

Tab 1	SB 244 by Hooper ; (Identical to H 00645) Specialty License Plates/Clearwater Marine Aquarium
Tab 2	SB 260 by DiCeglie (CO-INTRODUCERS) Hooper ; (Identical to H 00039) Refusal to Submit to a Breath, Urine, or Blood Test

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Wednesday, December 13, 2023
TIME: 11:00 a.m.—1:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Gruters, Hooper, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 244 Hooper (Identical H 645)	Specialty License Plates/Clearwater Marine Aquarium; Directing the Department of Highway Safety and Motor Vehicles to develop a Clearwater Marine Aquarium license plate; providing for distribution and use of fees collected from the sale of the plate, etc. TR 12/13/2023 Favorable ATD FP	Favorable Yeas 6 Nays 0
2	SB 260 DiCeglie (Identical H 39)	Refusal to Submit to a Breath, Urine, or Blood Test; Requiring a person arrested for driving under the influence who refuses to submit to a lawful test of his or her breath to be told that he or she is subject to mandatory placement, at his or her own expense and for a specified period, of an ignition interlock device on all vehicles that are individually or jointly leased or owned and routinely operated by the person; directing the Department of Highway Safety and Motor Vehicles to require placement of an ignition interlock device before issuing a permanent or restricted driver license to a person who refused to submit to a lawful test of his or her breath, etc. TR 12/13/2023 Favorable CJ FP	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 244

INTRODUCER: Senator Hooper

SUBJECT: Specialty License Plates/Clearwater Marine Aquarium

DATE: December 12, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 244 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for Clearwater Marine Aquarium. The annual use fee for the plate is \$25.

Proceeds of the sale of the Clearwater Marine Aquarium specialty license plate will be distributed to Clearwater Marine Aquarium, Inc. The organization may use up to ten percent of proceeds to promote, administer, and market the plate. The remaining funds must be used to fund its efforts to rescue, rehabilitate, and release marine life; provide environmental education; conduct research; and promote conservation strategies.

The DHSMV estimates programming and implementation of the plate will cost \$7,680.

The bill takes effect October 1, 2024.

II. Present Situation:

Clearwater Marine Aquarium

Clearwater Marine Aquarium, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State.¹ The organization’s website includes the following mission statement: “We believe in preserving our environment while inspiring the human spirit through leadership in the rescue, rehabilitation, and release of marine life; environment education; research; and conservation.”²

¹ Florida Department of State: Division of Corporations, *Clearwater Marine Aquarium, Inc.* Sunbiz.org, Document number 722979 (October 27, 2023).

² *Id.*

The organization was founded in 1972 by a group of volunteers who were passionate about marine life and wanted to help educate the community of Clearwater.³

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.⁴ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁵ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁶

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁷

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁸

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.⁹

³ Clearwater Marine Aquarium, *50 Years of Marine Conservation*, [50 Years of Marine Conservation - Clearwater Marine Aquarium \(cmaqarium.org\)](https://www.cmaqarium.org) (last visited October 27, 2023).

⁴ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

⁵ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁶ Section 320.08058, F.S.

⁷ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁸ Section 320.08053(2)(b), F.S.

⁹ Section 320.08053(3)(a), F.S.

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹⁰

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹¹ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹²

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹³ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁴

Discontinuance of Specialty Plates

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.¹⁵ In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁶

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are

¹⁰ Section 320.08053(3)(b), F.S.

¹¹ Section 320.08056(10)(a), F.S.

¹² Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹³ Section 320.08056(10)(a), F.S.

¹⁴ Section 320.08056(11), F.S.

¹⁵ Section 320.08056(8)(a), F.S.

¹⁶ Section 320.08056(8)(b), F.S.

distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁷

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to authorize DHSMV to create a new specialty license plate for the Clearwater Marine Aquarium. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the department, with the word “Florida” at the top of the plate and the words “Clearwater Marine Aquarium” at the bottom of the plate.

Proceeds from the sale of the plate will be distributed to Clearwater Marine Aquarium, Inc. The organization may use up to 10 percent of the fees for the administration, promotion, and marketing of the plate. The remaining fees must be used by the Clearwater Marine Aquarium, Inc., to fund its efforts to rescue, rehabilitate, and release marine life; provide environmental education; conduct research; and promote conservation strategies.

The plate will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

¹⁷ Chapter 2020-181, s. 7, Laws of Fla.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

If the specialty license plate is produced, the Clearwater Marine Aquarium will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plate will cost \$7,680.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 320.08058.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁸ DHSMV, *2024 Legislative Bill Analysis: SB 244* (November 3, 2023) at p. 5.

By Senator Hooper

21-00404-24

2024244__

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 s. 320.08058, F.S.; directing the Department of
 4 Highway Safety and Motor Vehicles to develop a
 5 Clearwater Marine Aquarium license plate; providing
 6 for distribution and use of fees collected from the
 7 sale of the plate; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Subsection (127) is added to section 320.08058,
 12 Florida Statutes, to read:
 13 320.08058 Specialty license plates.-
 14 (127) CLEARWATER MARINE AQUARIUM LICENSE PLATES.-
 15 (a) The department shall develop a Clearwater Marine
 16 Aquarium license plate as provided in this section and s.
 17 320.08053. The plate must bear the colors and design approved by
 18 the department. The word "Florida" must appear at the top of the
 19 plate, and the words "Clearwater Marine Aquarium" must appear at
 20 the bottom of the plate.
 21 (b) The annual use fees from the sale of the plate shall be
 22 distributed to Clearwater Marine Aquarium, Inc., a Florida
 23 nonprofit corporation under s. 501(c) (3) of the Internal Revenue
 24 Code, which may use up to 10 percent of the fees for the
 25 administration, promotion, and marketing of the plate. The
 26 remaining fees must be used by Clearwater Marine Aquarium, Inc.,
 27 to fund its efforts to rescue, rehabilitate, and release marine
 28 life; provide environmental education; conduct research; and
 29 promote conservation strategies.

