

By Senator Dyer

14-128-00

See HB

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.

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

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 the
31 driver has completed a substance-abuse course offered by a DUI

1 program licensed by the department, and the agency conducting
2 the course may refer the driver to an authorized service
3 provider for substance-abuse evaluation and treatment. The
4 driver shall assume the reasonable costs for such education,
5 evaluation, and treatment. The term "substance abuse" means
6 the abuse of alcohol or any substance named or described in
7 Schedules I through V of s. 893.03. If a driver referred to
8 treatment under this subsection fails to report for or
9 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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LEGISLATIVE SUMMARY

Revises a provision of law governing driver license suspensions in cases of substance abuse to provide that such suspensions shall remain in effect until such time as the driver has completed a substance abuse course and that 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.)