

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)	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. TR 02/14/2023 Fav/CS CA RC	Fav/CS Yeas 9 Nays 0
2	SB 296 DiCeglie (Compare H 197, H 781, S 432)	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. TR 02/14/2023 Fav/CS CJ RC	Fav/CS Yeas 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	Fav/CS
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 \(windows.net\)](#) (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 \(tcia.org\)](#) (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.



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LEGISLATIVE ACTION

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

The Committee on Transportation (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 37 - 44
and insert:
thereto.

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

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



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

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

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

And the title is amended as follows:

Delete line 10

and insert:

the department to publish informational guidelines for
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 "AmR", is positioned above a horizontal line.

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	Fav/CS
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-iid/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.nhtl.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.



306058

LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete lines 42 - 252

and insert:

or her breath will, for a first refusal, result in the suspension of the person's privilege to operate a motor vehicle for ~~a period of 1 year~~ and mandatory continuous placement for 1 year, at the person's 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



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operated by the person as provided in s. 316.1939(1). ~~for a first refusal, or for a period of 18 months~~ If the driving privilege of such person 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, the person 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 the person's privilege to operate a motor vehicle for 18 months and mandatory continuous placement for 18 months, at the person's expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 on all vehicles that are individually or jointly leased or owned and routinely operated by the person as provided in s. 316.1939(1). The person must ~~and shall~~ also be told that if he or she refuses to submit to a lawful test of his or her breath and his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

b. 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 a urine test for the purpose of detecting



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the presence of chemical substances as set forth in s. 877.111 or controlled substances 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 chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests 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 a motor vehicle within this state while under the influence of chemical substances or controlled substances. The urine test must ~~shall~~ be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine 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 urine will result in the suspension of the person's privilege to operate a motor vehicle for ~~a period of~~ 1 year for the first refusal, or for ~~a period of~~ 18 months if the driving privilege of such person 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, and must ~~shall~~ also be told that if he or she refuses to submit to a lawful test of his or her urine and his or her driving privilege 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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renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

316.1939 Refusal to submit to testing; penalties.—

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



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

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

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

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

(c) Who was informed that:

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

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



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

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

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

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

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

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

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

322.2615 Suspension of license; right to review.-



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(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.

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

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

322.2715 Ignition interlock device.—

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



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

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

And the title is amended as follows:

Delete lines 15 - 16

and insert:

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

By Senator DiCeglie

18-00286-23

2023296__

A bill to be entitled

An act relating to a lawful breath test for alcohol; amending s. 316.1932, F.S.; 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; amending s. 316.1939, F.S.; 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; conforming a provision to changes made by the act; providing an effective date.

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

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

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

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

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

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

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

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

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

e. Have the authority to specify one approved curriculum

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for the operation and inspection of approved instruments.

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

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

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

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

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

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

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

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

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

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

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

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

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

316.1939 Refusal to submit to testing; penalties.—

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

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

18-00286-23

2023296__

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

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

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

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

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

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

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775.083, in addition to any other penalties provided by law; and

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

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

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

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

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

2-14-2023

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB 296

Bill Number or Topic

Transportation

Committee

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

Amendment Barcode (if applicable)

Name

Amy Jamieson

Phone

850-240-4669

Address

211 Chateaugay St NW

Street

Email

dreams@gnt.net

Ft Walton Beach

FL

32548

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/14/23

Meeting Date

Senate Transportation

Committee

The Florida Senate

APPEARANCE RECORD

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

296

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kristen Allen

Phone

850-681-0061

Address

1018 Thomasville Road, Suite 101

Email

kristen.allen@madd.org

Street

Tallahassee

FL

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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/14/23

Meeting Date

The Florida Senate

APPEARANCE RECORD

296

Bill Number or Topic

Senate Transportation

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Edward Campbell * Law Enforcement Officer

Phone

814-441-4486

Address

1140 Blackhawk Way

Email

ECampbell.522@gmail.com

Tallahassee

FL

City

State

32312

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. [2020-2022 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

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2/14/23

Meeting Date

Transportation

Committee

SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tatum Morris

Phone 813 334 5358

Address 540 Riviera Dr.
Street

Email tmm tmmorris@sadd.org

Tampa
City

FL
State

33606
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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

2/14/23

APPEARANCE RECORD

SB296

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 **David Cohen**

Phone **904-619-1479**

Address **960 E. Forsyth Street**

Email **david@manifestdistilling.com**

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. [2020-2022 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

Deliver both copies of this form to
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2/14/23
Meeting Date
Transportation
Committee

290
Bill Number or Topic

Name CHRIS SWINGER (Swinger) Phone 202 258-5777
Address 1250 I Street NW Suite 250
Street Washington DC 20005
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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

The Florida Senate
APPEARANCE RECORD

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2/14/23

Meeting Date

Transportation

Committee

SB 296

Bill Number or Topic

Name

Adam Ross

Phone

727-510-9821

Amendment Barcode (if applicable)

Address

PO Box 17500

Street

Email

adamross@fls6.gov

Chesapeake

City

FL

State

33262

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:

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/14/23

Meeting Date

Transportation

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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SB 296

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chase Glasser

Phone 248-736-0946

Address 3017 Rolling Green Court

Street

Milford

City

MI

State

48380

Zip

Email cglasser@intoxalock.com

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. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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February 14, 2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB 296

Bill Number or Topic

Transportation

Committee

Name **Monte Stevens**

Amendment Barcode (if applicable)

Phone **(850) 671-4401**

Address **123 S. Adams Street**

Street

Email **stevens@thesoutherngroup.co**

Tallahassee

City

Florida

State

32301

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:

AAA

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

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2/14/23
Meeting Date
Transportation
Committee

The Florida Senate
APPEARANCE RECORD

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SB 296
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nancy Stewart

Phone 850.385.7805

Address 1400 Village Square Blvd Ste 3-156
Street

Email nancy.stewart@nancyblackstewart.com

Tallahassee FL 32309
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:

Florida Association of DUI Programs

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 \(flsenate.gov\)](#)

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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.flisenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore