a third conviction for an offense that occurs  
340 within a period of 10 years after the date of a prior conviction  
341 for the violation of ~~the provisions of~~ s. 316.193 or former s.  
342 316.1931 or a combination of such sections, the driver ~~driver's~~  
343 license or driving privilege shall be revoked for at least ~~not~~  
344 ~~less than~~ 10 years. Any time after the driver license or driving  
345 privilege has been revoked and the convicted person has proof of  
346 enrollment in and subject to the successful completion of a  
347 department-approved driver training or substance abuse education  
348 course, the convicted person may obtain an ignition interlock

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349 license restricting the convicted person to operating only motor  
350 vehicles equipped with a functioning ignition interlock device  
351 certified by the department as provided in s. 316.1938. Further,  
352 the convicted person shall have installed, at the convicted  
353 person's sole expense, an ignition interlock device approved by  
354 the department in accordance with s. 316.1938 upon all vehicles  
355 owned or operated by the convicted person.

356 4. A driver who obtains an ignition interlock license  
357 during the period of revocation under subparagraph 1.,  
358 subparagraph 2., or subparagraph 3. shall receive credit on a  
359 day-for-day basis for the period the person holds a valid  
360 ignition interlock license toward any mandatory period of  
361 ignition interlock device-restricted use arising from the same  
362 incident.

363  
364 For the purposes of this paragraph, a previous conviction  
365 outside this state for driving under the influence, driving  
366 while intoxicated, driving with an unlawful blood-alcohol level,  
367 or any other alcohol-related or drug-related traffic offense  
368 similar to the offense of driving under the influence as  
369 proscribed by s. 316.193 will be considered a previous  
370 conviction for violation of s. 316.193, and a conviction for  
371 violation of former s. 316.028, former s. 316.1931, or former s.  
372 860.01 is considered a conviction for violation of s. 316.193.

373 (b) If the period of revocation was not specified by the  
374 court at the time of imposing sentence or within 30 days  
375 thereafter, and is not otherwise specified by law, the  
376 department shall forthwith revoke the driver ~~driver's~~ license or  
377 driving privilege for the maximum period applicable under

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378 paragraph (a) for a first conviction and for the minimum period  
379 applicable under paragraph (a) for any subsequent convictions.  
380 The driver may, within 30 days after such revocation by the  
381 department, petition the court for further hearing on the period  
382 of revocation, and the court may reopen the case and determine  
383 the period of revocation within the limits specified in  
384 paragraph (a).

385 (c) The forfeiture of bail bond, not vacated within 20  
386 days, in any prosecution for the offense of driving while under  
387 the influence of alcoholic beverages, chemical substances, or  
388 controlled substances to the extent of depriving the defendant  
389 of his or her normal faculties shall be deemed equivalent to a  
390 conviction for the purposes of this paragraph, and the  
391 department shall forthwith revoke the defendant's driver  
392 ~~driver's~~ license or driving privilege for the maximum period  
393 applicable under paragraph (a) for a first conviction and for  
394 the minimum period applicable under paragraph (a) for a second  
395 or subsequent conviction; however, if the defendant is later  
396 convicted of the charge, the period of revocation imposed by the  
397 department for such conviction may ~~shall~~ not exceed the  
398 difference between the applicable maximum for a first conviction  
399 or minimum for a second or subsequent conviction and the  
400 revocation period under this subsection that has actually  
401 elapsed; upon conviction of such charge, the court may impose  
402 revocation for a period of time as specified in paragraph (a).  
403 This paragraph does not apply if an appropriate motion  
404 contesting the forfeiture is filed within the 20-day period.

405 (d) When any driver ~~driver's~~ license or driving privilege  
406 has been revoked pursuant to ~~the provisions of~~ this section, the

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407 department may ~~shall~~ not grant a new license, except upon  
408 reexamination of the licensee after the expiration of the period  
409 of revocation so prescribed. However, the court may, in its  
410 sound discretion, issue an order of reinstatement on a form  
411 furnished by the department which the person may take to any  
412 driver ~~driver's~~ license examining office for reinstatement by  
413 the department pursuant to s. 322.282.