Page 1 of 2

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21-00404-24

2024244__

30 Section 2. This act shall take effect October 1, 2024.

Page 2 of 2

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The Florida Senate

APPEARANCE RECORD

12/13/2024

Meeting Date

SB 244

Bill Number or Topic

Transportation

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Clearwater Marine Aquarium Phone Buddy Powell, Executive Director

Address 249 Winward Passage Email jpowell@cmaquarium.org

Clearwater FL 33767

City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 260

INTRODUCER: Senator DiCeglie

SUBJECT: Refusal to Submit to a Breath, Urine, or Blood Test

DATE: December 12, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			CJ	
3.			FP	

I. Summary:

SB 260 requires a person arrested for driving under the influence, including anyone under the age of 21, who refuses to submit to a lawful breath test to install an ignition interlock device approved by the Department of Highway Safety and Motor Vehicles (DHSMV), at his or her expense, on all vehicles he or she individually or jointly leases or owns and routinely operates, when the person qualifies for reinstatement of a permanent or restricted driver license. The ignition interlock device must be placed for one continuous year for a first refusal and 18 continuous months for a subsequent refusal upon reinstatement of a permanent or restricted license.

The bill also reduces the wait time for a person to apply for a restricted license after refusing to submit to lawful testing, from 90 days to 30 days following the date of the license suspension or expiration of a temporary driving permit.

The bill may have a negative fiscal impact on DHSMV associated with a projected increase in the number of driver license suspension administrative hearings. See the “Fiscal Impact” heading for additional details.

The bill takes effect October 1, 2024.

II. Present Situation:

Section 316.1932, F.S., provides that any person who accepts the privilege of operating a motor vehicle within this state is deemed to have given consent to submit to an approved breath test to determine the alcohol content of his or her breath, also referred to as the “implied consent” law. The breath test must be incidental to a lawful arrest and administered at the request of a law

enforcement officer who has a reasonable belief such person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages.¹

Every state in the U.S. has implied consent laws, which are a tool used by law enforcement to access evidence showing a person was illegally impaired while operating a motor vehicle. A person who refuses to submit to a lawful breath test can be subject to administrative and criminal penalties, but penalties vary among the states.²

Refusal to Submit to a Lawful Breath Test

In Florida, failure to submit to a lawful breath test results in an administrative suspension of the person’s driving privilege for one year for a first refusal or 18 months for a subsequent refusal.³ Additionally, a person who refuses to submit to a breath test for a subsequent time commits a first-degree misdemeanor, punishable by up to one year in jail and \$1,000 fine.⁴

Comparatively, a first conviction of driving under the influence (DUI) can result in a fine of at least \$500, 50 hours of community service, imprisonment of no more than six months, up to one year of probation, a court order to install an ignition interlock device for at least six continuous months, and completion of an authorized substance abuse course.⁵

The table below provides data on DUI breath testing refusal rates in Florida from 2018 to 2023.⁶ Previous studies found the nationwide average rate for testing refusal at 24 percent.⁷

Year	Total Refusals	DUI UTCs	Refusal Rate	Crash-related Refusals
2018	15,091	43,715	34.52%	4,051
2019	15,497	44,890	34.52%	4,083
2020	12,926	37,310	34.64%	3,675
2021	15,183	43,787	34.67%	4,230
2022	14,941	44,001	33.96%	4,154
2023*	11,459	32,582	35.17%	3,166

*2023 is preliminary, activity dated 1/1/2023-9/30/2023

Restricted Driver Licenses

A person whose driving privilege is suspended for refusing to submit to a lawful test of his or her breath, urine, or blood may be able to apply for restricted driving privileges through the

¹ Section 316.1932(1)(a)1.a., F.S.

² In 2016, the U.S. Supreme Court in *Birchfield v. North Dakota* held that the Fourth Amendment permits warrantless breath tests incident to arrest, and criminalizing the refusal to submit to a breath test is designed to serve the government’s interest in deterring drunk driving. However, warrants for blood tests are required unless there are exigent circumstances.

³ Section 322.2616(2)(b)1.a., F.S.

⁴ Sections 316.1939(1), F.S.

⁵ Section 316.193, F.S.

⁶ Email from Jonas Marquez, Legislative Affairs Director, DHSMV, RE: *SB – 260 Refusal to Submit to a Breath, Urine or Blood Test*, (November 8, 2023).

⁷ Foundation for Advancing Alcohol Responsibility, *BAC Test Refusal Penalties*, (2016), <https://www.responsibility.org/wp-content/uploads/2015/03/BAC-Test-Refusal-Penalties-2016-2.pdf> (last visited November 7, 2023).

Department of Highway Safety and Motor Vehicles (DHSMV) Bureau of Administrative Review after at least 90 days have elapsed from the date of the license suspension or expiration of a temporary driving permit.^{8, 9} However, this privilege may not be granted to a person whose license has been suspended two or more times for testing refusal, or who refused testing following two or more DUI convictions.¹⁰ Furthermore, a person whose driving privilege was suspended for an unlawful blood-alcohol or breath-alcohol level may be able to apply for restricted driving privileges after at least 30 days have elapsed from the date of the license suspension or expiration of a temporary driving permit.¹¹

Section 322.271(1)(c), F.S., defines a “business purposes only” restricted driving privilege as limited to driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and medical purposes. An “employment purposes only” restricted driving privilege is limited to driving to and from work and necessary on-the-job driving.

Ignition Interlock Devices

An ignition interlock device is a breath alcohol analyzer connected to a motor vehicle’s ignition, which requires a breath sample to operate the motor vehicle. Section 316.1937, F.S., requires such devices to prohibit the vehicle from starting if the operator’s blood alcohol level is in excess of 0.025 percent or other court-specified level.

The table below summarizes when an ignition interlock device is required in Florida.¹²

DUI Conviction	Ignition Interlock Device Required
1st conviction	If court orders for at least 6 continuous months
1st conviction if blood-alcohol level is \geq 0.15, or minor in car	Mandatory for at least 6 continuous months
2nd conviction	Mandatory for at least 1 year
2nd conviction if blood-alcohol level is \geq 0.15, or minor in car	Mandatory for at least 2 continuous years
3rd conviction	Mandatory for at least 2 years

The DHSMV contracts with vendors to provide ignition interlock devices in Florida. Currently, the DHSMV contracts with seven vendors to provide ignition interlock services.¹³ The devices must meet or exceed the current standards of the U.S. Department of Transportation’s National

⁸ Section 322.2615(10)(a), F.S.

