

Committee Substitute for Senate Bill No. 530

An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

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

Section 1. Paragraph (d) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

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

(2)

(d) The department, based upon review of the licensee's application for reinstatement, may require use of an ignition interlock device pursuant to s. 322.2715 ~~s. 316.1937~~.

Section 2. Section 322.2715, Florida Statutes, is created to read:

322.2715 Ignition interlock device.—

(1) Before issuing a permanent or restricted driver's license under this chapter, the department shall require the placement of a department-approved ignition interlock device for any person convicted of committing an offense of driving under the influence as specified in subsection (3), except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. An interlock device shall be placed on all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person.

(2) For purposes of this section, any conviction for a violation of s. 316.193, a previous conviction for a violation of former s. 316.1931, or a conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood alcohol level, or any other similar alcohol-related or drug-related traffic offense is a conviction of driving under the influence.

(3) If the person is convicted of:

(a) A first offense of driving under the influence under s. 316.193 and has an unlawful blood alcohol level or breath alcohol level as specified in s. 316.193(4), or if a person is convicted of a violation of s. 316.193 and was at the time of the offense accompanied in the vehicle by a person younger than 18 years of age, the person shall have the ignition interlock device installed for 6 months for the first offense and for at least 2 years for a second offense.

(b) A second offense of driving under the influence, the ignition interlock device shall be installed for a period of not less than 1 year.

(c) A third offense of driving under the influence which occurs within 10 years after a prior conviction for a violation of s. 316.193, the ignition interlock device shall be installed for a period of not less than 2 years.

(d) A third offense of driving under the influence which occurs more than 10 years after the date of a prior conviction, the ignition interlock device shall be installed for a period of not less than 2 years.

(4) If the court fails to order the mandatory placement of the ignition interlock device or fails to order for the applicable period the mandatory placement of an ignition interlock device under s. 316.193 or s. 316.1937 at the time of imposing sentence or within 30 days thereafter, the department shall immediately require that the ignition interlock device be installed as provided in this section, except that consideration may be given to those individuals having a documented medical condition that would prohibit the device from functioning normally. This subsection applies to the reinstatement of the driving privilege following a revocation, suspension, or cancellation that is based upon a conviction for the offense of driving under the influence which occurs on or after July 1, 2005.

Section 3. This act shall take effect July 1, 2005.

Approved by the Governor June 3, 2005.

Filed in Office Secretary of State June 3, 2005.