414 (e) The court shall permanently revoke the driver ~~driver's~~  
415 license or driving privilege of a person who has been convicted  
416 four times for violation of s. 316.193 or former s. 316.1931 or  
417 a combination of such sections. The court shall permanently  
418 revoke the driver ~~driver's~~ license or driving privilege of any  
419 person who has been convicted of DUI manslaughter in violation  
420 of s. 316.193. If the court has not permanently revoked such  
421 driver ~~driver's~~ license or driving privilege within 30 days  
422 after imposing sentence, the department shall permanently revoke  
423 the driver ~~driver's~~ license or driving privilege pursuant to  
424 this paragraph. A driver ~~No driver's~~ license or driving  
425 privilege ~~may be~~ issued or granted to any such person during the  
426 remainder of the person's lifetime must require the person to  
427 operate only motor vehicles equipped with a functioning ignition  
428 interlock device. For the safety of the public, any time after  
429 the driver license or driving privilege has been revoked and the  
430 convicted person has proof of enrollment in and subject to the  
431 successful completion of a department-approved driver training  
432 or substance abuse education course, the convicted person may  
433 obtain an ignition interlock license restricting the convicted  
434 person to operating only motor vehicles equipped with a  
435 functioning ignition interlock device certified by the

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436 department as provided in s. 316.1938. Further, the convicted  
437 person shall have installed, at the convicted person's sole  
438 expense, an ignition interlock device approved by the department  
439 in accordance with s. 316.1938 upon all vehicles owned or  
440 operated by the convicted person. This paragraph applies only if  
441 at least one of the convictions for violation of s. 316.193 or  
442 former s. 316.1931 was for a violation that occurred after July  
443 1, 1982. For the purposes of this paragraph, a conviction for  
444 violation of former s. 316.028, former s. 316.1931, or former s.  
445 860.01 is also considered a conviction for violation of s.  
446 316.193. Also, a conviction of driving under the influence,  
447 driving while intoxicated, driving with an unlawful blood-  
448 alcohol level, or any other similar alcohol-related or drug-  
449 related traffic offense outside this state is considered a  
450 conviction for the purposes of this paragraph.

451 (4) (a) Upon a conviction for a violation of s.  
452 316.193(3)(c)2., involving serious bodily injury, a conviction  
453 of manslaughter resulting from the operation of a motor vehicle,  
454 or a conviction of vehicular homicide, the court shall revoke  
455 the driver ~~driver's~~ license of the person convicted for a  
456 minimum period of 3 years. If a conviction under s.  
457 316.193(3)(c)2., involving serious bodily injury, is also a  
458 subsequent conviction as described under paragraph (2)(a), the  
459 court shall revoke the driver ~~driver's~~ license or driving  
460 privilege of the person convicted for the period applicable as  
461 provided in paragraph (2)(a) or paragraph (2)(e). Any time after  
462 the driver license or driving privilege has been revoked and the  
463 convicted person has proof of enrollment in and subject to the  
464 successful completion of a department-approved driver training



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465 or substance abuse education course, the convicted person may  
466 obtain an ignition interlock license restricting the convicted  
467 person to operating only motor vehicles equipped with a  
468 functioning ignition interlock device certified by the  
469 department as provided in s. 316.1938. Further, the convicted  
470 person shall have installed, at the convicted person's sole  
471 expense, an ignition interlock device approved by the department  
472 in accordance with s. 316.1938 upon all vehicles owned or  
473 operated by the convicted person.

474 (b) If the period of revocation was not specified by the  
475 court at the time of imposing sentence or within 30 days  
476 thereafter, the department shall revoke the driver ~~driver's~~  
477 license for the minimum period applicable under paragraph (a)  
478 or, for a subsequent conviction, for the minimum period  
479 applicable under paragraph (2) (a) or paragraph (2) (e).

480 Section 6. Paragraphs (a), (c), (d), and (e) of subsection  
481 (2) of section 322.271, Florida Statutes, are amended to read:

482 322.271 Authority to modify revocation, cancellation, or  
483 suspension order.—

484 (2) At such hearing, the person whose license has been  
485 suspended, canceled, or revoked may show that such suspension,  
486 cancellation, or revocation causes a serious hardship and  
487 precludes the person from carrying out his or her normal  
488 business occupation, trade, or employment and that the use of  
489 the person's license in the normal course of his or her business  
490 is necessary to the proper support of the person or his or her  
491 family.