⁹ DHSMV, *Application for Administrative Hearing*, Form HSMV 78306 (Rev. 1/2022), available at <https://www.flhsmv.gov/pdf/forms/78306.pdf> (last visited November 7, 2023).

¹⁰ Section 322.271(2)(a), F.S.

¹¹ Section 322.2615(10)(b), F.S.

¹² Section 316.193, F.S.

¹³ DHSMV, *Ignition Interlock Program*, <https://www.flhsmv.gov/driver-licenses-id-cards/education-courses/dui-and-iid/ignition-interlock-program/> (last visited November 7, 2023).

Highway Traffic Safety Administration (NHTSA).¹⁴ The DHSMV oversees and monitors the ignition interlock devices.¹⁵

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted a study researching ignition interlock devices and DUI offense recidivism rates. The research showed that ignition interlock devices, while installed, were more effective at reducing re-arrest rates for alcohol-impaired driving when compared to other sanctions, such as license suspensions.¹⁶ Similarly, NHTSA reviewed 15 studies on ignition interlock device effectiveness and found alcohol-impaired driving recidivism rates were 75 percent lower for drivers with ignition interlock devices installed. However, the difference in recidivism rates largely disappeared once the device was removed.¹⁷

The DHSMV indicates the compliance rate for individuals *eligible* to have an ignition interlock device installed is almost 98 percent. Forty-six percent of individuals required to have an ignition interlock device installed are not eligible until other sanctions on their record are cleared to allow driving privilege eligibility.¹⁸ Section 316.193, F.S., providing DUI penalties, requires placement of the ignition interlock device "when the convicted person qualifies for a permanent or restricted license." Additionally, the DHSMV indicates that inability to afford the cost associated with the ignition interlock device is the most persuasive barrier to required installation.¹⁹

According to a study distributed by NHTSA, 27 states mandate ignition interlock program participation upon test refusal.²⁰ The requirements of the programs vary by state. States may require ignition interlock device placement as a penalty for testing refusal, incident to arrest for DUI, or to be granted restricted driving privileges following an administrative license suspension for refusing to submit to the breath test.

III. Effect of Proposed Changes:

The bill amends ss. 316.1939, 322.2616, and 322.2715, F.S., requiring a person arrested for driving under the influence, including anyone under the age of 21, who refuses to submit to a lawful breath test to install a DHSMV-approved ignition interlock device, at his or her expense, on all vehicles he or she individually or jointly leases or owns and routinely operates, when the person qualifies for reinstatement of a permanent or restricted driver license. The ignition interlock device must be installed for one continuous year for a first refusal and 18 continuous months for a subsequent refusal. The requirement for a person to install an ignition interlock

¹⁴ Section 316.1938, F.S.

¹⁵ Sections 316.1938 and 316.193(11), F.S.

¹⁶ OPPAGA, *Ignition Interlock Devices and DUI Recidivism Rates*, Report No. 14-14, (December 2014), <https://oppaga.fl.gov/Documents/Reports/14-14.pdf> (last visited November 7, 2023).

¹⁷ NHTSA, *A Highway Safety Countermeasure Guide for State Highway Safety Offices*, 10th Edition (2020), <https://www.nhtsa.gov/book/countermeasures/deterrence/42-alcohol-ignition-interlocks> (last visited November 7, 2023).

¹⁸ Email from Jonas Marquez, Legislative Affairs Director, DHSMV, *RE: SB 260- Refusal to Submit to a Breath, Urine, or Blood Test*, (November 14, 2023).

¹⁹ *Supra* note 14. See also V. Fiscal Impact Statement.

²⁰ Barrett, H., Robertson, R.D., & Vanlaar, W. G. M., *State of the Practice of State Alcohol Ignition Interlock Programs* Report No. DOT HS 813 394, (January 2023), <https://rosap.ntl.bts.gov/view/dot/66102> (last visited November 7, 2023).

device under the bill is in addition to the current requirement for his or her driving privilege to be suspended for a specified period.

The bill amends s. 316.1932, F.S., requiring a person be told that refusing to submit to the lawful breath test will result in the mandatory placement of an ignition interlock device for the duration of the license suspension.

The bill also amends s. 322.2615, F.S., reducing the wait time required for failure to submit to lawful testing for a person to apply for a restricted license, from 90 days to 30 days following the date of suspension or expiration of a temporary driving permit.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals required to install an ignition interlock device are responsible for costs of the device. Costs vary by vendor, but can range from \$70 to \$170 for installation and \$50 to \$120 per month for device leasing and monitoring.²¹

²¹ LifeSaver Ignition Interlock, *Ignition Interlock Costs*, <https://www.lifesaver.com/ignition-interlock-cost/> (last visited November 7, 2023).

C. Government Sector Impact:

The DHSMV receives \$12 for each ignition interlock installation, which is deposited into the Highway Safety Operating Trust Fund for operation of the Ignition Interlock Device Program.²²

The DHSMV estimates the bill will result in a significant increase in the number of driver license review hearings that the Bureau of Administrative Review (BAR) will have to conduct. The department expects that it will need additional legal (hearing officers) and administrative support staff in as a result of the expected increase in formal hearings. The department estimates that BAR will require an additional \$1,135,000 in recurring funds (for eight additional full-time hearing officers and four additional administrative assistants) as a result of this bill.²³

Additionally, the department projects that the potential increase in ignition interlock installations will require two additional staff positions in the Bureau of Motorists Compliance to administer the additional workload. The department estimates that the cost for these positions will be \$133,268, recurring.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV notes that law enforcement officers will need to be educated and trained on the provisions of the bill and implied consent warning forms and/or cards, and refusal affidavits will need to be reviewed and updated to ensure compliance with the requirements of the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.1932, 316.1939, 322.2615, 322.2616 and 322.2715.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²² Section 322.2715(5), F.S.

