

Tab 1	SB 108 by Rodriguez ; Similar to H 00055 Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors					
565750	A	S	RCS	TR, Rodriguez	Delete L.37 - 44:	02/15 11:21 AM

Tab 2	SB 296 by DiCeglie ; Compare to H 00197 Lawful Breath Test for Alcohol					
306058	A	S	RCS	TR, DiCeglie	Delete L.42 - 252:	02/15 11:21 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION

Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Tuesday, February 14, 2023

TIME: 3:30—5:30 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Boyd, Broxson, Burton, Gruters, Hooper, Pizzo, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 108 Rodriguez (Similar H 55)	<p>Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors; Providing that the prohibition against the removal, cutting, marring, defacing, or destruction of trees or other vegetation in certain rights-of-way does not apply if the Department of Transportation suspends such prohibition pursuant to a declared state of emergency; requiring the department to adopt guidelines for removal of debris from certain emergencies, etc.</p> <p>TR 02/14/2023 Fav/CS CA RC</p>	Fav/CS Yea 9 Nays 0
2	SB 296 DiCeglie (Compare H 197, H 781, S 432)	<p>Lawful Breath Test for Alcohol; Requiring that a person arrested for driving under the influence who refuses to submit to a lawful test of his or her breath be told that he or she is subject to mandatory placement, for a specified period of time and at his or her expense, of an ignition interlock device on vehicles he or she leases or owns and routinely operates; requiring that a person arrested for driving under the influence who refuses to submit to a lawful test of his or her breath install an ignition interlock device, at his or her expense, for a specified period of time, etc.</p> <p>TR 02/14/2023 Fav/CS CJ RC</p>	Fav/CS Yea 9 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: CS/SB 108

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors

DATE: February 15, 2023 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Vickers	TR	<u>Fav/CS</u>
2.		CA	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 108 revises provisions relating to a prohibition against removal, cutting, or destruction of any trees or other vegetation within the rights-of-way of roads located on the State Highway System. The bill provides that the prohibition does not apply if the Florida Department of Transportation (FDOT) suspends such prohibition pursuant to a declared state of emergency.

The FDOT is required to adopt informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration, including, but not limited to, a hurricane or a tropical storm.

The bill takes effect July 1, 2023.

II. Present Situation:

With some exception, utility work in the FDOT's right-of-way requires a permit. Current law prohibits the removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by cause any other person to take such action, within the

rights-of-way of roads located on the State Highway System (SHS)¹ or within publicly owned rail corridors unless prior written permission has been granted by the FDOT.²

The only exception to the prior-written-permission requirement is in cases “where normal tree trimming is required to ensure the safe operation of utility facilities, and such tree trimming is performed in accordance with the provisions of its [the FDOT’s] utility accommodations guide, and any subsequent amendments thereto.”³

Vegetation control relating to utility installations in the FDOT’s right-of-way which is performed by a utility agency/owner (UAO) in compliance with the FDOT’s *Utility Accommodation Manual* (UAM) may be completed *without* applying for a new permit (one that is in addition to the permit issued for the initial utility installation) under certain conditions.⁴

Rule 14-46.001, F.A.C., incorporates by reference the FDOT’s UAM which contains a number of provisions that regulate vegetation control relating to utility installations in the right-of-way. A UAO may cut vegetation manually or mechanically on a routine or periodic basis provided the work does not exceed limits necessary for proper utility maintenance. Where vegetation interferes with safe utility maintenance and operation, the utility shall do all the following:

- Trim trees in accordance with UAM Section 3.18.2.⁵
- Remove brush cuttings or debris discharged into routinely maintained area.
- Stockpile debris outside the mowing limits and clear zone for later disposal.
- Leave in place all undergrowth.

Section 3.18.2 of the UAM provides:

The UAO shall trim trees to ensure the safe installation, maintenance, and operation of the UAO’s utilities. Where the UAO trims trees, the UAO shall comply with the ANSI A300 Standard Practices.⁶ The UAO shall not cause irreparable damage to a tree by trimming. Such trimming shall employ recognized and approved methods of modern vegetation control, with emphasis on tree health. The UAO may use mechanical tree trimming machines for routine maintenance. The UAO shall remove all waste and debris associated with the trimming from the R/W unless FDOT specifies otherwise in writing.

¹ “State highway system” means the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated. Section 334.03(24), F.S.

² Section 337.405, F.S. As examples of the required “prior written permission,” requests to remove, cut, or trim vegetation screening outdoor advertising signs for which sign permits have been issued pursuant to ch. 479, F.S., are initiated by application to the FDOT under Rule 14-10.057, F.A.C. Requests for approval to alter, remove, or install landscaping on the FDOT’s right-of-way are initiated through submission of a landscape plan under Rule 14-40.003, F.A.C.

³ *Id.*

⁴ See the FDOT’s *Utility Accommodation Manual*., 2.3, *Work Not Requiring New Permits*, 2.3.1, *Work Types*, at p. 13 of 44, available at [uam2017.pdf\(windows.net\)](http://uam2017.pdf(windows.net)) (last visited February 6, 2023).

⁵ *Id.*, 3.18. *Vegetation Control*, at p. 23 of 44.

⁶ ANSI A300 Standards are described as “the generally accepted industry standards for tree care practices.” See TCIA, *ANSI A300 Standards*, available at [\(1\) New Message \(tcia.org\)](http://(1) New Message (tcia.org)) (last visited February 8, 2023).

