

F.S. 316.193 Mandatory Adjudication	316.193(6)(a) <u>1st</u>	316.193(6)(b) <u>2nd w/in 5yrs**</u>	<u>2nd o/s 5yrs</u>	316.193(6)[c]*** <u>3rd w/in 10yrs</u>	<u>3rd o/s 10yrs</u>	316.193(2)(b) <u>4th o/s 10yrs</u>	<u>4th w/in 10yrs</u>
BC JAIL 316.193(2)(a)(2) Enhanced**** 316.193(4)(b) Crash Felony	0- 1 80 days 0-270 days 0-364 days	10-2 70 days 10-364 days 10-364 days	0-270 days 0-364 days 0-364 days	30-364 days 30-364 days 30-364 days 30 days - 5 yrs (L3)	0-364 days 0-364 days 0-364 days	0-364 days 0-364 days 0-364 days 0-5 yrs (L6)	30 days - 5 yrs (L6)
PROBATION* 316.193(5) Felony	Up to 12 months	Up to 12 months	Up to 12 months	Up to 12 months 0-5 years	Up to 12 months	Up to 12 months 0-5 years	Up to 12 months 0-5 years
FINE 316.193(2)(a)(1) Enhanced 316.193(4)(a) Felony	\$250-\$500 \$500-\$1000	\$500- \$1000 \$1000- \$2000	\$500-\$1000 \$1000-\$2000	\$1000-\$2500 \$2000-\$5000 \$1000-\$ 5000	\$1000-\$2500 \$2000-\$5000	\$1000-\$2500 \$2000-\$5000 \$1000-\$5000	\$1000-\$5000
DL SUS/REV 322.28(2)(a)	6-12 months	5 years	6- 12 months	10 years	6- 12 months	Permanent	Permanent
COMM SERV 316.193(6)(a)	50 hours	N/A	N/A	N/A	N/A	N/A	N/A
DUI SCHOOL 316.193(5)	Level I	Level II	Level II	Level II	Level II	Level II	Level II
VEHI MMOB 316.193(6) not during incarceration	1 0 days of car D operated/owns	30 days All D's cars	1 0 days All D's cars	90 days All D's cars	1 0 days All D's cars	1 0 days All D's cars	90 Days All D's cars
INTERLOCK 316.193(2)(4) Enhanced	N/A Mandatory up to 6 months	1 year 2 years	1 year 2 years	2 years	2 years	None	2 years

* 316.193(6)(a) states that probation must not exceed one year. There is no minimum time for probation, however 6-9 months is the standard minimum offer.

** DUI "counting" is determined from **conviction to arrest**

*** 30 day minimum jail time on a 3rd offense within 10 years required when 2nd is also within 10 years regardless if 3rd is not within 10 years of 1st. Drigotas v. State (531 So.2d 421).

**** Enhanced penalties are defined as .20 BAL or accompanied by a minor at the time of offense.

***** 4th DUI offenses should always be reviewed to see if the offense may be coupled as a 2nd within 5 years or a 3rd within 10 years.

***** Interlock penalties may be ordered as of July 1, 2002 - but do get installed until July 1, 2003.

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