²³ DHSMV, *2024 Legislative Bill Analysis: HB 39* (October 5, 2023) at p. 7.

By Senator DiCeglie

18-00283-24

2024260__

1 A bill to be entitled
 2 An act relating to refusal to submit to a breath,
 3 urine, or blood test; amending s. 316.1932, F.S.;
 4 requiring a person arrested for driving under the
 5 influence who refuses to submit to a lawful test of
 6 his or her breath to be told that he or she is subject
 7 to mandatory placement, at his or her own expense and
 8 for a specified period, of an ignition interlock
 9 device on all vehicles that are individually or
 10 jointly leased or owned and routinely operated by the
 11 person; making technical changes; amending s.
 12 316.1939, F.S.; requiring a person who refuses to
 13 submit to a lawful test of his or her breath to be
 14 subject to mandatory placement, at his or her expense
 15 and for a specified period, of an ignition interlock
 16 device on all vehicles that are individually or
 17 jointly leased or owned and routinely operated by the
 18 person; providing applicability; conforming provisions
 19 to changes made by the act; amending s. 322.2615,
 20 F.S.; requiring certain information to be contained in
 21 a notice of suspension; decreasing the period during
 22 which a person whose driver license is suspended for
 23 failure to submit to a breath, urine, or blood test is
 24 not eligible to receive a license for business or
 25 employment purposes only; waiving the requirement to
 26 install an ignition interlock device under certain
 27 circumstances; amending s. 322.2616, F.S.; requiring
 28 certain information to be contained in a notice of
 29 suspension; waiving the requirement to install an

Page 1 of 17

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18-00283-24

2024260__

30 ignition interlock device under certain circumstances;
 31 amending s. 322.2715, F.S.; directing the Department
 32 of Highway Safety and Motor Vehicles to require
 33 placement of an ignition interlock device before
 34 issuing a permanent or restricted driver license to a
 35 person who refused to submit to a lawful test of his
 36 or her breath; requiring the person to install the
 37 device at his or her own expense for a specified
 38 period; providing an effective date.
 39
 40 Be It Enacted by the Legislature of the State of Florida:
 41
 42 Section 1. Paragraph (a) of subsection (1) of section
 43 316.1932, Florida Statutes, is amended to read:
 44 316.1932 Tests for alcohol, chemical substances, or
 45 controlled substances; implied consent; refusal.-
 46 (1) (a) 1.a. A person who accepts the privilege extended by
 47 the laws of this state of operating a motor vehicle within this
 48 state is, by operating such vehicle, deemed to have given his or
 49 her consent to submit to an approved chemical test or physical
 50 test including, but not limited to, an infrared light test of
 51 his or her breath for the purpose of determining the alcoholic
 52 content of his or her blood or breath if the person is lawfully
 53 arrested for any offense allegedly committed while the person
 54 was driving or was in actual physical control of a motor vehicle
 55 while under the influence of alcoholic beverages. The chemical
 56 or physical breath test must be incidental to a lawful arrest
 57 and administered at the request of a law enforcement officer who
 58 has reasonable cause to believe such person was driving or was

Page 2 of 17

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18-00283-24 2024260__

59 in actual physical control of the motor vehicle within this
 60 state while under the influence of alcoholic beverages. The
 61 administration of a breath test does not preclude the
 62 administration of another type of test. The person must ~~shall~~ be
 63 told that his or her failure to submit to any lawful test of his
 64 or her breath will, for a first refusal, result in the
 65 suspension of the person's privilege to operate a motor vehicle
 66 for a period of 1 year and the person will be subject to
 67 mandatory placement for 1 continuous year, at his or her own
 68 expense, of an ignition interlock device approved by the
 69 department in accordance with s. 316.1938 on all vehicles that
 70 are individually or jointly leased or owned and routinely
 71 operated by the person, when the person qualifies for
 72 reinstatement of a permanent or restricted driver license. ~~for a~~
 73 first refusal, or for a period of 18 months If the driving
 74 privilege of such person has been previously suspended or if he
 75 or she has previously been fined under s. 327.35215 as a result
 76 of a refusal to submit to a test or tests required under this
 77 chapter or chapter 327, the person must be told that his or her
 78 failure to submit to any lawful test of his or her breath will
 79 result in the suspension of the person's privilege to operate a
 80 motor vehicle for 18 months and the person will be subject to
 81 mandatory placement for 18 continuous months, at his or her own
 82 expense, of an ignition interlock device approved by the
 83 department in accordance with s. 316.1938 on all vehicles that
 84 are individually or jointly leased or owned and routinely
 85 operated by the person, when the person qualifies for
 86 reinstatement of a permanent or restricted driver license. The
 87 person must ~~and shall~~ also be told that if he or she refuses to

Page 3 of 17

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18-00283-24 2024260__

88 submit to a lawful test of his or her breath and his or her
 89 driving privilege has been previously suspended or if he or she
 90 has previously been fined under s. 327.35215 for a prior refusal
 91 to submit to a lawful test of his or her breath, urine, or blood
 92 as required under this chapter or chapter 327, he or she commits
 93 a misdemeanor of the first degree, punishable as provided in s.
 94 775.082 or s. 775.083, in addition to any other penalties
 95 provided by law. The refusal to submit to a chemical or physical
 96 breath test upon the request of a law enforcement officer as
 97 provided in this section is admissible into evidence in any
 98 criminal proceeding.

