

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WITHDRAWN \_\_\_\_\_ (Y/N)  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: Transportation &  
2 Infrastructure Subcommittee  
3 Representative Byrd offered the following:  
4

**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.

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

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. For a second conviction, by mandatory placement for a  
22 period of at least 1 year, at the convicted person's sole  
23 expense, of an ignition interlock device approved by the  
24 department in accordance with s. 316.1938 upon all vehicles that  
25 are individually or jointly leased or owned and routinely  
26 operated by the convicted person, when the convicted person  
27 qualifies for a permanent or restricted license. The  
28 installation of such device may not occur before July 1, 2003.

29           (b)1. Any person who is convicted of a third violation of  
30 this section for an offense that occurs within 10 years after a  
31 prior conviction for a violation of this section commits a  
32 felony of the third degree, punishable as provided in s.  
33 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
34 order the mandatory placement for a period of not less than 2  
35 years, at the convicted person's sole expense, of an ignition  
36 interlock device approved by the department in accordance with  
37 s. 316.1938 upon all vehicles that are individually or jointly  
38 leased or owned and routinely operated by the convicted person,  
39 when the convicted person qualifies for a permanent or

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40 restricted license. The installation of such device may not  
41 occur before July 1, 2003.

42 2. Any person who is convicted of a third violation of  
43 this section for an offense that occurs more than 10 years after  
44 the date of a prior conviction for a violation of this section  
45 shall be punished by a fine of not less than \$2,000 or more than  
46 \$5,000 and by imprisonment for not more than 12 months. In  
47 addition, the court shall order the mandatory placement for a  
48 period of at least 2 years, at the convicted person's sole  
49 expense, of an ignition interlock device approved by the  
50 department in accordance with s. 316.1938 upon all vehicles that  
51 are individually or jointly leased or owned and routinely  
52 operated by the convicted person, when the convicted person  
53 qualifies for a permanent or restricted license. The  
54 installation of such device may not occur before July 1, 2003.

55 3. Any person who is convicted of a fourth or subsequent  
56 violation of this section, regardless of when any prior  
57 conviction for a violation of this section occurred, commits a  
58 felony of the third degree, punishable as provided in s.  
59 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
60 for such fourth or subsequent violation may be not less than  
61 \$2,000.

62 (c) In addition to the penalties in paragraph (a), as a  
63 condition of probation, the court may order placement, at the  
64 convicted person's sole expense, of an ignition interlock device

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65 approved by the department in accordance with s. 316.1938 for at  
66 least 6 continuous months upon all vehicles that are  
67 ~~individually or jointly leased or owned and~~ routinely operated  
68 by the convicted person ~~if, at the time of the offense, the~~  
69 ~~person had a blood alcohol level or breath alcohol level of .08~~  
70 ~~or higher.~~ Notwithstanding s. 316.656, if a person convicted of  
71 a misdemeanor of the second degree for a first offense  
72 voluntarily places, or if the court orders placement of, an  
73 ignition interlock device under this subsection, the court shall  
74 withhold adjudication if the person does not have a prior  
75 withholding of adjudication or adjudication of guilt for any  
76 other offense. Failure of the person to comply with the full  
77 terms of the order for placement of an ignition interlock device  
78 may result in, among other penalties, the court ordering an  
79 adjudication of guilt.

80  
81 For purposes of this subsection, the term "conviction" means a  
82 determination of guilt that is the result of a plea or a trial,  
83 regardless of whether adjudication is withheld or a plea of nolo  
84 contendere is entered.

85 Section 2. This act shall take effect October 1, 2017.

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87 -----  
88 **T I T L E A M E N D M E N T**

89 Remove everything before the enacting clause and insert:

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90                                   A bill to be entitled  
91   An act relating to driving under the influence; amending s.  
92   316.193, F.S.; revising provisions relating to the placement of  
93   an ignition interlock device on certain vehicles; providing for  
94   withholding of adjudication for certain convicted persons;  
95   defining the term "conviction"; providing an effective date.  
96