492 (a) Except as otherwise provided in this subsection, the  
493 department shall require proof of the successful completion of

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494 the applicable department-approved driver training course  
495 operating pursuant to s. 318.1451 or DUI program substance abuse  
496 education course and evaluation as provided in s. 316.193(5).  
497 Letters of recommendation from respected business persons in the  
498 community, law enforcement officers, or judicial officers may  
499 also be required to determine whether the person should be  
500 permitted to operate a motor vehicle on a restricted basis for  
501 business or employment use only and in determining whether such  
502 person can be trusted to so operate a motor vehicle. If a driver  
503 ~~driver's~~ license has been suspended under the point system or  
504 under s. 322.2615, the department shall require proof of  
505 enrollment in the applicable department-approved driver training  
506 course or licensed DUI program substance abuse education course,  
507 including evaluation and treatment, if referred, and may require  
508 letters of recommendation described in this paragraph to  
509 determine if the driver should be reinstated on a restricted  
510 basis. If the person fails to complete the approved course  
511 within 90 days after reinstatement or subsequently fails to  
512 complete treatment, the department shall cancel his or her  
513 driver ~~driver's~~ license until the course and treatment, if  
514 applicable, is successfully completed, notwithstanding the terms  
515 of the court order or any suspension or revocation of the  
516 driving privilege. The department may temporarily reinstate the  
517 driving privilege on a restricted basis upon verification from  
518 the DUI program that the offender has reentered and is currently  
519 participating in treatment and has completed the DUI education  
520 course and evaluation requirement. If the DUI program notifies  
521 the department of the second failure to complete treatment, the  
522 department shall reinstate the driving privilege only after

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523 notice of completion of treatment from the DUI program. The  
524 privilege of driving on a limited or restricted basis for  
525 business or employment use may not be granted to a person who  
526 has been convicted of a violation of s. 316.193 until completion  
527 of the DUI program substance abuse education course and  
528 evaluations as provided in s. 316.193(5). ~~Except as provided in~~  
529 ~~paragraph (c),~~ The privilege of driving on a limited or  
530 restricted basis for business or employment use may not be  
531 granted to a person whose license is revoked pursuant to s.  
532 322.28 or suspended pursuant to s. 322.2615 and who has been  
533 convicted of a violation of s. 316.193 two or more times or  
534 whose license has been suspended two or more times for refusal  
535 to submit to a test pursuant to s. 322.2615 or former s.  
536 322.261.

537 ~~(c) A person whose license has been revoked for a period of~~  
538 ~~5 years or less pursuant to s. 322.28(2)(a) may, 12 months after~~  
539 ~~the date the revocation was imposed, petition the department for~~  
540 ~~reinstatement of his or her driving privilege on a restricted~~  
541 ~~basis. A person whose license has been revoked for more than 5~~  
542 ~~years under s. 322.28(2)(a) may, 24 months after the date the~~  
543 ~~revocation was imposed, petition the department for~~  
544 ~~reinstatement of his or her driving privilege on a restricted~~  
545 ~~basis. Reinstatement under this subsection is restricted to~~  
546 ~~business or employment purposes only. In addition, the~~  
547 ~~department shall require such persons upon reinstatement to have~~  
548 ~~not driven and to have been drug free for at least 12 months~~  
549 ~~immediately before the reinstatement, to be supervised by a DUI~~  
550 ~~program licensed by the department, and to report to the program~~  
551 ~~at least three times a year as required by the program for the~~

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552 ~~duration of the revocation period for supervision. Such~~  
553 ~~supervision includes evaluation, education, referral into~~  
554 ~~treatment, and other activities required by the department. Such~~  
555 ~~persons shall assume reasonable costs of supervision. If the~~  
556 ~~person fails to comply with the required supervision, the~~  
557 ~~program shall report the failure to the department, and the~~  
558 ~~department shall cancel the person's driving privilege. This~~  
559 ~~paragraph does not apply to any person whose driving privilege~~  
560 ~~has been permanently revoked.~~

561 ~~(c)(d)~~ For the purpose of this section, a previous  
562 conviction of driving under the influence, driving while  
563 intoxicated, driving with an unlawful blood-alcohol level, or  
564 any other similar alcohol-related or drug-related offense  
565 outside this state or a previous conviction of former s.  
566 316.1931, former s. 316.028, or former s. 860.01 is considered a  
567 previous conviction for violation of s. 316.193.