A violator of these provisions is guilty of a second degree misdemeanor,⁷ punishable by a definite term of imprisonment not exceeding 60 days,⁸ plus a possible additional \$500 fine.⁹

III. Effect of Proposed Changes:

The bill amends s. 337.405, F.S., revising the exceptions under which the removal, cutting, marring, defacing, or destruction of any trees or other vegetation with the rights-of-way of roads on the SHS or within publicly owned rail corridors. The prohibition applies unless:

- The FDOT suspends the prohibition pursuant to a declaration of a state of emergency,
- The FDOT grants written permission before the removal or cutting of such trees or other vegetation, or
- Normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of the FDOT's UAM.

The FDOT's authority to suspend the prohibition appears to be entirely within its discretion under a declared state of emergency unless, of course, suspension is in response to issuance by the Governor of an executive order or proclamation declaring a state of emergency which *orders* the FDOT to suspend the prohibition. The existing exception for written permission is unchanged, except for editorial revision to improve readability, as is the exception from permitting for normal tree trimming where such trimming is required to ensure safe operation of utility facilities and is performed in accordance with the FDOT's UAM.

The bill also requires the FDOT to adopt informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration, including, but not limited to, a hurricane or a tropical storm.

The bill takes effect July 1, 2023.

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.

⁷ Section 337.405(2), F.S.

⁸ Section 775.082(4)(b), F.S.

⁹ Section 775.083(1)(e), F.S.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

The FDOT would be required to adopt informational guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration. The fiscal impact to the FDOT is indeterminate but likely insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 337.405.

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

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

CS by Transportation on February 14, 2023:

The committee substitute restores the FDOT's authority to adopt rules to implement the entire section of law being amended (s. 337.405, F.S.), rather than just one paragraph, and clarifies the FDOT's responsibility with respect to guidelines for removal of debris from an emergency that is subject to an emergency declaration, by providing that such guidelines are informational.

B. Amendments:

None.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2023	.	
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	.	
	.	

The Committee on Transportation (Rodriguez) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 37 - 44

4 and insert:

5 thereto.

6 (2) The department shall adopt rules to implement for the
7 implementation of this section to achieve protection of
8 vegetation while at the same time assuring safe utility
9 operations.

10 (2)(3) A Any person who violates the provisions of this



11 section commits ~~is guilty of~~ a misdemeanor of the second degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 (4) The department shall publish informational guidelines
14 related to the

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete line 10

18 and insert:

19 the department to publish informational guidelines for
20 removal of

By Senator Rodriguez

40-00303-23

2023108

A bill to be entitled

An act relating to trees and vegetation within the rights-of-way of certain roads and rail corridors; amending s. 337.405, F.S.; providing that the prohibition against the removal, cutting, marring, defacing, or destruction of trees or other vegetation in certain rights-of-way does not apply if the Department of Transportation suspends such prohibition pursuant to a declared state of emergency; requiring the department to adopt guidelines for removal of debris from certain emergencies; providing an effective date.

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

Section 1. Section 337.405, Florida Statutes, is amended to read:

337.405 Trees or other vegetation within rights-of-way of State Highway System or publicly owned rail corridors; prohibited acts; exceptions; penalties; debris removal guidelines required removal or damage; penalty.

(1) The removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by causing any other person to take such action, within the rights-of-way of roads located on the State Highway System or within publicly owned rail corridors is prohibited unless one of the following applies:

(a) The department suspends this subsection pursuant to a declaration of a state of emergency.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

40-00303-23

2023108

(b) The department grants ~~Prior~~ written permission before the removal or cutting of to remove or cut such trees or other vegetation, has been granted by the department, except where

(c) Normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of the department's ~~its~~ utility accommodations guide, and any subsequent amendments thereto. The department shall adopt rules to implement for the implementation of this paragraph section to achieve protection of vegetation while at the same time assuring safe utility operations.

(2) A ~~Any~~ person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) The department shall adopt guidelines related to the removal process for debris from an emergency that is subject to an emergency declaration, including, but not limited to, a hurricane or a tropical storm.

Section 2. This act shall take effect July 1, 2023.

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The Florida Senate

Committee Agenda Request

To: Senator Nick DiCeglie, Chair
Committee on Transportation

Subject: Committee Agenda Request

Date: January 5, 2023

I respectfully request that **Senate Bill #108**, relating to Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

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: CS/SB 296

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Lawful Breath Test for Alcohol

DATE: February 14, 2023 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jones	Vickers	TR	<u>Fav/CS</u>
2.		CJ	
3.		RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 296 requires a person arrested for driving under the influence who refuses to submit to a lawful breath test to install an ignition interlock device, at his or her expense, on all vehicles he or she individually or jointly leases or owns and routinely operates. The ignition interlock device must be placed for 1 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 takes effect January 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 2022.⁶ 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	15,093	43,715	34.53%	4,051
2019	15,506	44,890	34.54%	4,082
2020	12,924	37,310	34.64%	3,674
2021	15,182	43,787	34.67%	4,226
2022*	15,199	42,947	35.39%	4,100

*2022 is preliminary

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 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

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 Jennifer Langston, Chief of Staff, DHSMV, FW: SB 296 - Breath Test Refusal Rate, (February 6, 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 February 6, 2023).

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 January 31, 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-iiid/ignition-interlock-program/> (last visited February 14, 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

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 and 322.2715, F.S., requiring a person arrested for driving under the influence 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 upon reinstatement of a permanent or restricted license. The ignition interlock device must be installed for one continuous year for a first refusal and 18 continuous months for a subsequent refusal.

