

By Senator Gibson

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1 A bill to be entitled
2 An act relating to alcohol or drug impairment;
3 amending s. 316.003, F.S.; defining terms applicable
4 to the Florida Uniform Traffic Control Law; amending
5 s. 316.193, F.S.; providing that a person commits the
6 offense of driving while impaired and is subject to
7 punishment for such violation if the person is driving
8 a motor vehicle and satisfies the specified criteria
9 relating to the consumption of alcohol or controlled
10 substances; providing that a person commits the
11 offense of driving while impaired if the person has in
12 the blood or urine certain controlled substances in
13 specified circumstances; providing that a person is
14 entitled to an affirmative defense to the offense of
15 driving while impaired if, under certain
16 circumstances, the person charged with the offense
17 introduced a controlled substance into his or her body
18 pursuant to a prescription; providing that use of a
19 nonprescribed substance does not constitute an
20 affirmative defense; providing that legal use of
21 alcohol, a chemical substance, a controlled substance,
22 a medication, or a drug does not constitute a defense
23 against a charge of driving while impaired under
24 certain circumstances; amending s. 327.02, F.S.;
25 defining the term "impaired" as it relates to vessel
26 safety; amending s. 790.151, F.S.; defining the term
27 "impaired" as it relates to the use of firearms;
28 providing that a person commits the offense of use of
29 a firearm while impaired and is subject to punishment

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30 for such violation if the person uses a firearm and
31 satisfies the specified criteria relating to the
32 consumption of alcohol or controlled substances;
33 amending s. 790.157, F.S.; conforming terminology;
34 revising the amount of alcohol concentration that may
35 give rise to a presumption of impairment for purposes
36 of the offense of use of a firearm while impaired;
37 revising provisions relating to chemical analysis of a
38 person's blood or breath; amending ss. 187.201,
39 261.20, 310.101, 316.027, 316.1932, 316.1933,
40 316.1934, 316.1937, 316.1939, 318.143, 318.17,
41 320.055, 320.08, 322.12, 322.25, 322.26, 322.2615,
42 322.2616, 322.271, 322.2715, 322.28, 322.291, 322.34,
43 322.61, 322.62, 322.63, 322.64, 324.023, 327.35,
44 327.352, 327.353, 327.354, 327.355, 327.359, 327.38,
45 327.391, 328.17, 337.195, 342.07, 401.281, 627.7275,
46 627.758, 790.153, and 790.155, F.S.; conforming
47 provisions to changes made by the act; providing an
48 effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsections (92) and (93) are added to section
53 316.003, Florida Statutes, to read:

54 316.003 Definitions.—The following words and phrases, when
55 used in this chapter, shall have the meanings respectively
56 ascribed to them in this section, except where the context
57 otherwise requires:

58 (92) DRIVE.—To operate or be in actual physical control of

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59 a vehicle.

60 (93) IMPAIR OR IMPAIRED.—To weaken or diminish any of a
61 person's physical or mental abilities, including, but not
62 limited to, the person's balance, coordination, reflexes,
63 memory, or comprehension or the person's ability to see, hear,
64 walk, talk, judge distances, act in an emergency, follow
65 directions, multitask, or, in general, perform the many mental
66 and physical acts of daily life.

67 Section 2. Section 316.193, Florida Statutes, is amended to
68 read:

69 316.193 Driving while impaired, with certain alcohol
70 concentrations, or drugged ~~under the influence~~; penalties.—

71 (1) A person commits ~~is guilty of~~ the offense of driving
72 while impaired ~~under the influence~~ and is subject to punishment
73 as provided in subsection (2) if the person is driving ~~or in~~
74 ~~actual physical control of~~ a vehicle anywhere within this state
75 and:

76 (a) The person is impaired by an ~~under the influence of~~
77 alcoholic beverage ~~beverages, a any~~ chemical substance
78 identified ~~set forth in s. 877.111, a or any~~ substance
79 controlled ~~substance as defined in~~ ~~under~~ chapter 893 or the Code
80 of Federal Regulations as of July 1, 2014, or as in effect upon
81 the date of the most recent readoption of this section under s.
82 11.2421 before the offense, or a combination of these items ~~when~~
83 ~~affected to the extent that the person's normal faculties are~~
84 impaired;

85 (b) The person has an alcohol concentration ~~a blood alcohol~~
86 ~~level~~ of 0.08 or more grams of alcohol per 100 milliliters of
87 blood or per 210 liters of breath at the time of driving or

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88 anytime after driving as a result of alcohol consumed before or
89 during driving; ~~or~~

90 (c) The person has in the blood or urine a substance
91 identified as a controlled substance as defined in Schedule I of
92 chapter 893 or the Code of Federal Regulations as of July 1,
93 2014, or as in effect upon the date of the most recent
94 readoption of this section under s. 11.2421 before the offense;
95 or

96 (d)1. The person has in the blood or urine a substance
97 identified as a controlled substance in Schedule II, Schedule
98 III, or Schedule IV of chapter 893 or the Code of Federal
99 Regulations as of July 1, 2014, or as in effect upon the date of
100 the most recent readoption of this section under s. 11.2421
101 before the offense.

102 2.a. If a person who is charged with violating this
103 paragraph introduced into his or her body a controlled substance
104 prescribed by a licensed health professional authorized to
105 prescribe the controlled substance, consumed the controlled
106 substance in accordance with the health professional's
107 directions, and submitted to testing of his or her blood or
108 urine as described in s. 316.1932 or s. 316.1933, the person is
109 entitled to an affirmative defense against any allegation that
110 the person violated this paragraph. The introduction of a
111 nonprescribed substance into the person's body does not
112 constitute an affirmative defense with respect to any
113 nonprescribed substance.

114 b. Except as provided in sub-subparagraph a., the fact that
115 a person charged with violating this subsection is or was
116 legally entitled to introduce into the human body alcohol, a

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117 chemical substance, a controlled substance, a medication, or a
118 drug does not constitute a defense against any charge of
119 violating this subsection ~~a breath-alcohol level of 0.08 or more~~
120 ~~grams of alcohol per 210 liters of breath.~~

121 (2) (a) Except as provided in paragraph (b), subsection (3),
122 or subsection (4), a ~~any~~ person who is convicted of a violation
123 of subsection (1) shall be punished:

124 1. By a fine of:

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

127 b. Not less than \$1,000 or more than \$2,000 for a second
128 conviction; and

129 2. By imprisonment for:

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

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

132 3. For a second conviction, by mandatory placement for a
133 period of at least 1 year, at the convicted person's sole
134 expense, of an ignition interlock device approved by the
135 department in accordance with s. 316.1938 upon all vehicles that
136 are individually or jointly leased or owned and routinely
137 operated by the convicted person, when the convicted person
138 qualifies for a permanent or restricted license. The
139 installation of such device may not occur before July 1, 2003.

140 (b)1. A ~~Any~~ person who is convicted of a third violation of
141 this section for an offense that occurs within 10 years after a
142 prior conviction for a violation of this section commits a
143 felony of the third degree, punishable as provided in s.
144 775.082, s. 775.083, or s. 775.084. In addition, the court shall
145 order the mandatory placement for a period of at least ~~not less~~

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146 ~~than~~ 2 years, at the convicted person's sole expense, of an
147 ignition interlock device approved by the department in
148 accordance with s. 316.1938 upon all vehicles that are
149 individually or jointly leased or owned and routinely operated
150 by the convicted person, when the convicted person qualifies for
151 a permanent or restricted license. ~~The installation of such~~
152 ~~device may not occur before July 1, 2003.~~

153 2. A ~~Any~~ person who is convicted of a third violation of
154 this section for an offense that occurs more than 10 years after
155 the date of a prior conviction for a violation of this section
156 shall be punished by a fine of not less than \$2,000 or more than
157 \$5,000 and by imprisonment for not more than 12 months. In
158 addition, the court shall order the mandatory placement for a
159 period of at least 2 years, at the convicted person's sole
160 expense, of an ignition interlock device approved by the
161 department in accordance with s. 316.1938 upon all vehicles that
162 are individually or jointly leased or owned and routinely
163 operated by the convicted person, when the convicted person
164 qualifies for a permanent or restricted license. ~~The~~
165 ~~installation of such device may not occur before July 1, 2003.~~

166 3. A ~~Any~~ person who is convicted of a fourth or subsequent
167 violation of this section, regardless of when any prior
168 conviction for a violation of this section occurred, commits a
169 felony of the third degree, punishable as provided in s.
170 775.082, s. 775.083, or s. 775.084. ~~However,~~ The fine imposed
171 for such fourth or subsequent violation may ~~be~~ not be less than
172 \$2,000.

173 (3) A ~~Any~~ person:

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

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175 (b) Who operates a vehicle; and

176 (c) Who, by reason of such operation, causes or contributes
177 to causing:

178 1. Damage to the property or person of another commits a
179 misdemeanor of the first degree, punishable as provided in s.
180 775.082 or s. 775.083.

181 2. Serious bodily injury to another, as defined in s.
182 316.1933, commits a felony of the third degree, punishable as
183 provided in s. 775.082, s. 775.083, or s. 775.084.

184 3. The death of a ~~any~~ human being or unborn quick child
185 commits DUI manslaughter, and commits:

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

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

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

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

194

195 For purposes of this subsection, the definition of the term
196 "unborn quick child" shall be determined in accordance with the
197 definition of viable fetus as set forth in s. 782.071. A person
198 who is convicted of DUI manslaughter shall be sentenced to a
199 mandatory minimum term of imprisonment of 4 years.

200 (4) A ~~Any~~ person who is convicted of a violation of
201 subsection (1) and who has an alcohol concentration ~~a blood-~~
202 ~~alcohol level or breath-alcohol level~~ of 0.15 or higher, or a
203 ~~any~~ person who is convicted of a violation of subsection (1) and

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204 who at the time of the offense was accompanied in the vehicle by
205 a person under the age of 18 years, shall be punished:

206 (a) By a fine of:

207 1. Not less than \$1,000 or more than \$2,000 for a first
208 conviction.

209 2. Not less than \$2,000 or more than \$4,000 for a second
210 conviction.

211 3. Not less than \$4,000 for a third or subsequent
212 conviction.

213 (b) By imprisonment for:

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

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

216

217 For the purposes of this subsection, only the instant offense is
218 required to be a violation of subsection (1) by a person who has
219 an alcohol concentration ~~a blood-alcohol level or breath-alcohol~~
220 ~~level~~ of 0.15 or higher.

221 (c) In addition to the penalties in paragraphs (a) and (b),
222 the court shall order the mandatory placement, at the convicted
223 person's sole expense, of an ignition interlock device approved
224 by the department in accordance with s. 316.1938 upon all
225 vehicles that are individually or jointly leased or owned and
226 routinely operated by the convicted person for at least ~~not less~~
227 ~~than~~ 6 continuous months for the first offense and for at least
228 ~~not less than~~ 2 continuous years for a second offense, when the
229 convicted person qualifies for a permanent or restricted
230 license.

231 (5) The court shall place all offenders convicted of
232 violating this section on monthly reporting probation and shall

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233 require completion of a substance abuse course conducted by a
234 DUI program licensed by the department under s. 322.292, which
235 must include a psychosocial evaluation of the offender. If the
236 DUI program refers the offender to an authorized substance abuse
237 treatment provider for substance abuse treatment, in addition to
238 any sentence or fine imposed under this section, completion of
239 all such education, evaluation, and treatment is a condition of
240 reporting probation. The offender shall assume reasonable costs
241 for such education, evaluation, and treatment. The referral to
242 treatment resulting from a psychosocial evaluation may ~~shall~~ not
243 be waived without a supporting independent psychosocial
244 evaluation conducted by an authorized substance abuse treatment
245 provider appointed by the court, which shall have access to the
246 DUI program's psychosocial evaluation before the independent
247 psychosocial evaluation is conducted. The court shall review the
248 results and recommendations of both evaluations before
249 determining the request for waiver. The offender shall bear the
250 full cost of this procedure. The term "substance abuse" means
251 the abuse of alcohol or any substance named or described in
252 Schedules I through V of s. 893.03. If an offender referred to
253 treatment under this subsection fails to report for or complete
254 such treatment or fails to complete the DUI program substance
255 abuse education course and evaluation, the DUI program shall
256 notify the court and the department of the failure. Upon receipt
257 of the notice, the department shall cancel the offender's
258 driving privilege, notwithstanding the terms of the court order
259 or any suspension or revocation of the driving privilege. The
260 department may temporarily reinstate the driving privilege on a
261 restricted basis upon verification from the DUI program that the

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262 offender is currently participating in treatment and the DUI
263 education course and evaluation requirement has been completed.
264 If the DUI program notifies the department of the second failure
265 to complete treatment, the department shall reinstate the
266 driving privilege only after notice of completion of treatment
267 from the DUI program. The organization that conducts the
268 substance abuse education and evaluation may not provide
269 required substance abuse treatment unless a waiver has been
270 granted to that organization by the department. A waiver may be
271 granted only if the department determines, in accordance with
272 its rules, that the service provider that conducts the substance
273 abuse education and evaluation is the most appropriate service
274 provider and is licensed under chapter 397 or is exempt from
275 such licensure. A statistical referral report shall be submitted
276 quarterly to the department by each organization authorized to
277 provide services under this section.

278 (6) With respect to any person convicted of a violation of
279 subsection (1), regardless of any penalty imposed pursuant to
280 subsection (2), subsection (3), or subsection (4):

281 (a) For the first conviction, the court shall place the
282 defendant on probation for a period not to exceed 1 year and, as
283 a condition of such probation, shall order the defendant to
284 participate in public service or a community work project for a
285 minimum of 50 hours. The court may order a defendant to pay a
286 fine of \$10 for each hour of public service or community work
287 otherwise required only if the court finds that the residence or
288 location of the defendant at the time public service or
289 community work is required or the defendant's employment
290 obligations would create an undue hardship for the defendant.

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291 However, the total period of probation and incarceration may not
292 exceed 1 year. The court must also, as a condition of probation,
293 order the impoundment or immobilization of the vehicle that was
294 operated by or in the actual control of the defendant or any one
295 vehicle registered in the defendant's name at the time of
296 impoundment or immobilization, for a period of 10 days or for
297 the unexpired term of any lease or rental agreement that expires
298 within 10 days. The impoundment or immobilization must not occur
299 concurrently with the incarceration of the defendant. The
300 impoundment or immobilization order may be dismissed in
301 accordance with paragraph (e), paragraph (f), paragraph (g), or
302 paragraph (h).

303 (b) For the second conviction for an offense that occurs
304 within a period of 5 years after the date of a prior conviction
305 for violation of this section, the court shall order
306 imprisonment for at least ~~not less than~~ 10 days. The court must
307 also, as a condition of probation, order the impoundment or
308 immobilization of all vehicles owned by the defendant at the
309 time of impoundment or immobilization, for a period of 30 days
310 or for the unexpired term of any lease or rental agreement that
311 expires within 30 days. The impoundment or immobilization must
312 not occur concurrently with the incarceration of the defendant
313 and must occur concurrently with the driver ~~driver's~~ license
314 revocation imposed under s. 322.28(2)(a)2. The impoundment or
315 immobilization order may be dismissed in accordance with
316 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).
317 At least 48 hours of confinement must be consecutive.

318 (c) For the third or subsequent conviction for an offense
319 that occurs within a period of 10 years after the date of a

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320 prior conviction for violation of this section, the court shall
321 order imprisonment for at least ~~not less than~~ 30 days. The court
322 must also, as a condition of probation, order the impoundment or
323 immobilization of all vehicles owned by the defendant at the
324 time of impoundment or immobilization, for a period of 90 days
325 or for the unexpired term of any lease or rental agreement that
326 expires within 90 days. The impoundment or immobilization must
327 not occur concurrently with the incarceration of the defendant
328 and must occur concurrently with the driver ~~driver's~~ license
329 revocation imposed under s. 322.28(2)(a)3. The impoundment or
330 immobilization order may be dismissed in accordance with
331 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).
332 At least 48 hours of confinement must be consecutive.

333 (d) The court must at the time of sentencing the
334 defendant, issue an order for the impoundment or immobilization
335 of a vehicle. The order of impoundment or immobilization must
336 include the name and telephone numbers of all immobilization
337 agencies meeting all of the conditions of subsection (13).
338 Within 7 business days after the date that the court issues the
339 order of impoundment or immobilization, the clerk of the court
340 must send notice by certified mail, return receipt requested, to
341 the registered owner of each vehicle, if the registered owner is
342 a person other than the defendant, and to each person of record
343 claiming a lien against the vehicle.

344 (e) A person who owns but was not operating the vehicle
345 when the offense occurred may submit to the court a police
346 report indicating that the vehicle was stolen at the time of the
347 offense or documentation of having purchased the vehicle after
348 the offense was committed from an entity other than the

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349 defendant or the defendant's agent. If the court finds that the
350 vehicle was stolen or that the sale was not made to circumvent
351 the order and allow the defendant continued access to the
352 vehicle, the order must be dismissed and the owner of the
353 vehicle will incur no costs. If the court denies the request to
354 dismiss the order of impoundment or immobilization, the
355 petitioner may request an evidentiary hearing.

356 (f) A person who owns but was not operating the vehicle
357 when the offense occurred, and whose vehicle was stolen or who
358 purchased the vehicle after the offense was committed directly
359 from the defendant or the defendant's agent, may request an
360 evidentiary hearing to determine whether the impoundment or
361 immobilization should occur. If the court finds that ~~either~~ the
362 vehicle was stolen or the purchase was made without knowledge of
363 the offense, that the purchaser had no relationship to the
364 defendant other than through the transaction, and that such
365 purchase would not circumvent the order and allow the defendant
366 continued access to the vehicle, the order must be dismissed and
367 the owner of the vehicle will incur no costs.

368 (g) The court shall also dismiss the order of impoundment
369 or immobilization of the vehicle if the court finds that the
370 family of the owner of the vehicle has no other private or
371 public means of transportation.

372 (h) The court may also dismiss the order of impoundment or
373 immobilization of any vehicles that are owned by the defendant
374 but that are operated solely by the employees of the defendant
375 or any business owned by the defendant.

376 (i) All costs and fees for the impoundment or
377 immobilization, including the cost of notification, must be paid

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378 by the owner of the vehicle or, if the vehicle is leased or
379 rented, by the person leasing or renting the vehicle, unless the
380 impoundment or immobilization order is dismissed. All provisions
381 of s. 713.78 ~~shall~~ apply. The costs and fees for the impoundment
382 or immobilization must be paid directly to the person impounding
383 or immobilizing the vehicle.

384 (j) The person who owns a vehicle that is impounded or
385 immobilized under this paragraph, or a person who has a lien of
386 record against such a vehicle and who has not requested a review
387 of the impoundment pursuant to paragraph (e), paragraph (f), or
388 paragraph (g), may, within 10 days after the date that person
389 has knowledge of the location of the vehicle, file a complaint
390 in the county in which the owner resides to determine whether
391 the vehicle was wrongfully taken or withheld from the owner or
392 lienholder. Upon the filing of a complaint, the owner or
393 lienholder may have the vehicle released by posting with the
394 court a bond or other adequate security equal to the amount of
395 the costs and fees for impoundment or immobilization, including
396 towing or storage, to ensure the payment of such costs and fees
397 if the owner or lienholder does not prevail. When the bond is
398 posted and the fee is paid as set forth in s. 28.24, the clerk
399 of the court shall issue a certificate releasing the vehicle. At
400 the time of release, after reasonable inspection, the owner or
401 lienholder must give a receipt to the towing or storage company
402 indicating any loss or damage to the vehicle or to the contents
403 of the vehicle.