99 b. A person who accepts the privilege extended by the laws
 100 of this state of operating a motor vehicle within this state is,
 101 by operating such vehicle, deemed to have given his or her
 102 consent to submit to a urine test for the purpose of detecting
 103 the presence of chemical substances as set forth in s. 877.111
 104 or controlled substances if the person is lawfully arrested for
 105 any offense allegedly committed while the person was driving or
 106 was in actual physical control of a motor vehicle while under
 107 the influence of chemical substances or controlled substances.
 108 The urine test must be incidental to a lawful arrest and
 109 administered at a detention facility or any other facility,
 110 mobile or otherwise, which is equipped to administer such tests
 111 at the request of a law enforcement officer who has reasonable
 112 cause to believe such person was driving or was in actual
 113 physical control of a motor vehicle within this state while
 114 under the influence of chemical substances or controlled
 115 substances. The urine test must ~~shall~~ be administered at a
 116 detention facility or any other facility, mobile or otherwise,

Page 4 of 17

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18-00283-24 2024260__
 117 which is equipped to administer such test in a reasonable manner
 118 that will ensure the accuracy of the specimen and maintain the
 119 privacy of the individual involved. The administration of a
 120 urine test does not preclude the administration of another type
 121 of test. The person ~~must shall~~ be told that his or her failure
 122 to submit to any lawful test of his or her urine will result in
 123 the suspension of the person's privilege to operate a motor
 124 vehicle for ~~a period of~~ 1 year for the first refusal, or for a
 125 ~~period of~~ 18 months if the driving privilege of such person has
 126 been previously suspended or if he or she has previously been
 127 fined under s. 327.35215 as a result of a refusal to submit to a
 128 test or tests required under this chapter or chapter 327, and
 129 ~~must shall~~ also be told that if he or she refuses to submit to a
 130 lawful test of his or her urine and his or her driving privilege
 131 has been previously suspended or if he or she has previously
 132 been fined under s. 327.35215 for a prior refusal to submit to a
 133 lawful test of his or her breath, urine, or blood as required
 134 under this chapter or chapter 327, he or she commits a
 135 misdemeanor of the first degree, punishable as provided in s.
 136 775.082 or s. 775.083, in addition to any other penalties
 137 provided by law. The refusal to submit to a urine test upon the
 138 request of a law enforcement officer as provided in this section
 139 is admissible into evidence in any criminal proceeding.

140 2. The Alcohol Testing Program within the Department of Law
 141 Enforcement is responsible for the regulation of the operation,
 142 inspection, and registration of breath test instruments used
 143 ~~utilized~~ under the driving and boating under the influence
 144 provisions and related provisions located in this chapter and
 145 chapters 322 and 327. The program is responsible for the

18-00283-24 2024260__
 146 regulation of the individuals who operate, inspect, and instruct
 147 on the breath test instruments used ~~utilized~~ in the driving and
 148 boating under the influence provisions and related provisions
 149 located in this chapter and chapters 322 and 327. The program is
 150 further responsible for the regulation of blood analysts who
 151 conduct blood testing to be used ~~utilized~~ under the driving and
 152 boating under the influence provisions and related provisions
 153 located in this chapter and chapters 322 and 327. The program
 154 ~~must shall~~:
 155 a. Establish uniform criteria for the issuance of permits
 156 to breath test operators, agency inspectors, instructors, blood
 157 analysts, and instruments.
 158 b. Have the authority to permit breath test operators,
 159 agency inspectors, instructors, blood analysts, and instruments.
 160 c. Have the authority to discipline and suspend, revoke, or
 161 renew the permits of breath test operators, agency inspectors,
 162 instructors, blood analysts, and instruments.
 163 d. Establish uniform requirements for instruction and
 164 curricula for the operation and inspection of approved
 165 instruments.
 166 e. Have the authority to specify one approved curriculum
 167 for the operation and inspection of approved instruments.
 168 f. Establish a procedure for the approval of breath test
 169 operator and agency inspector classes.
 170 g. Have the authority to approve or disapprove breath test
 171 instruments and accompanying paraphernalia for use pursuant to
 172 the driving and boating under the influence provisions and
 173 related provisions located in this chapter and chapters 322 and
 174 327.

18-00283-24

2024260__

175 h. With the approval of the executive director of the
 176 Department of Law Enforcement, make and enter into contracts and
 177 agreements with other agencies, organizations, associations,
 178 corporations, individuals, or federal agencies as are necessary,
 179 expedient, or incidental to the performance of duties.

180 i. Issue final orders ~~that which~~ include findings of fact
 181 and conclusions of law and ~~that which~~ constitute final agency
 182 action for the purpose of chapter 120.

183 j. Enforce compliance with this section through civil or
 184 administrative proceedings.

185 k. Make recommendations concerning any matter within the
 186 purview of this section, this chapter, chapter 322, or chapter
 187 327.

188 l. ~~Adopt~~ Promulgate rules for the administration and
 189 implementation of this section, including definitions of terms.

190 m. Consult and cooperate with other entities for the
 191 purpose of implementing ~~the mandates of~~ this section.

192 n. Have the authority to approve the type of blood test
 193 used ~~utilized~~ under the driving and boating under the influence
 194 provisions and related provisions located in this chapter and
 195 chapters 322 and 327.

196 o. Have the authority to specify techniques and methods for
 197 breath alcohol testing and blood testing used ~~utilized~~ under the
 198 driving and boating under the influence provisions and related
 199 provisions located in this chapter and chapters 322 and 327.

200 p. Have the authority to approve repair facilities for the
 201 approved breath test instruments, including the authority to set
 202 criteria for approval.
 203

18-00283-24

2024260__

204 ~~Nothing in~~ This section does not shall be construed to supersede
 205 provisions in this chapter and chapters 322 and 327. The
 206 specifications in this section are derived from the power and
 207 authority previously and currently possessed by the Department
 208 of Law Enforcement and are enumerated to conform with the
 209 mandates of chapter 99-379, Laws of Florida.

210 Section 2. Section 316.1939, Florida Statutes, is amended
 211 to read:

212 316.1939 Refusal to submit to testing; penalties.—

213 (1) A person who refuses to submit to a lawful test of his
 214 or her breath as required under s. 316.1932(1)(a)1.a. is subject
 215 to mandatory placement, at his or her own expense, of an
 216 ignition interlock device approved by the department in
 217 accordance with s. 316.1938 on all vehicles individually or
 218 jointly leased or owned and routinely operated by the person,
 219 for 1 continuous year for a first refusal, or 18 continuous
 220 months for a second or subsequent refusal, when the person
 221 qualifies for reinstatement of a permanent or restricted driver
 222 license. This subsection applies in addition to any other
 223 penalties authorized by this section.

