

1 A bill to be entitled
 2 An act relating to driving under the influence; providing
 3 a short title; amending s. 316.193, F.S.; requiring that
 4 ignition interlock devices be used for a specified period
 5 after a first conviction of certain offenses; revising
 6 provisions relating to the period for which an ignition
 7 interlock device may be required for a second conviction
 8 of certain offenses; amending s. 322.2715, F.S.; requiring
 9 ignition interlock devices to be set to prevent a vehicle
 10 from starting if the operator's blood alcohol level
 11 exceeds a specified amount; revising the time that
 12 ignition interlock devices must be used after a first
 13 conviction of certain offenses; requiring the Department
 14 of Highway Safety and Motor Vehicles to require
 15 installation an ignition interlock device if a court fails
 16 or neglects to order installation under a specified
 17 provision; providing an appropriation; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. This act may be cited as the "Grace Redgate
 23 Act."

24 Section 2. Subsection (2) and paragraph (c) of subsection
 25 (4) of section 316.193, Florida Statutes, are amended to read:
 26 316.193 Driving under the influence; penalties.--

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

30 1. By a fine of:

31 a. Not less than \$250 or more than \$500 for a first
 32 conviction; and-

33 b. Not less than \$500 or more than \$1,000 for a second
 34 conviction; and

35 2. By imprisonment for:

36 a. Not more than 6 months for a first conviction; and-
 37 b. Not more than 9 months for a second conviction; and-

38 3. ~~For a second conviction,~~ By mandatory placement ~~for a~~
 39 ~~period of at least 1 year,~~ at the convicted person's sole
 40 expense, of an ignition interlock device approved by the
 41 department in accordance with s. 316.1938 upon all vehicles that
 42 are individually or jointly leased or owned and routinely
 43 operated by the convicted person, when the convicted person
 44 qualifies for a permanent or restricted license, for:

45 a. At least 6 months for a first conviction if the person
 46 had a blood alcohol level or breath alcohol level of 0.15 or
 47 higher but less than 0.20 at the time of the offense.

48 b. At least 1 year for a second conviction. ~~The~~
 49 ~~installation of such device may not occur before July 1, 2003.~~

50 (b)1. Any person who is convicted of a third violation of
 51 this section for an offense that occurs within 10 years after a
 52 prior conviction for a violation of this section commits a
 53 felony of the third degree, punishable as provided in s.
 54 775.082, s. 775.083, or s. 775.084. In addition, the court shall

55 | order the mandatory placement for a period of not less than 2
56 | years, at the convicted person's sole expense, of an ignition
57 | interlock device approved by the department in accordance with
58 | s. 316.1938 upon all vehicles that are individually or jointly
59 | leased or owned and routinely operated by the convicted person,
60 | when the convicted person qualifies for a permanent or
61 | restricted license. ~~The installation of such device may not~~
62 | ~~occur before July 1, 2003.~~

63 | 2. Any person who is convicted of a third violation of
64 | this section for an offense that occurs more than 10 years after
65 | the date of a prior conviction for a violation of this section
66 | shall be punished by a fine of not less than \$1,000 or more than
67 | \$2,500 and by imprisonment for not more than 12 months. In
68 | addition, the court shall order the mandatory placement for a
69 | period of at least 2 years, at the convicted person's sole
70 | expense, of an ignition interlock device approved by the
71 | department in accordance with s. 316.1938 upon all vehicles that
72 | are individually or jointly leased or owned and routinely
73 | operated by the convicted person, when the convicted person
74 | qualifies for a permanent or restricted license. ~~The~~
75 | ~~installation of such device may not occur before July 1, 2003.~~

76 | 3. Any person who is convicted of a fourth or subsequent
77 | violation of this section, regardless of when any prior
78 | conviction for a violation of this section occurred, commits a
79 | felony of the third degree, punishable as provided in s.
80 | 775.082, s. 775.083, or s. 775.084. However, the fine imposed
81 | for such fourth or subsequent violation may be not less than
82 | \$1,000.

83 (4) Any person who is convicted of a violation of
 84 subsection (1) and who has a blood-alcohol level or breath-
 85 alcohol level of 0.20 or higher, or any person who is convicted
 86 of a violation of subsection (1) and who at the time of the
 87 offense was accompanied in the vehicle by a person under the age
 88 of 18 years, shall be punished:

89 (c) In addition to the penalties in paragraphs (a) and
 90 (b), the court shall order the mandatory placement, at the
 91 convicted person's sole expense, of an ignition interlock device
 92 approved by the department in accordance with s. 316.1938 upon
 93 all vehicles that are individually or jointly leased or owned
 94 and routinely operated by the convicted person for at least 1
 95 year ~~up to 6 months~~ for the first offense and for at least 2
 96 years for a second offense, when the convicted person qualifies
 97 for a permanent or restricted license. ~~The installation of such~~
 98 ~~device may not occur before July 1, 2003.~~

99 Section 3. Subsection (1) and paragraph (a) of subsection
 100 (3) and of section 322.2715, Florida Statutes, are amended to
 101 read:

102 322.2715 Ignition interlock device.--

103 (1) Before issuing a permanent or restricted driver's
 104 license under this chapter, the department shall require the
 105 placement of a department-approved ignition interlock device,
 106 installed in such a manner that the vehicle will not start if
 107 the operator's blood alcohol level is in excess of the level
 108 provided in s. 316.1937(1), for any person convicted of
 109 committing an offense of driving under the influence as
 110 specified in subsection (3), except that consideration may be

111 given to those individuals having a documented medical condition
 112 that would prohibit the device from functioning normally. An
 113 interlock device shall be placed on all vehicles that are
 114 individually or jointly leased or owned and routinely operated
 115 by the convicted person.

116 (3) If the person is convicted of:

117 (a) A first offense of driving under the influence under
 118 s. 316.193 and has an unlawful blood-alcohol level or breath-
 119 alcohol level as specified in s. 316.193(4), or if a person is
 120 convicted of a violation of s. 316.193 and was at the time of
 121 the offense accompanied in the vehicle by a person younger than
 122 18 years of age, the person shall have the ignition interlock
 123 device installed for 1 year ~~6 months~~ for the first offense and
 124 for at least 2 years for a second offense. The ignition
 125 interlock device shall be installed for at least 6 months for a
 126 first conviction if the person had a blood alcohol level or
 127 breath level of 0.15 or higher but less than 0.20 at the time of
 128 the offense and at least 1 year for a second conviction as
 129 specified in s. 316.193(2). If the court fails or neglects to
 130 order the ignition interlock device to be installed pursuant to
 131 this section, the department shall require the installation of
 132 the device.

133 Section 4. Beginning in fiscal year 2008-2009, there is
 134 appropriated \$100,000 recurring from the Highway Safety
 135 Operating Trust Fund to the Department of Highway Safety and
 136 Motor Vehicles to be used for the purposes of implementing the
 137 program in section 322.2715, Florida Statutes.

138 Section 5. This act shall take effect October 1, 2008.