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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/11/2014	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 728 - 729

and insert:

Section 17. Paragraph (b) of subsection (1) of section
322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.-

(1)

(b) The suspension under paragraph (a) shall be pursuant
to, and the notice of suspension shall inform the driver of, the



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11 following:

12 1.a. The driver refused to submit to a lawful breath,
13 blood, or urine test and his or her driving privilege is
14 suspended for a period of 1 year for a first refusal or for a
15 period of 18 months if his or her driving privilege has been
16 previously suspended as a result of a refusal to submit to such
17 a test; or

18 b. The driver was driving or in actual physical control of
19 a motor vehicle and had an unlawful blood-alcohol level or
20 breath-alcohol level of 0.08 or higher and his or her driving
21 privilege is suspended for a period of 6 months for a first
22 offense or for a period of 1 year if his or her driving
23 privilege has been previously suspended under this section.

24 2. The suspension period shall commence on the date of
25 issuance of the notice of suspension.

26 3. The driver may request a formal or informal review of
27 the suspension by the department within 10 days after the date
28 of issuance of the notice of suspension or may request a review
29 of eligibility for a restricted driving privilege under s.
30 322.271(7).

31 4. The temporary permit issued at the time of suspension
32 expires at midnight of the 10th day following the date of
33 issuance of the notice of suspension.

34 5. The driver may submit to the department any materials
35 relevant to the suspension.

36 6. The driver may apply for installation of an ignition
37 interlock device in accordance with s. 322.271(7).

38 Section 18. Paragraph (b) of subsection (2) of section
39 322.2616, Florida Statutes, is amended to read:



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40 322.2616 Suspension of license; persons under 21 years of
41 age; right to review.—

42 (2)

43 (b) The suspension under paragraph (a) must be pursuant
44 to, and the notice of suspension must inform the driver of, the
45 following:

46 1.a. The driver refused to submit to a lawful breath test
47 and his or her driving privilege is suspended for a period of 1
48 year for a first refusal or for a period of 18 months if his or
49 her driving privilege has been previously suspended as provided
50 in this section as a result of a refusal to submit to a test; or

51 b. The driver was under the age of 21 and was driving or
52 in actual physical control of a motor vehicle while having a
53 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
54 person's driving privilege is suspended for a period of 6 months
55 for a first violation, or for a period of 1 year if his or her
56 driving privilege has been previously suspended as provided in
57 this section for driving or being in actual physical control of
58 a motor vehicle with a blood-alcohol or breath-alcohol level of
59 0.02 or higher.

60 2. The suspension period commences on the date of issuance
61 of the notice of suspension.

62 3. The driver may request a formal or informal review of
63 the suspension by the department within 10 days after the
64 issuance of the notice of suspension.

65 4. A temporary permit issued at the time of the issuance
66 of the notice of suspension shall not become effective until
67 after 12 hours have elapsed and will expire at midnight of the
68 10th day following the date of issuance.



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

71 6. The driver may apply for installation of an ignition
72 interlock device in accordance with s. 322.271(7).

73 Section 19. Subsection (7) of section 322.271, Florida
74 Statutes, is amended to read:

75 322.271 Authority to modify revocation, cancellation, or
76 suspension order.—

77 (7) Notwithstanding the provisions of s. 322.2615(10) (a)
78 and (b), a person who has never previously had a driver license
79 suspended under s. 322.2615, has never been disqualified under
80 s. 322.64, has never been convicted of a violation of s.
81 316.193, and whose driving privilege is now suspended under s.
82 322.2615 is eligible for a restricted driving privilege pursuant
83 to a hearing under subsection (2).

84 (a) A person who applies for installation of an ignition
85 interlock device in accordance with ss. 322.2615, or 322.2616,
86 and complies with ignition interlock device requirements in
87 accordance with s. 316.1937, shall receive credit on a day for
88 day basis for the time he or she holds a valid ignition
89 interlock license toward any mandatory ignition interlock usage
90 required for a conviction for violating s. 316.193 arising from
91 the same incident.

92 (b) ~~(a)~~ For purposes of this subsection, a previous
93 conviction outside of this state for driving under the
94 influence, driving while intoxicated, driving with an unlawful
95 blood-alcohol level, or any other alcohol-related or drug-
96 related traffic offense similar to the offense of driving under
97 the influence as provided in s. 316.193 will be considered a



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98 previous conviction for a violation of s. 316.193, and a
99 conviction for violation of former s. 316.028, former s.
100 316.1931, or former s. 860.01 is considered a conviction for a
101 violation of s. 316.193.

102 (c) ~~(b)~~ The reinstatement shall be restricted to business
103 purposes only, as defined in this section, for the duration of
104 the suspension imposed under s. 322.2615. However, if the
105 reinstatement is a result of installation of an ignition
106 interlock device in accordance with this subsection, the
107 person's driving privileges will only be subject to complying
108 with subsection (2) and the terms of the ignition interlock
109 device order.

110 (d) ~~(e)~~ Acceptance of the reinstated driving privilege as
111 provided in this subsection is deemed a waiver of the right to
112 formal and informal review under s. 322.2615. The waiver may not
113 be used as evidence in any other proceeding.

114 Section 20. Present paragraphs (a), (b), (c), (d), and (e)
115 of subsection (3) of section 322.2715, Florida Statutes, are
116 redesignated as paragraphs (b), (c), (d), (e), and (f),
117 respectively, and new paragraph (a) is added to that subsection,
118 to read:

119 322.2715 Ignition interlock device.—

120 (3) If the person is convicted of:

121 (a) A first offense of driving under the influence under s.
122 316.193 and has an unlawful blood-alcohol level or breath-
123 alcohol level as specified in s. 316.193(1), the person may have
124 the ignition interlock device installed for at least 6
125 continuous months for the first offense.

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

128 And the title is amended as follows:

129 Delete line 89

130 and insert:

131 identification card; amending s. 322.2615, F.S.;

132 authorizing ignition interlock device; amending s.

133 322.2616, F.S.;; amending s. 322.271, F.S.;

134 authorizing elected ignition interlock device

135 compliant time to be counted as credit toward

136 mandatory ignition interlock device usage; amending s.

137 322.2715, F.S.; authorizing ignition interlock device

138 installation for at least 6 continuous months for a

139 first offense of driving under the influence under s.

140 316.193; amending 337.25, F.S.;