404 (k) A defendant, ~~in the court's discretion,~~ may be required
405 to serve all or any portion of a term of imprisonment to which
406 the defendant has been sentenced pursuant to this section in a

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407 residential alcoholism treatment program or a residential drug
408 abuse treatment program. Any time spent in such a program must
409 be credited by the court toward the term of imprisonment.

410
411 For the purposes of this section, a ~~any~~ conviction for a
412 violation of s. 327.35; a previous conviction for the violation
413 of former s. 316.1931, former s. 860.01, or former s. 316.028;
414 or a previous conviction outside this state for driving while
415 impaired, driving under the influence, driving while
416 intoxicated, driving with an unlawful alcohol concentration,
417 driving with an unlawful blood-alcohol level, driving with an
418 unlawful breath-alcohol level, or any other similar alcohol-
419 related or drug-related traffic offense~~r~~, is also considered a
420 previous conviction for violation of this section. However, in
421 satisfaction of the fine imposed pursuant to this section, the
422 court may, upon a finding that the defendant is financially
423 unable to pay ~~either~~ all or part of the fine, order that the
424 defendant participate for a specified additional period ~~of time~~
425 in public service or a community work project in lieu of payment
426 of that portion of the fine which the court determines the
427 defendant is unable to pay. In determining the ~~such~~ additional
428 sentence, the court shall consider the amount of the unpaid
429 portion of the fine and the reasonable value of the services to
430 be ordered; however, the court may not compute the reasonable
431 value of services at a rate less than the federal minimum wage
432 at the time of sentencing.

433 (7) A conviction under this section does not bar any civil
434 suit for damages against the person so convicted.

435 (8) At the arraignment, or in conjunction with any notice

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436 of arraignment provided by the clerk of the court, the clerk
437 shall provide any person charged with a violation of this
438 section with notice that upon conviction the court shall suspend
439 or revoke the offender's driver ~~driver's~~ license and that the
440 offender should make arrangements for transportation at any
441 proceeding in which the court may take such action. Failure to
442 provide such notice does not affect the court's suspension or
443 revocation of the offender's driver ~~driver's~~ license.

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

446 (a) Until the person is no longer impaired by an ~~under the~~
447 ~~influence of~~ alcoholic beverage ~~beverages~~, a any chemical
448 substance identified ~~set forth~~ in s. 877.111, or a ~~any~~ substance
449 controlled substance as defined in ~~under~~ chapter 893 or the Code
450 of Federal Regulations as of July 1, 2014, or as in effect upon
451 the date of the most recent readoption of this section under s.
452 11.2421 before the offense, and affected to the extent that he
453 or she is ~~his or her normal faculties are~~ impaired;

454 (b) Until the person's alcohol concentration ~~blood-alcohol~~
455 ~~level or breath-alcohol level~~ is less than 0.05; or

456 (c) Until 8 hours have elapsed from the time the person was
457 arrested.

458 (10) The rulings of the Department of Highway Safety and
459 Motor Vehicles under s. 322.2615 may ~~shall~~ not be considered in
460 any trial for a violation of this section. Testimony or evidence
461 from the administrative proceedings or any written statement
462 submitted by a person in his or her request for administrative
463 review is inadmissible into evidence or for any other purpose in
464 any criminal proceeding, unless timely disclosed in criminal

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465 discovery pursuant to Rule 3.220, Florida Rules of Criminal
466 Procedure.

467 (11) The Department of Highway Safety and Motor Vehicles
468 shall ~~is directed to~~ adopt rules providing for the
469 implementation of the use of ignition interlock devices.

470 (12) If the records of the Department of Highway Safety and
471 Motor Vehicles show that the defendant has been previously
472 convicted of the offense of driving while impaired or under the
473 influence, that evidence is sufficient by itself to establish
474 the ~~that~~ prior conviction for driving while impaired or under
475 the influence. However, such evidence may be contradicted or
476 rebutted by other evidence. This presumption may be considered
477 along with any other evidence presented in deciding whether the
478 defendant has been previously convicted of the offense of
479 driving while impaired or under the influence.

480 (13) If personnel of the circuit court or the sheriff do
481 not immobilize vehicles, only immobilization agencies that meet
482 the conditions of this subsection shall immobilize vehicles in
483 that judicial circuit.

484 (a) The immobilization agency responsible for immobilizing
485 vehicles in that judicial circuit is ~~shall be~~ subject to strict
486 compliance with all of the following conditions and
487 restrictions:

488 1. Any immobilization agency engaged in the business of
489 immobilizing vehicles shall provide to the clerk of the court a
490 signed affidavit attesting that the agency:

- 491 a. Has verifiable experience in immobilizing vehicles;
492 b. Maintains accurate and complete records of all payments
493 for the immobilization, copies of all documents pertaining to

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494 the court's order of impoundment or immobilization, and any
495 other documents relevant to each immobilization. Such records
496 must be maintained by the immobilization agency for at least 3
497 years; and

498 c. Employs and assigns persons to immobilize vehicles who
499 ~~that~~ meet the requirements established in subparagraph 2.

500 2. The person who immobilizes a vehicle must:

501 a. Not have been adjudicated incapacitated under s.
502 744.331, or a similar statute in another state, unless his or
503 her capacity has been judicially restored; not have been
504 involuntarily placed in a treatment facility for the mentally
505 ill under chapter 394, or a similar law in any other state,
506 unless his or her competency has been judicially restored; or
507 not have been diagnosed as having an incapacitating mental
508 illness unless a psychologist or psychiatrist licensed in this
509 state certifies that he or she does not currently suffer from
510 the mental illness.

511 b. Not be a chronic and habitual user of alcoholic
512 beverages to the extent that he or she is ~~his or her normal~~
513 ~~faculties are~~ impaired; not have been committed under chapter
514 397, former chapter 396, or a similar law in any other state;
515 not have been found to be a habitual offender under s.
516 856.011(3), or a similar law in any other state; or not have had
517 any conviction ~~convictions~~ under this section, or a similar law
518 in any other state, within 2 years before the affidavit is
519 submitted.

520 c. Not have been committed for controlled substance abuse
521 or have been found guilty of a crime under chapter 893, or a
522 similar law in any other state, relating to controlled

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523 substances in any other state.

524 d. Not have been found guilty of or entered a plea of
525 guilty or nolo contendere to, regardless of adjudication, or
526 been convicted of a felony, unless his or her civil rights have
527 been restored.

528 e. Be a citizen or legal resident alien of the United
529 States or have been granted authorization to seek employment in
530 this country by the United States Bureau of Citizenship and
531 Immigration Services.

532 (b) The immobilization agency shall conduct a state
533 criminal history check through the ~~Florida~~ Department of Law
534 Enforcement to ensure that the person hired to immobilize a
535 vehicle meets the requirements in sub-subparagraph (a)2.d.

536 (c) A person who violates paragraph (a) commits a
537 misdemeanor of the first degree, punishable as provided in s.
538 775.082 or s. 775.083.

539 (14) As used in this chapter, the term:

540 (a) "Immobilization," "immobilizing," or "immobilize" means
541 the act of installing a vehicle antitheft device on the steering
542 wheel of a vehicle, the act of placing a tire lock or wheel
543 clamp on a vehicle, or a governmental agency's act of taking
544 physical possession of the license tag and vehicle registration
545 rendering a vehicle legally inoperable to prevent any person
546 from operating the vehicle pursuant to an order of impoundment
547 or immobilization under subsection (6).

548 (b) "Immobilization agency" or "immobilization agencies"
549 means any person, firm, company, agency, organization,
550 partnership, corporation, association, trust, or other business
551 entity of any kind whatsoever that meets all of the conditions

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552 of subsection (13).

553 (c) "Impoundment," "impounding," or "impound" means the act
554 of storing a vehicle at a storage facility pursuant to an order
555 of impoundment or immobilization under subsection (6) where the
556 person impounding the vehicle exercises control, supervision,
557 and responsibility over the vehicle.

558 (d) "Person" means any individual, firm, company, agency,
559 organization, partnership, corporation, association, trust, or
560 other business entity of any kind whatsoever.

561 Section 3. Subsections (14) through (40) of section 327.02,
562 Florida Statutes, are renumbered as subsections (15) through
563 (41), respectively, and a new subsection (14) is added to that
564 section to read:

565 327.02 Definitions.—As used in this chapter and in chapter
566 328, unless the context clearly requires a different meaning,
567 the term:

568 (14) "Impaired" has the same meaning as provided in s.
569 316.003.

570 Section 4. Section 790.151, Florida Statutes, is amended to
571 read:

572 790.151 Using firearm while impaired by ~~under the influence~~
573 of alcoholic beverages, chemical substances, or controlled
574 substances; penalties.—

575 (1) As used in ss. 790.151-790.157, the term: ~~to~~

576 (a) "Impaired" has the same meaning as provided in s.
577 316.003.

578 (b) "Use a firearm" means to discharge a firearm or to have
579 a firearm readily accessible for immediate discharge.

580 (2) For the purposes of this section, "readily accessible

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581 for immediate discharge" means loaded and in a person's hand.

582 (3) It is unlawful and punishable as provided in subsection

583 (4) for any person who is impaired by ~~under the influence of~~
584 alcoholic beverages, any chemical substance set forth in s.
585 877.111, or any substance controlled under chapter 893, ~~when~~
586 ~~affected to the extent that his or her normal faculties are~~
587 ~~impaired,~~ to use a firearm in this state.

588 (4) Any person who violates subsection (3) commits a
589 misdemeanor of the second degree, punishable as provided in s.
590 775.082 or s. 775.083.

591 (5) This section does not apply to persons exercising
592 lawful self-defense or defense of one's property.

593 Section 5. Section 790.157, Florida Statutes, is amended to
594 read:

595 790.157 Presumption of impairment; testing methods.—

596 (1) It is unlawful and punishable as provided in s. 790.151
597 for any person who is impaired by ~~under the influence of~~
598 alcoholic beverages or controlled substances, ~~when affected to~~
599 ~~the extent that his or her normal faculties are impaired,~~ to use
600 a firearm in this state.

601 (2) Upon the trial of any civil or criminal action or
602 proceeding arising out of acts alleged to have been committed by
603 any person while using a firearm while impaired by ~~under the~~
604 ~~influence of~~ alcoholic beverages or controlled substances, ~~when~~
605 ~~affected to the extent that his or her normal faculties were~~
606 ~~impaired or to the extent that the person was deprived of full~~
607 ~~possession of his or her normal faculties,~~ the results of any
608 test administered in accordance with s. 790.153 or s. 790.155
609 and this section shall be admissible into evidence when

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610 otherwise admissible, and the amount of alcohol in the person's
611 blood at the time alleged, as shown by chemical analysis of the
612 person's blood or chemical or physical analysis of the person's
613 breath, shall give rise to the following presumptions:

614 (a) If there was at that time an alcohol concentration of
615 0.05 grams per 100 milliliters of blood or per 210 liters of
616 breath ~~percent or less by weight of alcohol in the person's~~
617 ~~blood~~, it shall be presumed that the person was not impaired by
618 ~~under the influence of alcoholic beverages to the extent that~~
619 ~~his or her normal faculties were impaired.~~

620 (b) If there was at that time an alcohol concentration in
621 excess of 0.05 grams ~~percent~~ but less than 0.08 grams per 100
622 milliliters of blood or per 210 liters of breath ~~0.10 percent by~~
623 ~~weight of alcohol in the person's blood~~, such fact shall not
624 give rise to any presumption that the person was or was not
625 ~~under the influence of alcoholic beverages to the extent that~~
626 ~~his or her normal faculties were~~ impaired by alcoholic
627 beverages, but such fact may be considered with other competent
628 evidence in determining whether the person was impaired by ~~under~~
629 ~~the influence of alcoholic beverages to the extent that his or~~
630 ~~her normal faculties were impaired.~~

631 (c) If there was at that time an alcohol concentration of
632 0.08 grams per 100 milliliters of blood or per 210 liters of
633 breath ~~0.10 percent or more by weight of alcohol in the person's~~
634 ~~blood~~, that fact shall be prima facie evidence that the person
635 was impaired by ~~under the influence of alcoholic beverages to~~
636 ~~the extent that his or her normal faculties were impaired.~~

637
638 ~~The percent by weight of alcohol in the blood shall be based~~

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639 ~~upon grams of alcohol per 100 milliliters of blood. The~~
640 ~~foregoing provisions of This subsection does not limit shall not~~
641 ~~be construed as limiting~~ the introduction of any other competent
642 evidence bearing upon the question of whether the person was
643 impaired by ~~under the influence of~~ alcoholic beverages ~~to the~~
644 ~~extent that his or her normal faculties were impaired.~~

645 (3) A chemical analysis of a person's blood to determine
646 its alcohol concentration ~~alcoholic content~~ or a chemical or
647 physical analysis of a person's breath, in order to be
648 considered valid under ~~the provisions of~~ this section, must have
649 been performed substantially in accordance with rules adopted
650 ~~methods approved~~ by the Florida Department of Law Enforcement
651 and by an individual possessing a valid permit issued by the
652 department for this purpose. Any insubstantial difference
653 ~~differences~~ between approved methods and procedures ~~techniques~~
654 and actual testing methods and procedures in an individual case
655 does shall not render the test or test results invalid. The
656 Florida Department of Law Enforcement may approve satisfactory
657 ~~techniques or methods~~ and procedures, ascertain the
658 qualification and competence of individuals to conduct such
659 analyses, and issue permits which shall be subject to
660 termination or revocation in accordance with rules adopted by
661 the department.

662 (4) Any person charged with using a firearm while impaired
663 by ~~under the influence of~~ alcoholic beverages or controlled
664 substances ~~to the extent that his or her normal faculties were~~
665 ~~impaired~~, whether in a municipality or not, shall be entitled to
666 trial by jury according to the Florida Rules of Criminal
667 Procedure.

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668 Section 6. Paragraph (b) of subsection (6) of section
669 187.201, Florida Statutes, is amended to read:

670 187.201 State Comprehensive Plan adopted.—The Legislature
671 hereby adopts as the State Comprehensive Plan the following
672 specific goals and policies:

673 (6) PUBLIC SAFETY.—

674 (b) *Policies*.—

675 1. Maintain safe and secure prisons and other correctional
676 facilities with the required number of well-trained staff.

677 2. Provide effective alternatives to incarceration for
678 appropriate offenders and encourage victim restitution.

679 3. Make the corrections system as financially cost-
680 effective as possible through prison industries and other inmate
681 work programs and through contractual agreements with public and
682 private vendors.

683 4. Continue to monitor educational and vocational training
684 of inmates to increase the likelihood of successful
685 reintegration into the community.

686 5. Provide all inmates with access to adequate health care,
687 including diagnostic and treatment programs for offenders
688 suffering from substance abuse or psychological disorders.

689 6. Provide incentives to attract and retain high-quality
690 law enforcement and correctional officers.

691 7. Emphasize the reduction of serious crime, particularly
692 violent, organized, economic, and drug-related crimes.

693 8. Increase the level of training and technical assistance
694 provided to law enforcement agencies.

695 9. Increase crime prevention efforts to enhance the
696 protection of individual personal safety and property.

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- 697 10. Emphasize and protect the rights of crime victims.
- 698 11. Continue to implement coordinated and integrated
699 strategies to combat organized crime, economic crime, and drug
700 trafficking.
- 701 12. Expand the state's provisions for the protection of
702 witnesses in criminal cases, especially organized crime cases.
- 703 13. Strengthen the state's commitment to pursue, both
704 criminally and civilly, those individuals who profit from
705 economic crimes, in a manner that keeps pace with the level and
706 sophistication of these criminal activities.
- 707 14. Improve the efficiency of law enforcement through the
708 establishment of a close communication and coordination system
709 among agencies and a comprehensive reporting system for such
710 types of criminal activities as forcible felonies and organized,
711 economic, and drug crimes.
- 712 15. Improve the effectiveness of the delinquent juvenile
713 justice system commitment programs to reduce recidivism of
714 juveniles who would otherwise be recommitted to state
715 supervision.
- 716 16. Utilize alternative sentencing and dispute resolution
717 when appropriate, particularly in civil disputes and minor
718 criminal violations.
- 719 17. Increase the state's commitment to stringent
720 enforcement of laws against drunken or drugged driving.
- 721 18. Expand public awareness campaigns that will emphasize
722 the dangers of driving while impaired by ~~under the influence of~~
723 alcohol or drugs.
- 724 19. Promote efforts to encourage the use of personal safety
725 restraint devices for all persons traveling in motor vehicles.

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726 20. Improve the enforcement of and compliance with safe
727 highway speed limits.

728 21. Provide effective and efficient driver licensing
729 systems, including a reliable testing system designed to
730 preclude unqualified drivers from receiving driver ~~driver's~~
731 licenses.

732 22. Require local governments, in cooperation with regional
733 and state agencies, to prepare advance plans for the safe
734 evacuation of coastal residents.

735 23. Require local governments, in cooperation with regional
736 and state agencies, to adopt plans and policies to protect
737 public and private property and human lives from the effects of
738 natural disasters.

739 Section 7. Paragraph (b) of subsection (5) of section
740 261.20, Florida Statutes, is amended to read:

741 261.20 Operations of off-highway vehicles on public lands;
742 restrictions; safety courses; required equipment; prohibited
743 acts; penalties.—

744 (5) It is a violation of this section:

745 (b) To operate an off-highway vehicle while impaired by an
746 alcoholic beverage ~~under the influence of alcohol~~, a controlled
747 substance, or a ~~any~~ prescription or over-the-counter drug that
748 impairs vision or motor condition.

749 Section 8. Paragraph (m) of subsection (1) of section
750 310.101, Florida Statutes, is amended to read:

751 310.101 Grounds for disciplinary action by the board.—

752 (1) Any act of misconduct, inattention to duty, negligence,
753 or incompetence; any willful violation of any law or rule,
754 including the rules of the road, applicable to a licensed state

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755 pilot or certificated deputy pilot; or any failure to exercise
756 that care which a reasonable and prudent licensed state pilot or
757 certificated deputy pilot would exercise under the same or
758 similar circumstances may result in disciplinary action.
759 Examples of acts by a licensed state pilot or certificated
760 deputy pilot which constitute grounds for disciplinary action
761 include, but are not limited to:

762 (m) Having a license to operate a motor vehicle revoked,
763 suspended, or otherwise acted against by any jurisdiction,
764 including its agencies or subdivisions, for operating the
765 vehicle while impaired by ~~under the influence of~~ alcohol or
766 drugs. The jurisdiction's acceptance of a relinquishment of
767 license, stipulation, consent order, plea of nolo contendere,
768 penalty in any form, or other settlement offered in response to
769 or in anticipation of the filing of charges related to the
770 license to operate a motor vehicle shall be construed as action
771 against the license.

772 Section 9. Paragraph (b) of subsection (1) of section
773 316.027, Florida Statutes, is amended to read:

774 316.027 Crash involving death or personal injuries.—

775 (1)

776 (b) The driver of any vehicle involved in a crash occurring
777 on public or private property that results in the death of any
778 person must immediately stop the vehicle at the scene of the
779 crash, or as close thereto as possible, and must remain at the
780 scene of the crash until he or she has fulfilled the
781 requirements of s. 316.062. A person who is arrested for a
782 violation of this paragraph and who has previously been
783 convicted of a violation of this section, s. 316.061, s.

