

1 A bill to be entitled
 2 An act relating to driving or boating under the
 3 influence; providing a short title; amending ss.
 4 316.193 and 327.35, F.S.; providing that a person with
 5 a specified amount of delta 9-tetrahydrocannabinol per
 6 milliliter of blood commits the offense of driving
 7 under the influence or boating under the influence,
 8 respectively; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. This act may be cited as the "Naomi Pomerance
 13 Victim Safety Act."

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

16 316.193 Driving under the influence; penalties.—

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

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

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

HB 161

2016

27 (c) The person has a breath-alcohol level of 0.08 or more
 28 grams of alcohol per 210 liters of breath; or

29 (d) The person has a blood level of 5 nanograms or more of
 30 delta 9-tetrahydrocannabinol per milliliter of blood, as shown
 31 by analysis of the person's blood.

32 Section 3. Subsection (1) of section 327.35, Florida
 33 Statutes, is amended to read:

34 327.35 Boating under the influence; penalties; "designated
 35 drivers."—

36 (1) A person commits ~~is guilty of~~ the offense of boating
 37 under the influence and is subject to punishment as provided in
 38 subsection (2) if the person is operating a vessel within this
 39 state and:

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

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

46 (c) The person has a breath-alcohol level of 0.08 or more
 47 grams of alcohol per 210 liters of breath; or

48 (d) The person has a blood level of 5 nanograms or more of
 49 delta 9-tetrahydrocannabinol per milliliter of blood, as shown
 50 by analysis of the person's blood.

51 Section 4. This act shall take effect October 1, 2016.