



489780

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/24/2014	.	
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The Committee on Appropriations (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 575 and 576

insert:

Section 6. Paragraphs (j) and (k) of subsection (6) of section 316.193, Florida Statutes, are redesignated as paragraphs (k) and (l), respectively, and a new paragraph (j) is added to that subsection, to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of



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11 subsection (1), regardless of any penalty imposed pursuant to  
12 subsection (2), subsection (3), or subsection (4):

13 (j)1. Notwithstanding the provisions of this section, s.  
14 316.1937, and s. 322.2715 relating to ignition interlock devices  
15 required for second or subsequent offenders, in order to  
16 strengthen the pretrial and posttrial options available to  
17 prosecutors and judges, the court may order, if deemed  
18 appropriate, that a person participate in a qualified sobriety  
19 and drug monitoring program, as defined in subparagraph 2., in  
20 lieu of the ignition interlock device requirement. Participation  
21 shall be at the person's sole expense.

22 2. As used in this paragraph, the term "qualified sobriety  
23 and drug monitoring program" means an evidence-based program,  
24 approved by the department, in which participants are regularly  
25 tested for alcohol and drug use. As the court deems appropriate,  
26 the program may monitor alcohol or drugs through one or more of  
27 the following modalities: breath testing twice a day; continuous  
28 transdermal alcohol monitoring in cases of hardship; or random  
29 blood, breath, urine, or oral fluid testing. Testing modalities  
30 that provide the best ability to sanction a violation as close  
31 in time as reasonably feasible to the occurrence of the  
32 violation should be given preference. This paragraph does not  
33 preclude a court from ordering an ignition interlock device as a  
34 testing modality.

35 3. For purposes of this paragraph, the term "evidence-based  
36 program" means a program that satisfies the requirements of at  
37 least two of the following:

38 a. The program is included in the federal registry of  
39 evidence-based programs and practices.



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40           b. The program has been reported in a peer-reviewed journal  
41 as having positive effects on the primary targeted outcome.

42           c. The program has been documented as effective by informed  
43 experts and other sources.

44  
45 For the purposes of this section, any conviction for a violation  
46 of s. 327.35; a previous conviction for the violation of former  
47 s. 316.1931, former s. 860.01, or former s. 316.028; or a  
48 previous conviction outside this state for driving under the  
49 influence, driving while intoxicated, driving with an unlawful  
50 blood-alcohol level, driving with an unlawful breath-alcohol  
51 level, or any other similar alcohol-related or drug-related  
52 traffic offense, is also considered a previous conviction for  
53 violation of this section. However, in satisfaction of the fine  
54 imposed pursuant to this section, the court may, upon a finding  
55 that the defendant is financially unable to pay either all or  
56 part of the fine, order that the defendant participate for a  
57 specified additional period of time in public service or a  
58 community work project in lieu of payment of that portion of the  
59 fine which the court determines the defendant is unable to pay.  
60 In determining such additional sentence, the court shall  
61 consider the amount of the unpaid portion of the fine and the  
62 reasonable value of the services to be ordered; however, the  
63 court may not compute the reasonable value of services at a rate  
64 less than the federal minimum wage at the time of sentencing.

65  
66 ===== T I T L E   A M E N D M E N T =====

67 And the title is amended as follows:

68           Between lines 22 and 23



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69 insert:  
70 amending s. 316.193, F.S.; authorizing the court to  
71 order sobriety and drug monitoring in lieu of  
72 specified ignition interlock device requirements;  
73 defining terms;