

F.S. 316.193 Mandatory Adjudication	316.193(6)(a) 1 <sup>st</sup>	316.193(6)(b) 2 <sup>nd</sup> W/in 5yrs <sup>***</sup>	2 <sup>nd</sup> o/s 5yrs	316.193(6)[c] **** 3 <sup>rd</sup> W/in 10yrs	3 <sup>rd</sup> o/s 10yrs	316.193(2)(b) 4 <sup>th</sup> o/s 10yrs	4 <sup>th</sup> w/in 10yrs <sup>^</sup>
<b>BC JAIL</b> <b>316.193(2)(a)(2)</b> Enhanced <sup>*****</sup> 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)
<b>PROBATION**</b> <b>316.193(5)</b> 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 12months  0-5 years	Up to 12months  0-5 years
<b>FINE</b> <b>316.193(2)(a)(1)</b>  Enhanced 316. 193(4)(a)  Felony	\$500-\$1000  \$1000-\$2000	\$1000- \$2000  \$2000- \$4000	\$1000- \$2000  \$2000- \$4000	\$2000-\$5000  \$4000-\$5000  \$2000-\$ 5000	\$1000-\$2500  \$2000-\$5000	\$2000-\$5000  \$4000-\$5000  \$2000-\$5000	\$2000-\$5000  \$4000-\$5000  \$2000-\$5000
<b>DL SUS/REV</b> <b>322.28(2)(a)</b>	6-12 months	5 YEARS	6- 12 months	10 YEARS	6- 12 months	Permanent	Permanent
<b>COMM SERV</b> <b>316.193(6)(a)</b>	50 hours	N/A	N/A	N/A	N/A	N/A	N/A
<b>DUI SCHOOL</b> <b>316.193(5)</b>	Level I	Level II	Level II	Level II	Level II	Level II	Level II
<b>VEHI MMOB</b> <b>316.193(6)</b>  (not during incarceration)	10 Days of Car D operating or owns	30 Days of  All D's Cars	10 Days of  All D's Cars	90 Days of  All D's Cars	10 Days of  All D's Cars	10 Days of  All D's Cars	90 Days of  All D's Cars
<b>INTERLOCK</b> <b>316.193(2)(4)</b>  Enhanced	N/A  Mandatory up to 6 Months	1 Year  2 Years	1 Year  2 Years	2 Years	2 Years	None	2 Years Minimum

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

\*\* DUI "counting" is determined from conviction to arrest. *Drigotas v. State* 531 So.2d (Fla 4<sup>th</sup> DCA 1988)

\*\*\* Within penalties are determined if the last of the priors are within the 5/10 years of the instant offense, regardless if all offenses are within 5/10 years. *Drigotas v. State* 531 So.2d (Fla 4<sup>th</sup> DCA 1988)

\*\*\*\* Enhanced penalties are defined as .15 BAL **or** accompanied by a person under 18 at the time of offense.

^ 4<sup>th</sup> DUI offense should always be reviewed to see if the offense may be coupled as a 2<sup>nd</sup> within 5 years or a 3<sup>rd</sup> within 10 years.

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