



512206

LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
01/27/2016	.	
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The Committee on Transportation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 362 and 363

insert:

Section 13. Subsections (1), (3), and (4) of section 322.2715, Florida Statutes, are amended to read:

322.2715 Ignition interlock device.—

(1) Before issuing a permanent or restricted driver license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any



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11 person convicted of committing an offense of driving under the
12 influence as specified in subsection (3), except that
13 consideration may be given to those individuals having a
14 documented medical condition that would prohibit the device from
15 functioning normally. If a medical waiver has been granted for a
16 convicted person seeking a restricted license, the convicted
17 person shall not be entitled to a restricted license until the
18 required ignition interlock device installation period under
19 subsection (3) expires, in addition to the time requirements
20 under s. 322.271. If a medical waiver has been approved for a
21 convicted person seeking permanent reinstatement of the driver
22 license, the convicted person must be restricted to an
23 employment-purposes-only license and be supervised by a licensed
24 DUI program until the required ignition interlock device
25 installation period under subsection (3) expires. An interlock
26 device shall be placed on all vehicles that are individually or
27 jointly leased or owned and routinely operated by the convicted
28 person. Effective October 1, 2016, a qualified sobriety and drug
29 monitoring program as defined in s. 316.193(15) and authorized
30 by 23 U.S.C. s. 164 may be used by the department as an
31 alternative to the placement of an ignition interlock device
32 required by this section.

- 33 (3) If the person is convicted of:
- 34 (a) A first offense of driving under the influence under s.
35 316.193 and has an unlawful blood-alcohol level or breath-
36 alcohol level as specified in s. 316.193(1), the ignition
37 interlock device may be installed for at least 6 continuous
38 months.
- 39 (b) A first offense of driving under the influence under s.



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40 316.193 and has an unlawful blood-alcohol level or breath-
41 alcohol level as specified in s. 316.193(4), or if a person is
42 convicted of a violation of s. 316.193 and was at the time of
43 the offense accompanied in the vehicle by a person younger than
44 18 years of age, the person shall have the ignition interlock
45 device installed for at least 6 continuous months for the first
46 offense and for at least 2 continuous years for a second
47 offense.

48 (c) A second offense of driving under the influence, the
49 ignition interlock device shall be installed for a period of at
50 least 1 continuous year.

51 (d) A third offense of driving under the influence which
52 occurs within 10 years after a prior conviction for a violation
53 of s. 316.193, the ignition interlock device shall be installed
54 for a period of at least 2 continuous years.

55 (e) A third offense of driving under the influence which
56 occurs more than 10 years after the date of a prior conviction,
57 the ignition interlock device shall be installed for a period of
58 at least 2 continuous years.

59 (f) A fourth or subsequent offense of driving under the
60 influence, the ignition interlock device shall be installed for
61 a period of at least 5 years.

62
63 Effective October 1, 2016, for the offenses specified in this
64 subsection, a qualified sobriety and drug monitoring program as
65 defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164 may
66 be used by the department as an alternative to the placement of
67 an ignition interlock device required by this section.

68 (4) If the court fails to order the mandatory placement of



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69 the ignition interlock device or fails to order for the
70 applicable period the mandatory placement of an ignition
71 interlock device under s. 316.193 or s. 316.1937 at the time of
72 imposing sentence or within 30 days thereafter, the department
73 shall immediately require that the ignition interlock device be
74 installed as provided in this section, except that consideration
75 may be given to those individuals having a documented medical
76 condition that would prohibit the device from functioning
77 normally. Effective October 1, 2016, a qualified sobriety and
78 drug monitoring program as defined in s. 316.193(15) and
79 authorized by 23 U.S.C. s. 164 may be used by the department as
80 an alternative to the placement of an ignition interlock device
81 required by this section. This subsection applies to the
82 reinstatement of the driving privilege following a revocation,
83 suspension, or cancellation that is based upon a conviction for
84 the offense of driving under the influence which occurs on or
85 after July 1, 2005.

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

87 And the title is amended as follows:

88 Delete line 53

89 and insert:

90 mental condition; amending s. 322.2715, F.S.;

91 providing that a certain qualified sobriety and drug

92 monitoring program may be used by the department by a

93 specified date as an alternative to the placement of

94 an ignition interlock device; providing an effective

95 date.