

Florida DUI / DWI Regulations

DUI / DWI Statutes	§316.193 , §322.28
Criteria for DUI / DWI	BAC ≥ 0.02 if under 21 years old BAC ≥ 0.04 while operating a commercial motor vehicle BAC ≥ 0.08 for all non-commercial drivers aged 21 years or older BAC ≥ 0.15 enhanced penalties
Penalties for 1 st offense	<ul style="list-style-type: none"> ✧ Maximum six months in jail ✧ \$500 - 1,000 in fines ✧ 180-day to 1 year driver's license suspension ✧ 50 hours of community service
"Look back" period	2 nd offense: 5 years 3 rd or subsequent offense: 10 years
Penalties for repeat offender	<p>Second DUI conviction (within 5 years)</p> <ul style="list-style-type: none"> ✧ Mandatory jail sentence of at least 10 days and up to nine months ✧ Mandatory ignition interlock device installation for at least one year ✧ \$1,000 - 2,000 in fines ✧ Minimum 5-year driver's license suspension <p>Third DUI conviction (within 10 years)</p> <ul style="list-style-type: none"> ✧ Felony conviction ✧ Minimum 30 days in jail ✧ \$2,000 - 5,000 in fines ✧ Minimum 10-year driver's license suspension <p>Fourth DUI conviction</p> <ul style="list-style-type: none"> ✧ Felony conviction ✧ Maximum 5 years in jail ✧ Permanent revocation of driver's license ✧ Minimum \$2,000 in fines <p>Breathalyzer Test Refusal Penalties</p> <ul style="list-style-type: none"> ✧ First refusal: 1-year suspension of driver's license ✧ Any additional refusal after the first: 18-month suspension of driver's license ✧ Each additional refusal is a misdemeanor offense
License suspensions	1 st offense: 180 days – 1 year 2 nd offense: 180 days – 1 year 3 rd offense: 180 days – 1 year 4 th and subsequent offenses: 5 years - life
Ignition interlocks	Use of ignition interlock device is mandatory for at least 1 year upon a second conviction if driver qualifies for a permanent or restricted license and for at least 2 years for any third conviction and for other extenuating circumstances. If a first-time DUI offender was accompanied in the vehicle

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	<p>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.</p> <p>A DWI defendant who is placed on probation and who is otherwise permitted to operate a motor vehicle shall be required to operate vehicles equipped with ignition interlock devices for not less than 6 months. In addition, the licensing agency may require any person seeking reinstatement of their driving privileges to use an ignition interlock device on their vehicle. This requirement can apply to either occupational restricted or regular driving privileges.</p> <p>Exemptions: Medical.</p>
Vehicle impoundment	Impoundment, vehicle forfeiture
Open Container laws	Open container must be in locked glove box, trunk, or otherwise inaccessible to driver and passengers, but does not apply to passengers of hired vehicles or motor homes longer than 21 feet.

Sources

<https://www.flhsmv.gov/ddl/dlfaqson2a.html>

<http://dui.drivinglaws.org/resources/can-a-passenger-drink-alcohol.htm>

<http://www.ncsl.org/research/financial-services-and-commerce/open-container-and-consumption-statutes.aspx>

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