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784 316.191, or s. 316.193, or a felony violation of s. 322.34,
785 shall be held in custody until brought before the court for
786 admittance to bail in accordance with chapter 903. Any person
787 who willfully violates this paragraph commits a felony of the
788 first degree, punishable as provided in s. 775.082, s. 775.083,
789 or s. 775.084. Any person who willfully commits such a violation
790 while driving impaired ~~under the influence~~ as set forth in s.
791 316.193(1) shall be sentenced to a mandatory minimum term of
792 imprisonment of 2 years.

793 Section 10. Section 316.1932, Florida Statutes, is amended
794 to read:

795 316.1932 Tests for alcohol, chemical substances, or
796 controlled substances; implied consent; refusal.—

797 (1)(a)1.a. A ~~Any~~ person who accepts the privilege extended
798 by the laws of this state of operating a motor vehicle within
799 this state is, by ~~so~~ operating such vehicle, deemed to have
800 given ~~his or her~~ consent to submit to an approved chemical ~~test~~
801 or physical breath test, including, but not limited to, an
802 infrared light test of his or her breath to determine ~~for the~~
803 ~~purpose of determining~~ the alcohol concentration ~~alcoholic~~
804 ~~content~~ of the ~~his or her~~ blood or breath if the person is
805 lawfully arrested for an ~~any~~ offense allegedly committed while
806 the person was driving or was in actual physical control of a
807 motor vehicle while impaired by an ~~under the influence of~~
808 alcoholic beverage ~~beverages~~. The chemical or physical breath
809 test must be incidental to a lawful arrest and administered at
810 the request of a law enforcement officer who has reasonable
811 cause to believe that the ~~such~~ person was driving or was in
812 actual physical control of the motor vehicle within this state

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813 while impaired by an ~~under the influence of~~ alcoholic beverage
814 ~~beverages~~. The administration of the ~~a~~ breath test does not
815 preclude the administration of another type of test. The person
816 shall be told that ~~his or her~~ failure to submit to a ~~any~~ lawful
817 breath test of his or her breath will result in the suspension
818 of his or her ~~the person's~~ privilege to operate a motor vehicle
819 for a period of 1 year for a first refusal, or for a period of
820 18 months if the driving privilege ~~of such person~~ has been
821 previously suspended as a result of a refusal to submit to a
822 lawful breath, blood, or urine test. The person ~~such a test or~~
823 ~~tests,~~ and shall also be told that if he or she refuses to
824 submit to a lawful breath test ~~of his or her breath~~ and if his
825 or her driving privilege has been previously suspended as a
826 result of ~~for a prior~~ refusal to submit to a lawful breath,
827 blood, or urine test ~~of his or her breath, urine, or blood,~~ he
828 or she commits a misdemeanor in addition to any other penalty
829 ~~penalties~~. The refusal to submit to a chemical or physical
830 breath test upon the request of a law enforcement officer as
831 provided in this section is admissible into evidence in any
832 criminal proceeding.

833 b. A ~~Any~~ person who accepts the privilege extended by the
834 laws of this state of operating a motor vehicle within this
835 state is, by ~~so~~ operating such vehicle, deemed to have given ~~his~~
836 ~~or her~~ consent to submit to a urine test to detect ~~for the~~
837 ~~purpose of detecting~~ the presence of a chemical substance
838 ~~substances~~ as set forth in s. 877.111 or a controlled substance
839 ~~substances~~ if the person is lawfully arrested for an ~~any~~ offense
840 allegedly committed while the person was driving or was in
841 actual physical control of a motor vehicle while impaired by a

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842 ~~under the influence of chemical substances~~ or controlled
843 substance ~~substances~~. The urine test must be incidental to a
844 lawful arrest and administered at a detention facility or any
845 other facility, mobile or otherwise, which is equipped to
846 administer such test ~~tests~~ at the request of a law enforcement
847 officer who has reasonable cause to believe that the ~~such~~ person
848 was driving or was in actual physical control of a motor vehicle
849 within this state while impaired by a ~~under the influence of~~
850 chemical ~~substances~~ or controlled substance ~~substances~~. The
851 urine test shall be administered ~~at a detention facility or any~~
852 ~~other facility, mobile or otherwise, which is equipped to~~
853 ~~administer such test~~ in a reasonable manner that will ensure the
854 accuracy of the specimen and maintain the privacy of the person
855 ~~individual~~ involved. The administration of the ~~a~~ urine test does
856 not preclude the administration of another type of test. The
857 person shall be told that ~~his or her~~ failure to submit to a ~~any~~
858 lawful urine test ~~of his or her urine~~ will result in the
859 suspension of his or her ~~the person's~~ privilege to operate a
860 motor vehicle for a period of 1 year for the first refusal, or
861 for a period of 18 months if the driving privilege ~~of such~~
862 ~~person~~ has been previously suspended as a result of a refusal to
863 submit to a lawful breath, blood, or urine test. The person ~~such~~
864 ~~a test or tests, and~~ shall also be told that if he or she
865 refuses to submit to a lawful urine test ~~of his or her urine~~ and
866 if his or her driving privilege has been previously suspended as
867 a result of ~~for a prior~~ refusal to submit to a lawful breath,
868 blood, or urine test ~~of his or her breath, urine, or blood,~~ he
869 or she commits a misdemeanor in addition to any other penalty
870 ~~penalties~~. The refusal to submit to a urine test upon the

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871 request of a law enforcement officer as provided in this section
872 is admissible into evidence in any criminal proceeding.

873 2. The Alcohol Testing Program within the Department of Law
874 Enforcement is responsible for the regulation of the operation,
875 inspection, and registration of breath test instruments that are
876 used ~~utilized~~ under the provisions relating to driving and
877 boating while impaired ~~under the influence provisions and~~
878 ~~related provisions located~~ in this chapter and chapters 322 and
879 327. The program is responsible for the regulation of the
880 individuals who operate, inspect, and instruct on the breath
881 test instruments that are used under the provisions relating to
882 ~~utilized in the~~ driving and boating while impaired ~~under the~~
883 ~~influence provisions and related provisions located~~ in this
884 chapter and chapters 322 and 327. The program is further
885 responsible for the regulation of blood analysts who conduct
886 blood alcohol testing that is used ~~to be utilized~~ under such the
887 ~~driving and boating under the influence provisions and related~~
888 ~~provisions located in this chapter and chapters 322 and 327.~~ The
889 program shall:

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

893 b. Have the authority to issue permits for ~~permit~~ breath
894 test operators, agency inspectors, instructors, blood analysts,
895 and instruments.

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

899 d. Establish uniform requirements for instruction and

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900 curricula for the operation and inspection of approved
901 instruments.

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

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

906 g. Have the authority to approve or disapprove breath test
907 instruments and accompanying paraphernalia for use pursuant to
908 the provisions relating to driving and boating while impaired
909 ~~under the influence provisions and related provisions located in~~
910 this chapter and chapters 322 and 327.

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

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

919 j. Enforce compliance with ~~the provisions of~~ this section
920 through civil or administrative proceedings.

921 k. Make recommendations concerning any matter within the
922 purview of this section, this chapter, chapter 322, or chapter
923 327.

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

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

928 n. Have the authority to approve the breath and ~~type of~~

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929 blood alcohol test to be used under the provisions relating to
930 ~~utilized under the driving and boating while impaired under the~~
931 ~~influence provisions and related provisions located in this~~
932 chapter and chapters 322 and 327.

933 o. Have the authority to approve ~~specify techniques and~~
934 ~~methods and procedures~~ for breath ~~alcohol testing~~ and blood
935 alcohol testing to be used under the provisions relating to
936 ~~utilized under the driving and boating while impaired under the~~
937 ~~influence provisions and related provisions located in this~~
938 chapter and chapters 322 and 327.

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

942
943 ~~Nothing in~~ This section does not ~~shall be construed to~~ supersede
944 provisions in this chapter and chapters 322 and 327. The
945 specifications in this section are derived from the power and
946 authority previously and currently possessed by the Department
947 of Law Enforcement and are enumerated to conform with the
948 mandates of chapter 99-379, Laws of Florida.

949 (b)1. The alcohol concentration ~~blood-alcohol level~~ must be
950 based upon grams of alcohol per 100 milliliters of blood or. ~~The~~
951 ~~breath-alcohol level must be based upon grams of alcohol~~ per 210
952 liters of breath.

953 2. An analysis of a person's breath, in order to be
954 considered valid under this section, must have been performed
955 substantially according to rules adopted ~~methods approved~~ by the
956 Department of Law Enforcement. For this purpose, the department
957 may approve satisfactory ~~techniques or methods~~ and procedures.

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958 Any insubstantial difference ~~differences~~ between approved
959 methods and procedures ~~techniques~~ and actual testing procedures
960 in an any individual case does ~~do~~ not render the test or test
961 results invalid.

962 (c) A Any person who accepts the privilege extended by the
963 laws of this state of operating a motor vehicle within this
964 state is, by operating such vehicle, deemed to have given ~~his or~~
965 ~~her~~ consent to submit to an approved blood test to determine ~~for~~
966 ~~the purpose of determining~~ the alcohol concentration ~~alcoholic~~
967 ~~content~~ of the blood or a blood test to determine ~~for the~~
968 ~~purpose of determining~~ the presence of a chemical ~~substances~~ or
969 controlled substance ~~substances~~ as provided in this section if
970 there is reasonable cause to believe that the person was driving
971 or was in actual physical control of a motor vehicle while
972 impaired by an ~~under the influence of~~ alcoholic beverage
973 ~~beverages~~ or a chemical or controlled substance ~~substances~~ and
974 if the person appears for treatment at a hospital, clinic, or
975 other medical facility and the administration of a breath or
976 urine test is impractical or impossible. As used in this
977 paragraph, the term "other medical facility" includes an
978 ambulance or other medical emergency vehicle. The blood test
979 shall be performed in a reasonable manner. A Any person who is
980 incapable of refusal by reason of unconsciousness or other
981 mental or physical condition is deemed not to have withdrawn ~~his~~
982 ~~or her~~ consent to such test. A blood test may be administered
983 regardless of whether ~~or not~~ the person is told that ~~his or her~~
984 failure to submit to ~~such~~ a lawful blood test will result in the
985 suspension of his or her ~~the person's~~ privilege to operate a
986 motor vehicle upon the public highways of this state and that a

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987 refusal to submit to a lawful blood test is a misdemeanor ~~of his~~
988 ~~or her blood,~~ if his or her driving privilege has been
989 previously suspended as a result of a ~~for~~ refusal to submit to a
990 lawful breath, blood, or urine test ~~of his or her breath, urine,~~
991 ~~or blood, is a misdemeanor.~~ A Any person who is capable of
992 refusal shall be told that ~~his or her~~ failure to submit to ~~such~~
993 a lawful blood test will result in the suspension of his or her
994 ~~the person's~~ privilege to operate a motor vehicle for a period
995 of 1 year for a first refusal, or for a period of 18 months if
996 the driving privilege ~~of the person~~ has been suspended
997 previously as a result of a refusal to submit to a lawful
998 breath, blood, or urine test ~~such a test or tests,~~ and that a
999 refusal to submit to a lawful blood test is a misdemeanor ~~of his~~
1000 ~~or her blood,~~ if the ~~his or her~~ driving privilege has been
1001 previously suspended as a result of ~~for~~ a prior refusal to
1002 submit to a lawful breath, blood, or urine test ~~of his or her~~
1003 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
1004 to a blood test upon the request of a law enforcement officer is
1005 admissible in evidence in any criminal proceeding.

1006 (d) If the arresting officer does not request a chemical or
1007 physical breath test of the person arrested for an ~~any~~ offense
1008 allegedly committed while the person was driving or was in
1009 actual physical control of a motor vehicle while impaired by an
1010 ~~under the influence of~~ alcoholic beverage ~~beverages~~ or a
1011 chemical or controlled substance ~~substances,~~ the ~~such~~ person may
1012 request the arresting officer to have a chemical or physical
1013 breath test performed on ~~made of~~ the arrested person ~~person's~~
1014 ~~breath~~ or a urine or blood test to determine ~~of the urine or~~
1015 ~~blood for the purpose of determining~~ the alcohol concentration

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1016 ~~alcoholic content~~ of his or her ~~the person's~~ blood or breath or
1017 the presence of a chemical ~~substances~~ or controlled substance.
1018 ~~substances; and,~~ If so requested, the arresting officer shall
1019 have the test performed.

1020 (e)1. By applying for a driver ~~driver's~~ license and by
1021 accepting and using a driver ~~driver's~~ license, the person
1022 holding the driver ~~driver's~~ license is deemed to have given
1023 ~~expressed his or her~~ consent to the provisions of this section.

1024 2. A nonresident or any other person driving in a status
1025 exempt from the requirements of the driver ~~driver's~~ license law,
1026 by the ~~his or her~~ act of driving in such exempt status, is
1027 deemed to have given ~~expressed his or her~~ consent to the
1028 provisions of this section.

1029 3. A warning of the consent provisions ~~provision~~ of this
1030 section shall be printed on each new or renewed driver ~~driver's~~
1031 license.

1032 (f)1. The tests determining the amount ~~weight~~ of alcohol in
1033 a person's ~~the defendant's~~ blood or breath shall be administered
1034 at the request of a law enforcement officer substantially in
1035 accordance with rules of the Department of Law Enforcement. Such
1036 rules must specify precisely the alcohol test or tests that are
1037 approved by the Department of Law Enforcement for reliability of
1038 result and ease of administration, and must provide an approved
1039 procedure ~~method of administration~~ which must be followed in all
1040 ~~such~~ tests given under this section. However, the failure of a
1041 law enforcement officer to request the withdrawal of blood does
1042 not affect the admissibility of a test of blood withdrawn for
1043 medical purposes.

1044 2.a. Only a physician, certified paramedic, registered

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1045 nurse, licensed practical nurse, other personnel authorized by a
1046 hospital to draw blood, or duly licensed clinical laboratory
1047 director, supervisor, technologist, or technician, acting at the
1048 request of a law enforcement officer, may withdraw blood to
1049 determine for the purpose of determining its alcohol
1050 concentration ~~alcoholic content~~ or the presence of a chemical
1051 ~~substances~~ or controlled substance ~~substances~~ therein. However,
1052 the failure of a law enforcement officer to request the
1053 withdrawal of blood does not affect the admissibility of a test
1054 of blood withdrawn for medical purposes.

1055 b. Notwithstanding any provision of law pertaining to the
1056 confidentiality of hospital records or other medical records, if
1057 a health care provider~~r~~, who is providing medical care in a
1058 health care facility to a person injured in a motor vehicle
1059 crash~~r~~, becomes aware, as a result of a ~~any~~ blood test performed
1060 in the course of that medical treatment, that the person's
1061 alcohol concentration ~~blood-alcohol level~~ meets or exceeds the
1062 concentration proscribed ~~blood-alcohol level specified~~ in s.
1063 316.193(1)(b), the health care provider may notify a ~~any~~ law
1064 enforcement officer or law enforcement agency. Any such notice
1065 must be given within a reasonable time after the health care
1066 provider receives the test result. Any such notice shall be used
1067 only for the purpose of providing the law enforcement officer
1068 with reasonable cause to request the withdrawal of a blood
1069 sample pursuant to this section.

1070 c. The notice shall consist only of the name of the person
1071 being treated, the name of the person who drew the blood, the
1072 alcohol concentration ~~blood-alcohol level~~ indicated by the test,
1073 and the date and time of the administration of the test.

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1074 d. Nothing contained in s. 395.3025(4), s. 456.057, or any
1075 applicable practice act affects the authority to provide notice
1076 under this section, and the health care provider is not
1077 considered to have breached any duty owed to the person under s.
1078 395.3025(4), s. 456.057, or any applicable practice act by
1079 providing notice or failing to provide notice. It is not deemed
1080 ~~shall not be~~ a breach of an ~~any~~ ethical, moral, or legal duty
1081 for a health care provider to provide notice or fail to provide
1082 notice.

1083 e. A civil, criminal, or administrative action may not be
1084 brought against a ~~any~~ person or health care provider
1085 participating in good faith in the provision of notice or
1086 failing ~~failure~~ to provide notice as provided in this section. A
1087 ~~Any~~ person or health care provider participating in the
1088 provision of notice or failing ~~failure~~ to provide notice as
1089 provided in this section is ~~shall be~~ immune from any civil or
1090 criminal liability and from any professional disciplinary action
1091 with respect to the provision of notice or failure to provide
1092 notice under this section. Any such participant has the same
1093 immunity with respect to participating in any judicial
1094 proceedings resulting from the notice or failure to provide
1095 notice.

1096 3. The person tested may, at his or her own expense, have a
1097 physician, registered nurse, other personnel authorized by a
1098 hospital to draw blood, or duly licensed clinical laboratory
1099 director, supervisor, technologist, or technician, or other
1100 person of his or her own choosing administer an independent test
1101 in addition to the test administered at the direction of the law
1102 enforcement officer to determine ~~for the purpose of determining~~

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1103 the amount of alcohol in the person's blood or breath or the
1104 presence of a chemical ~~substances~~ or controlled substance
1105 ~~substances~~ at the time alleged, as shown by chemical analysis of
1106 his or her blood or urine, or by chemical or physical test of
1107 his or her breath. The failure or inability to obtain an
1108 independent test by a person does not preclude the admissibility
1109 in evidence of the test taken at the direction of the law
1110 enforcement officer. The law enforcement officer may ~~shall~~ not
1111 interfere with the person's opportunity to obtain the
1112 independent test and shall provide the person with timely
1113 telephone access to secure the test, but the burden is on the
1114 person to arrange and secure the test at his or her ~~the person's~~
1115 ~~own~~ expense.

1116 4. Upon the request of the person tested, full information
1117 concerning the results of the test taken at the direction of the
1118 law enforcement officer shall be made available to the person or
1119 his or her attorney. Full information is limited to the
1120 following:

1121 a. The type of test administered and the procedures
1122 followed.

1123 b. The time of the collection of the blood or breath sample
1124 analyzed.

1125 c. The numerical results of the test indicating the alcohol
1126 concentration ~~content~~ of the blood or ~~and~~ breath.

1127 d. The type and status of any permit issued by the
1128 Department of Law Enforcement which was held by the person who
1129 performed the test.

1130 e. If the test was administered by means of a breath test
1131 ~~testing~~ instrument, the date of performance of the most recent

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1132 required inspection of the ~~such~~ instrument.

1133

1134 Full information does not include manuals, schematics, or
1135 software of the instrument used to test the person or any other
1136 material that is not in the actual possession of the state.
1137 Additionally, full information does not include information in
1138 the possession of the manufacturer of the test instrument.

1139 5. A hospital, clinical laboratory, medical clinic, or
1140 similar medical institution; a ~~or~~ physician, certified
1141 paramedic, registered nurse, licensed practical nurse, or other
1142 personnel authorized by a hospital to draw blood; a, ~~or~~ duly
1143 licensed clinical laboratory director, supervisor, technologist,
1144 or technician; ~~or~~ any other person assisting a law enforcement
1145 officer does not incur any civil or criminal liability as a
1146 result of the withdrawal or analysis of a blood or urine
1147 specimen, or the chemical or physical test of a person's breath
1148 pursuant to accepted medical standards when requested by a law
1149 enforcement officer, regardless of whether ~~or not~~ the subject
1150 resisted the administration of the test.