224 (2)(1) A person who has refused to submit to a chemical or
 225 physical test of his or her breath or urine, as described in s.
 226 316.1932, and whose driving privilege was previously suspended
 227 or who was previously fined under s. 327.35215 for a prior
 228 refusal to submit to a lawful test of his or her breath, urine,
 229 or blood required under this chapter or chapter 327, and:

230 (a) Who the arresting law enforcement officer had probable
 231 cause to believe was driving or in actual physical control of a
 232 motor vehicle in this state while under the influence of

18-00283-24 2024260__

233 alcoholic beverages, chemical substances, or controlled
 234 substances;

235 (b) Who was placed under lawful arrest for a violation of
 236 s. 316.193 unless such test was requested pursuant to s.
 237 316.1932(1)(c);

238 (c) Who was informed that:
 239 1. If he or she refused to submit to a lawful test of his
 240 or her breath, his or her privilege to operate a motor vehicle
 241 would be suspended for 1 year for a first refusal or 18 months
 242 for a second or subsequent refusal, and that he or she would be
 243 subject to mandatory placement, at his or her own expense, of an
 244 ignition interlock device approved by the department in
 245 accordance with s. 316.1938 for 1 continuous year for a first
 246 refusal, or 18 continuous months for a second or subsequent
 247 refusal, on all vehicles that he or she individually or jointly
 248 leases or owns and routinely operates, when he or she qualifies
 249 for reinstatement of a permanent or restricted driver license;
 250 or

251 2. If he or she refused to submit to a lawful ~~such~~ test of
 252 his or her urine, his or her privilege to operate a motor
 253 vehicle would be suspended for ~~a period of~~ 1 year for a first
 254 ~~refusal or, in the case of a second or subsequent refusal, for a~~
 255 ~~period of~~ 18 months for a second or subsequent refusal;

256 (d) Who was informed that a refusal to submit to a lawful
 257 test of his or her breath or urine, if his or her driving
 258 privilege has been previously suspended or if he or she has
 259 previously been fined under s. 327.35215 for a prior refusal to
 260 submit to a lawful test of his or her breath, urine, or blood as
 261 required under this chapter or chapter 327, is a misdemeanor of

18-00283-24 2024260__

262 the first degree, punishable as provided in s. 775.082 or s.
 263 775.083, in addition to any other penalties provided by law; and

264 (e) Who, after having been so informed, refused to submit
 265 to any such test when requested to do so by a law enforcement
 266 officer or correctional officer

267

268 commits a misdemeanor of the first degree and is subject to
 269 punishment as provided in s. 775.082 or s. 775.083.

270 ~~(3)(2)~~ The disposition of any administrative proceeding
 271 that relates to the suspension of a person's driving privilege
 272 does not affect a criminal action under subsection (2) ~~this~~
 273 ~~section~~.

274 ~~(4)(3)~~ The disposition of a criminal action under
 275 subsection (2) ~~this section~~ does not affect any administrative
 276 proceeding that relates to the suspension of a person's driving
 277 privilege. The department's records showing that a person's
 278 license has been previously suspended for a prior refusal to
 279 submit to a lawful test of his or her breath, urine, or blood is
 280 ~~shall be~~ admissible and creates ~~shall create~~ a rebuttable
 281 presumption of such suspension.

282 Section 3. Present subsections (12) through (16) of section
 283 322.2615, Florida Statutes, are redesignated as subsections (13)
 284 through (17), respectively, a new subsection (12) is added to
 285 that section, and subsection (1) and paragraph (a) of subsection
 286 (10) of that section are amended, to read:

287 322.2615 Suspension of license; right to review.—

288 (1) (a) A law enforcement officer or correctional officer
 289 shall, on behalf of the department, suspend the driving
 290 privilege of a person who is driving or in actual physical

18-00283-24 2024260__
 291 control of a motor vehicle and who has an unlawful blood-alcohol
 292 level or breath-alcohol level of 0.08 or higher, or of a person
 293 who has refused to submit to a urine test or a test of his or
 294 her breath-alcohol or blood-alcohol level. The officer shall
 295 take the person's driver license and issue the person a 10-day
 296 temporary permit if the person is otherwise eligible for the
 297 driving privilege and shall issue the person a notice of
 298 suspension. If a blood test has been administered, the officer
 299 or the agency employing the officer shall transmit such results
 300 to the department within 5 days after receipt of the results. If
 301 the department then determines that the person had a blood-
 302 alcohol level or breath-alcohol level of 0.08 or higher, the
 303 department shall suspend the person's driver license pursuant to
 304 subsection (3).

(b) The suspension under paragraph (a) ~~must~~ shall be
 pursuant to, and the notice of suspension shall inform the
 driver of, the following:

1.a. The driver refused to submit to a lawful breath,
~~blood, or urine~~ test and his or her driving privilege is
 suspended for ~~a period of~~ 1 year for a first refusal or for a
~~period of~~ 18 months if his or her driving privilege has been
 previously suspended as a result of a refusal to submit to such
 a test, and he or she is subject to mandatory placement, at his
or her own expense, of an ignition interlock device approved by
the department in accordance with s. 316.1938 for 1 continuous
year for a first refusal, or 18 continuous months for a second
or subsequent refusal, on all vehicles that he or she
individually or jointly leases or owns and routinely operates,
when he or she qualifies for reinstatement of a permanent or

18-00283-24 2024260__
 320 restricted driver license;
 321 b. The driver refused to submit to a lawful blood or urine
 322 test and his or her driving privilege is suspended for 1 year
 323 for a first refusal or for 18 months if his or her driving
 324 privilege has been previously suspended as a result of a refusal
 325 to submit to such a test; or

~~c.b.~~ The driver was driving or in actual physical control
 of a motor vehicle and had an unlawful blood-alcohol level or
 breath-alcohol level of 0.08 or higher and his or her driving
 privilege is suspended for ~~a period of~~ 6 months for a first
 offense or for ~~a period of~~ 1 year if his or her driving
 privilege has been previously suspended under this section.

