

1 A bill to be entitled
2 An act relating to penalties for driving under the
3 influence; providing a short title; amending s.
4 316.193, F.S.; increasing penalties for driving under
5 the influence; amending s. 322.28, F.S.; increasing
6 driver license or driving privilege revocation periods
7 for driving under the influence; amending s. 322.271,
8 F.S.; conforming provisions to changes made by the
9 act; providing an effective date.

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

12
13 **Section 1.** This act may be cited as "Michael's Law."

14 **Section 2.** **Paragraph (a) of subsection (2) of section**
15 **316.193, Florida Statutes, is amended to read:**

16 316.193 Driving under the influence; penalties.—

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

20 1. By a fine of:

21 a. Not less than \$1,000 ~~\$500~~ or more than \$2,000 ~~\$1,000~~
22 for a first conviction.

23 b. Not less than \$2,000 ~~\$1,000~~ or more than \$3,000 ~~\$2,000~~
24 for a second conviction; and

25 2. By imprisonment for:

26 a. Not more than 9 ~~6~~ months for a first conviction.

27 b. Not more than 12 ~~9~~ months for a second conviction.

28 3. For a second conviction, by mandatory placement for a
29 period of at least 1 year, at the convicted person's sole
30 expense, of an ignition interlock device approved by the
31 department in accordance with s. 316.1938 upon all vehicles that
32 are individually or jointly leased or owned and routinely
33 operated by the convicted person, when the convicted person
34 qualifies for a permanent or restricted license.

35
36 The portion of a fine imposed in excess of \$1,000 ~~\$500~~ pursuant
37 to sub-subparagraph 1.a. and the portion of a fine imposed in
38 excess of \$2,000 ~~\$1,000~~ pursuant to sub-subparagraph 1.b., shall
39 be remitted by the clerk to the Department of Revenue for
40 deposit into the General Revenue Fund.

41 **Section 3. Paragraph (a) of subsection (2) and paragraph**
42 **(a) of subsection (4) of section 322.28, Florida Statutes, are**
43 **amended to read:**

44 322.28 Period of suspension or revocation.—

45 (2) In a prosecution for a violation of s. 316.193 or
46 former s. 316.1931, the following provisions apply:

47 (a) Upon conviction of the driver, the court, along with
48 imposing sentence, shall revoke the driver license or driving
49 privilege of the person so convicted, effective on the date of
50 conviction, and shall prescribe the period of such revocation in

51 accordance with the following provisions:

52 1. Upon a first conviction for a violation of ~~the~~
53 ~~provisions of~~ s. 316.193, except a violation resulting in death,
54 the driver license or driving privilege shall be revoked for at
55 least 3 years ~~180 days~~ but not more than 5 years ~~1 year~~.

56 2. Upon a second conviction for an offense that occurs
57 within a period of 5 years after the date of a prior conviction
58 for a violation of ~~the provisions of~~ s. 316.193 or former s.
59 316.1931 or a combination of such sections, the driver license
60 or driving privilege shall be revoked for at least 7 ~~5~~ years.

61 3. Upon a third conviction for an offense that occurs
62 within a period of 10 years after the date of a prior conviction
63 for the violation of ~~the provisions of~~ s. 316.193 or former s.
64 316.1931 or a combination of such sections, the driver license
65 or driving privilege shall be revoked for at least 10 years.

66
67 For the purposes of this paragraph, a previous conviction
68 outside this state for driving under the influence, driving
69 while intoxicated, driving with an unlawful blood-alcohol level,
70 or any other alcohol-related or drug-related traffic offense
71 similar to the offense of driving under the influence as
72 proscribed by s. 316.193 will be considered a previous
73 conviction for violation of s. 316.193, and a conviction for
74 violation of former s. 316.028, former s. 316.1931, or former s.
75 860.01 is considered a conviction for violation of s. 316.193.

76 (4) (a) Upon a conviction for a violation of s.
77 316.193(3) (c)2., involving serious bodily injury, a conviction
78 of manslaughter resulting from the operation of a motor vehicle,
79 or a conviction of vehicular homicide, the court shall revoke
80 the driver license of the person convicted for a minimum period
81 of 5 ~~3~~ years. If a conviction under s. 316.193(3) (c)2.,
82 involving serious bodily injury, is also a subsequent conviction
83 as described under paragraph (2) (a), the court shall revoke the
84 driver license or driving privilege of the person convicted for
85 the period applicable as provided in paragraph (2) (a) or
86 paragraph (2) (d).

87 **Section 4. Paragraph (c) of subsection (2) of section**
88 **322.271, Florida Statutes, is amended to read:**

89 322.271 Authority to modify revocation, cancellation, or
90 suspension order.—

91 (2) At such hearing, the person whose license has been
92 suspended, canceled, or revoked may show that such suspension,
93 cancellation, or revocation causes a serious hardship and
94 precludes the person from carrying out his or her normal
95 business occupation, trade, or employment and that the use of
96 the person's license in the normal course of his or her business
97 is necessary to the proper support of the person or his or her
98 family.

99 (c) A person whose license has been revoked for a period
100 of 7 ~~5~~ years or less pursuant to s. 322.28(2) (a) may, 12 months

101 after the date the revocation was imposed, petition the
102 department for reinstatement of his or her driving privilege on
103 a restricted basis. A person whose license has been revoked for
104 more than 7 ~~5~~ years under s. 322.28(2)(a) may, 24 months after
105 the date the revocation was imposed, petition the department for
106 reinstatement of his or her driving privilege on a restricted
107 basis. Reinstatement under this subsection is restricted to
108 business or employment purposes only. In addition, the
109 department shall require such persons upon reinstatement to have
110 not driven and to have been drug free for at least 12 months
111 immediately before the reinstatement, to be supervised by a DUI
112 program licensed by the department, and to report to the program
113 at least three times a year as required by the program for the
114 duration of the revocation period for supervision. Such
115 supervision includes evaluation, education, referral into
116 treatment, and other activities required by the department. Such
117 persons shall assume reasonable costs of supervision. If the
118 person fails to comply with the required supervision, the
119 program shall report the failure to the department, and the
120 department shall cancel the person's driving privilege. This
121 paragraph does not apply to any person whose driving privilege
122 has been permanently revoked.

123 **Section 5.** This act shall take effect October 1, 2026.