1151 (2) The results of a ~~any~~ test administered pursuant to this
1152 section to detect ~~for the purpose of detecting~~ the presence of a
1153 ~~any~~ controlled substance are ~~shall~~ not ~~be~~ admissible as evidence
1154 in a criminal prosecution for the possession of a controlled
1155 substance.

1156 (3) Notwithstanding any ~~provision of~~ law pertaining to the
1157 confidentiality of hospital records or other medical records,
1158 information relating to the alcohol concentration ~~alcoholic~~
1159 ~~content~~ of the blood or breath or the presence of a chemical
1160 ~~substances~~ or controlled substance ~~substances~~ in the blood or

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1161 urine obtained pursuant to this section shall be released to a
1162 court, prosecuting attorney, defense attorney, or law
1163 enforcement officer in connection with an alleged violation of
1164 s. 316.193 upon request for such information.

1165 Section 11. Paragraph (a) of subsection (1) and paragraph
1166 (a) of subsection (2) of section 316.1933, Florida Statutes, are
1167 amended to read:

1168 316.1933 Blood test for impairment or intoxication in cases
1169 of death or serious bodily injury; right to use reasonable
1170 force.—

1171 (1) (a) If a law enforcement officer has probable cause to
1172 believe that a motor vehicle driven by or in the actual physical
1173 control of a person who is impaired by an ~~under the influence of~~
1174 alcoholic beverage ~~beverages~~, a any chemical substance
1175 ~~substances~~, or a any controlled substance ~~substances~~ has caused
1176 the death or serious bodily injury of a human being, the ~~a~~ law
1177 enforcement officer shall require the person driving or in
1178 actual physical control of the motor vehicle to submit to a
1179 blood test to determine ~~of the person's blood for the purpose of~~
1180 ~~determining~~ the alcohol concentration ~~alcoholic content~~ thereof
1181 or the presence of a chemical substance ~~substances~~ as set forth
1182 in s. 877.111 or a controlled any substance as defined in
1183 ~~controlled under~~ chapter 893 or the Code of Federal Regulations
1184 as of July 1, 2014, or as in effect upon the date of the most
1185 recent readoption of this section under s. 11.2421 before the
1186 offense. The law enforcement officer may use reasonable force if
1187 necessary to require the ~~such~~ person to submit to the
1188 administration of the blood test. The blood test shall be
1189 performed in a reasonable manner. Notwithstanding s. 316.1932,

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1190 the testing required by this paragraph need not be incidental to
1191 a lawful arrest of the person.

1192 (2) (a) Only a physician, certified paramedic, registered
1193 nurse, licensed practical nurse, other personnel authorized by a
1194 hospital to draw blood, or duly licensed clinical laboratory
1195 director, supervisor, technologist, or technician, acting at the
1196 request of a law enforcement officer, may withdraw blood to
1197 determine ~~for the purpose of determining~~ the alcohol
1198 concentration ~~alcoholic content~~ thereof or the presence of
1199 chemical substances or controlled substances therein. However,
1200 the failure of a law enforcement officer to request the
1201 withdrawal of blood does ~~shall~~ not affect the admissibility of a
1202 test of blood withdrawn for medical purposes.

1203 1. Notwithstanding any provision of law pertaining to the
1204 confidentiality of hospital records or other medical records, if
1205 a health care provider, who is providing medical care in a
1206 health care facility to a person injured in a motor vehicle
1207 crash, becomes aware, as a result of any blood test performed in
1208 the course of that medical treatment, that the person's alcohol
1209 concentration ~~blood-alcohol level~~ meets or exceeds the
1210 concentration proscribed ~~blood-alcohol level specified~~ in s.
1211 316.193(1)(b), the health care provider may notify any law
1212 enforcement officer or law enforcement agency. Any such notice
1213 must be given within a reasonable time after the health care
1214 provider receives the test result. Any such notice must only
1215 ~~shall~~ be used ~~only~~ for the purpose of providing the law
1216 enforcement officer with reasonable cause to request the
1217 withdrawal of a blood sample pursuant to this section.

1218 2. The notice shall consist only of the name of the person

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1219 being treated, the name of the person who drew the blood, the
1220 alcohol concentration ~~blood-alcohol level~~ indicated by the test,
1221 and the date and time of the administration of the test.

1222 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
1223 applicable practice act affects the authority to provide notice
1224 under this section, and the health care provider is not
1225 considered to have breached any duty owed to the person under s.
1226 395.3025(4), s. 456.057, or any applicable practice act by
1227 providing notice or failing to provide notice. It is ~~shall~~ not
1228 ~~be~~ a breach of any ethical, moral, or legal duty for a health
1229 care provider to provide notice or fail to provide notice.

1230 4. A civil, criminal, or administrative action may not be
1231 brought against any person or health care provider participating
1232 in good faith in the provision of notice or failure to provide
1233 notice as provided in this section. Any person or health care
1234 provider participating in the provision of notice or failure to
1235 provide notice as provided in this section is ~~shall be~~ immune
1236 from any civil or criminal liability and from any professional
1237 disciplinary action with respect to the provision of notice or
1238 failure to provide notice under this section. Any such
1239 participant has the same immunity with respect to participating
1240 in any judicial proceedings resulting from the notice or failure
1241 to provide notice.

1242 Section 12. Subsections (1) and (2) of section 316.1934,
1243 Florida Statutes, are amended to read:

1244 316.1934 Presumption of impairment; testing methods.—

1245 (1) It is unlawful and punishable as provided in ~~chapter~~
1246 ~~322 and in~~ s. 316.193 for a ~~any~~ person who is impaired by an
1247 ~~under the influence of~~ alcoholic beverage ~~beverages~~ or a

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1248 controlled substance substances, when affected to the extent
1249 that the person's normal faculties are impaired or to the extent
1250 that the person is deprived of full possession of normal
1251 faculties, to drive or be in actual physical control of a any
1252 motor vehicle within this state. Such normal faculties include,
1253 but are not limited to, the ability to see, hear, walk, talk,
1254 judge distances, drive an automobile, make judgments, act in
1255 emergencies, and, in general, normally perform the many mental
1256 and physical acts of daily life.

1257 (2) At the trial of any civil or criminal action or
1258 proceeding arising out of an act acts alleged to have been
1259 committed by a any person while driving, or in actual physical
1260 control of, a vehicle while impaired under the influence of
1261 alcoholic beverages or controlled substances, when affected to
1262 the extent that the person's normal faculties were impaired or
1263 to the extent that he or she was deprived of full possession of
1264 his or her normal faculties, the results of any test
1265 administered in accordance with s. 316.1932 or s. 316.1933 and
1266 this section are admissible into evidence when otherwise
1267 admissible, and the amount of alcohol in the person's blood or
1268 breath at the time alleged, as shown by chemical analysis of the
1269 person's blood, or by chemical or physical test of the person's
1270 breath, gives rise to the following presumptions:

1271 (a) If the person's alcohol concentration was there was at
1272 that time a blood-alcohol level or breath-alcohol level of 0.05
1273 or less, it is presumed that the person was not impaired by an
1274 under the influence of alcoholic beverage beverages to the
1275 extent that his or her normal faculties were impaired.

1276 (b) If the person's alcohol concentration exceeded there

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1277 ~~was at that time a blood alcohol level or breath alcohol level~~
1278 ~~in excess of 0.05 but was less than 0.08, that fact does not~~
1279 ~~give rise to any presumption that the person was or was not~~
1280 ~~impaired by an ~~under the influence of alcoholic beverage~~~~
1281 ~~beverages to the extent that his or her normal faculties were~~
1282 ~~impaired~~ but may be considered with other competent evidence in
1283 determining whether the person was impaired by an ~~under the~~
1284 ~~influence of alcoholic beverage~~ beverages to the extent that his
1285 ~~or her normal faculties were impaired.~~

1286 (c) If the person's alcohol concentration was ~~there was at~~
1287 ~~that time a blood alcohol level or breath alcohol level of 0.08~~
1288 or higher, that fact is prima facie evidence that the person was
1289 impaired by an ~~under the influence of alcoholic beverage~~
1290 ~~beverages to the extent that his or her normal faculties were~~
1291 ~~impaired.~~ Moreover, a such person who has an alcohol
1292 concentration ~~a blood alcohol level or breath alcohol level of~~
1293 0.08 or higher commits the offense ~~is guilty~~ of driving, or
1294 being in actual physical control of, a motor vehicle, with an
1295 unlawful alcohol concentration ~~blood alcohol level or breath-~~
1296 ~~alcohol level.~~

1297
1298 The presumptions provided in this subsection do not limit the
1299 introduction of any other competent evidence bearing upon the
1300 question of whether the person was impaired by an ~~under the~~
1301 ~~influence of alcoholic beverage~~ beverages to the extent that his
1302 ~~or her normal faculties were impaired.~~

1303 Section 13. Subsection (1) of section 316.1937, Florida
1304 Statutes, is amended to read:

1305 316.1937 Ignition interlock devices, requiring; unlawful

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1306 acts.—

1307 (1) In addition to any other authorized penalty ~~penalties~~,
 1308 the court may require that a ~~any~~ person who is convicted of
 1309 driving while impaired ~~under the influence~~ in violation of s.
 1310 316.193 ~~shall~~ not operate a motor vehicle unless the ~~that~~
 1311 vehicle is equipped with a functioning ignition interlock device
 1312 certified by the department as provided in s. 316.1938~~7~~ and
 1313 installed in such a manner that the vehicle will not start if
 1314 the operator's alcohol concentration exceeds ~~blood alcohol level~~
 1315 ~~is in excess of~~ 0.025 percent or as otherwise specified by the
 1316 court. The court may require the use of an approved ignition
 1317 interlock device for ~~a period of~~ at least 6 continuous months,
 1318 if the person is permitted to operate a motor vehicle,
 1319 regardless of whether ~~or not~~ the privilege to operate a motor
 1320 vehicle is restricted, as determined by the court. The court,
 1321 however, shall order placement of an ignition interlock device
 1322 in those circumstances required by s. 316.193.

1323 Section 14. Subsection (1) of section 316.1939, Florida
 1324 Statutes, is amended to read:

1325 316.1939 Refusal to submit to testing; penalties.—

1326 (1) A ~~Any~~ person who has refused to submit to a chemical or
 1327 physical test of his or her breath, blood, or urine, as
 1328 described in s. 316.1932, ~~and~~ whose driving privilege was
 1329 previously suspended for a ~~prior~~ refusal to submit to a lawful
 1330 breath, blood, or urine test of his or her breath, urine, or
 1331 ~~blood~~, and:

1332 (a) Who the arresting law enforcement officer had probable
 1333 cause to believe was driving ~~or in actual physical control of~~ a
 1334 motor vehicle in this state while impaired by an ~~under the~~

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1335 ~~influence of~~ alcoholic beverage ~~beverages,~~ chemical substance
 1336 ~~substances,~~ or controlled substance ~~substances;~~

1337 (b) Who was placed under lawful arrest for a violation of
 1338 s. 316.193 unless such test was requested pursuant to s.
 1339 316.1932(1)(c);

1340 (c) Who was informed that, if he or she refused to submit
 1341 to such test, his or her privilege to operate a motor vehicle
 1342 would be suspended for a period of 1 year or, in the case of a
 1343 second or subsequent refusal, for a period of 18 months;

1344 (d) Who was informed that a refusal to submit to a lawful
 1345 breath, blood, or urine test ~~of his or her breath, urine, or~~
 1346 ~~blood,~~ if his or her driving privilege has been previously
 1347 suspended for a ~~prior~~ refusal to submit to a lawful breath,
 1348 blood, or urine test ~~of his or her breath, urine, or blood,~~ is a
 1349 misdemeanor; and

1350 (e) Who, after having been so informed, refused to submit
 1351 to any such test when requested to do so by a law enforcement
 1352 officer or correctional officer

1353
 1354 commits a misdemeanor of the first degree, punishable ~~and is~~
 1355 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

1356 Section 15. Subsection (5) of section 318.143, Florida
 1357 Statutes, is amended to read:

1358 318.143 Sanctions for infractions by minors.—

1359 (5) A minor who is arrested for a violation of s. 316.193
 1360 may be released from custody as soon as:

1361 (a) The minor is no longer impaired by an ~~under the~~
 1362 ~~influence of~~ alcoholic beverage ~~beverages,~~ a ~~of any~~ chemical
 1363 substance set forth in s. 877.111, or a ~~of any substance~~

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1364 controlled substance as defined in ~~under~~ chapter 893 or the Code
1365 of Federal Regulations as of July 1, 2014, or as in effect upon
1366 the date of the most recent readoption of this section under s.
1367 11.2421 before the offense, ~~and is not affected to the extent~~
1368 ~~that his or her normal faculties are impaired;~~

1369 (b) The minor's alcohol concentration ~~blood-alcohol level~~
1370 is less than 0.05 percent; or

1371 (c) Six hours have elapsed after the minor's arrest.

1372 Section 16. Section 318.17, Florida Statutes, is amended to
1373 read:

1374 318.17 Offenses excepted.—The provisions ~~No provision~~ of
1375 this chapter are not ~~is~~ available to a person who is charged
1376 with any of the following offenses:

1377 (1) Fleeing or attempting to elude a police officer, in
1378 violation of s. 316.1935;

1379 (2) Leaving the scene of a crash, in violation of ss.
1380 316.027 and 316.061;

1381 (3) Driving, or being in actual physical control of, a ~~any~~
1382 vehicle while impaired by an ~~under the influence of~~ alcoholic
1383 beverage ~~beverages,~~ a ~~any~~ chemical substance set forth in s.
1384 877.111, or a ~~any substance~~ controlled substance as defined in
1385 ~~under~~ chapter 893 or the Code of Federal Regulations as of July
1386 1, 2014, or as in effect upon the date of the most recent
1387 readoption of this section under s. 11.2421 before the offense,
1388 in violation of s. 316.193, or driving with an unlawful alcohol
1389 concentration ~~blood-alcohol level~~;

1390 (4) Reckless driving, in violation of s. 316.192;

1391 (5) Making a false crash report ~~reports,~~ in violation of s.
1392 316.067;

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1393 (6) Willfully failing or refusing to comply with a any
1394 lawful order or direction of a any police officer or member of
1395 the fire department, in violation of s. 316.072(3);

1396 (7) Obstructing an officer, in violation of s. 316.545(1);
1397 or

1398 (8) Any other offense in chapter 316 which is classified as
1399 a criminal violation.

1400 Section 17. Paragraph (c) of subsection (1) of section
1401 320.055, Florida Statutes, is amended to read:

1402 320.055 Registration periods; renewal periods.—The
1403 following registration periods and renewal periods are
1404 established:

1405 (1)

1406 (c) Notwithstanding the requirements of paragraph (a), the
1407 owner of a motor vehicle subject to paragraph (a) who has had
1408 his or her driver ~~driver's~~ license suspended pursuant to a
1409 violation of s. 316.193 or pursuant to s. 322.26(2) for driving
1410 while impaired ~~under the influence~~ must obtain a 6-month
1411 registration as a condition of reinstating the license, subject
1412 to renewal during the 3-year period that financial
1413 responsibility requirements apply. The registration period
1414 begins the first day of the birth month of the owner and ends
1415 the last day of the fifth month immediately following the
1416 owner's birth month. For such vehicles, the department shall
1417 issue a vehicle registration certificate that is valid for 6
1418 months and shall issue a validation sticker that displays an
1419 expiration date of 6 months after the date of issuance. The
1420 license tax required by s. 320.08 and all other applicable
1421 license taxes shall be one-half of the amount otherwise

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1422 required, except that the service charge required by s. 320.04
1423 shall be paid in full for each 6-month registration. A vehicle
1424 required to be registered under this paragraph is not eligible
1425 for the extended registration period under paragraph (b).

1426 Section 18. Paragraph (d) of subsection (5) of section
1427 320.08, Florida Statutes, is amended to read:

1428 320.08 License taxes.—Except as otherwise provided herein,
1429 there are hereby levied and imposed annual license taxes for the
1430 operation of motor vehicles, mopeds, motorized bicycles as
1431 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
1432 and mobile homes, as defined in s. 320.01, which shall be paid
1433 to and collected by the department or its agent upon the
1434 registration or renewal of registration of the following:

1435 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1436 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1437 (d) A wrecker, as defined in s. 320.01, which is used to
1438 tow a vessel as defined in s. 327.02(39), a disabled, abandoned,
1439 stolen-recovered, or impounded motor vehicle as defined in s.
1440 320.01, or a replacement motor vehicle as defined in s. 320.01:
1441 \$41 flat, of which \$11 shall be deposited into the General
1442 Revenue Fund.

1443 Section 19. Subsections (3) and (4) of section 322.12,
1444 Florida Statutes, are amended to read:

1445 322.12 Examination of applicants.—

1446 (3) For an applicant for a Class E driver ~~driver's~~ license,
1447 the ~~such~~ examination must ~~shall~~ include a test of the
1448 applicant's eyesight given by the driver ~~driver's~~ license
1449 examiner designated by the department or by a licensed
1450 ophthalmologist, optometrist, or physician and a test of the

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1451 applicant's hearing given by a driver ~~driver's~~ license examiner
1452 or a licensed physician. The examination must ~~shall~~ also include
1453 a test of the applicant's ability to read and understand highway
1454 signs regulating, warning, and directing traffic; his or her
1455 knowledge of the traffic laws of this state, including laws
1456 regulating driving while impaired by ~~under the influence of~~
1457 alcohol or a controlled substance ~~substances~~, driving with an
1458 unlawful alcohol concentration ~~blood-alcohol level~~, and driving
1459 while intoxicated; and his or her knowledge of the effects of
1460 alcohol and controlled substances upon persons and the dangers
1461 of driving a motor vehicle while impaired by ~~under the influence~~
1462 ~~of~~ alcohol or a controlled substance ~~substances~~ and must ~~shall~~
1463 include an actual demonstration of the applicant's ability to
1464 exercise ordinary and reasonable control in the operation of a
1465 motor vehicle.

1466 (4) The examination for an applicant for a commercial
1467 driver ~~driver's~~ license must ~~shall~~ include a test of the
1468 applicant's eyesight given by a driver ~~driver's~~ license examiner
1469 designated by the department or by a licensed ophthalmologist,
1470 optometrist, or physician and a test of the applicant's hearing
1471 given by a driver ~~driver's~~ license examiner or a licensed
1472 physician. The examination must ~~shall~~ also include a test of the
1473 applicant's ability to read and understand highway signs
1474 regulating, warning, and directing traffic; his or her knowledge
1475 of the traffic laws of this state pertaining to the class of
1476 motor vehicle which he or she is applying to be licensed to
1477 operate, including laws regulating driving while impaired by
1478 ~~under the influence of~~ alcohol or a controlled substance
1479 ~~substances~~, driving with an unlawful alcohol concentration

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1480 ~~blood-alcohol level~~, and driving while intoxicated; his or her
1481 knowledge of the effects of alcohol and controlled substances
1482 and the dangers of driving a motor vehicle after having consumed
1483 alcohol or a controlled substance ~~substances~~; and his or her
1484 knowledge of any special skills, requirements, or precautions
1485 necessary for the safe operation of the class of vehicle which
1486 he or she is applying to be licensed to operate. In addition,
1487 the examination must ~~shall~~ include an actual demonstration of
1488 the applicant's ability to exercise ordinary and reasonable
1489 control in the safe operation of a motor vehicle or combination
1490 of vehicles of the type covered by the license classification
1491 which the applicant is seeking, including an examination of the
1492 applicant's ability to perform an inspection of his or her
1493 vehicle.

1494 (a) The portion of the examination which tests an
1495 applicant's safe driving ability shall be administered by the
1496 department or by an entity authorized by the department to
1497 administer such examination, pursuant to s. 322.56. Such
1498 examination shall be administered at a location approved by the
1499 department.

1500 (b) A person who seeks to retain a hazardous-materials
1501 endorsement must, upon renewal, pass the test for such
1502 endorsement as specified in s. 322.57(1)(d), if the person has
1503 not taken and passed the hazardous-materials test within 2 years
1504 preceding his or her application for a commercial driver
1505 ~~driver's~~ license in this state.

1506 Section 20. Subsection (5) of section 322.25, Florida
1507 Statutes, is amended to read:

1508 322.25 When court to forward license to department and

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1509 report convictions.—

1510 (5) For the purpose of this chapter, the entrance of a plea
 1511 of nolo contendere by the defendant to a charge of driving while
 1512 intoxicated, driving while impaired ~~under the influence~~, driving
 1513 with an unlawful alcohol concentration ~~blood-alcohol level~~, or
 1514 any other alcohol-related or drug-related traffic offense
 1515 similar to the offenses specified in s. 316.193, accepted by the
 1516 court and under which plea the court has entered a fine or
 1517 sentence, whether in this state or any other state or country,
 1518 shall be equivalent to a conviction.

1519 Section 21. Subsection (2) of section 322.26, Florida
 1520 Statutes, is amended to read:

1521 322.26 Mandatory revocation of license by department.—The
 1522 department shall forthwith revoke the license or driving
 1523 privilege of any person upon receiving a record of such person's
 1524 conviction of any of the following offenses:

1525 (2) Driving a motor vehicle or being in actual physical
 1526 control thereof, or entering a plea of nolo contendere, said
 1527 plea being accepted by the court and said court entering a fine
 1528 or sentence to a charge of driving, while impaired by an ~~under~~
 1529 ~~the influence of~~ alcoholic beverage ~~beverages~~ or a substance
 1530 controlled substance as defined in ~~under~~ chapter 893 or the Code
 1531 of Federal Regulations as of July 1, 2014, or as in effect upon
 1532 the date of the most recent readoption of this section under s.
 1533 11.2421 before the offense, or being in actual physical control
 1534 of a motor vehicle while under the influence of an alcoholic
 1535 beverage ~~beverages~~ or a substance controlled substance as
 1536 defined in ~~under~~ chapter 893 or the Code of Federal Regulations
 1537 as of July 1, 2014, or as in effect upon the date of the most

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1538 recent readoption of this section under s. 11.2421 before the
1539 offense. ~~If In any case where~~ DUI manslaughter occurs and the
1540 person has no prior conviction ~~convictions~~ for a DUI-related
1541 offense ~~offenses~~, the revocation of the license or driving
1542 privilege ~~is shall be~~ permanent, except as provided ~~for~~ in s.
1543 322.271(4).

1544 Section 22. Paragraph (a) of subsection (2) and subsection
1545 (7) of section 322.2615, Florida Statutes, are amended to read:

1546 322.2615 Suspension of license; right to review.—

1547 (2) (a) Except as provided in paragraph (1) (a), the law
1548 enforcement officer shall forward to the department, within 5
1549 days after issuing the notice of suspension, the driver license;
1550 an affidavit stating the officer's grounds for belief that the
1551 person was driving or was in actual physical control of a motor
1552 vehicle while impaired by an ~~under the influence of~~ alcoholic
1553 beverage ~~beverages~~ or a chemical or controlled substance
1554 ~~substances~~; the results of any breath or blood test or an
1555 affidavit stating that a breath, blood, or urine test was
1556 requested by a law enforcement officer or correctional officer
1557 and that the person refused to submit; the officer's description
1558 of the person's field sobriety test, if any; and the notice of
1559 suspension. The failure of the officer to submit materials
1560 within the 5-day period specified in this subsection and in
1561 subsection (1) does not affect the department's ability to
1562 consider any evidence submitted at or before ~~prior to~~ the
1563 hearing.

1564 (7) In a formal review hearing under subsection (6) or an
1565 informal review hearing under subsection (4), the hearing
1566 officer shall determine by a preponderance of the evidence

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1567 whether sufficient cause exists to sustain, amend, or invalidate
1568 the suspension. The scope of the review is ~~shall be~~ limited to
1569 the following issues:

1570 (a) If the license was suspended for driving with an
1571 unlawful alcohol concentration ~~blood-alcohol level or breath-~~
1572 ~~alcohol level~~ of 0.08 or higher:

1573 1. Whether the law enforcement officer had probable cause
1574 to believe that the person whose license was suspended was
1575 driving or was in actual physical control of a motor vehicle in
1576 this state while impaired by an ~~under the influence of~~ alcoholic
1577 beverage ~~beverages~~ or a chemical or controlled substance
1578 ~~substances~~.

1579 2. Whether the person whose license was suspended had an
1580 unlawful alcohol concentration ~~blood-alcohol level or breath-~~
1581 ~~alcohol level~~ of 0.08 or higher as provided in s. 316.193.

1582 (b) If the license was suspended for refusal to submit to a
1583 breath, blood, or urine test:

1584 1. Whether the law enforcement officer had probable cause
1585 to believe that the person whose license was suspended was
1586 driving or was in actual physical control of a motor vehicle in
1587 this state while impaired by an ~~under the influence of~~ alcoholic
1588 beverage ~~beverages~~ or a chemical or controlled substance
1589 ~~substances~~.

1590 2. Whether the person whose license was suspended refused
1591 to submit to any such test after being requested to do so by a
1592 law enforcement officer or correctional officer.

1593 3. Whether the person whose license was suspended was told
1594 that if he or she refused to submit to such test, his or her
1595 privilege to operate a motor vehicle would be suspended for a

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1596 period of 1 year or, in the case of a second or subsequent
1597 refusal, for a period of 18 months.

1598 Section 23. Paragraph (b) of subsection (1) of section
1599 322.2616, Florida Statutes, is amended to read:

1600 322.2616 Suspension of license; persons under 21 years of
1601 age; right to review.—

1602 (1)

1603 (b) A law enforcement officer who has probable cause to
1604 believe that a motor vehicle is being driven by or is in the
1605 actual physical control of a person who is under the age of 21
1606 and who is impaired by or ~~while~~ under the influence of an
1607 alcoholic beverage ~~beverages~~ or ~~who~~ has any alcohol
1608 concentration ~~blood-alcohol or breath-alcohol level~~ may lawfully
1609 detain such a person and may request that the person ~~to~~ submit
1610 to a test to determine his or her alcohol concentration ~~blood-~~
1611 ~~alcohol or breath-alcohol level~~.

1612 Section 24. Paragraph (d) of subsection (2) and subsection
1613 (7) of section 322.271, Florida Statutes, are amended to read:

1614 322.271 Authority to modify revocation, cancellation, or
1615 suspension order.—

1616 (2) At such hearing, the person whose license has been
1617 suspended, canceled, or revoked may show that such suspension,
1618 cancellation, or revocation causes a serious hardship and
1619 precludes the person from carrying out his or her normal
1620 business occupation, trade, or employment and that the use of
1621 the person's license in the normal course of his or her business
1622 is necessary to the proper support of the person or his or her
1623 family.

1624 (d) For the purpose of this section, a previous conviction

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1625 of driving while impaired, driving under the influence, driving
1626 while intoxicated, driving with an unlawful alcohol
1627 concentration, driving with an unlawful blood-alcohol level, or
1628 any other similar alcohol-related or drug-related offense
1629 outside this state or a previous conviction of former s.
1630 316.1931, former s. 316.028, or former s. 860.01 is considered a
1631 previous conviction for violation of s. 316.193.

1632 (7) Notwithstanding ~~the provisions of~~ s. 322.2615(10) (a)
1633 and (b), a person who has never previously had a driver license
1634 suspended under s. 322.2615, who has never been disqualified
1635 under s. 322.64, who has never been convicted of a violation of
1636 s. 316.193, and whose driving privilege is now suspended under
1637 s. 322.2615 is eligible for a restricted driving privilege
1638 pursuant to a hearing under subsection (2).

1639 (a) For purposes of this subsection, a previous conviction
1640 outside of this state for driving under the influence, driving
1641 while intoxicated, driving with an unlawful blood-alcohol level
1642 or alcohol concentration, driving while impaired, or any other
1643 alcohol-related or drug-related traffic offense similar to the
1644 offense of driving while impaired ~~under the influence~~ as
1645 provided in s. 316.193 will be considered a previous conviction
1646 for a violation of s. 316.193, and a conviction for violation of
1647 former s. 316.028, former s. 316.1931, or former s. 860.01 is
1648 considered a conviction for a violation of s. 316.193.

1649 (b) The reinstatement shall be restricted to business
1650 purposes only, as defined in this section, for the duration of
1651 the suspension imposed under s. 322.2615.

1652 (c) Acceptance of the reinstated driving privilege as
1653 provided in this subsection is deemed a waiver of the right to

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1654 formal and informal review under s. 322.2615. The waiver may not
1655 be used as evidence in any other proceeding.

1656 Section 25. Section 322.2715, Florida Statutes, is amended
1657 to read:

1658 322.2715 Ignition interlock device.—

1659 (1) Before issuing a permanent or restricted driver license
1660 under this chapter, the department shall require the placement
1661 of a department-approved ignition interlock device for any
1662 person convicted of committing an offense of driving while
1663 impaired ~~under the influence~~ as specified in subsection (3),
1664 except that consideration may be given to those individuals
1665 having a documented medical condition that would prohibit the
1666 device from functioning normally. If a medical waiver has been
1667 granted for a convicted person seeking a restricted license, the
1668 convicted person shall not be entitled to a restricted license
1669 until the required ignition interlock device installation period
1670 under subsection (3) expires, in addition to the time
1671 requirements under s. 322.271. If a medical waiver has been
1672 approved for a convicted person seeking permanent reinstatement
1673 of the driver license, the convicted person must be restricted
1674 to an employment-purposes-only license and be supervised by a
1675 licensed DUI program until the required ignition interlock
1676 device installation period under subsection (3) expires. An
1677 interlock device shall be placed on all vehicles that are
1678 individually or jointly leased or owned and routinely operated
1679 by the convicted person.

1680 (2) For purposes of this section, any conviction for a
1681 violation of s. 316.193, a previous conviction for a violation
1682 of former s. 316.1931, or a conviction outside this state for

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1683 driving while impaired, driving under the influence, driving
1684 while intoxicated, driving with an unlawful alcohol
1685 concentration, driving with an unlawful blood-alcohol level, or
1686 any other similar alcohol-related or drug-related traffic
1687 offense is a conviction of driving while impaired ~~under the~~
1688 ~~influence~~.

1689 (3) If the person is convicted of:

1690 (a) A first offense of driving while impaired ~~under the~~
1691 ~~influence~~ under s. 316.193 and has an unlawful alcohol
1692 concentration ~~blood-alcohol level or breath-alcohol level~~ as
1693 specified in s. 316.193(4), or if a person is convicted of a
1694 violation of s. 316.193 and was at the time of the offense
1695 accompanied in the vehicle by a person younger than 18 years of
1696 age, the person shall have the ignition interlock device
1697 installed for at least 6 continuous months for the first offense
1698 and for at least 2 continuous years for a second offense.

1699 (b) A second offense of driving while impaired or under the
1700 influence, the ignition interlock device shall be installed for
1701 a period of at least 1 continuous year.

1702 (c) A third offense of driving while impaired or under the
1703 influence which occurs within 10 years after a prior conviction
1704 for a violation of s. 316.193, the ignition interlock device
1705 shall be installed for a period of at least 2 continuous years.

1706 (d) A third offense of driving while impaired or under the
1707 influence which occurs more than 10 years after the date of a
1708 prior conviction, the ignition interlock device shall be
1709 installed for a period of at least 2 continuous years.

1710 (e) A fourth or subsequent offense of driving while
1711 impaired or under the influence, the ignition interlock device

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1712 shall be installed for a period of at least 5 years.

1713 (4) If the court fails to order the mandatory placement of
1714 the ignition interlock device or fails to order for the
1715 applicable period the mandatory placement of an ignition
1716 interlock device under s. 316.193 or s. 316.1937 at the time of
1717 imposing sentence or within 30 days thereafter, the department
1718 shall immediately require that the ignition interlock device be
1719 installed as provided in this section, except that consideration
1720 may be given to those individuals having a documented medical
1721 condition that would prohibit the device from functioning
1722 normally. This subsection applies to the reinstatement of the
1723 driving privilege following a revocation, suspension, or
1724 cancellation that is based upon a conviction for the offense of
1725 driving while impaired or under the influence which occurs on or
1726 after July 1, 2005.

1727 (5) In addition to any fee ~~fees~~ authorized by rule for the
1728 installation and maintenance of the ignition interlock device,
1729 the authorized installer of the device shall collect and remit
1730 \$12 for each installation to the department, which shall be
1731 deposited into the Highway Safety Operating Trust Fund to be
1732 used for the operation of the Ignition Interlock Device Program.

1733 Section 26. Subsection (1) and paragraphs (a), (c), and (d)
1734 of subsection (2) of section 322.28, Florida Statutes, are
1735 amended to read:

1736 322.28 Period of suspension or revocation.—

1737 (1) Unless otherwise provided by this section, the
1738 department may ~~shall~~ not suspend a license for a period of more
1739 than 1 year and, upon revoking a license, in any case except in
1740 a prosecution for the offense of driving a motor vehicle while

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1741 impaired by an ~~under the influence of alcoholic beverage~~
1742 ~~beverages,~~ a chemical substance ~~substances~~ as set forth in s.
1743 877.111, or a controlled substance ~~substances,~~ may shall not in
1744 any event grant a new license until the expiration of 1 year
1745 after such revocation.

1746 (2) In a prosecution for a violation of s. 316.193 or
1747 former s. 316.1931, the following provisions apply:

1748 (a) Upon conviction of the driver, the court, along with
1749 imposing sentence, shall revoke the driver license or driving
1750 privilege of the person so convicted, effective on the date of
1751 conviction, and shall prescribe the period of ~~such~~ revocation in
1752 accordance with the following provisions:

1753 1. Upon a first conviction for a violation of ~~the~~
1754 ~~provisions of~~ s. 316.193, except a violation resulting in death,
1755 the driver license or driving privilege shall be revoked for at
1756 least 180 days but not more than 1 year.

1757 2. Upon a second conviction for an offense that occurs
1758 within ~~a period of~~ 5 years after ~~the date of~~ a prior conviction
1759 for a violation ~~of the provisions~~ of s. 316.193 or former s.
1760 316.1931 or a combination of these ~~such~~ sections, the driver
1761 license or driving privilege shall be revoked for at least 5
1762 years.

1763 3. Upon a third conviction for an offense that occurs
1764 within ~~a period of~~ 10 years after ~~the date of~~ a prior conviction
1765 for the violation ~~of the provisions~~ of s. 316.193 or former s.
1766 316.1931 or a combination of these ~~such~~ sections, the driver
1767 license or driving privilege shall be revoked for at least 10
1768 years.

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1770 For the purposes of this paragraph, a previous conviction
1771 outside this state for driving under the influence, driving
1772 while impaired, driving while intoxicated, driving with an
1773 unlawful alcohol concentration, driving with an unlawful blood-
1774 alcohol level, or any other alcohol-related or drug-related
1775 traffic offense similar to the offense of driving while impaired
1776 ~~under the influence~~ as proscribed by s. 316.193 is ~~will be~~
1777 considered a previous conviction for violation of s. 316.193,
1778 and a conviction for violation of former s. 316.028, former s.
1779 316.1931, or former s. 860.01 is considered a conviction for
1780 violation of s. 316.193.

1781 (c) The forfeiture of bail bond, not vacated within 20
1782 days, in any prosecution for the offense of driving while
1783 impaired by an ~~under the influence of~~ alcoholic beverage
1784 beverages, a chemical substance ~~substances~~, or a controlled
1785 substance ~~substances~~ to the extent of depriving the defendant of
1786 his or her abilities ~~normal faculties~~ shall be deemed equivalent
1787 to a conviction for the purposes of this paragraph, and the
1788 department shall immediately ~~forthwith~~ revoke the defendant's
1789 driver license or driving privilege for the maximum period
1790 applicable under paragraph (a) for a first conviction and for
1791 the minimum period applicable under paragraph (a) for a second
1792 or subsequent conviction; however, if the defendant is later
1793 convicted of the charge, the period of revocation imposed by the
1794 department for such conviction may ~~shall~~ not exceed the
1795 difference between the applicable maximum for a first conviction
1796 or minimum for a second or subsequent conviction and the
1797 revocation period under this subsection that has actually
1798 elapsed. ~~†~~ Upon conviction of such charge, the court may impose

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1799 revocation for a period ~~of time as~~ specified in paragraph (a).
1800 This paragraph does not apply if an appropriate motion
1801 contesting the forfeiture is filed within the 20-day period.

1802 (d) The court shall permanently revoke the driver license
1803 or driving privilege of a person who has been convicted four
1804 times for violation of s. 316.193 or former s. 316.1931 or a
1805 combination of these ~~such~~ sections. The court shall permanently
1806 revoke the driver license or driving privilege of a ~~any~~ person
1807 who has been convicted of DUI manslaughter in violation of s.
1808 316.193. If the court has not permanently revoked such driver
1809 license or driving privilege within 30 days after imposing
1810 sentence, the department shall permanently revoke the driver
1811 license or driving privilege pursuant to this paragraph. The
1812 person may not be issued or granted a ~~No~~ driver license or
1813 driving privilege ~~may be issued or granted to any such person.~~
1814 This paragraph applies only if at least one of the convictions
1815 for violation of s. 316.193 or former s. 316.1931 was for a
1816 violation that occurred after July 1, 1982. For the purposes of
1817 this paragraph, a conviction for violation of former s. 316.028,
1818 former s. 316.1931, or former s. 860.01 is also considered a
1819 conviction for violation of s. 316.193. ~~Also,~~ A conviction of
1820 driving under the influence, driving while intoxicated, driving
1821 while impaired, driving with an unlawful alcohol concentration,
1822 driving with an unlawful blood-alcohol level, or any other
1823 similar alcohol-related or drug-related traffic offense outside
1824 this state is also considered a conviction for the purposes of
1825 this paragraph.

1826 Section 27. Section 322.291, Florida Statutes, is amended
1827 to read:

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1828 322.291 Driver improvement schools or DUI programs;
1829 required in certain suspension and revocation cases.—Except as
1830 provided in s. 322.03(2), a any person:

1831 (1) Whose driving privilege has been revoked:

1832 (a) Upon conviction for:

1833 1. Driving, or being in actual physical control of, a any
1834 vehicle while impaired by an ~~under the influence of~~ alcoholic
1835 beverage ~~beverages~~, a any chemical substance set forth in s.
1836 877.111, or a any substance controlled under chapter 893, in
1837 violation of s. 316.193;

1838 2. Driving with an unlawful alcohol concentration ~~blood or~~
1839 ~~breath-alcohol level~~;

1840 3. Manslaughter resulting from the operation of a motor
1841 vehicle;

1842 4. Failure to stop and render aid as required under the
1843 laws of this state in the event of a motor vehicle crash
1844 resulting in the death or personal injury of another; or

1845 5. Reckless driving; ~~or~~

1846 (b) As a habitual offender; or

1847 (c) Upon direction of the court, if the court feels that
1848 the seriousness of the offense and the circumstances surrounding
1849 the conviction warrant the revocation of the licensee's driving
1850 privilege; or

1851 (2) Whose license was suspended under the point system, was
1852 suspended for driving with an unlawful blood-alcohol level of
1853 0.10 percent or higher before January 1, 1994, was suspended for
1854 driving with an unlawful blood-alcohol level of 0.08 percent or
1855 higher after December 31, 1993, was suspended for a violation of
1856 s. 316.193(1), or was suspended for refusing to submit to a

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1857 lawful breath, blood, or urine test as provided in s. 322.2615
1858
1859 shall, before the driving privilege may be reinstated, present
1860 to the department proof of enrollment in an advanced driver-
1861 improvement course that is approved by the department and a
1862 ~~department-approved advanced driver improvement course~~ operating
1863 pursuant to s. 318.1451 or a substance abuse education course
1864 conducted by a DUI program licensed pursuant to s. 322.292,
1865 which must ~~shall~~ include a psychosocial evaluation and
1866 treatment, if referred. Additionally, for a third or subsequent
1867 violation of requirements for installation of an ignition
1868 interlock device, a person must complete treatment as determined
1869 by a licensed treatment agency following a referral by a DUI
1870 program and have the duration of the ignition interlock device
1871 requirement extended by at least 1 month up to the time ~~period~~
1872 required to complete treatment. If the person fails to complete
1873 such course or evaluation within 90 days after reinstatement, or
1874 subsequently fails to complete treatment, if referred, the DUI
1875 program shall notify the department of the failure. Upon receipt
1876 of the notice, the department shall cancel the person's
1877 ~~offender's~~ driving privilege, notwithstanding the expiration of
1878 the suspension or revocation of the driving privilege. The
1879 department may temporarily reinstate the driving privilege upon
1880 verification from the DUI program that the person ~~offender~~ has
1881 completed the education course and evaluation requirement and
1882 has reentered and is currently participating in treatment. If
1883 the DUI program notifies the department of the second failure to
1884 complete treatment, the department shall reinstate the driving
1885 privilege only after notice of completion of treatment from the

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1886 DUI program.

1887 Section 28. Paragraph (a) of subsection (9) of section
1888 322.34, Florida Statutes, is amended to read:

1889 322.34 Driving while license suspended, revoked, canceled,
1890 or disqualified.—

1891 (9) (a) A motor vehicle that is driven by a person who is
1892 impaired by ~~under the influence of~~ alcohol or a controlled
1893 substance ~~drugs~~ in violation of s. 316.193 is subject to seizure
1894 and forfeiture under ss. 932.701-932.706 and is subject to liens
1895 for recovering, towing, or storing vehicles under s. 713.78 if,
1896 at the time of the offense, the person's driver ~~driver's~~ license
1897 is suspended, revoked, or canceled as a result of a prior
1898 conviction for driving under the influence or driving while
1899 impaired.

1900 Section 29. Paragraph (b) of subsection (3) of section
1901 322.61, Florida Statutes, is amended to read:

1902 322.61 Disqualification from operating a commercial motor
1903 vehicle.—

1904 (3)

1905 (b) Except as provided in subsection (4), any holder of a
1906 commercial driver license or commercial learner's permit who is
1907 convicted of one of the offenses listed in this paragraph while
1908 operating a noncommercial motor vehicle shall, in addition to
1909 any other applicable penalties, be disqualified from operating a
1910 commercial motor vehicle for a period of 1 year:

1911 1. Driving a motor vehicle while he or she is impaired by
1912 ~~under the influence of~~ alcohol or a controlled substance;

1913 2. Driving a commercial motor vehicle while the alcohol
1914 concentration of his or her blood, breath, or urine is 0.04 ~~.04~~

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1915 ~~percent~~ or higher;

1916 3. Leaving the scene of a crash involving a motor vehicle
1917 driven by such person;

1918 4. Using a motor vehicle in the commission of a felony;

1919 5. Refusing to submit to a test to determine his or her
1920 alcohol concentration while driving a motor vehicle;

1921 6. Driving a commercial motor vehicle when, as a result of
1922 prior violations committed operating a commercial motor vehicle,
1923 his or her commercial driver license or commercial learner's
1924 permit is revoked, suspended, or canceled, or he or she is
1925 disqualified from operating a commercial motor vehicle; or

1926 7. Causing a fatality through the negligent operation of a
1927 commercial motor vehicle.

1928 Section 30. Section 322.62, Florida Statutes, is amended to
1929 read:

1930 322.62 Driving while impaired ~~under the influence~~;
1931 commercial motor vehicle operators.-

1932 (1) A person who has ~~any~~ alcohol in his or her body may not
1933 drive or be in actual physical control of a commercial motor
1934 vehicle in this state. A ~~Any~~ person who violates this section
1935 commits ~~is guilty of~~ a moving violation, punishable as provided
1936 in s. 318.18.

1937 (2) (a) In addition to the penalty provided in subsection
1938 (1), a person who violates this section shall be immediately
1939 placed out of service ~~out-of-service immediately~~ for a period of
1940 24 hours.

1941 (b) In addition to the penalty provided in subsection (1),
1942 a person who violates this section and who has an alcohol
1943 concentration ~~a blood-alcohol level~~ of 0.04 or more grams of

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1944 alcohol per 100 milliliters of blood, ~~or a breath alcohol level~~
1945 ~~of~~ 0.04 or more grams of alcohol per 210 liters of breath is
1946 subject to the penalty provided in s. 322.61.

1947 (3) This section does not supersede s. 316.193. ~~Nothing in~~
1948 This section does not prohibit ~~prohibits~~ the prosecution of a
1949 person who drives a commercial motor vehicle for driving while
1950 impaired by ~~under the influence of~~ alcohol or a controlled
1951 substance, regardless of substances whether the ~~or not~~ such
1952 person is also prosecuted for a violation of this section.

1953 Section 31. Subsection (3) of section 322.63, Florida
1954 Statutes, is amended to read:

1955 322.63 Alcohol or drug testing; commercial motor vehicle
1956 operators.—

1957 (3) (a) The breath and blood alcohol tests authorized in
1958 this section shall be administered substantially in accordance
1959 with rules adopted by the Department of Law Enforcement.

1960 (b) The Alcohol Testing Program within the Department of
1961 Law Enforcement is responsible for the regulation of the
1962 operation, inspection, and registration of breath test
1963 instruments that are used ~~utilized~~ under the provisions relating
1964 to driving and boating while impaired ~~under the influence~~
1965 ~~provisions and related provisions located~~ in this chapter and
1966 chapters 316 and 327. The program is responsible for the
1967 regulation of the individuals who operate, inspect, and instruct
1968 on the breath test instruments that are used ~~utilized in~~
1969 the provisions relating to driving and boating while impaired
1970 ~~under the influence provisions and related provisions located~~ in
1971 this chapter and chapters 316 and 327. The program is further
1972 responsible for the regulation of blood analysts who conduct

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1973 blood alcohol testing that is used ~~to be utilized~~ under such
1974 provisions ~~the driving and boating under the influence~~
1975 ~~provisions and related provisions located in this chapter and~~
1976 ~~chapters 316 and 327.~~ The program shall:

1977 1. Establish uniform criteria for the issuance of permits
1978 to breath test operators, agency inspectors, instructors, blood
1979 analysts, and instruments.

1980 2. Have the authority to issue permits for ~~permit~~ breath
1981 test operators, agency inspectors, instructors, blood analysts,
1982 and instruments.

1983 3. Have the authority to discipline and suspend, revoke, or
1984 renew the permits of breath test operators, agency inspectors,
1985 instructors, blood analysts, and instruments.

1986 4. Establish uniform requirements for instruction and
1987 curricula for the operation and inspection of approved
1988 instruments.

1989 5. Have the authority to specify one approved curriculum
1990 for the operation and inspection of approved instruments.

1991 6. Establish a procedure for the approval of breath test
1992 operator and agency inspector classes.

1993 7. Have the authority to approve or disapprove breath test
1994 instruments and accompanying paraphernalia for use pursuant to
1995 the provisions relating to driving and boating while impaired
1996 ~~under the influence provisions and related provisions located in~~
1997 this chapter and chapters 316 and 327.

1998 8. With the approval of the executive director of the
1999 Department of Law Enforcement, make and enter into contracts and
2000 agreements with other agencies, organizations, associations,
2001 corporations, individuals, or federal agencies as are necessary,

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expedient, or incidental to the performance of duties.

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

10. Enforce compliance with ~~the provisions of~~ this section through civil or administrative proceedings.

11. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 316, or chapter 327.

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

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

14. Have the authority to approve the breath and ~~type of~~ blood alcohol test to be used ~~utilized~~ under the provisions relating to driving and boating while impaired ~~under the influence provisions and related provisions located in this chapter and chapters 316 and 327.~~

15. Have the authority to approve ~~specify techniques and methods and procedures~~ for breath ~~alcohol testing~~ and blood alcohol testing to be used ~~utilized~~ under the provisions relating to driving and boating while impaired ~~under the influence provisions and related provisions located in this chapter and chapters 316 and 327.~~

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

~~Nothing in~~ This section does not ~~shall be construed to~~ supersede

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2031 provisions in this chapter and chapters 316 and 327. The
2032 specifications in this section are derived from the power and
2033 authority previously and currently possessed by the Department
2034 of Law Enforcement and are enumerated to conform with the
2035 mandates of chapter 99-379, Laws of Florida.

2036 (c) Any insubstantial difference ~~differences~~ between
2037 approved methods and procedures ~~techniques~~ and actual testing
2038 methods and procedures in an ~~any~~ individual case does not render
2039 the test or tests results invalid.

2040 (d) Notwithstanding any other provision of this section,
2041 the failure of a law enforcement officer to request the
2042 withdrawal of blood does ~~shall~~ not affect the admissibility of a
2043 test of blood withdrawn for medical purposes.

2044 Section 32. Paragraphs (a) and (c) of subsection (1),
2045 paragraph (a) of subsection (2), and paragraph (a) of subsection
2046 (7) of section 322.64, Florida Statutes, are amended to read:

2047 322.64 Holder of commercial driver license; persons
2048 operating a commercial motor vehicle; driving with unlawful
2049 alcohol concentration ~~blood-alcohol level~~; refusal to submit to
2050 breath, urine, or blood test.—

2051 (1)(a) A law enforcement officer or correctional officer
2052 shall, on behalf of the department, disqualify from operating
2053 any commercial motor vehicle a person who while operating or in
2054 actual physical control of a commercial motor vehicle is
2055 arrested for a violation of s. 316.193, relating to unlawful
2056 blood-alcohol concentration ~~level~~ or breath-alcohol
2057 concentration ~~level~~, or a person who has refused to submit to a
2058 breath, urine, or blood test authorized by s. 322.63 or s.
2059 316.1932 arising out of the operation or actual physical control

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2060 of a commercial motor vehicle. A law enforcement officer or
2061 correctional officer shall, on behalf of the department,
2062 disqualify the holder of a commercial driver license from
2063 operating any commercial motor vehicle if the licenseholder,
2064 while operating or in actual physical control of a motor
2065 vehicle, is arrested for a violation of s. 316.193, relating to
2066 unlawful blood-alcohol concentration level or breath-alcohol
2067 concentration level, or refused to submit to a breath, urine, or
2068 blood test authorized by s. 322.63 or s. 316.1932. Upon
2069 disqualification of the person, the officer shall take the
2070 person's driver license and issue the person a 10-day temporary
2071 permit for the operation of noncommercial vehicles only if the
2072 person is otherwise eligible for the driving privilege and shall
2073 issue the person a notice of disqualification. If the person has
2074 been given a blood, breath, or urine test, the results of which
2075 are not available to the officer at the time of the arrest, the
2076 agency employing the officer shall transmit such results to the
2077 department within 5 days after receipt of the results. If the
2078 department then determines that the person had a blood-alcohol
2079 concentration level or breath-alcohol concentration level of
2080 0.08 or higher, the department shall disqualify the person from
2081 operating a commercial motor vehicle pursuant to subsection (3).

2082 (c) The disqualification under paragraph (a) shall be
2083 pursuant to, and the notice of disqualification shall inform the
2084 driver of, the following:

2085 1.a. The driver refused to submit to a lawful breath,
2086 blood, or urine test and he or she is disqualified from
2087 operating a commercial motor vehicle for the time period
2088 specified in 49 C.F.R. s. 383.51; or

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2089 b. The driver had an unlawful blood-alcohol concentration
2090 ~~level~~ of 0.08 or higher while driving or in actual physical
2091 control of a commercial motor vehicle, or any motor vehicle if
2092 the driver holds a commercial driver license, and his or her
2093 driving privilege is disqualified for the time period specified
2094 in 49 C.F.R. s. 383.51.

2095 2. The disqualification period for operating commercial
2096 vehicles shall commence on the date of issuance of the notice of
2097 disqualification.

2098 3. The driver may request a formal or informal review of
2099 the disqualification by the department within 10 days after the
2100 date of issuance of the notice of disqualification.

2101 4. The temporary permit issued at the time of
2102 disqualification expires at midnight of the 10th day following
2103 the date of disqualification.

2104 5. The driver may submit to the department any materials
2105 relevant to the disqualification.

2106 (2) (a) Except as provided in paragraph (1) (a), the law
2107 enforcement officer shall forward to the department, within 5
2108 days after the date of the issuance of the notice of
2109 disqualification, a copy of the notice of disqualification, the
2110 driver license of the person disqualified, and an affidavit
2111 stating the officer's grounds for belief that the person
2112 disqualified was operating or in actual physical control of a
2113 commercial motor vehicle, or holds a commercial driver license,
2114 and had an unlawful blood-alcohol or breath-alcohol
2115 concentration level; ~~level~~; the results of any breath or blood or urine
2116 test or an affidavit stating that a breath, blood, or urine test
2117 was requested by a law enforcement officer or correctional

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2118 officer and that the person arrested refused to submit; a copy
2119 of the notice of disqualification issued to the person; and the
2120 officer's description of the person's field sobriety test, if
2121 any. The failure of the officer to submit materials within the
2122 5-day period specified in this subsection or subsection (1) does
2123 not affect the department's ability to consider any evidence
2124 submitted at or prior to the hearing.

2125 (7) In a formal review hearing under subsection (6) or an
2126 informal review hearing under subsection (4), the hearing
2127 officer shall determine by a preponderance of the evidence
2128 whether sufficient cause exists to sustain, amend, or invalidate
2129 the disqualification. The scope of the review shall be limited
2130 to the following issues:

2131 (a) If the person was disqualified from operating a
2132 commercial motor vehicle for driving with an unlawful blood-
2133 alcohol level:

2134 1. Whether the law enforcement officer had probable cause
2135 to believe that the person was driving or in actual physical
2136 control of a commercial motor vehicle, or any motor vehicle if
2137 the driver holds a commercial driver license, in this state
2138 while he or she had any alcohol, chemical substances, or
2139 controlled substances in his or her body.

2140 2. Whether the person had an unlawful blood-alcohol
2141 concentration level ~~level~~ or breath-alcohol concentration level of
2142 0.08 or higher.

2143 Section 33. Section 324.023, Florida Statutes, is amended
2144 to read:

2145 324.023 Financial responsibility for bodily injury or
2146 death.—In addition to any other financial responsibility

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2147 required by law, every owner or operator of a motor vehicle that
2148 is required to be registered in this state, or that is located
2149 within this state, and who, regardless of adjudication of guilt,
2150 has been found guilty of or entered a plea of guilty or nolo
2151 contendere to a charge of driving while impaired or under the
2152 influence under s. 316.193 after October 1, 2007, shall, by one
2153 of the methods established in s. 324.031(1) or (2), establish
2154 and maintain the ability to respond in damages for liability on
2155 account of accidents arising out of the use of a motor vehicle
2156 in the amount of \$100,000 because of bodily injury to, or death
2157 of, one person in any one crash and, subject to such limits for
2158 one person, in the amount of \$300,000 because of bodily injury
2159 to, or death of, two or more persons in any one crash and in the
2160 amount of \$50,000 because of property damage in any one crash.
2161 If the owner or operator chooses to establish and maintain such
2162 ability by furnishing a certificate of deposit pursuant to s.
2163 324.031(2), the amount of the ~~such~~ certificate of deposit must
2164 be at least \$350,000. Such higher limits must be carried for a
2165 minimum period of 3 years. If the owner or operator has not been
2166 convicted of driving while impaired ~~under the influence or of~~ a
2167 felony traffic offense for a period of 3 years after ~~from~~ the
2168 date of reinstatement of driving privileges for a violation of
2169 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
2170 section.

2171 Section 34. Section 327.35, Florida Statutes, is amended to
2172 read:

2173 327.35 Boating while impaired ~~under the influence~~;
2174 penalties; "designated drivers".-

2175 (1) A person commits ~~is guilty of~~ the offense of boating

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2176 while impaired ~~under the influence~~ and is subject to punishment
2177 as provided in subsection (2) if the person is operating a
2178 vessel within this state and:

2179 (a) The person is impaired by ~~under the influence of~~
2180 alcoholic beverages, any chemical substance set forth in s.
2181 877.111, or any substance controlled under chapter 893, ~~when~~
2182 ~~affected to the extent that the person's normal faculties are~~
2183 ~~impaired;~~

2184 (b) The person has a blood-alcohol concentration level of
2185 0.08 or more grams of alcohol per 100 milliliters of blood; or

2186 (c) The person has a breath-alcohol concentration level of
2187 0.08 or more grams of alcohol per 210 liters of breath.

2188 (2)(a) Except as provided in paragraph (b), subsection (3),
2189 or subsection (4), any person who is convicted of a violation of
2190 subsection (1) shall be punished:

2191 1. By a fine of:

2192 a. Not less than \$500 or more than \$1,000 for a first
2193 conviction.

2194 b. Not less than \$1,000 or more than \$2,000 for a second
2195 conviction; and

2196 2. By imprisonment for:

2197 a. Not more than 6 months for a first conviction.

2198 b. Not more than 9 months for a second conviction.

2199 (b)1. A ~~Any~~ person who is convicted of a third violation of
2200 this section for an offense that occurs within 10 years after a
2201 prior conviction for a violation of this section commits a
2202 felony of the third degree, punishable as provided in s.
2203 775.082, s. 775.083, or s. 775.084.

2204 2. A ~~Any~~ person who is convicted of a third violation of

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2205 this section for an offense that occurs more than 10 years after
2206 the date of a prior conviction for a violation of this section
2207 shall be punished by a fine of not less than \$2,000 or more than
2208 \$5,000 and by imprisonment for not more than 12 months.

2209 3. A ~~Any~~ person who is convicted of a fourth or subsequent
2210 violation of this section, regardless of when any prior
2211 conviction for a violation of this section occurred, commits a
2212 felony of the third degree, punishable as provided in s.
2213 775.082, s. 775.083, or s. 775.084.

2214

2215 However, the fine imposed for such fourth or subsequent
2216 violation may not be less than \$2,000.

2217 (3) Any person:

2218 (a) Who is in violation of subsection (1);

2219 (b) Who operates a vessel; and

2220 (c) Who, by reason of such operation, causes or contributes
2221 to causing:

2222 1. Damage to the property or person of another commits a
2223 misdemeanor of the first degree, punishable as provided in s.
2224 775.082 or s. 775.083.

2225 2. Serious bodily injury to another, as defined in s.
2226 327.353, commits a felony of the third degree, punishable as
2227 provided in s. 775.082, s. 775.083, or s. 775.084.

2228 3. The death of any human being commits BUI manslaughter,
2229 and commits:

2230 a. A felony of the second degree, punishable as provided in
2231 s. 775.082, s. 775.083, or s. 775.084.

2232 b. A felony of the first degree, punishable as provided in
2233 s. 775.082, s. 775.083, or s. 775.084, if:

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2234 (I) At the time of the accident, the person knew, or should
 2235 have known, that the accident occurred; and

2236 (II) The person failed to give information and render aid
 2237 as required by s. 327.30.

2238

2239 This sub-subparagraph does not require that the person knew that
 2240 the accident resulted in injury or death.

2241 (4) A ~~Any~~ person who is convicted of a violation of
 2242 subsection (1) and who has a blood-alcohol concentration level ~~level~~
 2243 or breath-alcohol concentration level ~~level~~ of 0.15 or higher, or any
 2244 person who is convicted of a violation of subsection (1) and who
 2245 at the time of the offense was accompanied in the vessel by a
 2246 person under the age of 18 years, shall be punished:

2247 (a) By a fine of:

2248 1. Not less than \$1,000 or more than \$2,000 for a first
 2249 conviction.

2250 2. Not less than \$2,000 or more than \$4,000 for a second
 2251 conviction.

2252 3. Not less than \$4,000 for a third or subsequent
 2253 conviction.

2254 (b) By imprisonment for:

2255 1. Not more than 9 months for a first conviction.

2256 2. Not more than 12 months for a second conviction.

2257

2258 For the purposes of this subsection, only the instant offense is
 2259 required to be a violation of subsection (1) by a person who has
 2260 a blood-alcohol level or breath-alcohol level of 0.15 or higher.

2261 (5) In addition to any sentence or fine, the court shall
 2262 place any offender convicted of violating this section on

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2263 monthly reporting probation and shall require attendance at a
2264 substance abuse course specified by the court; and the agency
2265 conducting the course may refer the offender to an authorized
2266 service provider for substance abuse evaluation and treatment,
2267 in addition to any sentence or fine imposed under this section.
2268 The offender shall assume reasonable costs for such education,
2269 evaluation, and treatment, with completion of all such
2270 education, evaluation, and treatment being a condition of
2271 reporting probation. Treatment resulting from a psychosocial
2272 evaluation may not be waived without a supporting psychosocial
2273 evaluation conducted by an agency appointed by the court and
2274 with access to the original evaluation. The offender shall bear
2275 the cost of this procedure. The term "substance abuse" means the
2276 abuse of alcohol or any substance named or described in
2277 Schedules I-V of s. 893.03.

2278 (6) With respect to a ~~any~~ person convicted of a violation
2279 of subsection (1), regardless of any other penalty imposed:

2280 (a) For the first conviction, the court shall place the
2281 defendant on probation for a period not to exceed 1 year and, as
2282 a condition of such probation, shall order the defendant to
2283 participate in public service or a community work project for a
2284 minimum of 50 hours. The court must also, as a condition of
2285 probation, order the impoundment or immobilization of the vessel
2286 that was operated by or in the actual control of the defendant
2287 or any one vehicle registered in the defendant's name at the
2288 time of impoundment or immobilization, for a period of 10 days
2289 or for the unexpired term of any lease or rental agreement that
2290 expires within 10 days. The impoundment or immobilization must
2291 not occur concurrently with the incarceration of the defendant.

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2292 The impoundment or immobilization order may be dismissed in
2293 accordance with paragraph (e) or paragraph (f). The total period
2294 of probation and incarceration may not exceed 1 year.

2295 (b) For the second conviction for an offense that occurs
2296 within a period of 5 years after the date of a prior conviction
2297 for violation of this section, the court shall order
2298 imprisonment for not less than 10 days. The court must also, as
2299 a condition of probation, order the impoundment or
2300 immobilization of the vessel that was operated by or in the
2301 actual control of the defendant or any one vehicle registered in
2302 the defendant's name at the time of impoundment or
2303 immobilization, for a period of 30 days or for the unexpired
2304 term of any lease or rental agreement that expires within 30
2305 days. The impoundment or immobilization must not occur
2306 concurrently with the incarceration of the defendant. The
2307 impoundment or immobilization order may be dismissed in
2308 accordance with paragraph (e) or paragraph (f). At least 48
2309 hours of confinement must be consecutive.

2310 (c) For the third or subsequent conviction for an offense
2311 that occurs within a period of 10 years after the date of a
2312 prior conviction for violation of this section, the court shall
2313 order imprisonment for not less than 30 days. The court must
2314 also, as a condition of probation, order the impoundment or
2315 immobilization of the vessel that was operated by or in the
2316 actual control of the defendant or any one vehicle registered in
2317 the defendant's name at the time of impoundment or
2318 immobilization, for a period of 90 days or for the unexpired
2319 term of any lease or rental agreement that expires within 90
2320 days. The impoundment or immobilization must not occur

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2321 concurrently with the incarceration of the defendant. The
2322 impoundment or immobilization order may be dismissed in
2323 accordance with paragraph (e) or paragraph (f). At least 48
2324 hours of confinement must be consecutive.

2325 (d) The court must at the time of sentencing the defendant
2326 issue an order for the impoundment or immobilization of a
2327 vessel. Within 7 business days after the date that the court
2328 issues the order of impoundment, and once again 30 business days
2329 before the actual impoundment or immobilization of the vessel,
2330 the clerk of the court must send notice by certified mail,
2331 return receipt requested, to the registered owner of each
2332 vessel, if the registered owner is a person other than the
2333 defendant, and to each person of record claiming a lien against
2334 the vessel.

2335 (e) A person who owns but was not operating the vessel when
2336 the offense occurred may submit to the court a police report
2337 indicating that the vessel was stolen at the time of the offense
2338 or documentation of having purchased the vessel after the
2339 offense was committed from an entity other than the defendant or
2340 the defendant's agent. If the court finds that the vessel was
2341 stolen or that the sale was not made to circumvent the order and
2342 allow the defendant continued access to the vessel, the order
2343 must be dismissed and the owner of the vessel will incur no
2344 costs. If the court denies the request to dismiss the order of
2345 impoundment or immobilization, the petitioner may request an
2346 evidentiary hearing.

2347 (f) A person who owns but was not operating the vessel when
2348 the offense occurred, and whose vessel was stolen or who
2349 purchased the vessel after the offense was committed directly

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2350 from the defendant or the defendant's agent, may request an
2351 evidentiary hearing to determine whether the impoundment or
2352 immobilization should occur. If the court finds that either the
2353 vessel was stolen or the purchase was made without knowledge of
2354 the offense, that the purchaser had no relationship to the
2355 defendant other than through the transaction, and that such
2356 purchase would not circumvent the order and allow the defendant
2357 continued access to the vessel, the order must be dismissed and
2358 the owner of the vessel will incur no costs.

2359 (g) All costs and fees for the impoundment or
2360 immobilization, including the cost of notification, must be paid
2361 by the owner of the vessel or, if the vessel is leased or
2362 rented, by the person leasing or renting the vessel, unless the
2363 impoundment or immobilization order is dismissed.

2364 (h) The person who owns a vessel that is impounded or
2365 immobilized under this paragraph, or a person who has a lien of
2366 record against such a vessel and who has not requested a review
2367 of the impoundment pursuant to paragraph (e) or paragraph (f),
2368 may, within 10 days after the date that person has knowledge of
2369 the location of the vessel, file a complaint in the county in
2370 which the owner resides to determine whether the vessel was
2371 wrongfully taken or withheld from the owner or lienholder. Upon
2372 the filing of a complaint, the owner or lienholder may have the
2373 vessel released by posting with the court a bond or other
2374 adequate security equal to the amount of the costs and fees for
2375 impoundment or immobilization, including towing or storage, to
2376 ensure the payment of the costs and fees if the owner or
2377 lienholder does not prevail. When the bond is posted and the fee
2378 is paid as set forth in s. 28.24, the clerk of the court shall

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2379 issue a certificate releasing the vessel. At the time of
2380 release, after reasonable inspection, the owner or lienholder
2381 must give a receipt to the towing or storage company indicating
2382 any loss or damage to the vessel or to the contents of the
2383 vessel.

2384 (i) A defendant, in the court's discretion, may be required
2385 to serve all or any portion of a term of imprisonment to which
2386 the defendant has been sentenced pursuant to this section in a
2387 residential alcoholism treatment program or a residential drug
2388 abuse treatment program. Any time spent in such a program must
2389 be credited by the court toward the term of imprisonment.

2390

2391 For the purposes of this section, any conviction for a violation
2392 of s. 316.193, a previous conviction for the violation of former
2393 s. 316.1931, former s. 860.01, or former s. 316.028, or a
2394 previous conviction outside this state for driving under the
2395 influence, driving while intoxicated, driving with an unlawful
2396 blood-alcohol level, driving with an unlawful breath-alcohol
2397 level, or any other similar alcohol-related or drug-related
2398 traffic offense, is also considered a previous conviction for
2399 violation of this section.

2400 (7) A conviction under this section does not bar any civil
2401 suit for damages against the person so convicted.

2402 (8) A person who is arrested for a violation of this
2403 section may not be released from custody:

2404 (a) Until the person is no longer impaired by ~~under the~~
2405 ~~influence of~~ alcoholic beverages, any chemical substance set
2406 forth in s. 877.111, or any substance controlled under chapter
2407 893 ~~and affected to the extent that his or her normal faculties~~

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2408 ~~are impaired;~~

2409 (b) Until the person's blood-alcohol concentration level or
2410 breath-alcohol concentration level is less than 0.05; or

2411 (c) Until 8 hours have elapsed from the time the person was
2412 arrested.

2413 (9) Notwithstanding any other provision of this section,
2414 for any person convicted of a violation of subsection (1), in
2415 addition to the fines set forth in subsections (2) and (4), an
2416 additional fine of \$60 shall be assessed and collected in the
2417 same manner as the fines set forth in subsections (2) and (4).
2418 All fines collected under this subsection shall be remitted by
2419 the clerk of the court to the Department of Revenue for deposit
2420 into the Brain and Spinal Cord Injury Program Trust Fund and
2421 used for the purposes set forth in s. 381.79, after 5 percent is
2422 deducted therefrom by the clerk of the court for administrative
2423 costs.

2424 (10) It is the intent of the Legislature to encourage
2425 boaters to have a "designated driver" who does not consume
2426 alcoholic beverages.

2427 Section 35. Paragraphs (a), (c), and (d) of subsection (1)
2428 of section 327.352, Florida Statutes, are amended to read:

2429 327.352 Tests for alcohol, chemical substances, or
2430 controlled substances; implied consent; refusal.—

2431 (1)(a)1. The Legislature declares that the operation of a
2432 vessel is a privilege that must be exercised in a reasonable
2433 manner. In order to protect the public health and safety, it is
2434 essential that a lawful and effective means of reducing the
2435 incidence of boating while impaired or intoxicated be
2436 established. Therefore, any person who accepts the privilege

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2437 extended by the laws of this state of operating a vessel within
2438 this state is, by so operating such vessel, deemed to have given
2439 his or her consent to submit to an approved chemical test or
2440 physical test including, but not limited to, an infrared light
2441 test of his or her breath to determine ~~for the purpose of~~
2442 ~~determining~~ the alcohol concentration ~~alcoholic content~~ of his
2443 or her blood or breath if the person is lawfully arrested for
2444 any offense allegedly committed while the person was operating a
2445 vessel while impaired by ~~under the influence of~~ alcoholic
2446 beverages. The chemical or physical breath test must be
2447 incidental to a lawful arrest and administered at the request of
2448 a law enforcement officer who has reasonable cause to believe
2449 such person was operating the vessel within this state while
2450 impaired by ~~under the influence of~~ alcoholic beverages. The
2451 administration of a breath test does not preclude the
2452 administration of another type of test. The person shall be told
2453 that his or her failure to submit to any lawful test of his or
2454 her breath will result in a civil penalty of \$500, and shall
2455 also be told that if he or she refuses to submit to a lawful
2456 test of his or her breath and he or she has been previously
2457 fined for refusal to submit to any lawful test of his or her
2458 breath, urine, or blood, he or she commits a misdemeanor in
2459 addition to any other penalties. The refusal to submit to a
2460 chemical or physical breath test upon the request of a law
2461 enforcement officer as provided in this section is admissible
2462 into evidence in any criminal proceeding.

2463 2. Any person who accepts the privilege extended by the
2464 laws of this state of operating a vessel within this state is,
2465 by so operating such vessel, deemed to have given his or her

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2466 consent to submit to a urine test to detect ~~for the purpose of~~
2467 ~~detecting~~ the presence of chemical substances as set forth in s.
2468 877.111 or controlled substances if the person is lawfully
2469 arrested for any offense allegedly committed while the person
2470 was operating a vessel while impaired by ~~under the influence of~~
2471 chemical substances or controlled substances. The urine test
2472 must be incidental to a lawful arrest and administered at a
2473 detention facility or any other facility, mobile or otherwise,
2474 which is equipped to administer such tests at the request of a
2475 law enforcement officer who has reasonable cause to believe such
2476 person was operating a vessel within this state while impaired
2477 by ~~under the influence of~~ chemical substances or controlled
2478 substances. The urine test shall be administered at a detention
2479 facility or any other facility, mobile or otherwise, which is
2480 equipped to administer such test in a reasonable manner that
2481 will ensure the accuracy of the specimen and maintain the
2482 privacy of the individual involved. The administration of a
2483 urine test does not preclude the administration of another type
2484 of test. The person shall be told that his or her failure to
2485 submit to any lawful test of his or her urine will result in a
2486 civil penalty of \$500, and shall also be told that if he or she
2487 refuses to submit to a lawful test of his or her urine and he or
2488 she has been previously fined for refusal to submit to any
2489 lawful test of his or her breath, urine, or blood, he or she
2490 commits a misdemeanor in addition to any other penalties. The
2491 refusal to submit to a urine test upon the request of a law
2492 enforcement officer as provided in this section is admissible
2493 into evidence in any criminal proceeding.

2494 (c) Any person who accepts the privilege extended by the

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2495 laws of this state of operating a vessel within this state is,
2496 by operating such vessel, deemed to have given his or her
2497 consent to submit to an approved blood test to determine ~~for the~~
2498 ~~purpose of determining~~ the alcohol concentration ~~alcoholic~~
2499 ~~content~~ of the blood or a blood test to determine ~~for the~~
2500 ~~purpose of determining~~ the presence of chemical substances or
2501 controlled substances as provided in this section if there is
2502 reasonable cause to believe the person was operating a vessel
2503 while impaired by ~~under the influence of~~ alcoholic beverages or
2504 chemical or controlled substances and the person appears for
2505 treatment at a hospital, clinic, or other medical facility and
2506 the administration of a breath or urine test is impractical or
2507 impossible. As used in this paragraph, the term "other medical
2508 facility" includes an ambulance or other medical emergency
2509 vehicle. The blood test shall be performed in a reasonable
2510 manner. Any person who is incapable of refusal by reason of
2511 unconsciousness or other mental or physical condition is deemed
2512 not to have withdrawn his or her consent to such test. Any
2513 person who is capable of refusal shall be told that his or her
2514 failure to submit to such a blood test will result in a civil
2515 penalty of \$500 and that a refusal to submit to a lawful test of
2516 his or her blood, if he or she has previously been fined for
2517 refusal to submit to any lawful test of his or her breath,
2518 urine, or blood, is a misdemeanor. The refusal to submit to a
2519 blood test upon the request of a law enforcement officer shall
2520 be admissible in evidence in any criminal proceeding.

2521 (d) If the arresting officer does not request a chemical or
2522 physical breath test of the person arrested for any offense
2523 allegedly committed while the person was operating a vessel

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2524 while impaired by ~~under the influence of~~ alcoholic beverages or
2525 controlled substances, the person may request the arresting
2526 officer to have a chemical or physical test made of the arrested
2527 person's breath or a test of the urine or blood to determine ~~for~~
2528 ~~the purpose of determining~~ the alcohol concentration ~~alcoholic~~
2529 ~~content~~ of the person's blood or breath or the presence of
2530 chemical substances or controlled substances; and, if so
2531 requested, the arresting officer shall have the test performed.

2532 Section 36. Paragraph (a) of subsection (1) of section
2533 327.353, Florida Statutes, is amended to read:

2534 327.353 Blood test for impairment ~~or intoxication~~ in cases
2535 of death or serious bodily injury; right to use reasonable
2536 force.—

2537 (1) (a) If a law enforcement officer has probable cause to
2538 believe that a vessel operated by a person impaired by ~~under the~~
2539 ~~influence of~~ alcoholic beverages, any chemical substances, or
2540 any controlled substances has caused the death or serious bodily
2541 injury of a human being, a law enforcement officer shall require
2542 the person operating ~~or in actual physical control of~~ the vessel
2543 to submit to a test of the person's blood to determine ~~for the~~
2544 ~~purpose of determining~~ the alcohol concentration ~~alcoholic~~
2545 ~~content~~ thereof or the presence of chemical substances as set
2546 forth in s. 877.111 or any substance controlled under chapter
2547 893. The law enforcement officer may use reasonable force if
2548 necessary to require the person to submit to the administration
2549 of the blood test. The blood test shall be performed in a
2550 reasonable manner. Notwithstanding s. 327.352, the testing
2551 required by this paragraph need not be incidental to a lawful
2552 arrest of the person.

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2553 Section 37. Subsections (1) and (2) of section 327.354,
2554 Florida Statutes, are amended to read:

2555 327.354 Presumption of impairment; testing methods.—

2556 (1) It is unlawful and punishable as provided in s. 327.35
2557 for any person who is impaired by ~~under the influence of~~
2558 alcoholic beverages or controlled substances, ~~when affected to~~
2559 ~~the extent that the person's normal faculties are impaired or to~~
2560 ~~the extent that the person is deprived of full possession of~~
2561 ~~normal faculties,~~ to operate any vessel within this state. Such
2562 ~~normal faculties include, but are not limited to, the ability to~~
2563 ~~see, hear, walk, talk, judge distances, drive an automobile,~~
2564 ~~make judgments, act in emergencies, and, in general, normally~~
2565 ~~perform the many mental and physical acts of daily life.~~

2566 (2) At the trial of any civil or criminal action or
2567 proceeding arising out of acts alleged to have been committed by
2568 any person while operating a vessel while impaired by ~~under the~~
2569 ~~influence of~~ alcoholic beverages or controlled substances, ~~when~~
2570 ~~affected to the extent that the person's normal faculties were~~
2571 ~~impaired or to the extent that he or she was deprived of full~~
2572 ~~possession of his or her normal faculties,~~ the results of any
2573 test administered in accordance with s. 327.352 or s. 327.353
2574 and this section are admissible into evidence when otherwise
2575 admissible, and the amount of alcohol in the person's blood or
2576 breath at the time alleged, as shown by chemical analysis of the
2577 person's blood, or by chemical or physical test of the person's
2578 breath, gives rise to the following presumptions:

2579 (a) If there was at that time a blood-alcohol concentration
2580 ~~level~~ or breath-alcohol concentration level of 0.05 or less, it
2581 is presumed that the person was not impaired by ~~under the~~

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2582 ~~influence of alcoholic beverages to the extent that his or her~~
2583 ~~normal faculties were impaired.~~

2584 (b) If there was at that time a blood-alcohol concentration
2585 ~~level~~ or breath-alcohol concentration level in excess of 0.05
2586 but less than 0.08, that fact does not give rise to any
2587 presumption that the person was or was not impaired by ~~under the~~
2588 ~~influence of alcoholic beverages to the extent that his or her~~
2589 ~~normal faculties were impaired~~ but may be considered with other
2590 competent evidence in determining whether the person was
2591 impaired by ~~under the influence of~~ alcoholic beverages ~~to the~~
2592 ~~extent that his or her normal faculties were impaired.~~

2593 (c) If there was at that time a blood-alcohol concentration
2594 ~~level~~ or breath-alcohol concentration level of 0.08 or higher,
2595 that fact is prima facie evidence that the person was impaired
2596 by ~~under the influence of~~ alcoholic beverages ~~to the extent that~~
2597 ~~his or her normal faculties were impaired.~~ Any person who
2598 operates a vessel and who has a blood-alcohol concentration
2599 ~~level~~ or breath-alcohol concentration level of 0.08 or higher
2600 commits the offense ~~is guilty~~ of operating a vessel with an
2601 unlawful blood-alcohol concentration level or breath-alcohol
2602 concentration level.

2603

2604 The presumptions provided in this subsection do not limit the
2605 introduction of any other competent evidence bearing upon the
2606 question of whether the person was impaired by ~~under the~~
2607 ~~influence of alcoholic beverages to the extent that his or her~~
2608 ~~normal faculties were impaired.~~

2609 Section 38. Subsection (1) of section 327.355, Florida
2610 Statutes, is amended to read:

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2611 327.355 Operation of vessels by persons under 21 years of
2612 age who have consumed alcoholic beverages.—

2613 (1) (a) Notwithstanding s. 327.35, it is unlawful for a
2614 person under the age of 21 who has a breath-alcohol
2615 concentration level of 0.02 or higher to operate ~~or be in actual~~
2616 ~~physical control of~~ a vessel.

2617 (b) A law enforcement officer who has probable cause to
2618 believe that a vessel is being operated by ~~or is in the actual~~
2619 ~~physical control of~~ a person who is under the age of 21 while
2620 impaired by ~~under the influence of~~ alcoholic beverages or who
2621 has any breath-alcohol concentration level may lawfully detain
2622 such a person and may request that person to submit to a test to
2623 determine his or her breath-alcohol concentration level. If the
2624 person under the age of 21 refuses to submit to such testing,
2625 the law enforcement officer shall warn the person that failure
2626 to submit to the breath test will result in the required
2627 performance of 50 hours of public service and that his or her
2628 vessel operating privilege will be suspended until the public
2629 service is performed. Failure or refusal to submit to a breath
2630 test after this warning is a violation of this section.

2631 Section 39. Section 327.359, Florida Statutes, is amended
2632 to read:

2633 327.359 Refusal to submit to testing; penalties.—Any person
2634 who has refused to submit to a chemical or physical test of his
2635 or her breath, blood, or urine, as described in s. 327.352, and
2636 who has been previously fined for refusal to submit to a lawful
2637 test of his or her breath, urine, or blood, and:

2638 (1) Who the arresting law enforcement officer had probable
2639 cause to believe was operating ~~or in actual physical control of~~

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2640 a vessel in this state while impaired by ~~under the influence of~~
 2641 alcoholic beverages, chemical substances, or controlled
 2642 substances;

2643 (2) Who was placed under lawful arrest for a violation of
 2644 s. 327.35 unless such test was requested pursuant to s.
 2645 327.352(1)(c);

2646 (3) Who was informed that if he or she refused to submit to
 2647 such test he or she is subject to a fine of \$500;

2648 (4) Who was informed that a refusal to submit to a lawful
 2649 test of his or her breath, urine, or blood, if he or she has
 2650 been previously fined for refusal to submit to a lawful test of
 2651 his or her breath, urine, or blood, is a misdemeanor; and

2652 (5) Who, after having been so informed, refused to submit
 2653 to any such test when requested to do so by a law enforcement
 2654 officer or correctional officer

2655
 2656 commits a misdemeanor of the first degree and is subject to
 2657 punishment as provided in s. 775.082 or s. 775.083.

2658 Section 40. Section 327.38, Florida Statutes, is amended to
 2659 read:

2660 327.38 Skiing prohibited while intoxicated or under
 2661 influence of drugs.—A ~~No~~ person may not ~~shall~~ manipulate any
 2662 water skis, aquaplane, or similar device from a vessel while
 2663 intoxicated or impaired by ~~under the influence of~~ any narcotic
 2664 drug, barbiturate, or marijuana, ~~to the extent that the person's~~
 2665 ~~normal faculties are impaired.~~

2666 Section 41. Subsection (1) of section 327.391, Florida
 2667 Statutes, is amended to read:

2668 327.391 Airboats regulated.—

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2669 (1) The exhaust of every internal combustion engine used on
2670 any airboat operated on the waters of this state shall be
2671 provided with an automotive-style factory muffler, underwater
2672 exhaust, or other manufactured device capable of adequately
2673 muffling the sound of the exhaust of the engine as described in
2674 s. 327.02~~(24)~~. The use of cutouts or flex pipe as the sole
2675 source of muffling is prohibited, except as provided in
2676 subsection (4). Any person who violates this subsection commits
2677 a noncriminal infraction punishable as provided in s. 327.73(1).

2678 Section 42. Subsection (4) of section 328.17, Florida
2679 Statutes, is amended to read:

2680 328.17 Nonjudicial sale of vessels.—

2681 (4) A marina, as defined in s. 327.02~~(20)~~, shall have:

2682 (a) A possessory lien upon any vessel for storage fees,
2683 dockage fees, repairs, improvements, or other work-related
2684 storage charges, and for expenses necessary for preservation of
2685 the vessel or expenses reasonably incurred in the sale or other
2686 disposition of the vessel. The possessory lien shall attach as
2687 of the date the vessel is brought to the marina or as of the
2688 date the vessel first occupies rental space at the marina
2689 facility.

2690 (b) A possessory lien upon any vessel in a wrecked, junked,
2691 or substantially dismantled condition, which has been left
2692 abandoned at a marina, for expenses reasonably incurred in the
2693 removal and disposal of the vessel. The possessory lien shall
2694 attach as of the date the vessel arrives at the marina or as of
2695 the date the vessel first occupies rental space at the marina
2696 facility. If the funds recovered from the sale of the vessel, or
2697 from the scrap or salvage value of the vessel, are insufficient

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2698 to cover the expenses reasonably incurred by the marina in
2699 removing and disposing of the vessel, all costs in excess of
2700 recovery shall be recoverable against the owner of the vessel.
2701 For a vessel damaged as a result of a named storm, the
2702 provisions of this paragraph shall be suspended for 60 days
2703 following the date the vessel is damaged in the named storm. The
2704 operation of the provisions specified in this paragraph run
2705 concurrently with, and do not extend, the 60-day notice periods
2706 provided in subsections (5) and (7).

2707 Section 43. Subsection (1) of section 337.195, Florida
2708 Statutes, is amended to read:

2709 337.195 Limits on liability.—

2710 (1) In a civil action for the death of or injury to a
2711 person, or for damage to property, against the Department of
2712 Transportation or its agents, consultants, or contractors for
2713 work performed on a highway, road, street, bridge, or other
2714 transportation facility when the death, injury, or damage
2715 resulted from a motor vehicle crash within a construction zone
2716 in which the driver of one of the vehicles was impaired by or
2717 under the influence of an alcoholic beverage ~~beverages~~ as set
2718 forth in s. 316.193, by a ~~under the influence of any~~ chemical
2719 substance as set forth in s. 877.111, or by a ~~illegally under~~
2720 ~~the influence of any~~ substance controlled under chapter 893 to
2721 the extent that her or his abilities ~~normal faculties~~ were
2722 impaired or that she or he operated a vehicle recklessly as
2723 defined in s. 316.192, it is presumed that the driver's
2724 operation of the vehicle was the sole proximate cause of her or
2725 his own death, injury, or damage. This presumption can be
2726 overcome if the gross negligence or intentional misconduct of

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2727 the Department of Transportation, or of its agents, consultants,
2728 or contractors, was a proximate cause of the driver's death,
2729 injury, or damage.

2730 Section 44. Subsection (2) of section 342.07, Florida
2731 Statutes, is amended to read:

2732 342.07 Recreational and commercial working waterfronts;
2733 legislative findings; definitions.—

2734 (2) As used in this section, the term "recreational and
2735 commercial working waterfront" means a parcel or parcels of real
2736 property that provide access for water-dependent commercial
2737 activities, including hotels and motels as defined in s.
2738 509.242(1), or provide access for the public to the navigable
2739 waters of the state. Recreational and commercial working
2740 waterfronts require direct access to or a location on, over, or
2741 adjacent to a navigable body of water. The term includes water-
2742 dependent facilities that are open to the public and offer
2743 public access by vessels to the waters of the state or that are
2744 support facilities for recreational, commercial, research, or
2745 governmental vessels. These facilities include public lodging
2746 establishments, docks, wharfs, lifts, wet and dry marinas, boat
2747 ramps, boat hauling and repair facilities, commercial fishing
2748 facilities, boat construction facilities, and other support
2749 structures over the water. As used in this section, the term
2750 "vessel" has the same meaning as in s. 327.02~~(39)~~. Seaports are
2751 excluded from the definition.

2752 Section 45. Subsection (1) of section 401.281, Florida
2753 Statutes, is amended to read:

2754 401.281 Drivers.—

2755 (1) Each licensee is responsible for assuring that its

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2756 vehicles are driven only by trained, experienced, and otherwise
 2757 qualified personnel. The licensee must, at a minimum, document
 2758 that each of its drivers:

2759 (a) Is at least 18 years of age;

2760 (b) Certifies under oath that he or she is not addicted to
 2761 alcohol or any controlled substance;

2762 (c) Certifies under oath that he or she is free from any
 2763 physical or mental defect or disease that might impair his or
 2764 her ability to drive an ambulance;

2765 (d) Upon initial designation as a driver, has not, within
 2766 the past 3 years, been convicted of driving while impaired by or
 2767 under the influence of alcohol or a controlled substance
 2768 ~~substances~~ and has not had a driver ~~driver's~~ license suspended
 2769 under the point system provided for in chapter 322;

2770 (e) Possesses a valid driver ~~driver's~~ license issued under
 2771 chapter 322, is trained in the safe operation of emergency
 2772 vehicles, and has completed an emergency vehicle operator's
 2773 course or the reasonable equivalent as approved by the
 2774 department; however, this paragraph applies only to a driver of
 2775 a land vehicle;

2776 (f) Possesses a valid American Red Cross or National Safety
 2777 Council standard first aid course card or its equivalent; and

2778 (g) Possesses a valid American Red Cross or American Heart
 2779 Association cardiopulmonary resuscitation card.

2780 Section 46. Paragraph (a) of subsection (2) of section
 2781 627.7275, Florida Statutes, is amended to read:

2782 627.7275 Motor vehicle liability.—

2783 (2) (a) Insurers writing motor vehicle insurance in this
 2784 state shall make available, subject to the insurers' usual

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2785 underwriting restrictions:

2786 1. Coverage under policies as described in subsection (1)
2787 to any applicant for private passenger motor vehicle insurance
2788 coverage who is seeking the coverage in order to reinstate the
2789 applicant's driving privileges in this state when the driving
2790 privileges were revoked or suspended pursuant to s. 316.646 or
2791 s. 324.0221 due to the failure of the applicant to maintain
2792 required security.

2793 2. Coverage under policies as described in subsection (1),
2794 which also provides liability coverage for bodily injury, death,
2795 and property damage arising out of the ownership, maintenance,
2796 or use of the motor vehicle in an amount not less than the
2797 limits described in s. 324.021(7) and conforms to the
2798 requirements of s. 324.151, to any applicant for private
2799 passenger motor vehicle insurance coverage who is seeking the
2800 coverage in order to reinstate the applicant's driving
2801 privileges in this state after such privileges were revoked or
2802 suspended under s. 316.193 or s. 322.26(2) for driving while
2803 impaired or under the influence.

2804 Section 47. Subsection (4) of section 627.758, Florida
2805 Statutes, is amended to read:

2806 627.758 Surety on auto club traffic arrest bond;
2807 conditions, limit; bail bond.—

2808 (4) Notwithstanding the provisions of s. 626.311 or chapter
2809 648, any surety insurer identified in a guaranteed traffic
2810 arrest bond certificate or any licensed general lines agent of
2811 the surety insurer may execute a bail bond for the automobile
2812 club or association member identified in the guaranteed traffic
2813 arrest bond certificate in an amount not in excess of \$5,000 for

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2814 any violation of chapter 316 or any similar traffic law or
2815 ordinance except for driving while impaired by ~~under the~~
2816 ~~influence of~~ alcoholic beverages, chemical substances, or
2817 controlled substances, as prohibited by s. 316.193.

2818 Section 48. Section 790.153, Florida Statutes, is amended
2819 to read:

2820 790.153 Tests for impairment ~~or intoxication~~; right to
2821 refuse.—

2822 (1) (a) Any person who uses a firearm within this state
2823 shall submit to an approved chemical or physical breath test to
2824 determine the alcohol concentration ~~alcoholic content~~ of the
2825 blood and to a urine test to detect the presence of controlled
2826 substances, if there is probable cause to believe that the
2827 person was using a firearm while impaired by ~~under the influence~~
2828 ~~of~~ alcoholic beverages or controlled substances or that the
2829 person is lawfully arrested for any offense allegedly committed
2830 while he or she was using a firearm while impaired by ~~under the~~
2831 ~~influence of~~ alcoholic beverages or controlled substances. The
2832 breath test shall be incidental to a lawful arrest and
2833 administered at the request of a law enforcement officer who has
2834 probable cause to believe such person was using the firearm
2835 within this state while impaired by ~~under the influence of~~
2836 alcoholic beverages. The urine test shall be incidental to a
2837 lawful arrest and administered at a detention facility, mobile
2838 or otherwise, which is equipped to administer such tests at the
2839 request of a law enforcement officer who has probable cause to
2840 believe such person was using a firearm within this state while
2841 impaired by ~~under the influence of~~ controlled substances. The
2842 urine test shall be administered at a detention facility or any

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2843 other facility, mobile or otherwise, which is equipped to
2844 administer such tests in a reasonable manner that will ensure
2845 the accuracy of the specimen and maintain the privacy of the
2846 individual involved. The administration of either test shall not
2847 preclude the administration of the other test. The refusal to
2848 submit to a chemical or physical breath or urine test upon the
2849 request of a law enforcement officer as provided in this section
2850 shall be admissible into evidence in any criminal proceeding.
2851 This section shall not hinder the taking of a mandatory blood
2852 test as outlined in s. 790.155.

2853 (b) If the arresting officer does not request a chemical or
2854 physical test of the person arrested for any offense allegedly
2855 committed while the person was using a firearm while impaired by
2856 ~~under the influence of~~ alcoholic beverages or controlled
2857 substances, such person may request the arresting officer to
2858 have a chemical or physical test made of the arrested person's
2859 breath to determine ~~for the purpose of determining~~ the alcohol
2860 concentration ~~alcoholic content~~ of the person's blood or a
2861 chemical test of urine or blood to determine ~~for the purpose of~~
2862 ~~determining~~ the presence of controlled substances, ~~and~~ and, if so
2863 requested, the arresting officer shall have the test performed.

2864 (c) The provisions of s. 316.1932(1)(f) ~~and~~ relating to
2865 administration of tests for determining the amount ~~weight~~ of
2866 alcohol in the defendant's blood, additional tests at the
2867 defendant's expense, availability of test information to the
2868 defendant or the defendant's attorney, and liability of medical
2869 institutions and persons administering such tests are
2870 incorporated into this section ~~act~~.

2871 (2) The results of any test administered pursuant to this

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2872 section to detect ~~for the purpose of detecting~~ the presence of
2873 any controlled substance are not ~~shall not be~~ admissible as
2874 evidence in a criminal prosecution for the possession of a
2875 controlled substance.

2876 (3) Notwithstanding any provision of law pertaining to the
2877 confidentiality of hospital records or other medical records,
2878 information obtained pursuant to this section shall be released
2879 to a court, prosecuting attorney, defense attorney, or law
2880 enforcement officer in connection with an alleged violation of
2881 s. 790.151 upon request for such information.

2882 Section 49. Section 790.155, Florida Statutes, is amended
2883 to read:

2884 790.155 Blood test for impairment ~~or intoxication~~ in cases
2885 of death or serious bodily injury; right to use reasonable
2886 force.—

2887 (1) (a) Notwithstanding any recognized ability to refuse to
2888 submit to the tests provided in s. 790.153, if a law enforcement
2889 officer has probable cause to believe that a firearm used by a
2890 person who was impaired by ~~under the influence of~~ alcoholic
2891 beverages or controlled substances has caused the death or
2892 serious bodily injury of a human being, such person shall
2893 submit, upon the request of a law enforcement officer, to a test
2894 of his or her blood to determine ~~for the purpose of determining~~
2895 the alcohol concentration ~~alcoholic content~~ thereof or the
2896 presence of controlled substances therein. The law enforcement
2897 officer may use reasonable force if necessary to require such
2898 person to submit to the administration of the blood test. The
2899 blood test shall be performed in a reasonable manner.

2900 (b) The term "serious bodily injury" means a physical

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2901 condition which creates a substantial risk of death, serious
2902 personal disfigurement, or protracted loss or impairment of the
2903 function of any bodily member or organ.

2904 (2) The provisions of s. 316.1933(2)~~7~~ relating to blood
2905 tests for impairment or intoxication~~7~~ are incorporated into this
2906 section ~~act~~.

2907 (3) (a) Any criminal charge resulting from the incident
2908 giving rise to the officer's demand for testing should be tried
2909 concurrently with a charge of any violation of s. 790.151. If
2910 such charges are tried separately, the fact that such person
2911 refused, resisted, obstructed, or opposed testing is ~~shall be~~
2912 admissible at the trial of the criminal offense which gave rise
2913 to the demand for testing.

2914 (b) The results of any test administered pursuant to this
2915 section to detect ~~for the purpose of detecting~~ the presence of
2916 any controlled substance are not ~~shall not be~~ admissible as
2917 evidence in a criminal prosecution for the possession of a
2918 controlled substance.

2919 (4) Notwithstanding any provision of law pertaining to the
2920 confidentiality of hospital records or other medical records,
2921 information obtained pursuant to this section shall be released
2922 to a court, prosecuting attorney, defense attorney, or law
2923 enforcement officer in connection with an alleged violation of
2924 s. 790.151 upon request for such information.

2925 Section 50. This act shall take effect July 1, 2014.