

1 A bill to be entitled
2 An act relating to driving under the influence;
3 amending s. 316.193, F.S.; defining the term
4 "conviction"; amending s. 316.1937, F.S.; requiring an
5 ignition interlock provider to discount the monthly
6 leasing fee for an ignition interlock device by a
7 certain percentage for certain persons under certain
8 circumstances; exempting such a person from paying
9 costs of installation of the device; amending s.
10 316.656, F.S.; authorizing a court to withhold
11 adjudication of guilt for certain offenses related to
12 driving under the influence under certain
13 circumstances; requiring the court to order an
14 adjudication of guilt if certain requirements are not
15 met; authorizing a person to petition a court for a
16 withhold of adjudication 5 years after his or her
17 conviction under certain circumstances; providing an
18 effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraphs (a) through (d) of subsection (14)
23 of section 316.193, Florida Statutes, are redesignated as
24 paragraphs (b) through (e), respectively, and paragraph (a) is
25 added to that subsection to read:

26 | 316.193 Driving under the influence; penalties.—

27 | (14) As used in this chapter, the term:

28 | (a) "Conviction" means a determination of guilt that is
 29 | the result of a plea or a trial, regardless of whether
 30 | adjudication is withheld or a plea of nolo contendere is
 31 | entered.

32 | Section 2. Subsection (2) of section 316.1937, Florida
 33 | Statutes, is amended to read:

34 | 316.1937 Ignition interlock devices, requiring; unlawful
 35 | acts.—

36 | (2) If the court imposes the use of an ignition interlock
 37 | device, the court shall:

38 | (a) Stipulate on the record the requirement for, and the
 39 | period of, the use of a certified ignition interlock device.

40 | (b) Order that the records of the department reflect such
 41 | requirement.

42 | (c) Order that an ignition interlock device be installed,
 43 | as the court may determine necessary, on any vehicle owned or
 44 | operated by the person.

45 | 1. If the person claims inability to pay for an ignition
 46 | interlock device, an ignition interlock provider shall provide
 47 | the following discounts on the monthly leasing fee:

48 | a. If a person's family income is at or below 100 percent
 49 | of the federal poverty level as documented by written order of
 50 | the court, the regular monthly leasing fee charged to all

51 customers by the interlock provider shall be discounted for that
52 person by 50 percent.

53 b. If the person's family income is greater than 100
54 percent but at or below 149 percent of the federal poverty level
55 as documented by written order of the court, the regular monthly
56 leasing fee charged to all customers by the interlock provider
57 shall be discounted for that person by 25 percent.

58 2. A person who qualifies for a reduced fee pursuant to
59 this paragraph is not required to pay the costs for installation
60 or deinstallation of the device.

61 ~~(d) Determine the person's ability to pay for installation~~
62 ~~of the device if the person claims inability to pay. If the~~
63 ~~court determines that the person is unable to pay for~~
64 ~~installation of the device, the court may order that any portion~~
65 ~~of a fine paid by the person for a violation of s. 316.193 shall~~
66 ~~be allocated to defray the costs of installing the device.~~

67 ~~(d)(e)~~ Require proof of installation of the device and
68 periodic reporting to the department for verification of the
69 operation of the device in the person's vehicle.

70 Section 3. Section 316.656, Florida Statutes, is amended
71 to read:

72 316.656 Mandatory adjudication; exceptions; prohibition
73 against accepting plea to lesser included offense.—

74 (1) (a) Notwithstanding ~~the provisions of s. 948.01, a~~ no
75 court may not suspend, defer, or withhold adjudication of guilt

76 or imposition of sentence for any violation of s. 316.193,
77 except as otherwise provided in this subsection; for
78 manslaughter resulting from the operation of a motor vehicle;~~;~~
79 or for vehicular homicide.

80 (b) Upon agreement by the state attorney, the court may
81 withhold adjudication of guilt for a first offense second degree
82 misdemeanor violation of s. 316.193, other than a violation of
83 s. 316.193(4), if the person does not have a prior withhold of
84 adjudication or adjudication of guilt for any other criminal
85 offense and, in addition to the penalties prescribed in s.
86 316.193, the person voluntarily agrees to or the court orders
87 either of the following:

88 1. Installation of an ignition interlock device certified
89 by the department as provided in s. 316.1938 for at least 6
90 continuous months upon all vehicles that are routinely operated
91 by the convicted person. If the person fails to successfully
92 complete the entire term of the ignition interlock device
93 program, the court must order an adjudication of guilt.

94 2. Revocation of the person's driving privileges for at
95 least 6 continuous months during which time the person must
96 participate in a qualified sobriety and drug monitoring program
97 as defined in s. 316.193. If the person operates a motor vehicle
98 during the term of license revocation or fails to successfully
99 complete the entire term of a qualified sobriety and drug
100 monitoring program, the court must order an adjudication of

101 guilt.

102 (c) If the court does not order a person to comply with
 103 paragraph (b), the person is eligible, upon agreement by the
 104 state attorney, to petition the court to enter a withhold of
 105 adjudication 5 years after the date of his or her conviction for
 106 a first offense second degree misdemeanor violation of s.
 107 316.193, other than a violation of s. 316.193(4), if the person
 108 does not have a prior withhold of adjudication or adjudication
 109 of guilt for any other criminal offense and has not committed
 110 any additional criminal offenses within such 5-year period.

111 (2) (a) A ~~No~~ trial judge may not accept a plea of guilty to
 112 a lesser offense from a person charged under ~~the provisions of~~
 113 this act who has been given a breath or blood test to determine
 114 blood or breath alcohol content, ~~the~~ results of which show a
 115 blood or breath alcohol content by weight of 0.15 percent or
 116 more.

117 (b) A ~~No~~ trial judge may not accept a plea of guilty to a
 118 lesser offense from a person charged with a violation of s.
 119 316.193(3), manslaughter resulting from the operation of a motor
 120 vehicle, or vehicular homicide.

121 Section 4. This act shall take effect July 1, 2019.