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 February 3, 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 January 24, 2023).

¹⁸ Email from Kevin Jacobs, Legislative Affairs Director, DHSMV, *RE: IID & DUI Recidivism Rates*, (October 25, 2022).

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 January 27, 2023).

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(10)(a), 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 January 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 February 6, 2023).

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

CS by Transportation on February 14, 2023:

The committee substitute:

- Clarifies that the timeframe for mandatory continuous placement of the ignition interlock device is one year for a first lawful breath test refusal and 18 months for a subsequent refusal upon reinstatement of a permanent or restricted license;
- Reduces 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; and
- Changes the effective date to January 1, 2024.

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.



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2023	.	
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The Committee on Transportation (DiCeglie) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 42 - 252

4 and insert:

5 or her breath will, for a first refusal, result in the
6 suspension of the person's privilege to operate a motor vehicle
7 for a period of 1 year and mandatory continuous placement for 1
8 year, at the person's expense, of an ignition interlock device
9 approved by the department in accordance with s. 316.1938 on all
10 vehicles individually or jointly leased or owned and routinely



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11 operated by the person as provided in s. 316.1939(1). for a
12 first refusal, or for a period of 18 months If the driving
13 privilege of such person has been previously suspended or if he
14 or she has previously been fined under s. 327.35215 as a result
15 of a refusal to submit to a test or tests required under this
16 chapter or chapter 327, the person must be told that his or her
17 failure to submit to any lawful test of his or her breath will
18 result in the suspension of the person's privilege to operate a
19 motor vehicle for 18 months and mandatory continuous placement
20 for 18 months, at the person's expense, of an ignition interlock
21 device approved by the department in accordance with s. 316.1938
22 on all vehicles that are individually or jointly leased or owned
23 and routinely operated by the person as provided in s.
24 316.1939(1). The person must and shall also be told that if he
25 or she refuses to submit to a lawful test of his or her breath
26 and his or her driving privilege has been previously suspended
27 or if he or she has previously been fined under s. 327.35215 for
28 a prior refusal to submit to a lawful test of his or her breath,
29 urine, or blood as required under this chapter or chapter 327,
30 he or she commits a misdemeanor of the first degree, punishable
31 as provided in s. 775.082 or s. 775.083, in addition to any
32 other penalties provided by law. The refusal to submit to a
33 chemical or physical breath test upon the request of a law
34 enforcement officer as provided in this section is admissible
35 into evidence in any criminal proceeding.

36 b. A person who accepts the privilege extended by the laws
37 of this state of operating a motor vehicle within this state is,
38 by operating such vehicle, deemed to have given his or her
39 consent to submit to a urine test for the purpose of detecting



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40 the presence of chemical substances as set forth in s. 877.111
41 or controlled substances if the person is lawfully arrested for
42 any offense allegedly committed while the person was driving or
43 was in actual physical control of a motor vehicle while under
44 the influence of chemical substances or controlled substances.
45 The urine test must be incidental to a lawful arrest and
46 administered at a detention facility or any other facility,
47 mobile or otherwise, which is equipped to administer such tests
48 at the request of a law enforcement officer who has reasonable
49 cause to believe such person was driving or was in actual
50 physical control of a motor vehicle within this state while
51 under the influence of chemical substances or controlled
52 substances. The urine test must ~~shall~~ be administered at a
53 detention facility or any other facility, mobile or otherwise,
54 which is equipped to administer such test in a reasonable manner
55 that will ensure the accuracy of the specimen and maintain the
56 privacy of the individual involved. The administration of a
57 urine test does not preclude the administration of another type
58 of test. The person must ~~shall~~ be told that his or her failure
59 to submit to any lawful test of his or her urine will result in
60 the suspension of the person's privilege to operate a motor
61 vehicle for ~~a period of~~ 1 year for the first refusal, or for ~~a~~
62 ~~period of~~ 18 months if the driving privilege of such person has
63 been previously suspended or if he or she has previously been
64 fined under s. 327.35215 as a result of a refusal to submit to a
65 test or tests required under this chapter or chapter 327, and
66 must ~~shall~~ also be told that if he or she refuses to submit to a
67 lawful test of his or her urine and his or her driving privilege
68 has been previously suspended or if he or she has previously



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69 been fined under s. 327.35215 for a prior refusal to submit to a
70 lawful test of his or her breath, urine, or blood as required
71 under this chapter or chapter 327, he or she commits a
72 misdemeanor of the first degree, punishable as provided in s.
73 775.082 or s. 775.083, in addition to any other penalties
74 provided by law. The refusal to submit to a urine test upon the
75 request of a law enforcement officer as provided in this section
76 is admissible into evidence in any criminal proceeding.

77 2. The Alcohol Testing Program within the Department of Law
78 Enforcement is responsible for the regulation of the operation,
79 inspection, and registration of breath test instruments used
80 ~~utilized~~ under the driving and boating under the influence
81 provisions and related provisions located in this chapter and
82 chapters 322 and 327. The program is responsible for the
83 regulation of the individuals who operate, inspect, and instruct
84 on the breath test instruments used ~~utilized~~ in the driving and
85 boating under the influence provisions and related provisions
86 located in this chapter and chapters 322 and 327. The program is
87 further responsible for the regulation of blood analysts who
88 conduct blood testing to be used ~~utilized~~ under the driving and
89 boating under the influence provisions and related provisions
90 located in this chapter and chapters 322 and 327. The program
91 must shall:

92 a. Establish uniform criteria for the issuance of permits
93 to breath test operators, agency inspectors, instructors, blood
94 analysts, and instruments.

