

1                   A bill to be entitled  
 2           An act relating to driving under the influence;  
 3           amending s. 316.193, F.S.; revising provisions  
 4           relating to the placement of an ignition interlock  
 5           device on certain vehicles; providing for withholding  
 6           of adjudication for certain convicted persons;  
 7           defining the term "conviction"; providing an effective  
 8           date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Subsection (2) of section 316.193, Florida  
 13 Statutes, is amended to read:

14           316.193 Driving under the influence; penalties.—

15           (2) (a) Except as provided in paragraph (b), subsection  
 16 (3), or subsection (4), any person who is convicted of a  
 17 violation of subsection (1) shall be punished:

18           1. By a fine of:

19           a. Not less than \$500 or more than \$1,000 for a first  
 20 conviction.

21           b. Not less than \$1,000 or more than \$2,000 for a second  
 22 conviction; and

23           2. By imprisonment for:

24           a. Not more than 6 months for a first conviction.

25           b. Not more than 9 months for a second conviction.

26           3. For a second conviction, by mandatory placement for a  
27 period of at least 1 year, at the convicted person's sole  
28 expense, of an ignition interlock device approved by the  
29 department in accordance with s. 316.1938 upon all vehicles that  
30 are individually or jointly leased or owned and routinely  
31 operated by the convicted person, when the convicted person  
32 qualifies for a permanent or restricted license. The  
33 installation of such device may not occur before July 1, 2003.

34           (b)1. Any person who is convicted of a third violation of  
35 this section for an offense that occurs within 10 years after a  
36 prior conviction for a violation of this section commits a  
37 felony of the third degree, punishable as provided in s.  
38 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
39 order the mandatory placement for a period of not less than 2  
40 years, at the convicted person's sole expense, of an ignition  
41 interlock device approved by the department in accordance with  
42 s. 316.1938 upon all vehicles that are individually or jointly  
43 leased or owned and routinely operated by the convicted person,  
44 when the convicted person qualifies for a permanent or  
45 restricted license. The installation of such device may not  
46 occur before July 1, 2003.

47           2. Any person who is convicted of a third violation of  
48 this section for an offense that occurs more than 10 years after  
49 the date of a prior conviction for a violation of this section  
50 shall be punished by a fine of not less than \$2,000 or more than

51 \$5,000 and by imprisonment for not more than 12 months. In  
52 addition, the court shall order the mandatory placement for a  
53 period of at least 2 years, at the convicted person's sole  
54 expense, of an ignition interlock device approved by the  
55 department in accordance with s. 316.1938 upon all vehicles that  
56 are individually or jointly leased or owned and routinely  
57 operated by the convicted person, when the convicted person  
58 qualifies for a permanent or restricted license. The  
59 installation of such device may not occur before July 1, 2003.

60 3. Any person who is convicted of a fourth or subsequent  
61 violation of this section, regardless of when any prior  
62 conviction for a violation of this section occurred, commits a  
63 felony of the third degree, punishable as provided in s.  
64 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
65 for such fourth or subsequent violation may be not less than  
66 \$2,000.

67 (c) In addition to the penalties in paragraph (a), as a  
68 condition of probation, the court may order placement, at the  
69 convicted person's sole expense, of an ignition interlock device  
70 approved by the department in accordance with s. 316.1938 for at  
71 least 6 continuous months upon all vehicles that are  
72 ~~individually or jointly leased or owned and routinely operated~~  
73 ~~by the convicted person if, at the time of the offense, the~~  
74 ~~person had a blood-alcohol level or breath-alcohol level of .08~~  
75 ~~or higher.~~ Notwithstanding s. 316.656, if a person convicted of

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76 | a misdemeanor of the second degree for a first offense  
77 | voluntarily places, or if the court orders placement of, an  
78 | ignition interlock device under this subsection, the court shall  
79 | withhold adjudication if the person does not have a prior  
80 | withholding of adjudication or adjudication of guilt for any  
81 | other offense. Failure of the person to comply with the full  
82 | terms of the order for placement of an ignition interlock device  
83 | may result in, among other penalties, the court ordering an  
84 | adjudication of guilt.

85 |  
86 | For purposes of this subsection, the term "conviction" means a  
87 | determination of guilt that is the result of a plea or a trial,  
88 | regardless of whether adjudication is withheld or a plea of nolo  
89 | contendere is entered.

90 |       Section 2. This act shall take effect October 1, 2017.