

1 A bill to be entitled
2 An act relating to driving or boating under the
3 influence of alcohol or controlled substances;
4 amending s. 316.193, F.S.; revising language
5 with respect to convictions for a felony DUI;
6 requiring mandatory placement of an ignition
7 interlock device under certain circumstances;
8 amending conditions for conviction in cases of
9 accident, serious bodily injury, or death;
10 removing a cross reference; allowing a law
11 enforcement officer to place a person in
12 protective custody under certain circumstances;
13 requiring a person placed in protective custody
14 to pay reasonable costs of evaluation and
15 treatment under certain circumstances; amending
16 s. 316.1932, F.S.; requiring a law enforcement
17 officer to inform a person that refusal to
18 submit to certain tests is a misdemeanor;
19 amending s. 316.1933, F.S.; requiring a person
20 to submit to a blood test under certain
21 circumstances; providing that the test need not
22 be incidental to a lawful arrest; amending s.
23 316.1937, F.S.; requiring the installation of
24 ignition interlock devices in conformance to
25 the act; eliminating reference to probation and
26 probationers; requiring notification to the
27 department with respect to ignition interlock
28 devices; creating s. 316.1939, F.S.; providing
29 a penalty for refusing to submit to a chemical
30 or physical test of breath, urine, or blood;
31 providing application; amending s. 322.271,

1 F.S.; providing an exception to the prohibition
 2 on a limited right to drive for business or
 3 employment for certain persons for whom the
 4 court has required the use of an ignition
 5 interlock device; amending s. 327.35, F.S.;
 6 revising language with respect to convictions
 7 required for a felony BUI; amending conditions
 8 for conviction in cases of accident, serious
 9 bodily injury, or death; correcting cross
 10 references; allowing a law enforcement officer
 11 to place a person in protective custody under
 12 certain circumstances; requiring a person
 13 placed in protective custody to pay reasonable
 14 costs of evaluation and treatment under certain
 15 circumstances; amending s. 327.352, F.S.;
 16 requiring a law enforcement officer to inform a
 17 person that refusal to submit to certain tests
 18 is a misdemeanor; amending s. 327.353, F.S.;
 19 requiring a person to submit to a blood test
 20 under certain circumstances; providing that the
 21 test need not be incidental to a lawful arrest;
 22 creating s. 327.359, F.S.; providing a penalty
 23 for refusing to submit to a chemical or
 24 physical test of breath, urine, or blood;
 25 providing application; creating s. 397.6755,
 26 F.S.; specifying grounds for which a court may
 27 determine that criteria exist for involuntary
 28 admission and treatment of certain persons;
 29 requiring payment for such evaluation and
 30 treatment from a certain fund; requiring
 31 persons placed in such involuntary custody to

1 reimburse the provider of services under
2 certain circumstances; amending s. 921.0022,
3 F.S.; revising language relating to certain DUI
4 offenses; including certain BUI offenses within
5 the offense severity ranking chart; amending s.
6 938.07, F.S.; providing for application of a
7 fee to persons found guilty of boating under
8 the influence; correcting a cross reference;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsections (2), (3), (4), and (9) of
14 section 316.193, Florida Statutes, are amended to read:

15 316.193 Driving under the influence; penalties.--

16 (2)(a) Except as provided in paragraph (b), paragraph
17 (c), subsection (3), or subsection (4), any person who is
18 convicted of a violation of subsection (1) shall be punished:

19 1. By a fine of:

20 a. Not less than \$250 or more than \$500 for a first
21 conviction.

22 b. Not less than \$500 or more than \$1,000 for a second
23 conviction and immediate mandatory placement of an ignition
24 interlock device approved by the department in accordance with
25 s. 316.1937 upon all vehicles owned individually or jointly
26 and routinely operated by the convicted person, for a period
27 of not less than 2 years.

28 ~~c. Not less than \$1,000 or more than \$2,500 for a~~
29 ~~third conviction; and~~

30 2. By imprisonment for:

31 a. Not more than 6 months for a first conviction.

1 b. Not more than 9 months for a second conviction.
2 ~~c. Not more than 12 months for a third conviction.~~
3 (b) Any person who is convicted of a third ~~fourth or~~
4 ~~subsequent~~ violation of this section is guilty of a felony of
5 the third degree, punishable as provided in s. 775.082, s.
6 775.083, or s. 775.084; however, the fine imposed for such
7 third ~~fourth or subsequent~~ violation may be not less than
8 \$1,000 and immediate mandatory placement of an ignition
9 interlock device approved by the department in accordance with
10 s. 316.1937 upon all vehicles owned jointly and routinely
11 operated by the convicted person for a period of not less than
12 2 years.
13 (c) Any person who is convicted of a fourth or
14 subsequent violation of this section commits a felony of the
15 third degree, punishable as provided for in s. 775.082, s.
16 775.083, or s. 775.084. However, the fine imposed for such a
17 violation shall not be less than \$1,000.
18 (3) Any person:
19 (a) Who is in violation of subsection (1);
20 (b) Who operates a vehicle; and
21 (c) Who, by reason of such operation, causes or
22 contributes to the cause of:
23 1. Damage to the property or person of another commits
24 a misdemeanor of the first degree, punishable as provided in
25 s. 775.082 or s. 775.083.
26 2. Serious bodily injury to another, as defined in s.
27 316.1933, commits a felony of the third degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084.
29 3. The death of any human being commits DUI
30 manslaughter, and commits:
31

1 a. A felony of the second degree, punishable as
2 provided in s. 775.082, s. 775.083, or s. 775.084.

3 b. A felony of the first degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084, if:

5 (I) At the time of the crash, the person knew, or
6 should have known, that the crash occurred; and

7 (II) The person failed to give information and render
8 aid as required by s. 316.062.

9 (4) Any person who is convicted of a violation of
10 subsection (1) and who has a blood-alcohol level or
11 breath-alcohol level of 0.20 or higher, or any person who is
12 convicted of a violation of subsection (1) and who at the time
13 of the offense was accompanied in the vehicle by a person
14 under the age of 18 years, shall be punished:

15 (a) By a fine of:

16 1. Not less than \$500 or more than \$1,000 for a first
17 conviction.

18 2. Not less than \$1,000 or more than \$2,000 for a
19 second conviction.

20 3. Not less than \$2,000 ~~or more than \$5,000~~ for a
21 third or subsequent conviction.

22 (b) By imprisonment for:

23 1. Not more than 9 months for a first conviction.

24 2. Not more than 12 months for a second conviction.

25 ~~3. Not more than 12 months for a third conviction.~~

26
27 For the purposes of this subsection, ~~any conviction for a~~
28 ~~violation of s. 327.35,~~ only the instant offense is required
29 to be a violation of subsection (1) by a person who has a
30 blood-alcohol level or breath-alcohol level of 0.20 or higher.
31

1 (9)(a) A person who is arrested for a violation of
2 this section may not be released from custody:

3 1.(a) Until the person is no longer under the
4 influence of alcoholic beverages, any chemical substance set
5 forth in s. 877.111, or any substance controlled under chapter
6 893 and affected to the extent that his or her normal
7 faculties are impaired;

8 2.(b) Until the person's blood-alcohol level or
9 breath-alcohol level is less than 0.05; or

10 3.(c) Until 8 hours have elapsed from the time the
11 person was arrested.

12 (b) The arresting officer may place the person in
13 protective custody pursuant to s. 397.6772 if:

14 1. The person has previously been convicted of a
15 violation of this section or s. 327.35;

16 2. The person's blood-alcohol level or breath-alcohol
17 level, as determined by a test conducted incident to the
18 person's arrest, was 0.20 or greater;

19 3. The person, by reason of operation of a motor
20 vehicle, has caused death or serious bodily injury as defined
21 in s. 316.1933; or

22 4. The person is on pretrial release for a previous
23 offense under this section or s. 327.35.

24
25 The election to place a person in protective custody may be
26 done at the time of arrest, but transfer of the person to a
27 facility shall not occur prior to the conclusion of the time
28 period set forth in paragraph (a) or the time that the person
29 is released on bail, whichever is later. The provisions of
30 this paragraph are in addition to, not in lieu of, the
31 provisions of subsection (5). A court shall order any person

1 placed in protective custody pursuant to this paragraph who is
2 subsequently convicted of a violation of this section to pay
3 the reasonable costs of evaluation and treatment.