95 b. Have the authority to permit breath test operators,
96 agency inspectors, instructors, blood analysts, and instruments.

97 c. Have the authority to discipline and suspend, revoke, or



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98 renew the permits of breath test operators, agency inspectors,
99 instructors, blood analysts, and instruments.

100 d. Establish uniform requirements for instruction and
101 curricula for the operation and inspection of approved
102 instruments.

103 e. Have the authority to specify one approved curriculum
104 for the operation and inspection of approved instruments.

105 f. Establish a procedure for the approval of breath test
106 operator and agency inspector classes.

107 g. Have the authority to approve or disapprove breath test
108 instruments and accompanying paraphernalia for use pursuant to
109 the driving and boating under the influence provisions and
110 related provisions located in this chapter and chapters 322 and
111 327.

112 h. With the approval of the executive director of the
113 Department of Law Enforcement, make and enter into contracts and
114 agreements with other agencies, organizations, associations,
115 corporations, individuals, or federal agencies as are necessary,
116 expedient, or incidental to the performance of duties.

117 i. Issue final orders that which include findings of fact
118 and conclusions of law and that which constitute final agency
119 action for the purpose of chapter 120.

120 j. Enforce compliance with this section through civil or
121 administrative proceedings.

122 k. Make recommendations concerning any matter within the
123 purview of this section, this chapter, chapter 322, or chapter
124 327.

125 l. Adopt Promulgate rules for the administration and
126 implementation of this section, including definitions of terms.



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

129 n. Have the authority to approve the type of blood test
130 used utilized under the driving and boating under the influence
131 provisions and related provisions located in this chapter and
132 chapters 322 and 327.

133 o. Have the authority to specify techniques and methods for
134 breath alcohol testing and blood testing used utilized under the
135 driving and boating under the influence provisions and related
136 provisions located in this chapter and chapters 322 and 327.

137 p. Have the authority to approve repair facilities for the
138 approved breath test instruments, including the authority to set
139 criteria for approval.

140
141 ~~Nothing in~~ This section does not shall be construed to supersede
142 provisions in this chapter and chapters 322 and 327. The
143 specifications in this section are derived from the power and
144 authority previously and currently possessed by the Department
145 of Law Enforcement and are enumerated to conform with the
146 mandates of chapter 99-379, Laws of Florida.

147 Section 2. Section 316.1939, Florida Statutes, is amended
148 to read:

149 316.1939 Refusal to submit to testing; penalties.—

150 (1) If a person has refused to submit to a lawful test of
151 his or her breath as required under s. 316.1932(1)(a)1.a., he or
152 she must install, at his or her expense, an ignition interlock
153 device on all vehicles individually or jointly leased or owned
154 and routinely operated by him or her for 1 continuous year for a
155 first refusal or 18 continuous months for a second or subsequent



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156 refusal as provided in s. 322.2615(1)(a).

157 (2) A person who has refused to submit to a chemical or
158 physical test of his or her breath or urine, as described in s.
159 316.1932, and whose driving privilege was previously suspended
160 or who was previously fined under s. 327.35215 for a prior
161 refusal to submit to a lawful test of his or her breath, urine,
162 or blood required under this chapter or chapter 327, and:

163 (a) Who the arresting law enforcement officer had probable
164 cause to believe was driving or in actual physical control of a
165 motor vehicle in this state while under the influence of
166 alcoholic beverages, chemical substances, or controlled
167 substances;

168 (b) Who was placed under lawful arrest for a violation of
169 s. 316.193 unless such test was requested pursuant to s.
170 316.1932(1)(c);

171 (c) Who was informed that:

172 1. If he or she refused to submit to a lawful test of his
173 or her breath, his or her privilege to operate a motor vehicle
174 would be suspended for 1 year for a first refusal or 18 months
175 for a second or subsequent refusal, and that he or she would be
176 subject to mandatory continuous placement of an ignition
177 interlock device for 1 year for a first refusal or 18 months for
178 a second or subsequent refusal, at his or her expense, on all
179 vehicles that he or she individually or jointly leases or owns
180 and routinely operates; or

181 2. If he or she refused to submit to a lawful such test of
182 his or her urine, his or her privilege to operate a motor
183 vehicle would be suspended for a period of 1 year for a first
184 refusal or, in the case of a second or subsequent refusal, for a



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185 ~~period of 18 months for a second or subsequent refusal;~~

186 (d) Who was informed that a refusal to submit to a lawful
187 test of his or her breath or urine, if his or her driving
188 privilege has been previously suspended or if he or she has
189 previously been fined under s. 327.35215 for a prior refusal to
190 submit to a lawful test of his or her breath, urine, or blood as
191 required under this chapter or chapter 327, is a misdemeanor of
192 the first degree, punishable as provided in s. 775.082 or s.
193 775.083, in addition to any other penalties provided by law; and

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

197
198 commits a misdemeanor of the first degree and is subject to
199 punishment as provided in s. 775.082 or s. 775.083.

200 (3) ~~(2)~~ The disposition of any administrative proceeding
201 that relates to the suspension of a person's driving privilege
202 does not affect a criminal action under this section.

203 (4) ~~(3)~~ The disposition of a criminal action under this
204 section does not affect any administrative proceeding that
205 relates to the suspension of a person's driving privilege. The
206 department's records showing that a person's license has been
207 previously suspended for a prior refusal to submit to a lawful
208 test of his or her breath, urine, or blood is shall be
209 admissible and creates shall create a rebuttable presumption of
210 such suspension.

