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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) of section 316.193, Florida  
Statutes, is amended to read:

316.193 Driving under the influence; penalties.-

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

1. By a fine of:



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12           a. Not less than \$500 or more than \$1,000 for a first  
13 conviction.

14           b. Not less than \$1,000 or more than \$2,000 for a second  
15 conviction; and

16           2. By imprisonment for:

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

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

19           3. By mandatory placement, at the convicted person's sole  
20 expense, of an ignition interlock device approved by the  
21 department in accordance with s. 316.1938:

22           a. For a first conviction, for a period of at least 6  
23 months; or

24           b. For a second conviction, by mandatory placement for a  
25 period of at least 1 year, at the convicted person's sole  
26 expense, of an ignition interlock device approved by the  
27 department in accordance with s. 316.1938

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29 upon all vehicles that are individually or jointly leased or  
30 owned and routinely operated by the convicted person, when the  
31 convicted person qualifies for a permanent or restricted  
32 license. ~~The installation of such device may not occur before~~  
33 ~~July 1, 2003.~~

34           (b)1. Any person who is convicted of a third violation of  
35 this section for an offense that occurs within 10 years after a  
36 prior conviction for a violation of this section commits a  
37 felony of the third degree, punishable as provided in s.  
38 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
39 order the mandatory placement for a period of not less than 2  
40 years, at the convicted person's sole expense, of an ignition



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41 interlock device approved by the department in accordance with  
42 s. 316.1938 upon all vehicles that are individually or jointly  
43 leased or owned and routinely operated by the convicted person,  
44 when the convicted person qualifies for a permanent or  
45 restricted license. ~~The installation of such device may not  
46 occur before July 1, 2003.~~

47         2. Any person who is convicted of a third violation of this  
48 section for an offense that occurs more than 10 years after the  
49 date of a prior conviction for a violation of this section shall  
50 be punished by a fine of not less than \$2,000 or more than  
51 \$5,000 and by imprisonment for not more than 12 months. In  
52 addition, the court shall order the mandatory placement for a  
53 period of at least 2 years, at the convicted person's sole  
54 expense, of an ignition interlock device approved by the  
55 department in accordance with s. 316.1938 upon all vehicles that  
56 are individually or jointly leased or owned and routinely  
57 operated by the convicted person, when the convicted person  
58 qualifies for a permanent or restricted license. ~~The  
59 installation of such device may not occur before July 1, 2003.~~

60         3. Any person who is convicted of a fourth or subsequent  
61 violation of this section, regardless of when any prior  
62 conviction for a violation of this section occurred, commits a  
63 felony of the third degree, punishable as provided in s.  
64 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
65 for such fourth or subsequent violation may be not less than  
66 \$2,000.

67         ~~(c) In addition to the penalties in paragraph (a), the  
68 court may order placement, at the convicted person's sole  
69 expense, of an ignition interlock device approved by the~~



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70 ~~department in accordance with s. 316.1938 for at least 6~~  
71 ~~continuous months upon all vehicles that are individually or~~  
72 ~~jointly leased or owned and routinely operated by the convicted~~  
73 ~~person if, at the time of the offense, the person had a blood-~~  
74 ~~alcohol level or breath-alcohol level of .08 or higher.~~

75 Section 2. This act shall take effect October 1, 2016.

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

77 And the title is amended as follows:

78 Delete everything before the enacting clause  
79 and insert:

80 A bill to be entitled  
81 An act relating to driving under the influence;  
82 amending s. 316.193, F.S.; requiring mandatory  
83 placement, at the convicted person's sole expense, of  
84 an ignition interlock device for a specified period  
85 for a first conviction for driving under the  
86 influence; deleting obsolete provisions; conforming  
87 provisions to changes made by the act; providing an  
88 effective date.