4 Section 2. Section 316.1932, Florida Statutes, is
5 amended to read:

6 316.1932 Breath, blood, and urine tests for alcohol,
7 chemical substances, or controlled substances; implied
8 consent; refusal ~~right to refuse~~--

9 (1)(a)1. Any person who accepts the privilege extended
10 by the laws of this state of operating a motor vehicle within
11 this state is, by so operating such vehicle, deemed to have
12 given his or her consent to submit to an approved chemical
13 test or physical test including, but not limited to, an
14 infrared light test of his or her breath for the purpose of
15 determining the alcoholic content of his or her blood or
16 breath, and to a urine test for the purpose of detecting the
17 presence of chemical substances as set forth in s. 877.111 or
18 controlled substances, if the person is lawfully arrested for
19 any offense allegedly committed while the person was driving
20 or was in actual physical control of a motor vehicle while
21 under the influence of alcoholic beverages, chemical
22 substances, or controlled substances. The chemical or
23 physical breath test must be incidental to a lawful arrest and
24 administered at the request of a law enforcement officer who
25 has reasonable cause to believe such person was driving or was
26 in actual physical control of the motor vehicle within this
27 state while under the influence of alcoholic beverages. The
28 urine test must be incidental to a lawful arrest and
29 administered at a detention facility or any other facility,
30 mobile or otherwise, which is equipped to administer such
31 tests at the request of a law enforcement officer who has

1 reasonable cause to believe such person was driving or was in
2 actual physical control of a motor vehicle within this state
3 while under the influence of controlled substances. The urine
4 test shall be administered at a detention facility or any
5 other facility, mobile or otherwise, which is equipped to
6 administer such tests in a reasonable manner that will ensure
7 the accuracy of the specimen and maintain the privacy of the
8 individual involved. The administration of one type of test
9 does not preclude the administration of another type of test.
10 The person shall be told that his or her failure to submit to
11 any lawful test of his or her breath or urine, or both, is a
12 misdemeanor and, in addition, will result in the suspension of
13 the person's privilege to operate a motor vehicle for a period
14 of 1 year for a first refusal, or for a period of 18 months if
15 the driving privilege of such person has been previously
16 suspended as a result of a refusal to submit to such a test or
17 tests. The refusal to submit to a chemical or physical breath
18 test or to a urine test upon the request of a law enforcement
19 officer as provided in this section is admissible into
20 evidence in any criminal proceeding.

21 2. The Alcohol Testing Program within the Department
22 of Law Enforcement is responsible for the regulation of the
23 operation, inspection, and registration of breath test
24 instruments utilized under the driving and boating under the
25 influence provisions and related provisions located in this
26 chapter and chapters 322 and 327. The program is responsible
27 for the regulation of the individuals who operate, inspect,
28 and instruct on the breath test instruments utilized in the
29 driving and boating under the influence provisions and related
30 provisions located in this chapter and chapters 322 and 327.
31 The program is further responsible for the regulation of blood

1 analysts who conduct blood testing to be utilized under the
2 driving and boating under the influence provisions and related
3 provisions located in this chapter and chapters 322 and 327.

4 The program shall:

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

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

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

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

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

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

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

27 h. With the approval of the executive director of the
28 Department of Law Enforcement, make and enter into contracts
29 and agreements with other agencies, organizations,
30 associations, corporations, individuals, or federal agencies
31

1 as are necessary, expedient, or incidental to the performance
2 of duties.

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

6 j. Enforce compliance with the provisions of this
7 section through civil or administrative proceedings.

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

11 l. Promulgate rules for the administration and
12 implementation of this section, including definitions of
13 terms.

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

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

20 o. Have the authority to specify techniques and
21 methods for breath alcohol testing and blood testing utilized
22 under the driving and boating under the influence provisions
23 and related provisions located in this chapter and chapters
24 322 and 327.

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

28

29 Nothing in this section shall be construed to supersede
30 provisions in this chapter and chapters 322 and 327. The
31 specifications in this section are derived from the power and

1 authority previously and currently possessed by the Department
2 of Law Enforcement and are enumerated to conform with the
3 mandates of chapter 99-379, Laws of Florida.

4 (b)1. The blood-alcohol level must be based upon grams
5 of alcohol per 100 milliliters of blood. The breath-alcohol
6 level must be based upon grams of alcohol per 210 liters of
7 breath.

8 2. An analysis of a person's breath, in order to be
9 considered valid under this section, must have been performed
10 substantially according to methods approved by the Department
11 of Law Enforcement. For this purpose, the department may
12 approve satisfactory techniques or methods. Any insubstantial
13 differences between approved techniques and actual testing
14 procedures in any individual case do not render the test or
15 test results invalid.

16 (c) Any person who accepts the privilege extended by
17 the laws of this state of operating a motor vehicle within
18 this state is, by operating such vehicle, deemed to have given
19 his or her consent to submit to an approved blood test for the
20 purpose of determining the alcoholic content of the blood or a
21 blood test for the purpose of determining the presence of
22 chemical substances or controlled substances as provided in
23 this section if there is reasonable cause to believe the
24 person was driving or in actual physical control of a motor
25 vehicle while under the influence of alcoholic beverages or
26 chemical or controlled substances and the person appears for
27 treatment at a hospital, clinic, or other medical facility and
28 the administration of a breath or urine test is impractical or
29 impossible. As used in this paragraph, the term "other medical
30 facility" includes an ambulance or other medical emergency
31 vehicle. The blood test shall be performed in a reasonable

1 manner. Any person who is incapable of refusal by reason of
2 unconsciousness or other mental or physical condition is
3 deemed not to have withdrawn his or her consent to such test.
4 A blood test may be administered whether or not the person is
5 told that his or her failure to submit to such a blood test is
6 a misdemeanor and, in addition, will result in the suspension
7 of the person's privilege to operate a motor vehicle upon the
8 public highways of this state. Any person who is capable of
9 refusal shall be told that his or her failure to submit to
10 such a blood test is a misdemeanor and, in addition, will
11 result in the suspension of the person's privilege to operate
12 a motor vehicle for a period of 1 year for a first refusal, or
13 for a period of 18 months if the driving privilege of the
14 person has been suspended previously as a result of a refusal
15 to submit to such a test or tests. The refusal to submit to a
16 blood test upon the request of a law enforcement officer is
17 admissible in evidence in any criminal proceeding.

18 (d) If the arresting officer does not request a
19 chemical or physical breath test of the person arrested for
20 any offense allegedly committed while the person was driving
21 or was in actual physical control of a motor vehicle while
22 under the influence of alcoholic beverages or controlled
23 substances, such person may request the arresting officer to
24 have a chemical or physical test made of the arrested person's
25 breath or a test of the urine or blood for the purpose of
26 determining the alcoholic content of the person's blood or
27 breath or the presence of chemical substances or controlled
28 substances; and, if so requested, the arresting officer shall
29 have the test performed.

30 (e)1. By applying for a driver's license and by
31 accepting and using a driver's license, the person holding the

1 driver's license is deemed to have expressed his or her
2 consent to the provisions of this section.

3 2. A nonresident or any other person driving in a
4 status exempt from the requirements of the driver's license
5 law, by his or her act of driving in such exempt status, is
6 deemed to have expressed his or her consent to the provisions
7 of this section.

8 3. A warning of the consent provision of this section
9 shall be printed above the signature line on each new or
10 renewed driver's license.

11 (f)1. The tests determining the weight of alcohol in
12 the defendant's blood or breath shall be administered at the
13 request of a law enforcement officer substantially in
14 accordance with rules of the Department of Law Enforcement.
15 Such rules must specify precisely the test or tests that are
16 approved by the Department of Law Enforcement for reliability
17 of result and ease of administration, and must provide an
18 approved method of administration which must be followed in
19 all such tests given under this section. However, the failure
20 of a law enforcement officer to request the withdrawal of
21 blood does not affect the admissibility of a test of blood
22 withdrawn for medical purposes.

23 2.a. Only a physician, certified paramedic, registered
24 nurse, licensed practical nurse, other personnel authorized by
25 a hospital to draw blood, or duly licensed clinical laboratory
26 director, supervisor, technologist, or technician, acting at
27 the request of a law enforcement officer, may withdraw blood
28 for the purpose of determining its alcoholic content or the
29 presence of chemical substances or controlled substances
30 therein. However, the failure of a law enforcement officer to
31 request the withdrawal of blood does not affect the

1 admissibility of a test of blood withdrawn for medical
2 purposes.

3 b. Notwithstanding any provision of law pertaining to
4 the confidentiality of hospital records or other medical
5 records, if a health care provider, who is providing medical
6 care in a health care facility to a person injured in a motor
7 vehicle crash, becomes aware, as a result of any blood test
8 performed in the course of that medical treatment, that the
9 person's blood-alcohol level meets or exceeds the
10 blood-alcohol level specified in s. 316.193(1)(b), the health
11 care provider may notify any law enforcement officer or law
12 enforcement agency. Any such notice must be given within a
13 reasonable time after the health care provider receives the
14 test result. Any such notice shall be used only for the
15 purpose of providing the law enforcement officer with
16 reasonable cause to request the withdrawal of a blood sample
17 pursuant to this section.

18 c. The notice shall consist only of the name of the
19 person being treated, the name of the person who drew the
20 blood, the blood-alcohol level indicated by the test, and the
21 date and time of the administration of the test.

22 d. Nothing contained in s. 395.3025(4), s. 456.057, or
23 any applicable practice act affects the authority to provide
24 notice under this section, and the health care provider is not
25 considered to have breached any duty owed to the person under
26 s. 395.3025(4), s. 456.057, or any applicable practice act by
27 providing notice or failing to provide notice. It shall not be
28 a breach of any ethical, moral, or legal duty for a health
29 care provider to provide notice or fail to provide notice.

30 e. A civil, criminal, or administrative action may not
31 be brought against any person or health care provider

1 participating in good faith in the provision of notice or
2 failure to provide notice as provided in this section. Any
3 person or health care provider participating in the provision
4 of notice or failure to provide notice as provided in this
5 section shall be immune from any civil or criminal liability
6 and from any professional disciplinary action with respect to
7 the provision of notice or failure to provide notice under
8 this section. Any such participant has the same immunity with
9 respect to participating in any judicial proceedings resulting
10 from the notice or failure to provide notice.

11 3. The person tested may, at his or her own expense,
12 have a physician, registered nurse, other personnel authorized
13 by a hospital to draw blood, or duly licensed clinical
14 laboratory director, supervisor, technologist, or technician,
15 or other person of his or her own choosing administer an
16 independent test in addition to the test administered at the
17 direction of the law enforcement officer for the purpose of
18 determining the amount of alcohol in the person's blood or
19 breath or the presence of chemical substances or controlled
20 substances at the time alleged, as shown by chemical analysis
21 of his or her blood or urine, or by chemical or physical test
22 of his or her breath. The failure or inability to obtain an
23 independent test by a person does not preclude the
24 admissibility in evidence of the test taken at the direction
25 of the law enforcement officer. The law enforcement officer
26 shall not interfere with the person's opportunity to obtain
27 the independent test and shall provide the person with timely
28 telephone access to secure the test, but the burden is on the
29 person to arrange and secure the test at the person's own
30 expense.

31

1 4. Upon the request of the person tested, full
2 information concerning the test taken at the direction of the
3 law enforcement officer shall be made available to the person
4 or his or her attorney.

5 5. A hospital, clinical laboratory, medical clinic, or
6 similar medical institution or physician, certified paramedic,
7 registered nurse, licensed practical nurse, other personnel
8 authorized by a hospital to draw blood, or duly licensed
9 clinical laboratory director, supervisor, technologist, or
10 technician, or other person assisting a law enforcement
11 officer does not incur any civil or criminal liability as a
12 result of the withdrawal or analysis of a blood or urine
13 specimen, or the chemical or physical test of a person's
14 breath pursuant to accepted medical standards when requested
15 by a law enforcement officer, regardless of whether or not the
16 subject resisted administration of the test.

17 (2) The results of any test administered pursuant to
18 this section for the purpose of detecting the presence of any
19 controlled substance shall not be admissible as evidence in a
20 criminal prosecution for the possession of a controlled
21 substance.

22 (3) Notwithstanding any provision of law pertaining to
23 the confidentiality of hospital records or other medical
24 records, information relating to the alcoholic content of the
25 blood or breath or the presence of chemical substances or
26 controlled substances in the blood obtained pursuant to this
27 section shall be released to a court, prosecuting attorney,
28 defense attorney, or law enforcement officer in connection
29 with an alleged violation of s. 316.193 upon request for such
30 information.

31

1 Section 3. Subsection (1) of section 316.1933, Florida
2 Statutes, is amended to read:

3 316.1933 Blood test for impairment or intoxication in
4 cases of death or serious bodily injury; right to use
5 reasonable force.--

6 (1)(a) ~~Notwithstanding any recognized ability to~~
7 ~~refuse to submit to the tests provided in s. 316.1932 or any~~
8 ~~recognized power to revoke the implied consent to such tests,~~
9 If a law enforcement officer has probable cause to believe
10 that a motor vehicle driven by or in the actual physical
11 control of a person under the influence of alcoholic
12 beverages, any chemical substances, or any controlled
13 substances has caused the death or serious bodily injury of a
14 human being, ~~such person shall submit, upon the request of a~~
15 law enforcement officer shall require the person driving or in
16 actual physical control of the motor vehicle to submit, to a
17 test of the person's blood for the purpose of determining the
18 alcoholic content thereof or the presence of chemical
19 substances as set forth in s. 877.111 or any substance
20 controlled under chapter 893. The law enforcement officer may
21 use reasonable force if necessary to require such person to
22 submit to the administration of the blood test. The blood
23 test shall be performed in a reasonable manner.
24 Notwithstanding s. 316.1932, the testing required by this
25 paragraph need not be incidental to a lawful arrest of the
26 person.

27 (b) The term "serious bodily injury" means an injury
28 to any person, including the driver, which consists of a
29 physical condition that creates a substantial risk of death,
30 serious personal disfigurement, or protracted loss or
31 impairment of the function of any bodily member or organ.

1 Section 4. Section 316.1937, Florida Statutes, is
2 amended to read:

3 316.1937 Ignition interlock devices, requiring;
4 unlawful acts.--

5 (1) In addition to any other authorized penalties, the
6 court may require that any person who is convicted of driving
7 under the influence in violation of s. 316.193, ~~and who is~~
8 ~~granted probation,~~ shall not operate a motor vehicle ~~during~~
9 ~~the period of probation~~ unless that vehicle is equipped with a
10 functioning ignition interlock device certified by the
11 department as provided in s. 316.1938, and installed in such a
12 manner that the vehicle will not start if the operator's blood
13 alcohol level is in excess of 0.05 percent or as otherwise
14 specified by the court. The court may require the use of an
15 approved ignition interlock device for a ~~the~~ period of
16 ~~probation, said period to be for~~ not less than 6 months, if
17 the person is permitted to operate a motor vehicle, whether or
18 not the privilege to operate a motor vehicle is restricted ~~or~~
19 ~~not~~, as determined by the court. The court shall require
20 placement of an ignition interlock device in accordance with
21 s. 316.193(2).

22 (2) If the court imposes the use of an ignition
23 interlock device ~~as a condition of probation~~, the court shall:

24 (a) Stipulate on the record the requirement for, and
25 the period of, the use of a certified ignition interlock
26 device.

27 (b) Order that the records of the department reflect
28 such requirement.

29 (c) Order that an ignition interlock device be
30 installed, as the court may determine necessary, on any
31 vehicle owned or operated by the person ~~probationer~~.

1 (d) Determine the person's ~~probationer's~~ ability to
2 pay for installation of the device if the person ~~probationer~~
3 claims inability to pay. If the court determines that the
4 person ~~probationer~~ is unable to pay for installation of the
5 device, the court may order that any portion of a fine paid by
6 the person ~~probationer~~ for a violation of s. 316.193 shall be
7 allocated to defray the costs of installing the device.

8 (e) Require proof of installation of the device and
9 periodic reporting to the department ~~probation officer~~ for
10 verification of the operation of the device in the person's
11 ~~probationer's~~ vehicle.

12 (3) If the court imposes the use of an ignition
13 interlock device ~~as a term of probation~~ on a person whose
14 driving privilege is not suspended or revoked, the court shall
15 require the person to provide proof of compliance to the
16 department ~~probation officer~~ within 30 days. If the person
17 fails to provide proof of installation within that period,
18 absent a finding by the court of good cause for that failure
19 which is entered in the court record, the court shall notify
20 the department ~~revoke or terminate the person's probation.~~

21 (4) If the court imposes the use of an ignition
22 interlock device ~~as a term of probation~~ on a person whose
23 driving privilege is suspended or revoked for a period of less
24 than 3 years, the department shall require proof of compliance
25 before reinstatement of the person's driving privilege.

26 (5)(a) In addition to any other provision of law, upon
27 conviction of a violation of this section the department shall
28 revoke the person's driving privilege for 1 year from the date
29 of conviction. Upon conviction of a separate violation of
30 this section during the same period of required use of an
31 ignition interlock device, the department shall revoke the

1 person's driving privilege for 5 years from the date of
2 conviction.

3 (b) Any person convicted of a violation of subsection
4 (6) who does not have a driver's license shall, in addition to
5 any other penalty provided by law, pay a fine of not less than
6 \$250 or more than \$500 per each such violation. In the event
7 that the person is unable to pay any such fine, the fine shall
8 become a lien against the motor vehicle used in violation of
9 subsection (6) and payment shall be made pursuant to s.
10 316.3025(4).

11 (6)(a) It is unlawful to tamper with, or to circumvent
12 the operation of, a court-ordered ignition interlock device.

13 (b) It is unlawful for any person whose driving
14 privilege is restricted pursuant to this section to request or
15 solicit any other person to blow into an ignition interlock
16 device or to start a motor vehicle equipped with the device
17 for the purpose of providing the person so restricted with an
18 operable motor vehicle.

19 (c) It is unlawful to blow into an ignition interlock
20 device or to start a motor vehicle equipped with the device
21 for the purpose of providing an operable motor vehicle to a
22 person whose driving privilege is restricted pursuant to this
23 section.

24 (d) It is unlawful to knowingly lease or lend a motor
25 vehicle to a person who has had his or her driving privilege
26 restricted ~~under a condition of probation~~ as provided in this
27 section, unless the vehicle is equipped with a functioning,
28 certified ignition interlock device. Any person whose driving
29 privilege is restricted under a condition of probation
30 requiring an ignition interlock device shall notify any other
31

1 person who leases or loans a motor vehicle to him or her of
2 such driving restriction.

3 (7) Notwithstanding the provisions of this section, if
4 a person is required to operate a motor vehicle in the course
5 and scope of his or her employment and if the vehicle is owned
6 by the employer, the person may operate that vehicle without
7 installation of an approved ignition interlock device if the
8 employer has been notified of such driving privilege
9 restriction and if proof of that notification is with the
10 vehicle. This employment exemption does not apply, however,
11 if the business entity which owns the vehicle is owned or
12 controlled by the person whose driving privilege has been
13 restricted.

14 (8) In addition to the penalties provided in this
15 section, a violation of this section is a noncriminal traffic
16 infraction, punishable as a nonmoving violation as provided in
17 chapter 318.

18 Section 5. Section 316.1939, Florida Statutes, is
19 created to read:

20 316.1939 Refusal to submit to testing; penalties.--

21 (1) Any person who has refused to submit to a chemical
22 or physical test of his or her breath, blood, or urine as
23 described in s. 316.1932, and:

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

29 (b) Who was placed under lawful arrest for a violation
30 of s. 316.193, unless such test was requested pursuant to s.
31 316.1932(1)(c).

1 (c) Who was informed that refusal to submit to such
2 test is a misdemeanor.

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

6
7 commits a misdemeanor of the first degree and is subject to
8 punishment as provided in s. 775.082 or s. 775.083.

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

12 (3) Except as provided in s. 316.193, the disposition
13 of a criminal action under this section does not affect any
14 administrative proceeding that relates to the suspension of a
15 person's driving privilege.

16 Section 6. Paragraph (a) of subsection (2) of section
17 322.271, Florida Statutes, is amended to read:

18 322.271 Authority to modify revocation, cancellation,
19 or suspension order.--

20 (2)(a) Upon such hearing, the person whose license has
21 been suspended, canceled, or revoked may show that such
22 suspension, cancellation, or revocation of his or her license
23 causes a serious hardship and precludes the person's carrying
24 out his or her normal business occupation, trade, or
25 employment and that the use of the person's license in the
26 normal course of his or her business is necessary to the
27 proper support of the person or his or her family. Except as
28 otherwise provided in this subsection, the department shall
29 require proof of the successful completion of the applicable
30 department-approved driver training course operating pursuant
31 to s. 318.1451 or DUI program substance abuse education course

1 and evaluation as provided in s. 316.193(5). Letters of
2 recommendation from respected business persons in the
3 community, law enforcement officers, or judicial officers may
4 also be required to determine whether such person should be
5 permitted to operate a motor vehicle on a restricted basis for
6 business or employment use only and in determining whether
7 such person can be trusted to so operate a motor vehicle. If a
8 driver's license has been suspended under the point system or
9 pursuant to s. 322.2615, the department shall require proof of
10 enrollment in the applicable department-approved driver
11 training course or licensed DUI program substance abuse
12 education course, including evaluation and treatment, if
13 referred, and may require letters of recommendation described
14 in this subsection to determine if the driver should be
15 reinstated on a restricted basis. If such person fails to
16 complete the approved course within 90 days after
17 reinstatement or subsequently fails to complete treatment, if
18 applicable, the department shall cancel his or her driver's
19 license until the course and treatment, if applicable, is
20 successfully completed, notwithstanding the terms of the court
21 order or any suspension or revocation of the driving
22 privilege. The department may temporarily reinstate the
23 driving privilege on a restricted basis upon verification from
24 the DUI program that the offender has reentered and is
25 currently participating in treatment and has completed the DUI
26 education course and evaluation requirement. If the DUI
27 program notifies the department of the second failure to
28 complete treatment, the department shall reinstate the driving
29 privilege only after notice of completion of treatment from
30 the DUI program. The privilege of driving on a limited or
31 restricted basis for business or employment use shall not be

1 granted to a person who has been convicted of a violation of
2 s. 316.193 until completion of the DUI program substance abuse
3 education course and evaluations as provided in s. 316.193(5).
4 Except as provided in paragraph (b), if a person's license has
5 been revoked pursuant to s. 322.28 or suspended pursuant to s.
6 322.2615, or a person has been convicted of a violation of s.
7 316.193 two or more times or has had his or her license
8 suspended two or more times for refusal to submit to a test
9 pursuant to s. 322.2615 or former s. 322.261, the privilege of
10 driving on a limited or restricted basis for business or
11 employment use shall be granted in those circumstances where a
12 court has required use of an ignition interlock device
13 ~~pursuant to s. 316.193(2) the privilege of driving on a~~
14 ~~limited or restricted basis for business or employment use~~
15 ~~shall not be granted to a person whose license is revoked~~
16 ~~pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and~~
17 ~~who has been convicted of a violation of s. 316.193 two or~~
18 ~~more times or whose license has been suspended two or more~~
19 ~~times for refusal to submit to a test pursuant to s. 322.2615~~
20 ~~or former s. 322.261.~~

21 Section 7. Subsections (2), (3), (4), and (8) of
22 section 327.35, Florida Statutes, are amended to read:

23 327.35 Boating under the influence; penalties;
24 "designated drivers".--

25 (2)(a) Except as provided in paragraph (b), subsection
26 (3), or subsection (4), any person who is convicted of a
27 violation of subsection (1) shall be punished:

28 1. By a fine of:

29 a. Not less than \$250 or more than \$500 for a first
30 conviction.

31

1 b. Not less than \$500 or more than \$1,000 for a second
2 conviction-

3 ~~c. Not less than \$1,000 or more than \$2,500 for a~~
4 ~~third conviction; and~~

5 2. By imprisonment for:

6 a. Not more than 6 months for a first conviction.

7 b. Not more than 9 months for a second conviction.

8 ~~c. Not more than 12 months for a third conviction.~~

9 (b) Any person who is convicted of a third ~~fourth or~~
10 ~~subsequent~~ violation of this section is guilty of a felony of
11 the third degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084; however, the fine imposed for such
13 third ~~fourth or subsequent~~ violation may not be less than
14 \$1,000.

15 (c) Any person who is convicted of a fourth or
16 subsequent violation of this section commits a felony of the
17 third degree, punishable as provided for in s. 775.082, s.
18 775.083, or s. 775.084. However, the fine imposed for such a
19 violation shall not be less than \$1,000.

20 (3) Any person:

21 (a) Who is in violation of subsection (1);

22 (b) Who operates a vessel; and

23 (c) Who, by reason of such operation, causes or
24 contributes to the cause of:

25 1. Damage to the property or person of another commits
26 a misdemeanor of the first degree, punishable as provided in
27 s. 775.082 or s. 775.083.

28 2. Serious bodily injury to another, as defined in s.
29 327.353 ~~316.1933~~, commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 3. The death of any human being commits BUI
2 manslaughter, and commits:

3 a. A felony of the second degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

5 b. A felony of the first degree, punishable as
6 provided in s. 775.082, s. 775.083, or s. 775.084, if:

7 (I) At the time of the accident, the person knew, or
8 should have known, that the accident occurred; and

9 (II) The person failed to give information and render
10 aid as required by s. 327.30 ~~316.062~~.

11
12 This sub-subparagraph does not require that the person knew
13 that the accident resulted in injury or death.

14 (4) Any person who is convicted of a violation of
15 subsection (1) and who has a blood-alcohol level or
16 breath-alcohol level of 0.20 or higher, or any person who is
17 convicted of a violation of subsection (1) and who at the time
18 of the offense was accompanied in the vessel by a person under
19 the age of 18 years, shall be punished:

20 (a) By a fine of:

21 1. Not less than \$500 or more than \$1,000 for a first
22 conviction.

23 2. Not less than \$1,000 or more than \$2,000 for a
24 second conviction.

25 3. Not less than \$2,000 ~~or more than \$5,000~~ for a
26 third or subsequent conviction.

27 (b) By imprisonment for:

28 1. Not more than 9 months for a first conviction.

29 2. Not more than 12 months for a second conviction.

30 ~~3. Not more than 12 months for a third conviction.~~

1 For the purposes of this subsection, only the instant offense
2 is required to be a violation of subsection (1) by a person
3 who has a blood-alcohol level or breath-alcohol level of 0.20
4 or higher.

5 (8)(a) A person who is arrested for a violation of
6 this section may not be released from custody:

7 1.(a) Until the person is no longer under the
8 influence of alcoholic beverages, any chemical substance set
9 forth in s. 877.111, or any substance controlled under chapter
10 893 and affected to the extent that his or her normal
11 faculties are impaired;

12 2.(b) Until the person's blood-alcohol level or
13 breath-alcohol level is less than 0.05; or

14 3.(c) Until 8 hours have elapsed from the time the
15 person was arrested.

16 (b) The arresting officer may place the person in
17 protective custody pursuant to s. 397.6772 if:

18 1. The person has previously been convicted of a
19 violation of this section or s. 316.193;

20 2. The person's blood-alcohol level or breath-alcohol
21 level, as determined by a test conducted incident to the
22 person's arrest, was 0.20 or greater;

23 3. The person, by reason of operation of a vessel, has
24 caused death or serious bodily injury as defined in s.
25 327.353; or

26 4. The person is on pretrial release for a previous
27 offense under this section or s. 316.193.

28
29 The election to place a person in protective custody may be
30 done at the time of arrest, but transfer of the person to a
31 facility shall not occur prior to the conclusion of the time

1 period set forth in paragraph (a). The provisions of this
2 paragraph are in addition to, not in lieu of, the provisions
3 of subsection (5). A court shall order any person placed in
4 protective custody pursuant to this paragraph, who is
5 subsequently convicted of a violation of this section, to pay
6 the reasonable costs of evaluation and treatment.

7 Section 8. Section 327.352, Florida Statutes, is
8 amended to read:

9 327.352 Breath, blood, and urine tests for alcohol,
10 chemical substances, or controlled substances; implied
11 consent; refusal ~~right to refuse~~.--

12 (1)(a) The Legislature declares that the operation of
13 a vessel is a privilege that must be exercised in a reasonable
14 manner. In order to protect the public health and safety, it
15 is essential that a lawful and effective means of reducing the
16 incidence of boating while impaired or intoxicated be
17 established. Therefore, any person who accepts the privilege
18 extended by the laws of this state of operating a vessel
19 within this state is, by so operating such vessel, deemed to
20 have given his or her consent to submit to an approved
21 chemical test or physical test including, but not limited to,
22 an infrared light test of his or her breath for the purpose of
23 determining the alcoholic content of his or her blood or
24 breath, and to a urine test for the purpose of detecting the
25 presence of chemical substances as set forth in s. 877.111 or
26 controlled substances, if the person is lawfully arrested for
27 any offense allegedly committed while the person was operating
28 a vessel while under the influence of alcoholic beverages,
29 chemical substances, or controlled substances. The chemical
30 or physical breath test must be incidental to a lawful arrest
31 and administered at the request of a law enforcement officer

1 who has reasonable cause to believe such person was operating
2 the vessel within this state while under the influence of
3 alcoholic beverages. The urine test must be incidental to a
4 lawful arrest and administered at a detention facility or any
5 other facility, mobile or otherwise, which is equipped to
6 administer such tests at the request of a law enforcement
7 officer who has reasonable cause to believe such person was
8 operating a vessel within this state while under the influence
9 of controlled substances. The urine test shall be administered
10 at a detention facility or any other facility, mobile or
11 otherwise, which is equipped to administer such tests in a
12 reasonable manner that will ensure the accuracy of the
13 specimen and maintain the privacy of the individual involved.
14 The administration of one type of test does not preclude the
15 administration of another type of test. The person shall be
16 told that his or her failure to submit to any lawful test of
17 his or her breath or urine, or both, is a misdemeanor and, in
18 addition, will result in a civil penalty of \$500. The refusal
19 to submit to a chemical or physical breath or urine test upon
20 the request of a law enforcement officer as provided in this
21 section is admissible into evidence in any criminal
22 proceeding.

23 (b)1. The blood-alcohol level must be based upon grams
24 of alcohol per 100 milliliters of blood. The breath-alcohol
25 level must be based upon grams of alcohol per 210 liters of
26 breath.

27 2. An analysis of a person's breath, in order to be
28 considered valid under this section, must have been performed
29 substantially according to methods approved by the Department
30 of Law Enforcement. Any insubstantial differences between
31 approved techniques and actual testing procedures in any

1 individual case do not render the test or test results
2 invalid.

3 3. The Alcohol Testing Program within the Department
4 of Law Enforcement is responsible for the regulation of the
5 operation, inspection, and registration of breath test
6 instruments utilized under the driving and boating under the
7 influence provisions and related provisions located in this
8 chapter and chapters 316 and 322. The program is responsible
9 for the regulation of the individuals who operate, inspect,
10 and instruct on the breath test instruments utilized in the
11 driving and boating under the influence provisions and related
12 provisions located in this chapter and chapters 316 and 322.
13 The program is further responsible for the regulation of blood
14 analysts who conduct blood testing to be utilized under the
15 driving and boating under the influence provisions and related
16 provisions located in this chapter and chapters 316 and 322.
17 The program shall:

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

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

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

27 d. Establish uniform requirements for instruction and
28 curricula for the operation and inspection of approved
29 instruments.
30
31

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

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

6 g. Have the authority to approve or disapprove breath
7 test instruments and accompanying paraphernalia for use
8 pursuant to the driving and boating under the influence
9 provisions and related provisions located in this chapter and
10 chapters 316 and 322.

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

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

20 j. Enforce compliance with the provisions of this
21 section through civil or administrative proceedings.

22 k. Make recommendations concerning any matter within
23 the purview of this section, this chapter, chapter 316, or
24 chapter 322.

25 l. Promulgate rules for the administration and
26 implementation of this section, including definitions of
27 terms.

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

30 n. Have the authority to approve the type of blood
31 test utilized under the driving and boating under the

1 influence provisions and related provisions located in this
2 chapter and chapters 316 and 322.

3 o. Have the authority to specify techniques and
4 methods for breath alcohol testing and blood testing utilized
5 under the driving and boating under the influence provisions
6 and related provisions located in this chapter and chapters
7 316 and 322.

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

11

12 Nothing in this section shall be construed to supersede
13 provisions in this chapter and chapters 316 and 322. The
14 specifications in this section are derived from the power and
15 authority previously and currently possessed by the Department
16 of Law Enforcement and are enumerated to conform with the
17 mandates of chapter 99-379, Laws of Florida.

18 (c) Any person who accepts the privilege extended by
19 the laws of this state of operating a vessel within this state
20 is, by operating such vessel, deemed to have given his or her
21 consent to submit to an approved blood test for the purpose of
22 determining the alcoholic content of the blood or a blood test
23 for the purpose of determining the presence of chemical
24 substances or controlled substances as provided in this
25 section if there is reasonable cause to believe the person was
26 operating a vessel while under the influence of alcoholic
27 beverages or chemical or controlled substances and the person
28 appears for treatment at a hospital, clinic, or other medical
29 facility and the administration of a breath or urine test is
30 impractical or impossible. As used in this paragraph, the term
31 "other medical facility" includes an ambulance or other

1 medical emergency vehicle. The blood test shall be performed
2 in a reasonable manner. Any person who is incapable of
3 refusal by reason of unconsciousness or other mental or
4 physical condition is deemed not to have withdrawn his or her
5 consent to such test. Any person who is capable of refusal
6 shall be told that his or her failure to submit to such a
7 blood test is a misdemeanor and, in addition, will result in a
8 civil penalty of \$500. The refusal to submit to a blood test
9 upon the request of a law enforcement officer shall be
10 admissible in evidence in any criminal proceeding.

11 (d) If the arresting officer does not request a
12 chemical or physical breath test of the person arrested for
13 any offense allegedly committed while the person was operating
14 a vessel while under the influence of alcoholic beverages or
15 controlled substances, the person may request the arresting
16 officer to have a chemical or physical test made of the
17 arrested person's breath or a test of the urine or blood for
18 the purpose of determining the alcoholic content of the
19 person's blood or breath or the presence of chemical
20 substances or controlled substances; and, if so requested, the
21 arresting officer shall have the test performed.

22 (e)1. The tests determining the weight of alcohol in
23 the defendant's blood or breath shall be administered at the
24 request of a law enforcement officer substantially in
25 accordance with rules of the Department of Law Enforcement.
26 However, the failure of a law enforcement officer to request
27 the withdrawal of blood does not affect the admissibility of a
28 test of blood withdrawn for medical purposes.

29 2. Only a physician, certified paramedic, registered
30 nurse, licensed practical nurse, other personnel authorized by
31 a hospital to draw blood, or duly licensed clinical laboratory

1 director, supervisor, technologist, or technician, acting at
2 the request of a law enforcement officer, may withdraw blood
3 for the purpose of determining its alcoholic content or the
4 presence of chemical substances or controlled substances
5 therein. However, the failure of a law enforcement officer to
6 request the withdrawal of blood does not affect the
7 admissibility of a test of blood withdrawn for medical
8 purposes.

9 3. The person tested may, at his or her own expense,
10 have a physician, registered nurse, other personnel authorized
11 by a hospital to draw blood, or duly licensed clinical
12 laboratory director, supervisor, technologist, or technician,
13 or other person of his or her own choosing administer an
14 independent test in addition to the test administered at the
15 direction of the law enforcement officer for the purpose of
16 determining the amount of alcohol in the person's blood or
17 breath or the presence of chemical substances or controlled
18 substances at the time alleged, as shown by chemical analysis
19 of his or her blood or urine, or by chemical or physical test
20 of his or her breath. The failure or inability to obtain an
21 independent test by a person does not preclude the
22 admissibility in evidence of the test taken at the direction
23 of the law enforcement officer. The law enforcement officer
24 shall not interfere with the person's opportunity to obtain
25 the independent test and shall provide the person with timely
26 telephone access to secure the test, but the burden is on the
27 person to arrange and secure the test at the person's own
28 expense.

29 4. Upon the request of the person tested, full
30 information concerning the test taken at the direction of the
31

1 law enforcement officer shall be made available to the person
2 or his or her attorney.

3 5. A hospital, clinical laboratory, medical clinic, or
4 similar medical institution or physician, certified paramedic,
5 registered nurse, licensed practical nurse, other personnel
6 authorized by a hospital to draw blood, or duly licensed
7 clinical laboratory director, supervisor, technologist, or
8 technician, or other person assisting a law enforcement
9 officer does not incur any civil or criminal liability as a
10 result of the withdrawal or analysis of a blood or urine
11 specimen, or the chemical or physical test of a person's
12 breath pursuant to accepted medical standards when requested
13 by a law enforcement officer, regardless of whether or not the
14 subject resisted administration of the test.

15 (2) The results of any test administered pursuant to
16 this section for the purpose of detecting the presence of any
17 controlled substance shall not be admissible as evidence in a
18 criminal prosecution for the possession of a controlled
19 substance.

20 (3) Notwithstanding any provision of law pertaining to
21 the confidentiality of hospital records or other medical
22 records, information relating to the alcoholic content of the
23 blood or breath or the presence of chemical substances or
24 controlled substances in the blood obtained pursuant to this
25 section shall be released to a court, prosecuting attorney,
26 defense attorney, or law enforcement officer in connection
27 with an alleged violation of s. 327.35 upon request for such
28 information.

29 Section 9. Subsection (1) of section 327.353, Florida
30 Statutes, is amended to read:

31

1 327.353 Blood test for impairment or intoxication in
 2 cases of death or serious bodily injury; right to use
 3 reasonable force.--

4 (1)(a) ~~Notwithstanding any recognized ability to~~
 5 ~~refuse to submit to the tests provided in s. 327.352 or any~~
 6 ~~recognized power to revoke the implied consent to such tests,~~
 7 If a law enforcement officer has probable cause to believe
 8 that a vessel operated by a person under the influence of
 9 alcoholic beverages, any chemical substances, or any
 10 controlled substances has caused the death or serious bodily
 11 injury of a human being, ~~the person shall submit, upon the~~
 12 ~~request of a law enforcement officer~~ shall require the person
 13 operating or in actual physical control of the vessel to
 14 submit, to a test of the person's blood for the purpose of
 15 determining the alcoholic content thereof or the presence of
 16 chemical substances as set forth in s. 877.111 or any
 17 substance controlled under chapter 893. The law enforcement
 18 officer may use reasonable force if necessary to require the
 19 person to submit to the administration of the blood test. The
 20 blood test shall be performed in a reasonable manner.
 21 Notwithstanding s. 327.352, the testing required by this
 22 paragraph need not be incidental to a lawful arrest of the
 23 person.

24 (b) The term "serious bodily injury" means an injury
 25 to any person, including the operator, which consists of a
 26 physical condition that creates a substantial risk of death,
 27 serious personal disfigurement, or protracted loss or
 28 impairment of the function of any bodily member or organ.

29 Section 10. Section 327.359, Florida Statutes, is
 30 created to read:

31

1 327.359 Refusal to submit to testing; penalties.--Any
2 person who has refused to submit to a chemical or physical
3 test of his or her breath, blood, or urine, as described in s.
4 327.352, and:

5 (1) Who the arresting law enforcement officer had
6 probable cause to believe was operating or in actual physical
7 control of a vessel in this state while under the influence of
8 alcoholic beverages, chemical substances, or controlled
9 substances.

10 (2) Who was placed under lawful arrest for a violation
11 of s. 327.35, unless such test was requested pursuant to s.
12 327.352(1)(c).

13 (3) Who was informed that refusal to submit to such
14 test is a misdemeanor.

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

18
19 commits a misdemeanor of the first degree and is subject to
20 punishment as provided in s. 775.082 or s. 775.083.

21 Section 11. Section 397.6755, Florida Statutes, is
22 created to read:

23 397.6755 Evidence and criteria for involuntary
24 admissions and involuntary treatment; funding.--

25 (1) If a court finds that a person arrested for
26 violation of either s. 316.193 or s. 327.35 has lost the power
27 of self-control with respect to substance use and is likely to
28 inflict physical harm upon himself or herself or another
29 pursuant to the standards set forth in s. 397.675, a court may
30 require involuntary admission and treatment of such person. In
31

1 making such determination, a court shall, along with all
2 relevant evidence, consider the following factors:

3 (a) Whether the person has, previous to the arrest,
4 been convicted of a violation of s. 316.193 or s. 327.35;

5 (b) Whether the person's blood-alcohol level or
6 breath-alcohol level, as determined by a test conducted
7 incident to the person's arrest, was 0.20 or greater;

8 (c) Whether the person, by reason of operation of a
9 motor vehicle or a vessel, has caused or contributed to the
10 death or serious bodily injury of another as defined in s.
11 316.1933 or s. 327.353; or

12 (d) Whether the person is on pretrial release for a
13 previous offense under s. 316.193 or s. 327.35.

14 (2) Any person who meets the criteria for involuntary
15 admission pursuant to s. 397.675, who was placed in protective
16 custody pursuant to s. 316.193(9)(b) or s. 327.35(8)(b), and
17 who is a qualified resident as defined in s. 212.055(4)(d)
18 shall have the costs of evaluation and treatment paid from the
19 fund established pursuant to s. 212.055(4)(e). A court shall
20 order any person whose care is paid for under this subsection,
21 who is subsequently convicted of a violation of s. 316.193 or
22 s. 327.35, to reimburse the provider of the services for the
23 reasonable cost of the services provided and, if the person is
24 unable to reimburse the provider, a civil judgment in favor of
25 such fund shall be entered.

26 Section 12. Paragraphs (c), (f), and (i) of subsection
27 (3) of section 921.0022, Florida Statutes, as amended by
28 chapter 2001-358, Laws of Florida, are amended to read:

29 921.0022 Criminal Punishment Code; offense severity
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

| | | | |
|----|----------------------|------------|------------------------------------|
| 1 | | | |
| 2 | Florida | Felony | |
| 3 | Statute | Degree | Description |
| 4 | | | |
| 5 | | | |
| 6 | | | (c) LEVEL 3 |
| 7 | <u>316.193(2)(b)</u> | <u>3rd</u> | <u>Felony DUI, 3rd conviction.</u> |
| 8 | 316.1935(2) | 3rd | Fleeing or attempting to elude |
| 9 | | | law enforcement officer in marked |
| 10 | | | patrol vehicle with siren and |
| 11 | | | lights activated. |
| 12 | 319.30(4) | 3rd | Possession by junkyard of motor |
| 13 | | | vehicle with identification |
| 14 | | | number plate removed. |
| 15 | 319.33(1)(a) | 3rd | Alter or forge any certificate of |
| 16 | | | title to a motor vehicle or |
| 17 | | | mobile home. |
| 18 | 319.33(1)(c) | 3rd | Procure or pass title on stolen |
| 19 | | | vehicle. |
| 20 | 319.33(4) | 3rd | With intent to defraud, possess, |
| 21 | | | sell, etc., a blank, forged, or |
| 22 | | | unlawfully obtained title or |
| 23 | | | registration. |
| 24 | <u>327.35(2)(b)</u> | <u>3rd</u> | <u>Felony BUI, 3rd conviction.</u> |
| 25 | 328.05(2) | 3rd | Possess, sell, or counterfeit |
| 26 | | | fictitious, stolen, or fraudulent |
| 27 | | | titles or bills of sale of |
| 28 | | | vessels. |
| 29 | 328.07(4) | 3rd | Manufacture, exchange, or possess |
| 30 | | | vessel with counterfeit or wrong |
| 31 | | | ID number. |

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|----|-----------------|-----|-----------------------------------|
| 1 | 376.302(5) | 3rd | Fraud related to reimbursement |
| 2 | | | for cleanup expenses under the |
| 3 | | | Inland Protection Trust Fund. |
| 4 | 501.001(2)(b) | 2nd | Tampers with a consumer product |
| 5 | | | or the container using materially |
| 6 | | | false/misleading information. |
| 7 | 697.08 | 3rd | Equity skimming. |
| 8 | 790.15(3) | 3rd | Person directs another to |
| 9 | | | discharge firearm from a vehicle. |
| 10 | 796.05(1) | 3rd | Live on earnings of a prostitute. |
| 11 | 806.10(1) | 3rd | Maliciously injure, destroy, or |
| 12 | | | interfere with vehicles or |
| 13 | | | equipment used in firefighting. |
| 14 | 806.10(2) | 3rd | Interferes with or assaults |
| 15 | | | firefighter in performance of |
| 16 | | | duty. |
| 17 | 810.09(2)(c) | 3rd | Trespass on property other than |
| 18 | | | structure or conveyance armed |
| 19 | | | with firearm or dangerous weapon. |
| 20 | 812.014(2)(c)2. | 3rd | Grand theft; \$5,000 or more but |
| 21 | | | less than \$10,000. |
| 22 | 815.04(4)(b) | 2nd | Computer offense devised to |
| 23 | | | defraud or obtain property. |
| 24 | 817.034(4)(a)3. | 3rd | Engages in scheme to defraud |
| 25 | | | (Florida Communications Fraud |
| 26 | | | Act), property valued at less |
| 27 | | | than \$20,000. |
| 28 | 817.233 | 3rd | Burning to defraud insurer. |
| 29 | 817.234(8)&(9) | 3rd | Unlawful solicitation of persons |
| 30 | | | involved in motor vehicle |
| 31 | | | accidents. |

| | | | |
|----|----------------|-----|-----------------------------------|
| 1 | 817.234(11)(a) | 3rd | Insurance fraud; property value |
| 2 | | | less than \$20,000. |
| 3 | 817.505(4) | 3rd | Patient brokering. |
| 4 | 828.12(2) | 3rd | Tortures any animal with intent |
| 5 | | | to inflict intense pain, serious |
| 6 | | | physical injury, or death. |
| 7 | 831.28(2)(a) | 3rd | Counterfeiting a payment |
| 8 | | | instrument with intent to defraud |
| 9 | | | or possessing a counterfeit |
| 10 | | | payment instrument. |
| 11 | 831.29 | 2nd | Possession of instruments for |
| 12 | | | counterfeiting drivers' licenses |
| 13 | | | or identification cards. |
| 14 | 838.021(3)(b) | 3rd | Threatens unlawful harm to public |
| 15 | | | servant. |
| 16 | 843.19 | 3rd | Injure, disable, or kill police |
| 17 | | | dog or horse. |
| 18 | 870.01(2) | 3rd | Riot; inciting or encouraging. |
| 19 | 893.13(1)(a)2. | 3rd | Sell, manufacture, or deliver |
| 20 | | | cannabis (or other s. |
| 21 | | | 893.03(1)(c), (2)(c)1., (2)(c)2., |
| 22 | | | (2)(c)3., (2)(c)5., (2)(c)6., |
| 23 | | | (2)(c)7., (2)(c)8., (2)(c)9., |
| 24 | | | (3), or (4) drugs). |
| 25 | 893.13(1)(d)2. | 2nd | Sell, manufacture, or deliver s. |
| 26 | | | 893.03(1)(c), (2)(c)1., (2)(c)2., |
| 27 | | | (2)(c)3., (2)(c)5., (2)(c)6., |
| 28 | | | (2)(c)7., (2)(c)8., (2)(c)9., |
| 29 | | | (3), or (4) drugs within 200 feet |
| 30 | | | of university or public park. |
| 31 | | | |

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| 1 | 893.13(1)(f)2. | 2nd | Sell, manufacture, or deliver s. |
| 2 | | | 893.03(1)(c), (2)(c)1., (2)(c)2., |
| 3 | | | (2)(c)3., (2)(c)5., (2)(c)6., |
| 4 | | | (2)(c)7., (2)(c)8., (2)(c)9., |
| 5 | | | (3), or (4) drugs within 200 feet |
| 6 | | | of public housing facility. |
| 7 | 893.13(6)(a) | 3rd | Possession of any controlled |
| 8 | | | substance other than felony |
| 9 | | | possession of cannabis. |
| 10 | 893.13(7)(a)9. | 3rd | Obtain or attempt to obtain |
| 11 | | | controlled substance by fraud, |
| 12 | | | forgery, misrepresentation, etc. |
| 13 | 893.13(7)(a)11. | 3rd | Furnish false or fraudulent |
| 14 | | | material information on any |
| 15 | | | document or record required by |
| 16 | | | chapter 893. |
| 17 | 918.13(1)(a) | 3rd | Alter, destroy, or conceal |
| 18 | | | investigation evidence. |
| 19 | 944.47 | | |
| 20 | (1)(a)1.-2. | 3rd | Introduce contraband to |
| 21 | | | correctional facility. |
| 22 | 944.47(1)(c) | 2nd | Possess contraband while upon the |
| 23 | | | grounds of a correctional |
| 24 | | | institution. |
| 25 | 985.3141 | 3rd | Escapes from a juvenile facility |
| 26 | | | (secure detention or residential |
| 27 | | | commitment facility). |
| 28 | | | (f) LEVEL 6 |
| 29 | 316.027(1)(b) | 2nd | Accident involving death, failure |
| 30 | | | to stop; leaving scene. |
| 31 | | | |

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| 1 | 316.193(2)(c) (b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 2 | | | |
| 3 | <u>327.35(2)(c)</u> | <u>3rd</u> | <u>Felony BUI, 4th or subsequent conviction.</u> |
| 4 | | | |
| 5 | 775.0875(1) | 3rd | Taking firearm from law enforcement officer. |
| 6 | | | |
| 7 | 775.21(10) | 3rd | Sexual predators; failure to register; failure to renew driver's license or identification card. |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | 784.021(1)(a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |
| 12 | | | |
| 13 | 784.021(1)(b) | 3rd | Aggravated assault; intent to commit felony. |
| 14 | | | |
| 15 | 784.041 | 3rd | Felony battery. |
| 16 | 784.048(3) | 3rd | Aggravated stalking; credible threat. |
| 17 | | | |
| 18 | 784.048(5) | 3rd | Aggravated stalking of person under 16. |
| 19 | | | |
| 20 | 784.07(2)(c) | 2nd | Aggravated assault on law enforcement officer. |
| 21 | | | |
| 22 | 784.074(1)(b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 23 | | | |
| 24 | 784.08(2)(b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 25 | | | |
| 26 | 784.081(2) | 2nd | Aggravated assault on specified official or employee. |
| 27 | | | |
| 28 | 784.082(2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 29 | | | |
| 30 | | | |
| 31 | | | |

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|----|---------------|-----|-----------------------------------|
| 1 | 784.083(2) | 2nd | Aggravated assault on code |
| 2 | | | inspector. |
| 3 | 787.02(2) | 3rd | False imprisonment; restraining |
| 4 | | | with purpose other than those in |
| 5 | | | s. 787.01. |
| 6 | 790.115(2)(d) | 2nd | Discharging firearm or weapon on |
| 7 | | | school property. |
| 8 | 790.161(2) | 2nd | Make, possess, or throw |
| 9 | | | destructive device with intent to |
| 10 | | | do bodily harm or damage |
| 11 | | | property. |
| 12 | 790.164(1) | 2nd | False report of deadly explosive |
| 13 | | | or act of arson or violence to |
| 14 | | | state property. |
| 15 | 790.19 | 2nd | Shooting or throwing deadly |
| 16 | | | missiles into dwellings, vessels, |
| 17 | | | or vehicles. |
| 18 | 794.011(8)(a) | 3rd | Solicitation of minor to |
| 19 | | | participate in sexual activity by |
| 20 | | | custodial adult. |
| 21 | 794.05(1) | 2nd | Unlawful sexual activity with |
| 22 | | | specified minor. |
| 23 | 800.04(5)(d) | 3rd | Lewd or lascivious molestation; |
| 24 | | | victim 12 years of age or older |
| 25 | | | but less than 16 years; offender |
| 26 | | | less than 18 years. |
| 27 | 800.04(6)(b) | 2nd | Lewd or lascivious conduct; |
| 28 | | | offender 18 years of age or |
| 29 | | | older. |
| 30 | | | |
| 31 | | | |

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|----|-----------------|-----|------------------------------------|
| 1 | 806.031(2) | 2nd | Arson resulting in great bodily |
| 2 | | | harm to firefighter or any other |
| 3 | | | person. |
| 4 | 810.02(3)(c) | 2nd | Burglary of occupied structure; |
| 5 | | | unarmed; no assault or battery. |
| 6 | 812.014(2)(b)1. | 2nd | Property stolen \$20,000 or more, |
| 7 | | | but less than \$100,000, grand |
| 8 | | | theft in 2nd degree. |
| 9 | 812.014(2)(b)2. | 2nd | Property stolen cargo valued at |
| 10 | | | less than \$50,000, grand theft in |
| 11 | | | 2nd degree. |
| 12 | 812.015(9) | 2nd | Retail theft; property stolen |
| 13 | | | \$300 or more; second or |
| 14 | | | subsequent conviction. |
| 15 | 812.13(2)(c) | 2nd | Robbery, no firearm or other |
| 16 | | | weapon (strong-arm robbery). |
| 17 | 817.034(4)(a)1. | 1st | Communications fraud, value |
| 18 | | | greater than \$50,000. |
| 19 | 817.4821(5) | 2nd | Possess cloning paraphernalia |
| 20 | | | with intent to create cloned |
| 21 | | | cellular telephones. |
| 22 | 825.102(1) | 3rd | Abuse of an elderly person or |
| 23 | | | disabled adult. |
| 24 | 825.102(3)(c) | 3rd | Neglect of an elderly person or |
| 25 | | | disabled adult. |
| 26 | 825.1025(3) | 3rd | Lewd or lascivious molestation of |
| 27 | | | an elderly person or disabled |
| 28 | | | adult. |
| 29 | 825.103(2)(c) | 3rd | Exploiting an elderly person or |
| 30 | | | disabled adult and property is |
| 31 | | | valued at less than \$20,000. |

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| 1 | 827.03(1) | 3rd | Abuse of a child. |
| 2 | 827.03(3)(c) | 3rd | Neglect of a child. |
| 3 | 827.071(2)&(3) | 2nd | Use or induce a child in a sexual |
| 4 | | | performance, or promote or direct |
| 5 | | | such performance. |
| 6 | 836.05 | 2nd | Threats; extortion. |
| 7 | 836.10 | 2nd | Written threats to kill or do |
| 8 | | | bodily injury. |
| 9 | 843.12 | 3rd | Aids or assists person to escape. |
| 10 | 847.0135(3) | 3rd | Solicitation of a child, via a |
| 11 | | | computer service, to commit an |
| 12 | | | unlawful sex act. |
| 13 | 914.23 | 2nd | Retaliation against a witness, |
| 14 | | | victim, or informant, with bodily |
| 15 | | | injury. |
| 16 | 943.0435(9) | 3rd | Sex offenders; failure to comply |
| 17 | | | with reporting requirements. |
| 18 | 944.35(3)(a)2. | 3rd | Committing malicious battery upon |
| 19 | | | or inflicting cruel or inhuman |
| 20 | | | treatment on an inmate or |
| 21 | | | offender on community |
| 22 | | | supervision, resulting in great |
| 23 | | | bodily harm. |
| 24 | 944.40 | 2nd | Escapes. |
| 25 | 944.46 | 3rd | Harboring, concealing, aiding |
| 26 | | | escaped prisoners. |
| 27 | 944.47(1)(a)5. | 2nd | Introduction of contraband |
| 28 | | | (firearm, weapon, or explosive) |
| 29 | | | into correctional facility. |
| 30 | | | |
| 31 | | | |

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|----|-------------------------|------------|--|
| 1 | 951.22(1) | 3rd | Intoxicating drug, firearm, or |
| 2 | | | weapon introduced into county |
| 3 | | | facility. |
| 4 | | | (i) LEVEL 9 |
| 5 | 316.193 | | |
| 6 | (3)(c)3.b. | 1st | DUI manslaughter; failing to |
| 7 | | | render aid or give information. |
| 8 | <u>327.35(3)(c)3.b.</u> | <u>1st</u> | <u>BUI manslaughter; failing to</u> |
| 9 | | | <u>render aid or give information.</u> |
| 10 | 560.123(8)(b)3. | 1st | Failure to report currency or |
| 11 | | | payment instruments totaling or |
| 12 | | | exceeding \$100,000 by money |
| 13 | | | transmitter. |
| 14 | 560.125(5)(c) | 1st | Money transmitter business by |
| 15 | | | unauthorized person, currency, or |
| 16 | | | payment instruments totaling or |
| 17 | | | exceeding \$100,000. |
| 18 | 655.50(10)(b)3. | 1st | Failure to report financial |
| 19 | | | transactions totaling or |
| 20 | | | exceeding \$100,000 by financial |
| 21 | | | institution. |
| 22 | 755.0844 | 1st | Aggravated white collar crime. |
| 23 | 782.04(1) | 1st | Attempt, conspire, or solicit to |
| 24 | | | commit premeditated murder. |
| 25 | 782.04(3) | 1st,PBL | Accomplice to murder in |
| 26 | | | connection with arson, sexual |
| 27 | | | battery, robbery, burglary, and |
| 28 | | | other specified felonies. |
| 29 | | | |
| 30 | | | |
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|----|----------------|---------|-----------------------------------|
| 1 | 782.051(1) | 1st | Attempted felony murder while |
| 2 | | | perpetrating or attempting to |
| 3 | | | perpetrate a felony enumerated in |
| 4 | | | s. 782.04(3). |
| 5 | 782.07(2) | 1st | Aggravated manslaughter of an |
| 6 | | | elderly person or disabled adult. |
| 7 | 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or |
| 8 | | | reward or as a shield or hostage. |
| 9 | 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit |
| 10 | | | or facilitate commission of any |
| 11 | | | felony. |
| 12 | 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to |
| 13 | | | interfere with performance of any |
| 14 | | | governmental or political |
| 15 | | | function. |
| 16 | 787.02(3)(a) | 1st | False imprisonment; child under |
| 17 | | | age 13; perpetrator also commits |
| 18 | | | aggravated child abuse, sexual |
| 19 | | | battery, or lewd or lascivious |
| 20 | | | battery, molestation, conduct, or |
| 21 | | | exhibition. |
| 22 | 790.161 | 1st | Attempted capital destructive |
| 23 | | | device offense. |
| 24 | 790.166(2) | 1st,PBL | Possessing, selling, using, or |
| 25 | | | attempting to use a weapon of |
| 26 | | | mass destruction. |
| 27 | 794.011(2) | 1st | Attempted sexual battery; victim |
| 28 | | | less than 12 years of age. |
| 29 | | | |
| 30 | | | |
| 31 | | | |

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|----|---------------|---------|-----------------------------------|
| 1 | 794.011(2) | Life | Sexual battery; offender younger |
| 2 | | | than 18 years and commits sexual |
| 3 | | | battery on a person less than 12 |
| 4 | | | years. |
| 5 | 794.011(4) | 1st | Sexual battery; victim 12 years |
| 6 | | | or older, certain circumstances. |
| 7 | 794.011(8)(b) | 1st | Sexual battery; engage in sexual |
| 8 | | | conduct with minor 12 to 18 years |
| 9 | | | by person in familial or |
| 10 | | | custodial authority. |
| 11 | 800.04(5)(b) | 1st | Lewd or lascivious molestation; |
| 12 | | | victim less than 12 years; |
| 13 | | | offender 18 years or older. |
| 14 | 812.13(2)(a) | 1st,PBL | Robbery with firearm or other |
| 15 | | | deadly weapon. |
| 16 | 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other |
| 17 | | | deadly weapon. |
| 18 | 827.03(2) | 1st | Aggravated child abuse. |
| 19 | 847.0145(1) | 1st | Selling, or otherwise |
| 20 | | | transferring custody or control, |
| 21 | | | of a minor. |
| 22 | 847.0145(2) | 1st | Purchasing, or otherwise |
| 23 | | | obtaining custody or control, of |
| 24 | | | a minor. |
| 25 | 859.01 | 1st | Poisoning or introducing |
| 26 | | | bacteria, radioactive materials, |
| 27 | | | viruses, or chemical compounds |
| 28 | | | into food, drink, medicine, or |
| 29 | | | water with intent to kill or |
| 30 | | | injure another person. |
| 31 | | | |

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|----|-----------------|-----|-----------------------------------|
| 1 | 893.135 | 1st | Attempted capital trafficking |
| 2 | | | offense. |
| 3 | 893.135(1)(a)3. | 1st | Trafficking in cannabis, more |
| 4 | | | than 10,000 lbs. |
| 5 | 893.135 | | |
| 6 | (1)(b)1.c. | 1st | Trafficking in cocaine, more than |
| 7 | | | 400 grams, less than 150 |
| 8 | | | kilograms. |
| 9 | 893.135 | | |
| 10 | (1)(c)1.c. | 1st | Trafficking in illegal drugs, |
| 11 | | | more than 28 grams, less than 30 |
| 12 | | | kilograms. |
| 13 | 893.135 | | |
| 14 | (1)(d)1.c. | 1st | Trafficking in phencyclidine, |
| 15 | | | more than 400 grams. |
| 16 | 893.135 | | |
| 17 | (1)(e)1.c. | 1st | Trafficking in methaqualone, more |
| 18 | | | than 25 kilograms. |
| 19 | 893.135 | | |
| 20 | (1)(f)1.c. | 1st | Trafficking in amphetamine, more |
| 21 | | | than 200 grams. |
| 22 | 893.135 | | |
| 23 | (1)(h)1.c. | 1st | Trafficking in |
| 24 | | | gamma-hydroxybutyric acid (GHB), |
| 25 | | | 10 kilograms or more. |
| 26 | 893.135 | | |
| 27 | (1)(i)1.c. | 1st | Trafficking in 1,4-Butanediol, 10 |
| 28 | | | kilograms or more. |
| 29 | 893.135 | | |
| 30 | (1)(j)2.c. | 1st | Trafficking in Phenethylamines, |
| 31 | | | 400 grams or more. |

1 896.101(5)(c) 1st Money laundering, financial
2 instruments totaling or exceeding
3 \$100,000.

4 896.104(4)(a)3. 1st Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions totaling or
8 exceeding \$100,000.

9 Section 13. Section 938.07, Florida Statutes, is
10 amended to read:

11 938.07 Driving or boating under the
12 influence.--Notwithstanding any other provision of s. 316.193
13 or s. 327.35, a court cost of \$135 shall be added to any fine
14 imposed pursuant to s. 316.193 or s. 327.35. The clerks shall
15 remit the funds to the Department of Revenue, \$25 of which
16 shall be deposited in the Emergency Medical Services Trust
17 Fund, \$50 shall be deposited in the Criminal Justice Standards
18 and Training Trust Fund of the Department of Law Enforcement
19 to be used for operational expenses in conducting the
20 statewide criminal analysis laboratory system established in
21 s. 943.32, and \$60 shall be deposited in the Brain and Spinal
22 Cord Injury Rehabilitation Trust Fund created in s. 381.79.

23 Section 14. This act shall take effect July 1, 2002.
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