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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/30/2021	.	
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The Committee on Environment and Natural Resources (Hutson) recommended the following:

Senate Amendment to Amendment (482518) (with title amendment)

Delete lines 31 - 106
and insert:

chapter will result in a civil penalty of \$500, and ~~shall also be told~~ that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or ~~has previously had~~ his or her driving privilege ~~has been previously driver license~~ suspended for refusal to



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11 submit to any lawful test of his or her breath, urine, or blood,
12 he or she commits a misdemeanor of the first degree, punishable
13 as provided in s. 775.082 or s. 775.083, in addition to any
14 other penalties provided by law. The refusal to submit to a
15 chemical or physical breath test upon the request of a law
16 enforcement officer as provided in this section is admissible
17 into evidence in any criminal proceeding.

18 2. A person who accepts the privilege extended by the laws
19 of this state of operating a vessel within this state is, by
20 operating such vessel, deemed to have given his or her consent
21 to submit to a urine test for the purpose of detecting the
22 presence of chemical substances as set forth in s. 877.111 or
23 controlled substances if the person is lawfully arrested for any
24 offense allegedly committed while the person was operating a
25 vessel while under the influence of chemical substances or
26 controlled substances. The urine test must be incidental to a
27 lawful arrest and administered at a detention facility or any
28 other facility, mobile or otherwise, which is equipped to
29 administer such tests at the request of a law enforcement
30 officer who has reasonable cause to believe such person was
31 operating a vessel within this state while under the influence
32 of chemical substances or controlled substances. The urine test
33 must ~~shall~~ be administered at a detention facility or any other
34 facility, mobile or otherwise, which is equipped to administer
35 such test in a reasonable manner that will ensure the accuracy
36 of the specimen and maintain the privacy of the individual
37 involved. The administration of a urine test does not preclude
38 the administration of another type of test. The person shall be
39 told that his or her failure to submit to any lawful test of his



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40 or her urine under this chapter will result in a civil penalty
41 of \$500, and ~~shall also be told~~ that if he or she refuses to
42 submit to a lawful test of his or her urine and he or she has
43 been previously fined under s. 327.35215 or ~~has previously had~~
44 his or her driving privilege has been previously ~~driver license~~
45 suspended for refusal to submit to any lawful test of his or her
46 breath, urine, or blood, he or she commits a misdemeanor of the
47 first degree, punishable as provided in s. 775.082 or s.
48 775.083, in addition to any other penalties provided by law. The
49 refusal to submit to a urine test upon the request of a law
50 enforcement officer as provided in this section is admissible
51 into evidence in any criminal proceeding.

52 (c) A person who accepts the privilege extended by the laws
53 of this state of operating a vessel within this state is, by
54 operating such vessel, deemed to have given his or her consent
55 to submit to an approved blood test for the purpose of
56 determining the alcoholic content of the blood or a blood test
57 for the purpose of determining the presence of chemical
58 substances or controlled substances as provided in this section
59 if there is reasonable cause to believe the person was operating
60 a vessel while under the influence of alcoholic beverages or
61 chemical or controlled substances and the person appears for
62 treatment at a hospital, clinic, or other medical facility and
63 the administration of a breath or urine test is impractical or
64 impossible. As used in this paragraph, the term "other medical
65 facility" includes an ambulance or other medical emergency
66 vehicle. The blood test must ~~shall~~ be performed in a reasonable
67 manner. A person who is incapable of refusal by reason of
68 unconsciousness or other mental or physical condition is deemed



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69 not to have withdrawn his or her consent to such test. A person
70 who is capable of refusal shall be told that his or her failure
71 to submit to such a blood test will result in a civil penalty of
72 \$500. The refusal to submit to a blood test upon the request of
73 a law enforcement officer is ~~shall be~~ admissible in evidence in
74 any criminal proceeding.

75 Section 2. Subsections (1) and (2) of section 327.35215,
76 Florida Statutes, are amended to read:

77 327.35215 Penalty for failure to submit to test.—

78 (1) A person ~~who is~~ lawfully arrested for an alleged
79 violation of s. 327.35 ~~and~~ who refuses to submit to a blood
80 test, breath test, or urine test pursuant to s. 327.352 is
81 subject to a civil penalty of \$500.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 810 - 811

86 and insert:

87 revising the notices a person must be given for
88 failure