568 ~~(d)(e)~~ The department, based upon review of the licensee's  
569 application for reinstatement, may require use of an ignition  
570 interlock device pursuant to s. 322.2715.

571 Section 7. Subsections (1) and (3) of section 322.2715,  
572 Florida Statutes, are amended, subsection (5) is renumbered as  
573 subsection (6), and a new subsection (5) is added to that  
574 section, to read:

575 322.2715 Ignition interlock device.—

576 (1) Before issuing a permanent or restricted driver  
577 ~~driver's~~ license under this chapter, the department shall  
578 require the placement of a department-approved ignition  
579 interlock device for any person convicted of committing an  
580 offense of driving under the influence as specified in

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581 subsection (3), except that consideration may be given to those  
582 individuals having a documented medical condition that would  
583 prohibit the device from functioning normally. An interlock  
584 device shall be placed on all vehicles ~~that are individually or~~  
585 ~~jointly leased or owned~~ or ~~and routinely~~ operated by the  
586 convicted person.

587 (3) If the person is convicted of:

588 (a)1. A first offense of driving under the influence under  
589 s. 316.193, except as provided in subparagraph 2., the person  
590 shall have the ignition interlock device installed for at least  
591 6 months; or

592 2. A first offense of driving under the influence under s.  
593 316.193 for which offense the person had ~~and has~~ an unlawful  
594 blood-alcohol level or breath-alcohol level as specified in s.  
595 316.193(4), or if ~~the~~ a person is convicted of a violation of s.  
596 ~~316.193~~ and was at the time of the offense accompanied in the  
597 vehicle by a person younger than 18 years of age, the person  
598 shall have the ignition interlock device installed for at least  
599 ~~not less than~~ 6 continuous months ~~for the first offense and for~~  
600 ~~not less than 2 continuous years for a second offense.~~

601 (b)1. A second offense of driving under the influence under  
602 s. 316.193, except as provided in subparagraph 2., the ignition  
603 interlock device shall be installed for a period of at least ~~not~~  
604 ~~less than~~ 1 continuous year; ~~or.~~

605 2. A second offense of driving under the influence under s.  
606 316.193 for which offense the person had an unlawful blood-  
607 alcohol level or breath-alcohol level as specified in s.  
608 316.193(4), or if the person was at the time of the offense  
609 accompanied in the vehicle by a person younger than 18 years of

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610 age, the person shall have the ignition interlock device  
611 installed for at least 2 continuous years.

612 (c) A third offense of driving under the influence ~~which~~  
613 ~~occurs within 10 years after a prior conviction for a violation~~  
614 ~~of s. 316.193, the ignition interlock device shall be installed~~  
615 ~~for a period of at least not less than 2 continuous years.~~

616 ~~(d) A third offense of driving under the influence which~~  
617 ~~occurs more than 10 years after the date of a prior conviction,~~  
618 ~~the ignition interlock device shall be installed for a period of~~  
619 ~~not less than 2 continuous years.~~

620 ~~(d)(e)~~ A fourth or subsequent offense of driving under the  
621 influence, the ignition interlock device shall be installed for  
622 a period of at least ~~not less than~~ 5 years.

623 (5) An ignition interlock device restriction imposed under  
624 subsection (3) or subsection (4) shall remain in effect until  
625 the department receives a declaration from the person's ignition  
626 interlock device vendor, in a form provided or approved by the  
627 department, certifying that none of the following incidents have  
628 occurred during the 4 consecutive months before the date of the  
629 declaration:

630 (a) Any attempt to start the vehicle with a breath-alcohol  
631 level of 0.04 or more unless a subsequent test performed within  
632 10 minutes registers a breath-alcohol level lower than 0.04.

633 (b) Failure to take any random retest unless a review of  
634 the digital image confirms that the vehicle was not occupied by  
635 the driver at the time of the missed retest.

636 (c) Failure to pass any random retest with a breath-alcohol  
637 level of 0.025 or lower unless a subsequent test performed  
638 within 10 minutes registers a breath-alcohol level lower than

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639 0.025.

640 (d) Failure of the person to appear at the ignition  
641 interlock device vendor when required for maintenance, repair,  
642 calibration, monitoring, inspection, or replacement of the  
643 device.

644 Section 8. This act shall take effect October 1, 2013.