

By Representative Brummer

1                                   A bill to be entitled  
2           An act relating to driving under the influence;  
3           amending s. 322.2616, F.S.; providing for the  
4           requirement that certain license suspensions  
5           shall remain in effect for a described time  
6           period; providing for the assumption of the  
7           costs for substance abuse education,  
8           evaluation, and treatment; providing a  
9           definition; providing for the admission of  
10          certain minors into county addictions receiving  
11          facilities under certain circumstances;  
12          providing an effective date.

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

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16           Section 1. Subsection (2) of section 322.2616, Florida  
17 Statutes, is amended to read:

18           322.2616 Suspension of license; persons under 21 years  
19 of age; right to review.--

20           (2)(a) A law enforcement officer or correctional  
21 officer shall, on behalf of the department, suspend the  
22 driving privilege of such person if the person has a  
23 blood-alcohol or breath-alcohol level of 0.02 percent or  
24 higher. The officer shall also suspend, on behalf of the  
25 department, the driving privilege of a person who has refused  
26 to submit to a test as provided by paragraph (b). The officer  
27 shall take the person's driver's license and issue the person  
28 a 10-day temporary driving permit if the person is otherwise  
29 eligible for the driving privilege and shall issue the person  
30 a notice of suspension.

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

4 1.a. The driver refused to submit to a lawful breath  
5 test and his or her driving privilege is suspended for a  
6 period of 1 year for a first refusal or for a period of 18  
7 months if his or her driving privilege has been previously  
8 suspended as provided in this section as a result of a refusal  
9 to submit to a test; or

10 b. The driver was under the age of 21 and was driving  
11 or in actual physical control of a motor vehicle while having  
12 a blood-alcohol or breath-alcohol level of 0.02 percent or  
13 higher; and the person's driving privilege is suspended for a  
14 period of 6 months for a first violation, or for a period of 1  
15 year if his or her driving privilege has been previously  
16 suspended as provided in this section for driving or being in  
17 actual physical control of a motor vehicle with a  
18 blood-alcohol or breath-alcohol level of 0.02 percent or  
19 higher.

20 2. The suspension period commences on the date of  
21 issuance of the notice of suspension.

22 3. The driver may request a formal or informal review  
23 of the suspension by the department within 10 days after the  
24 issuance of the notice of suspension.

25 4. A temporary permit issued at the time of the  
26 issuance of the notice of suspension will expire at midnight  
27 of the 10th day following the date of issuance.

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

30 (c) The suspension shall remain in effect until such  
31 time as the driver has completed a substance abuse course

1 offered by a DUI program licensed by the department and the  
2 agency conducting the course may refer the driver to an  
3 authorized service provider for substance abuse evaluation and  
4 treatment. The driver shall assume the reasonable costs for  
5 such education, evaluation, and treatment. The term  
6 "substance abuse" means the abuse of alcohol or any substance  
7 named or described in Schedules I through V of s. 893.03. If  
8 a driver referred to treatment under this subsection fails to  
9 report for or complete such treatment or fails to complete the  
10 substance abuse education course, the driver's license shall  
11 not be reinstated by the department. The organization that  
12 conducts the substance abuse education and evaluation may not  
13 provide required substance abuse treatment unless a waiver has  
14 been granted to that organization by the department. A waiver  
15 may be granted only if the department determines, in  
16 accordance with department rules, that the service provider  
17 that conducts the substance abuse education and evaluation is  
18 the most appropriate service provider and is licensed under  
19 chapter 397 or is exempt from such licensure requirement.

20 (d) A minor under the age of 18 years found to be  
21 driving with a blood-alcohol or breath-alcohol level of 0.02  
22 or higher may be taken by a law enforcement agent to the  
23 addictions receiving facility in the county in which the minor  
24 is found to be so driving, if the county makes the addictions  
25 receiving facility available for such purpose.

26 Section 2. This act shall take effect July 1, 2000.  
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HOUSE SUMMARY

Revises a provision of law governing driver license suspensions to provide that such suspensions shall remain in effect until such time as the driver has completed a substance abuse course and the agency conducting the course may also refer the driver to an authorized service provider for substance abuse evaluation and treatment. Provides that the driver shall assume the reasonable costs for such education, evaluation, and treatment. Provides that a minor under 18 years of age found to be driving with a blood-alcohol or breath-alcohol level of 0.02 or higher may be taken by a law enforcement officer to the addictions receiving facility in the county where the offense occurs, if the county makes the facility available for such purpose. See bill for details.