211 Section 3. Paragraph (a) of subsection (10) of section
212 322.2615 is amended, to read:

213 322.2615 Suspension of license; right to review.—



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214 (10) A person whose driver license is suspended under
215 subsection (1) or subsection (3) may apply for issuance of a
216 license for business or employment purposes only if the person
217 is otherwise eligible for the driving privilege pursuant to s.
218 322.271.

219 (a) If the suspension of the driver license of the person
220 for failure to submit to a breath, urine, or blood test is
221 sustained, the person is not eligible to receive a license for
222 business or employment purposes only, pursuant to s. 322.271,
223 until 30 90 days have elapsed after the expiration of the last
224 temporary permit issued. If the driver is not issued a 10-day
225 permit pursuant to this section or s. 322.64 because he or she
226 is ineligible for the permit and the suspension for failure to
227 submit to a breath, urine, or blood test is not invalidated by
228 the department, the driver is not eligible to receive a business
229 or employment license pursuant to s. 322.271 until 30 90 days
230 have elapsed from the date of the suspension.

231 Section 4. Present subsections (4) and (5) of section
232 322.2715, Florida Statutes, are redesignated as subsections (5)
233 and (6), respectively, and a new subsection (4) is added to that
234 section, to read:

235 322.2715 Ignition interlock device.—

236 (4) If a driver refuses to take a lawful test of his or her
237 breath as required by s. 316.1932, he or she must install an
238 ignition interlock device on all vehicles individually or
239 jointly leased or owned and routinely operated by him or her for
240 1 continuous year for a first refusal or for 18 continuous
241 months for a second or subsequent refusal upon reinstatement of
242 a permanent or restricted license.



243 Section 4. This act shall take effect January 1, 2024.

244

245 ===== T I T L E A M E N D M E N T =====

246 And the title is amended as follows:

247 Delete lines 15 - 16

248 and insert:

249 provision to changes made by the act; amending s.
250 322.2615, F.S.; decreasing the timeframe during which
251 a person whose license is suspended for failure to
252 submit to a breath, urine, or blood test is not
253 eligible to receive a license for business or
254 employment purposes only; amending s. 322.2715, F.S.;
255 requiring a driver who refuses to take a lawful test
256 of his or her breath to install an ignition interlock
257 device, upon a reinstatement of certain licenses and
258 for a specified time, on vehicles he or she leases or
259 owns and routinely operates; providing an effective
260 date.

By Senator DiCeglie

18-00286-23

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

Section 1. Paragraph (a) of subsection (1) of section 316.1932, Florida Statutes, is amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1) (a)1.a. A person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic

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30 content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person must shall be told that his or her failure to submit to any lawful test of his or her breath will result in the suspension of his or her license the person's privilege to operate a motor vehicle as provided in s. 322.2615(1)(a) for a period of 1 year for a first refusal and mandatory placement for the duration of the suspension, at his or her expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 on all vehicles individually or jointly leased or owned and routinely operated by the person as provided in s. 316.1939(1). If the person's license has been previously suspended, or if he or she has previously been fined under s. 327.35215 as a result of a refusal to submit to a test or tests required under this chapter or chapter 327, he or she must be told that his or her failure to submit to any lawful test of his or her breath will result in the suspension of his or her license to operate a motor vehicle as provided in s. 322.2615(1)(a) for a period of 18 months and mandatory placement for the duration of the suspension, at his or her expense, of an ignition interlock

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59 device approved by the department in accordance with s. 316.1938
 60 on all vehicles individually or jointly leased or owned and
 61 routinely operated by him or her as provided in s. 316.1939(1).
 62 The person must, or for a period of 18 months if the driving
 63 privilege of such person has been previously suspended or if he
 64 or she has previously been fined under s. 327.35215 as a result
 65 of a refusal to submit to a test or tests required under this
 66 chapter or chapter 327, and shall also be told that if he or she
 67 refuses to submit to a lawful test of his or her breath and his
 68 or her driver license driving privilege has been previously
 69 suspended or if he or she has previously been fined under s.
 70 327.35215 for a prior refusal to submit to a lawful test of his
 71 or her breath, urine, or blood as required under this chapter or
 72 chapter 327, he or she commits a misdemeanor of the first
 73 degree, punishable as provided in s. 775.082 or s. 775.083, in
 74 addition to any other penalties provided by law. The refusal to
 75 submit to a chemical or physical breath test upon the request of
 76 a law enforcement officer as provided in this section is
 77 admissible into evidence in any criminal proceeding.

78 b. A person who accepts the privilege extended by the laws
 79 of this state of operating a motor vehicle within this state is,
 80 by operating such vehicle, deemed to have given his or her
 81 consent to submit to a urine test for the purpose of detecting
 82 the presence of chemical substances as set forth in s. 877.111
 83 or controlled substances if the person is lawfully arrested for
 84 any offense allegedly committed while the person was driving or
 85 was in actual physical control of a motor vehicle while under
 86 the influence of chemical substances or controlled substances.
 87 The urine test must be incidental to a lawful arrest and

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88 18-00286-23
 89 administered at a detention facility or any other facility,
 90 mobile or otherwise, which is equipped to administer such tests
 91 at the request of a law enforcement officer who has reasonable
 92 cause to believe such person was driving or was in actual
 93 physical control of a motor vehicle within this state while
 94 under the influence of chemical substances or controlled
 95 substances. The urine test must shall be administered at a
 96 detention facility or any other facility, mobile or otherwise,
 97 which is equipped to administer such test in a reasonable manner
 98 that will ensure the accuracy of the specimen and maintain the
 99 privacy of the individual involved. The administration of a
 100 urine test does not preclude the administration of another type
 101 of test. The person must shall be told that his or her failure
 102 to submit to any lawful test of his or her urine will result in
 103 the suspension of his or her license ~~the person's privilege~~ to
 104 operate a motor vehicle for a period of 1 year for the first
 105 refusal, or for a period of 18 months if the driver license
 106 ~~driving privilege~~ of such person has been previously suspended
 107 or if he or she has previously been fined under s. 327.35215 as
 108 a result of a refusal to submit to a test or tests required
 109 under this chapter or chapter 327, and must shall also be told
 110 that if he or she refuses to submit to a lawful test of his or
 111 her urine and his or her driver license ~~driving privilege~~ has
 112 been previously suspended or if he or she has previously been
 113 fined under s. 327.35215 for a prior refusal to submit to a
 114 lawful test of his or her breath, urine, or blood as required
 115 under this chapter or chapter 327, he or she commits a
 116 misdemeanor of the first degree, punishable as provided in s.
 775.082 or s. 775.083, in addition to any other penalties

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117 provided by law. The refusal to submit to a urine test upon the
 118 request of a law enforcement officer as provided in this section
 119 is admissible into evidence in any criminal proceeding.

120 2. The Alcohol Testing Program within the Department of Law
 121 Enforcement is responsible for the regulation of the operation,
 122 inspection, and registration of breath test instruments utilized
 123 under the driving and boating under the influence provisions and
 124 related provisions located in this chapter and chapters 322 and
 125 327. The program is responsible for the regulation of the
 126 individuals who operate, inspect, and instruct on the breath
 127 test instruments utilized in the driving and boating under the
 128 influence provisions and related provisions located in this
 129 chapter and chapters 322 and 327. The program is further
 130 responsible for the regulation of blood analysts who conduct
 131 blood testing to be utilized under the driving and boating under
 132 the influence provisions and related provisions located in this
 133 chapter and chapters 322 and 327. The program shall:

134 a. Establish uniform criteria for the issuance of permits
 135 to breath test operators, agency inspectors, instructors, blood
 136 analysts, and instruments.

137 b. Have the authority to permit breath test operators,
 138 agency inspectors, instructors, blood analysts, and instruments.

139 c. Have the authority to discipline and suspend, revoke, or
 140 renew the permits of breath test operators, agency inspectors,
 141 instructors, blood analysts, and instruments.

142 d. Establish uniform requirements for instruction and
 143 curricula for the operation and inspection of approved
 144 instruments.

145 e. Have the authority to specify one approved curriculum

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146 for the operation and inspection of approved instruments.

147 f. Establish a procedure for the approval of breath test
 148 operator and agency inspector classes.

149 g. Have the authority to approve or disapprove breath test
 150 instruments and accompanying paraphernalia for use pursuant to
 151 the driving and boating under the influence provisions and
 152 related provisions located in this chapter and chapters 322 and
 153 327.

154 h. With the approval of the executive director of the
 155 Department of Law Enforcement, make and enter into contracts and
 156 agreements with other agencies, organizations, associations,
 157 corporations, individuals, or federal agencies as are necessary,
 158 expedient, or incidental to the performance of duties.

159 i. Issue final orders which include findings of fact and
 160 conclusions of law and which constitute final agency action for
 161 the purpose of chapter 120.

162 j. Enforce compliance with this section through civil or
 163 administrative proceedings.

164 k. Make recommendations concerning any matter within the
 165 purview of this section, this chapter, chapter 322, or chapter
 166 327.

167 l. Adopt Promulgate rules for the administration and
 168 implementation of this section, including definitions of terms.

169 m. Consult and cooperate with other entities for the
 170 purpose of implementing the mandates of this section.

171 n. Have the authority to approve the type of blood test
 172 utilized under the driving and boating under the influence
 173 provisions and related provisions located in this chapter and
 174 chapters 322 and 327.

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175 o. Have the authority to specify techniques and methods for
 176 breath alcohol testing and blood testing utilized under the
 177 driving and boating under the influence provisions and related
 178 provisions located in this chapter and chapters 322 and 327.

179 p. Have the authority to approve repair facilities for the
 180 approved breath test instruments, including the authority to set
 181 criteria for approval.

182
 183 Nothing in this paragraph ~~may section shall~~ be construed to
 184 supersede provisions in this chapter and chapters 322 and 327.
 185 The specifications in this section are derived from the power
 186 and authority previously and currently possessed by the
 187 Department of Law Enforcement and are enumerated to conform with
 188 the mandates of chapter 99-379, Laws of Florida.

189 Section 2. Section 316.1939, Florida Statutes, is amended
 190 to read:

191 316.1939 Refusal to submit to testing; penalties.—

192 (1) If a person has refused to submit to a lawful test of
 193 his or her breath as required under s. 316.1932(1)(a), he or
 194 she must install, at his or her expense, an ignition interlock
 195 device on all vehicles individually or jointly leased or owned
 196 and routinely operated by him or her for the duration of the
 197 suspension of his or her driver license as provided in s.
 198 322.2615(1)(a).

