

By Senators Grant, Rossin, Sullivan and Casas

13-657-98

1                                   A bill to be entitled  
2           An act relating to driving under the influence;  
3           amending s. 316.193, F.S.; providing that a  
4           person is guilty of driving under the influence  
5           when any amount of certain chemical or  
6           controlled substances is present in blood or  
7           urine regardless of the presence of alcohol;  
8           providing a defense; providing an effective  
9           date.

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

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13           Section 1. Subsection (1) of section 316.193, Florida  
14 Statutes, is amended to read:

15           316.193 Driving under the influence; penalties.--

16           (1) A person is guilty of the offense of driving under  
17 the influence and is subject to punishment as provided in  
18 subsection (2) if the person is driving or in actual physical  
19 control of a vehicle within this state and:

20           (a) The person is under the influence of alcoholic  
21 beverages, any chemical substance set forth in s. 877.111, or  
22 any substance controlled under chapter 893, when affected to  
23 the extent that the person's normal faculties are impaired;

24           (b) The person has a blood-alcohol level of 0.08 or  
25 more grams of alcohol per 100 milliliters of blood; ~~or~~

26           (c) The person has a breath-alcohol level of 0.08 or  
27 more grams of alcohol per 210 liters of breath; ~~or-~~

28           (d) There is present in the person's blood or urine,  
29 or both, any amount of a chemical substance set forth in s.  
30 877.111 or any substance controlled under chapter 893 the  
31 possession of which is unlawful under s. 893.13, including the

1 metabolites and derivatives of either without regard to  
2 whether or not any alcohol is present in the person's breath  
3 or blood.

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5 It is a defense to the offense specified in paragraph (d) that  
6 the person used the substances set forth in that paragraph  
7 under a valid prescription or order of a licensed medical  
8 practitioner who acted in the course of the practitioner's  
9 professional practice.

10 Section 2. This act shall take effect July 1, 1998.

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SENATE SUMMARY

14 Provides that a person is guilty of driving under the  
15 influence when any amount of certain chemical or  
16 controlled substances is present in the person's blood or  
urine regardless of the presence of alcohol. Provides a  
defense if the person has a valid prescription.

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