

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Highway & Waterway Safety  
2 Subcommittee

3 Representative Plakon offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 316.193 Driving under the influence; penalties.—

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

13 1. By a fine of:

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

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

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18 2. By imprisonment for:

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

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

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

24 a. For a first conviction, for a period of at least 6  
25 months; or

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

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

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

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

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

62 3. Any person who is convicted of a fourth or subsequent  
63 violation of this section, regardless of when any prior  
64 conviction for a violation of this section occurred, commits a  
65 felony of the third degree, punishable as provided in s.  
66 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
67 for such fourth or subsequent violation may be not less than  
68 \$2,000.

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69 ~~(c) In addition to the penalties in paragraph (a), the~~  
70 ~~court may order placement, at the convicted person's sole~~  
71 ~~expense, of an ignition interlock device approved by the~~  
72 ~~department in accordance with s. 316.1938 for at least 6~~  
73 ~~continuous months upon all vehicles that are individually or~~  
74 ~~jointly leased or owned and routinely operated by the convicted~~  
75 ~~person if, at the time of the offense, the person had a blood-~~  
76 ~~alcohol level or breath-alcohol level of .08 or higher.~~

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

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80 **T I T L E A M E N D M E N T**

81 Remove everything before the enacting clause and insert:

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