

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 555 Driving Under the Influence

**SPONSOR(S):** Plakon and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	12 Y, 1 N, As CS	Pitts	Smith
2) Criminal Justice Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

Current Florida law gives the court the discretion to order mandatory Ignition Interlock Device (IID) installation for all first-time offenders of Driving Under the Influence (DUI), in addition to any other authorized penalties. If the court exercises this discretion, the installation period must be for at least six months.

The bill requires that all first time convicted DUI offenders have an IID placed on their vehicle at the convicted person's sole expense, for at least six months.

The bill may have an indeterminate, but significant negative impact on state funds. The Department of Highway Safety and Motor Vehicles (DHSMV) estimates that additional resources will be necessary to monitor and oversee the IID program should all first time DUI offenders require mandatory IID installation.

The effective date of the bill is October 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### **Driving Under the Influence (DUI)**

A first conviction for driving under the influence will result in a fine of not less than \$500 or more than \$1,000<sup>1</sup> and by imprisonment for a period of no more than 6 months.<sup>2</sup> Current Florida law also gives the court the discretion to order mandatory IID installation for all first-time offenders, in addition to any other authorized penalties.<sup>3</sup> If the court exercises this discretion, the installation period must be for at least six months.<sup>4</sup>

##### **Ignition Interlock Device (IID)**

Section 316.193, Florida Statutes requires IID's to be installed on the vehicles of persons convicted of DUI. The following table summarizes Florida's IID requirements:

DUI Conviction	IID Requirement
1 <sup>st</sup> Conviction	If court ordered
1 <sup>st</sup> Conviction if BAC is $\geq$ 0.15, or minor in car	Mandatory for at least 6 continuous months
2 <sup>nd</sup> Conviction	Mandatory for at least 1 year
2 <sup>nd</sup> Conviction if BAC is $\geq$ 0.15, or minor in car	Mandatory for at least 2 continuous years
3 <sup>rd</sup> Conviction	Mandatory for at least 2 years

The Florida Legislature's Office of Program Policy Analysis & Government Accountability conducted a study researching ignition interlock devices and DUI recidivism rates. An ignition interlock device prevents the start of a vehicle with a breath sample above .025, collects data, and records and stores visual evidence of device use. Research shows that ignition interlock devices, while installed, were more effective at reducing re-arrest rates for alcohol-impaired driving when compared to other sanctions, such as license suspensions. The study found the six month recidivism rate for first-time DUI offenders that were not required to install an ignition interlock device was 1.74 percent. When compared, the recidivism rate for first-time offenders required to use the ignition interlock device was less with a rate of 0.34 percent. However, the study also found that only 49 percent of Florida DUI offenders installed an ignition interlock device, as required, after completing their period of license revocation.<sup>5</sup>

#### Proposed Changes

The bill amends section 316.193, F.S., requiring that all first time convicted DUI offenders have an IID placed on their vehicle at the convicted person's sole expense, for at least six months.

### B. SECTION DIRECTORY:

**Section 1** Amends s. 316.193, F.S., requiring mandatory placement, at the convicted person's sole expense, of an IID for a specified period for a first conviction for driving under the

<sup>1</sup> s. 316.193(2)(a)1.a., F.S.

<sup>2</sup> s. 316.193(2)(a)2.a., F.S.

<sup>3</sup> s. 316.1937, F.S.

<sup>4</sup> Id.

<sup>5</sup> The Florida Legislature Office of Program Policy Analysis & Government Accountability, *Ignition Interlock Devices and DUI Recidivism Rates*, <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1414rpt.pdf> (last visited February 1, 2016)

influence; deleting obsolete provisions; conforming provisions to changes made by the bill.

**Section 2** Provides an effective date of October 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill may have an indeterminate, but significant negative impact on state funds. DHSMV estimates that additional resources will be necessary to monitor and oversee the IID program should all first time DUI offenders require mandatory IID installation.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

An individual who is convicted for a first DUI must have an IID placed on their vehicle for at least six months, at the convicted person's sole expense.

### D. FISCAL COMMENTS:

None

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 1, 2016, the Highway and Waterway Safety Subcommittee adopted a strike-all amendment to HB 555 and reported the bill favorably as a committee substitute. The strike-all amendment:

- Requires that all first time convicted DUI offenders have an IID placed on their vehicle at the convicted person's sole expense, for at least six months.

This analysis is written to the Committee Substitute as it was reported out of the Highway & Waterway Safety Subcommittee.