199 (2) A person who has refused to submit to a chemical or
 200 physical test of his or her breath or urine, as described in s.
 201 316.1932, and whose driver license driving privilege was
 202 previously suspended or who was previously fined under s.
 203 327.35215 for a prior refusal to submit to a lawful test of his

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204 or her breath, urine, or blood required under this chapter or
 205 chapter 327, and:

206 (a) Who the arresting law enforcement officer had probable
 207 cause to believe was driving or in actual physical control of a
 208 motor vehicle in this state while under the influence of
 209 alcoholic beverages, chemical substances, or controlled
 210 substances;

211 (b) Who was placed under lawful arrest for a violation of
 212 s. 316.193 unless such test was requested pursuant to s.
 213 316.1932(1)(c);

214 (c) Who was informed that, if he or she refused to submit
 215 to such test, his or her license privilege to operate a motor
 216 vehicle would be suspended for a period of 1 year or, in the
 217 case of a second or subsequent refusal, for a period of 18
 218 months;

219 (d) Who was informed that, if he or she refused to submit
 220 to such test, he or she would be subject to mandatory placement,
 221 for the duration of the suspension specified in paragraph (c)
 222 and at his or her expense, of an ignition interlock device
 223 approved by the department in accordance with s. 316.1938 on all
 224 vehicles that he or she individually or jointly leases or owns
 225 and routinely operates;

226 (e) Who was informed that a refusal to submit to a lawful
 227 test of his or her breath or urine, if his or her driver license
 228 driving privilege has been previously suspended or if he or she
 229 has previously been fined under s. 327.35215 for a prior refusal
 230 to submit to a lawful test of his or her breath, urine, or blood
 231 as required under this chapter or chapter 327, is a misdemeanor
 232 of the first degree, punishable as provided in s. 775.082 or s.

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233 775.083, in addition to any other penalties provided by law; and
234 ~~(f) (e)~~ Who, after having been so informed, refused to
235 submit to any such test when requested to do so by a law
236 enforcement officer or correctional officer

237
238 commits a misdemeanor of the first degree and is subject to
239 punishment as provided in s. 775.082 or s. 775.083.

240 ~~(3) (2)~~ The disposition of any administrative proceeding
241 that relates to the suspension of a person's driver license
242 ~~driving privilege~~ does not affect a criminal action under this
243 section.

244 ~~(4) (3)~~ The disposition of a criminal action under this
245 section does not affect any administrative proceeding that
246 relates to the suspension of a person's driver license ~~driving~~
247 ~~privilege~~. The department's records showing that a person's
248 license has been previously suspended for a prior refusal to
249 submit to a lawful test of his or her breath, urine, or blood is
250 ~~shall be~~ admissible and creates ~~shall~~ create a rebuttable
251 presumption of such suspension.

252 Section 3. This act shall take effect July 1, 2023.

2-14-2023

Meeting Date

Transportation

Committee

Name Amy Jamieson

Address 211 Chateaugay St NW
Street

Ft Walton Beach FL

32548

City State FL

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.leg.state.fl.us/2020-2022JointRules.pdf)

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

The Florida Senate

APPEARANCE RECORD

SB 296

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

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-240-4669

Email dreams@gnt.net

2/14/23

Meeting Date

Senate Transportation

Committee

Name Kristen Allen

Address 1018 Thomasville Road, Suite 101

Street

Tallahassee

City

FL

State

32303

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:

MADD Florida

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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

The Florida Senate

APPEARANCE RECORD

296

Bill Number or Topic

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

Amendment Barcode (if applicable)

Phone 850-681-0061

Email kristen.allen@madd.org

2/14/23

Meeting Date

Senate Transportation

Committee

Name

Edward Campbell ** Law Enforcement Officer*

Address

1140 Blackhawk Way

Street

Tallahassee

FL

City

State

32312
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against



I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:



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. [2020-2022JointRules.pdf](https://senate.gov/2020-2022JointRules.pdf) (https://senate.gov)

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

The Florida Senate

APPEARANCE RECORD

296

Bill Number or Topic

Amendment Barcode (if applicable)

Phone *813-414-1486*

Email *ECampbell522@gmail.com*

2/14/23

Meeting Date

Transportation

Committee

Name Tatum Morris

Address 540 Riviera Dr.
Street

Tampa
City

FL
State

33606
Zip

The Florida Senate

APPEARANCE RECORD

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

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 813 334 5358

Email TMorris@sadd.org

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:

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

2/14/23

Meeting Date

Transportation

Committee

Name **David Cohen**

Address **960 E. Forsyth Street**

Street

Jacksonville

FL

32202

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:

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. [2020-2022JointRules.pdf](https://www.leg.state.fl.us/2020-2022JointRules.pdf) (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB296

Bill Number or Topic

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

Amendment Barcode (if applicable)

Phone **904-619-1479**

Email **david@manifestdistilling.com**

1/14/23
The Florida Senate

APPEARANCE RECORD

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

Meeting Date

Committee

Name

Address

Street

City

State

Zip

Phone

Email

2911
Bill Number or Topic

Amendment Barcode (if applicable)

202 298-5777

CHRIS SWANGER (swanger)

1250 I ST NW SUITE 250

Washington DC

20005

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

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, [2020-2022JointRules.pdf \(fisenate.gov\)](https://fisenate.gov/2020-2022JointRules.pdf)

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

2/14/23

Meeting Date

Transportation
Committee

Name

Adam Ross

Address

P.O. Box 17500

Street

Cheerwater

FL

State

33762

Zip

Speaking: For Against Information

OR

Waive Speaking:

In Support

Against

I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist, representing:

State Attorney's Office
Sixth Circuit

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. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

727-510-9821

Adamross@Flsab.gov

Phone

Email

2/14/23

Meeting Date

Transportation

Committee

Name Chase Glasser

Address 3017 Rolling Green Court
Street

Milford

City

MI

State

48380

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.leg.state.fl.us/2020-2022JointRules.pdf)

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The Florida Senate
APPEARANCE RECORD

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

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 248-736-0946

Email cglasser@intoxalock.com

February 14, 2023

Meeting Date

Transportation

Committee

Name **Monte Stevens**

Address **123 S. Adams Street**

Street

Tallahassee

City

Florida

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist, representing:

AAA

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.leg.state.fl.us/2020-2022JointRules.pdf)

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The Florida Senate

APPEARANCE RECORD

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SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **(850) 671-4401**

Email **stevens@thesoutherngroup.co**

2/14/23

Meeting Date

Transportation

Committee

Name Nancy Stewart

Address 1400 Village Square Blvd
Street Ste 3-156

City Tallahassee FL

State

32309

Zip

The Florida Senate

APPEARANCE RECORD

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SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-385-7805

Email nancy.stewart @
nancyblackstewart.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

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. 511.045 and Joint Rule 1, 2020-2022JointRules.pdf (fisenate.gov)

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

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 2/14/2023 3:31:09 PM

Ends: 2/14/2023 4:12:47 PM

Length: 00:41:39

3:31:11 PM Meeting called to order by Chair DiCeglie
3:31:21 PM Roll call
3:31:37 PM Senator Burton Excused from Meeting
3:32:01 PM Pledge of Allegiance
3:32:24 PM Tab 1 - SB 108, Trees and Vegetation Within the Rights-of-way of Certain Roads and Rail Corridors by Senator Rodriguez
3:32:35 PM Senator Rodriguez explains SB 108
3:33:14 PM Questions:
3:33:21 PM Senator Hooper
3:33:35 PM Senator Pizzo
3:34:07 PM Senator Rodriguez
3:34:31 PM Senator DiCeglie
3:35:08 PM No Further Questions
3:35:13 PM Senator DiCeglie takes up Amendment 565750
3:35:35 PM Senator Rodriguez explains amendment
3:35:47 PM Amendment 565750 is adopted
3:36:05 PM Senator Pizzo
3:36:09 PM Senator Rodriguez
3:36:50 PM Roll call CS/SB 108
3:37:14 PM Gavel turned over Vice Chair Davis
3:37:23 PM Tab 2 - SB 296, Lawful Breath Test for Alcohol by Senator DiCeglie
3:37:29 PM Senator DiCeglie Explains Bill
3:38:19 PM Questions:
3:38:26 PM Senator Torres
3:38:48 PM Senator DiCeglie
3:39:39 PM Senator Torres
3:39:50 PM Senator DiCeglie
3:39:59 PM Senator Torres
3:40:02 PM Senator DiCeglie
3:40:10 PM Senator Torres
3:40:40 PM Senator DiCeglie
3:40:44 PM Senator Torres
3:40:48 PM Senator DiCeglie
3:40:57 PM Senator Pizzo
3:42:56 PM Senator DiCeglie
3:43:19 PM Senator Pizzo
3:44:04 PM Senator Davis
3:44:26 PM Senator DiCeglie
3:44:28 PM Senator Davis
3:44:49 PM Senator Pizzo
3:45:07 PM Senator Pizzo
3:45:09 PM Senator Pizzo
3:46:00 PM Senator Davis
3:46:10 PM Amendment 306058
3:46:19 PM Senator DiCeglie explains amendment
3:46:55 PM No questions
3:47:12 PM Senator DiCeglie waives close on amendment
3:47:34 PM Amendment Adopted
3:47:39 PM Back on bill as amended
3:47:52 PM No questions
3:48:03 PM Appearance Cards:
3:48:16 PM Speaker Amy Jamieson

3:51:19 PM Senator Davis
3:51:23 PM Speaker Kristen Allen
3:53:57 PM Senator Davis
3:54:06 PM Speaker Edward Campbell
3:56:32 PM Senator Davis
3:56:36 PM Speaker Tatum Morris
3:59:15 PM Senator Davis
3:59:22 PM Speaker David Cohen
4:00:22 PM Senator Davis
4:00:30 PM Speaker Chris Swanger
4:02:29 PM Senator Pizzo asked question
4:02:39 PM Speaker Swanger responds
4:03:33 PM Senator Pizzo
4:03:39 PM Senator Davis reads names of speakers waiving speaking
4:03:45 PM Debate:
4:04:32 PM Senator Hooper
4:05:35 PM Senator Davis
4:05:38 PM Senator Pizzo
4:07:45 PM Senator Davis
4:08:36 PM Senator Torres
4:10:45 PM Senator Davis
4:10:55 PM Senator DiCeglie closes on bill
4:11:37 PM Roll call on CS/SB 296
4:12:25 PM Senator Broxson
4:12:35 PM Senator Pizzo moves to adjourn meeting
4:12:39 PM Without objection; meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, Chair
Judiciary, Vice Chair
Appropriations Committee on Education
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules
Transportation

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON
12th District

February 8, 2023

The Honorable Nick DiCeglie
The Florida Senate
310 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair DiCeglie,

I respectfully request excusal from the Transportation Committee meeting on Tuesday, February 14th. If you have any questions please do not hesitate to reach out to myself or my office.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Rob Vickers, Staff Director
Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

- 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore