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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
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The Committee on Fiscal Policy (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 878 - 958

and insert:

Section 17. Subsection (2) of section 322.251, Florida Statutes, is amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(2) The giving of notice and an order of cancellation, suspension, revocation, or disqualification by mail is complete upon expiration of 20 days after deposit in the United States



481820

12 mail for all notices except those issued under chapter 324 or  
13 ss. 627.732-627.734, which are complete 15 days after deposit in  
14 the United States mail. Proof of the giving of notice and an  
15 order of cancellation, suspension, revocation, or  
16 disqualification in either manner shall be made by entry in the  
17 records of the department that such notice was given. The entry  
18 is admissible in the courts of this state and constitutes  
19 sufficient proof that such notice was given. Whenever notice is  
20 given that a driving privilege will be suspended for nonpayment  
21 of a fine, the department shall include in the notice a  
22 statement informing the violator that, if he or she is unable to  
23 pay the citation in full, he or she may avoid a suspension by  
24 agreeing to a payment plan, based on his or her ability to pay,  
25 which will be provided through the clerk of the court in the  
26 county in which the citation was written.

27 Section 18. Subsections (1), (3), and (4) of section  
28 322.2715, Florida Statutes, are amended to read:

29 322.2715 Ignition interlock device.—

30 (1) Before issuing a permanent or restricted driver license  
31 under this chapter, the department shall require the placement  
32 of a department-approved ignition interlock device for any  
33 person convicted of committing an offense of driving under the  
34 influence as specified in subsection (3), except that  
35 consideration may be given to those individuals having a  
36 documented medical condition that would prohibit the device from  
37 functioning normally. If a medical waiver has been granted for a  
38 convicted person seeking a restricted license, the convicted  
39 person is shall not be entitled to a restricted license until  
40 the required ignition interlock device installation period under



481820

41 subsection (3) expires, in addition to the time requirements  
42 under s. 322.271. If a medical waiver has been approved for a  
43 convicted person seeking permanent reinstatement of the driver  
44 license, the convicted person must be restricted to an  
45 employment-purposes-only license and be supervised by a licensed  
46 DUI program until the required ignition interlock device  
47 installation period under subsection (3) expires. An interlock  
48 device shall be placed on all vehicles that are individually or  
49 jointly leased or owned and routinely operated by the convicted  
50 person. Effective October 1, 2016, if a court in the Fourth  
51 Judicial Circuit orders a qualified sobriety and drug monitoring  
52 program as defined in s. 316.193(15) and authorized by 23 U.S.C.  
53 s. 164 under the pilot program implemented under s. 316.193(16),  
54 the department shall use the monitoring program as an  
55 alternative to the placement of an ignition interlock device  
56 required by this section.

57 (3) If the person is convicted of:

58 (a) A first offense of driving under the influence under s.  
59 316.193 and has an unlawful blood-alcohol level or breath-  
60 alcohol level as specified in s. 316.193(1), the ignition  
61 interlock device may be installed for at least 6 continuous  
62 months.

63 (b) A first offense of driving under the influence under s.  
64 316.193 and has an unlawful blood-alcohol level or breath-  
65 alcohol level as specified in s. 316.193(4), or if a person is  
66 convicted of a violation of s. 316.193 and was at the time of  
67 the offense accompanied in the vehicle by a person younger than  
68 18 years of age, the person shall have the ignition interlock  
69 device installed for at least 6 continuous months for the first



481820

70 offense and for at least 2 continuous years for a second  
71 offense.

72 (c) A second offense of driving under the influence, the  
73 ignition interlock device shall be installed for a period of at  
74 least 1 continuous year.

75 (d) A third offense of driving under the influence which  
76 occurs within 10 years after a prior conviction for a violation  
77 of s. 316.193, the ignition interlock device shall be installed  
78 for a period of at least 2 continuous years.

79 (e) A third offense of driving under the influence which  
80 occurs more than 10 years after the date of a prior conviction,  
81 the ignition interlock device shall be installed for a period of  
82 at least 2 continuous years.

83 (f) A fourth or subsequent offense of driving under the  
84 influence, the ignition interlock device shall be installed for  
85 a period of at least 5 years.

86

87 Effective October 1, 2016, if a court in the Fourth Judicial  
88 Circuit orders a qualified sobriety and drug monitoring program  
89 as defined in s. 316.193(15) and authorized by 23 U.S.C. s. 164  
90 under the pilot program implemented under s. 316.193(16), the  
91 department shall use the monitoring program as an alternative to  
92 the placement of an ignition interlock device required by this  
93 section.

94 (4) If the court fails to order the mandatory placement of  
95 the ignition interlock device or fails to order for the  
96 applicable period the mandatory placement of an ignition  
97 interlock device under s. 316.193 or s. 316.1937 at the time of  
98 imposing sentence or within 30 days thereafter, the department



99 shall immediately require that the ignition interlock device be  
100 installed as provided in this section, except that consideration  
101 may be given to those individuals having a documented medical  
102 condition that would prohibit the device from functioning  
103 normally. Effective October 1, 2016, if a court in the Fourth  
104 Judicial Circuit orders a qualified sobriety and drug monitoring  
105 program as defined in s. 316.193(15) and authorized by 23 U.S.C.  
106 s. 164 under the pilot program implemented under s. 316.193(16),  
107 the department shall use the monitoring program as an  
108 alternative to the placement of an ignition interlock device  
109 required by this section. This subsection applies to the  
110 reinstatement of the driving privilege following a revocation,  
111 suspension, or cancellation that is based upon a conviction for  
112 the offense of driving under the influence which occurs on or  
113 after July 1, 2005.

114 Section 19. Present subsections (2) and (3) of section  
115 765.521, Florida Statutes, are redesignated as subsections (3)  
116 and (4), respectively, and a new subsection (2) is added to that  
117 section, to read:

118 765.521 Donations as part of driver license or  
119 identification card process.-

120 (2) The department shall maintain an integrated link on its  
121 website referring a visitor renewing a driver license or  
122 conducting other business to the donor registry operated under  
123 s. 765.5155.

124  
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:

127 Delete lines 108 - 112



481820

128 and insert:  
129       322.251, F.S.; requiring the department to include in  
130       a notice that a driving privilege will be suspended  
131       for nonpayment of a fine a statement informing  
132       violators that, if they are unable to pay their  
133       citation in full to avoid suspension of their driving  
134       privileges, they may avoid a suspension by agreeing to  
135       a certain payment plan; amending s. 322.2715, F.S.;  
136       requiring the department to use a certain qualified  
137       sobriety and drug monitoring program as an alternative  
138       to the placement of an ignition interlock device as of  
139       a specified date under certain circumstances; amending  
140       s. 765.521; requiring the department to maintain an  
141       integrated link on its website referring certain  
142       visitors to a donor registry; directing the Department  
143       of Transportation to