2. The suspension period shall commence on the date of
 issuance of the notice of suspension.

3. The driver may request a formal or informal review of
 the suspension by the department within 10 days after the date
 of issuance of the notice of suspension or may request a review
 of eligibility for a restricted driving privilege under s.
 322.271(7).

4. The temporary permit issued at the time of suspension
 expires at midnight of the 10th day following the date of
 issuance of the notice of suspension.

5. The driver may submit to the department any materials
 relevant to the suspension.

(10) A person whose driver license is suspended under
 subsection (1) or subsection (3) may apply for issuance of a
 license for business or employment purposes only if the person
 is otherwise eligible for the driving privilege pursuant to s.
 322.271.

18-00283-24

2024260__

349 (a) If the suspension of the driver license of the person
 350 for failure to submit to a breath, urine, or blood test is
 351 sustained, the person is not eligible to receive a license for
 352 business or employment purposes only, pursuant to s. 322.271,
 353 until 30 ~~90~~ days have elapsed after the expiration of the last
 354 temporary permit issued. If the driver is not issued a 10-day
 355 permit pursuant to this section or s. 322.64 because he or she
 356 is ineligible for the permit and the suspension for failure to
 357 submit to a breath, urine, or blood test is not invalidated by
 358 the department, the driver is not eligible to receive a business
 359 or employment license pursuant to s. 322.271 until 30 ~~90~~ days
 360 have elapsed from the date of the suspension.

361 (12) If a person whose driver license is suspended for
 362 refusal to submit to a lawful breath test has his or her driver
 363 license suspension invalidated for any reason under this
 364 section, the requirement under s. 316.1939(1) that he or she
 365 install an ignition interlock device for refusal to submit to a
 366 lawful test of his or her breath is waived.

367 Section 4. Present subsections (13) through (19) of section
 368 322.2616, Florida Statutes, are redesignated as subsections (14)
 369 through (20), respectively, a new subsection (13) is added to
 370 that section, and subsection (2) of that section is amended, to
 371 read:

372 322.2616 Suspension of license; persons under 21 years of
 373 age; right to review.—

374 (2) (a) A law enforcement officer or correctional officer
 375 shall, on behalf of the department, suspend the driving
 376 privilege of such person if the person has a blood-alcohol or
 377 breath-alcohol level of 0.02 or higher. The officer shall also

Page 13 of 17

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18-00283-24

2024260__

378 suspend, on behalf of the department, the driving privilege of a
 379 person who has refused to submit to a test as provided by
 380 paragraph (b). The officer shall take the person's driver
 381 license and issue the person a 10-day temporary driving permit
 382 if the person is otherwise eligible for the driving privilege
 383 and shall issue the person a notice of suspension.

384 (b) The suspension under paragraph (a) must be pursuant to,
 385 and the notice of suspension must inform the driver of, the
 386 following:

387 1.a. The driver refused to submit to a lawful breath test
 388 and his or her driving privilege is suspended for ~~a period of~~ 1
 389 year for a first refusal or for ~~a period of~~ 18 months if his or
 390 her driving privilege has been previously suspended as provided
 391 in this section as a result of a refusal to submit to a test,
 392 and he or she is subject to mandatory placement, at his or her
 393 own expense, of an ignition interlock device approved by the
 394 department in accordance with s. 316.1938 for 1 continuous year
 395 for a first refusal, or 18 continuous months for a second or
 396 subsequent refusal, on all vehicles that he or she individually
 397 or jointly leases or owns and routinely operates, when he or she
 398 qualifies for reinstatement of a permanent or restricted driver
 399 license; or

400 b. The driver was under the age of 21 and was driving or in
 401 actual physical control of a motor vehicle while having a blood-
 402 alcohol or breath-alcohol level of 0.02 or higher; and the
 403 person's driving privilege is suspended for ~~a period of~~ 6 months
 404 for a first violation, or for ~~a period of~~ 1 year if his or her
 405 driving privilege has been previously suspended as provided in
 406 this section for driving or being in actual physical control of

Page 14 of 17

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18-00283-24 2024260__

407 a motor vehicle with a blood-alcohol or breath-alcohol level of
408 0.02 or higher.

409 2. The suspension period commences on the date of issuance
410 of the notice of suspension.

411 3. The driver may request a formal or informal review of
412 the suspension by the department within 10 days after the
413 issuance of the notice of suspension.

414 4. A temporary permit issued at the time of the issuance of
415 the notice of suspension shall not become effective until after
416 12 hours have elapsed and will expire at midnight of the 10th
417 day following the date of issuance.

418 5. The driver may submit to the department any materials
419 relevant to the suspension of his or her license.

420 (c) When a driver subject to this section has a blood-
421 alcohol or breath-alcohol level of 0.05 or higher, the
422 suspension shall remain in effect until such time as the driver
423 has completed a substance abuse course offered by a DUI program
424 licensed by the department. The driver shall assume the
425 reasonable costs for the substance abuse course. As part of the
426 substance abuse course, the program shall conduct a substance
427 abuse evaluation of the driver, and notify the parents or legal
428 guardians of drivers under the age of 19 years of the results of
429 the evaluation. The term "substance abuse" means the abuse of
430 alcohol or any substance named or described in Schedules I
431 through V of s. 893.03. If a driver fails to complete the
432 substance abuse education course and evaluation, the driver
433 license shall not be reinstated by the department.

434 (d) A minor under the age of 18 years proven to be driving
435 with a blood-alcohol or breath-alcohol level of 0.02 or higher

Page 15 of 17

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18-00283-24 2024260__

436 may be taken by a law enforcement officer to the addictions
437 receiving facility in the county in which the minor is found to
438 be so driving, if the county makes the addictions receiving
439 facility available for such purpose.

440 (13) If a person whose driver license is suspended for
441 refusal to submit to a lawful breath test has his or her driver
442 license suspension invalidated for any reason under this
443 section, the requirement under s. 316.1939(1) that he or she
444 install an ignition interlock device for refusal to submit to a
445 lawful test of his or her breath is waived.

446 Section 5. Present subsection (5) of section 322.2715,
447 Florida Statutes, is redesignated as subsection (6), a new
448 subsection (5) is added to that section, and subsection (1) of
449 that section is amended, to read:

450 322.2715 Ignition interlock device.—

451 (1) Before issuing a permanent or restricted driver license
452 under this chapter, the department shall require the placement
453 of a department-approved ignition interlock device for any
454 person convicted of committing an offense of driving under the
455 influence as specified in subsection (3), or for any person who
456 refused to submit to a lawful test of his or her breath as
457 specified in subsection (5), except that consideration may be
458 given to those individuals having a documented medical condition
459 that would prohibit the device from functioning normally. If a
460 medical waiver has been granted for a ~~convicted~~ person seeking a
461 restricted license, the ~~convicted~~ person shall not be entitled
462 to a restricted license until the required ignition interlock
463 device installation period under subsection (3) or subsection
464 (5) expires, in addition to the time requirements under s.

Page 16 of 17

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18-00283-24

2024260

465 322.271. If a medical waiver has been approved for a ~~convicted~~
466 person seeking permanent reinstatement of the driver license,
467 the ~~convicted~~ person must be restricted to an employment-
468 purposes-only license and be supervised by a licensed DUI
469 program until the required ignition interlock device
470 installation period under subsection (3) or subsection (5)
471 expires. An interlock device shall be placed on all vehicles
472 that are individually or jointly leased or owned and routinely
473 operated by the ~~convicted~~ person.

474 (5) If a person refused to submit to a lawful test of his
475 or her breath as required by s. 316.1932(1)(a)1.a., he or she
476 must install, at his or her own expense, an ignition interlock
477 device on all vehicles individually or jointly leased or owned
478 and routinely operated by the person, for 1 continuous year for
479 a first refusal or for 18 continuous months for a second or
480 subsequent refusal, upon reinstatement of a permanent or
481 restricted driver license.

482 Section 6. This act shall take effect October 1, 2024.

December 13, 2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

260

Bill Number or Topic

Transportation

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850/510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1: [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 260

Bill Number or Topic

Dec 13, 2023

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Transportation

Committee

Amendment Barcode (if applicable)

Name Nancy Stewart

Phone 850-385-7805

Address 1400 Village Square Blvd Ste 3-156

Email nancy.stewart@nancyblackstewart.com

Tallahassee

FL

32312

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Florida Association of DUI Programs

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

11/06/2023

The Florida Senate
APPEARANCE RECORD

SB260

Meeting Date

Transportation

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Monte Stevens

Amendment Barcode (if applicable)

(850)671-4401

Name

Phone

Address

123 S Adams St

Email

stevens@thesoutherngroup.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

American Automobile Association

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/13/23

260

Meeting Date

Bill Number or Topic

Transportation

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Kristen Allen**

Phone **850-681-0061**

Address **1018 Thomasville Road**

Email **kristen.allen@madd.org**

Street

Tallahassee

Florida

32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Mothers Against Drunk Driving FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

12/13/2023

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB 260

Bill Number or Topic

TRANSPORTATION

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name JONATHAN WEBBER

Phone 954-593-4449

Address 400 Washington Ave
Street

Email JONATHAN.WEBBER@SPLCACTIONFUND.ORG

Montgomery
City

AL
State

36104
Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SPLC Action Fund

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

APPEARANCE RECORD

260

Bill Number or Topic

12/13/23

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TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name

AARON WAYT

FL ASSN OF
CRIM DEF LAWYERS

Phone

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Street

TLH

City

FL

State

32308

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

Started: 12/13/2023 11:00:33 AM
Ends: 12/13/2023 11:26:03 AM **Length:** 00:25:31

11:00:32 AM Chair DiCeglie calls the meeting to order
11:00:37 AM Roll call
11:00:41 AM Quorum present
11:01:11 AM Pledge of Allegiance
11:01:22 AM Chair DiCeglie with opening comments
11:01:38 AM Tab 1, SB 244, Specialty License/Plates/Clearwater Marine Aquarium
11:01:55 AM Explanation by Senator Hooper
11:02:44 AM Chair DiCeglie
11:02:56 AM Buddy Powell
11:03:10 AM Chair DiCeglie
11:03:26 AM Senator Hooper in closure
11:03:38 AM Roll call
11:03:43 AM SB 244 reported favorably
11:03:54 AM Chair passed to Vice Chair Davis
11:04:07 AM Tab 2, SB 260, Refusal to Submit to a Breath, Urine, or Blood Test
11:04:19 AM Explanation by Chair DiCeglie
11:04:39 AM Chair Davis
11:04:44 AM Questions
11:04:46 AM Senator Torres
11:05:33 AM Chair DiCeglie
11:07:24 AM Senator Torres
11:07:30 AM Chair DiCeglie
11:08:13 AM Senator Torres
11:08:19 AM Chair DiCeglie
11:08:37 AM Chair Davis
11:08:50 AM Chair DiCeglie
11:11:14 AM Chair Davis
11:11:28 AM Chair DiCeglie
11:12:58 AM Chair Davis
11:13:06 AM Barney Bishop III
11:13:12 AM Nancy Stewart
11:13:18 AM Monte Stevens
11:13:23 AM Kristen Allen
11:16:36 AM Jonathan Webber
11:17:21 AM Aaron Wayt
11:18:42 AM Chair Davis
11:19:51 AM Debate
11:19:54 AM Senator Torres
11:22:50 AM Chair Davis
11:24:32 AM Chair DiCeglie in closure
11:24:57 AM Chair Davis
11:24:59 AM Roll Call
11:25:03 AM SB 260 reported favorably
11:25:26 AM Chair returned to Chair DiCeglie
11:25:28 AM Chair DiCeglie
11:25:33 AM Senator Hooper moves to adjourn
11:25:49 AM Meeting adjourned