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LEGISLATIVE ACTION

Senate

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House

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Senator DiCeglie moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
316.1932, Florida Statutes, is amended to read:

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

(1) (a) 1.a. A person who accepts the privilege extended by
the laws of this state of operating a motor vehicle within this
state is, by operating such vehicle, deemed to have given his or



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12 her consent to submit to an approved chemical test or physical
13 test including, but not limited to, an infrared light test of
14 his or her breath for the purpose of determining the alcoholic
15 content of his or her blood or breath if the person is lawfully
16 arrested for any offense allegedly committed while the person
17 was driving or was in actual physical control of a motor vehicle
18 while under the influence of alcoholic beverages. The chemical
19 or physical breath test must be incidental to a lawful arrest
20 and administered at the request of a law enforcement officer who
21 has reasonable cause to believe such person was driving or was
22 in actual physical control of the motor vehicle within this
23 state while under the influence of alcoholic beverages. The
24 administration of a breath test does not preclude the
25 administration of another type of test. The person must ~~shall~~ be
26 told that his or her failure to submit to any lawful test of his
27 or her breath will, for a first refusal, result in the
28 suspension of the person's privilege to operate a motor vehicle
29 for a period of 1 year, unless, instead of such suspension, the
30 person agrees to placement for 1 continuous year, at the
31 person's own expense, of a department-approved ignition
32 interlock device on all vehicles that are individually or
33 jointly leased or owned and routinely operated by the person.
34 ~~for a first refusal, or for a period of 18 months~~ If the driving
35 privilege of such person has been previously suspended or if he
36 or she has previously been fined under s. 327.35215 as a result
37 of a refusal to submit to a test or tests required under this
38 chapter or chapter 327, the person must be told that his or her
39 failure to submit to any lawful test of his or her breath will
40 result in the suspension of the person's privilege to operate a



41 motor vehicle for 18 months. The person must ~~and shall~~ also be
42 told that if he or she refuses to submit to a lawful test of his
43 or her breath and his or her driving privilege has been
44 previously suspended or if he or she has previously been fined
45 under s. 327.35215 for a prior refusal to submit to a lawful
46 test of his or her breath, urine, or blood as required under
47 this chapter or chapter 327, he or she commits a misdemeanor of
48 the first degree, punishable as provided in s. 775.082 or s.
49 775.083, in addition to any other penalties provided by law. The
50 refusal to submit to a chemical or physical breath test upon the
51 request of a law enforcement officer as provided in this section
52 is admissible into evidence in any criminal proceeding.

53 b. A person who accepts the privilege extended by the laws
54 of this state of operating a motor vehicle within this state is,
55 by operating such vehicle, deemed to have given his or her
56 consent to submit to a urine test for the purpose of detecting
57 the presence of chemical substances as set forth in s. 877.111
58 or controlled substances if the person is lawfully arrested for
59 any offense allegedly committed while the person was driving or
60 was in actual physical control of a motor vehicle while under
61 the influence of chemical substances or controlled substances.
62 The urine test must be incidental to a lawful arrest and
63 administered at a detention facility or any other facility,
64 mobile or otherwise, which is equipped to administer such tests
65 at the request of a law enforcement officer who has reasonable
66 cause to believe such person was driving or was in actual
67 physical control of a motor vehicle within this state while
68 under the influence of chemical substances or controlled
69 substances. The urine test must ~~shall~~ be administered at a



70 detention facility or any other facility, mobile or otherwise,
71 which is equipped to administer such test in a reasonable manner
72 that will ensure the accuracy of the specimen and maintain the
73 privacy of the individual involved. The administration of a
74 urine test does not preclude the administration of another type
75 of test. The person must ~~shall~~ be told that his or her failure
76 to submit to any lawful test of his or her urine will result in
77 the suspension of the person's privilege to operate a motor
78 vehicle for ~~a period of~~ 1 year for the first refusal, or for ~~a~~
79 ~~period of~~ 18 months if the driving privilege of such person has
80 been previously suspended or if he or she has previously been
81 fined under s. 327.35215 as a result of a refusal to submit to a
82 test or tests required under this chapter or chapter 327, and
83 must ~~shall~~ also be told that if he or she refuses to submit to a
84 lawful test of his or her urine and his or her driving privilege
85 has been previously suspended or if he or she has previously
86 been fined under s. 327.35215 for a prior refusal to submit to a
87 lawful test of his or her breath, urine, or blood as required
88 under this chapter or chapter 327, he or she commits a
89 misdemeanor of the first degree, punishable as provided in s.
90 775.082 or s. 775.083, in addition to any other penalties
91 provided by law. The refusal to submit to a urine test upon the
92 request of a law enforcement officer as provided in this section
93 is admissible into evidence in any criminal proceeding.

94 2. The Alcohol Testing Program within the Department of Law
95 Enforcement is responsible for the regulation of the operation,
96 inspection, and registration of breath test instruments used
97 ~~utilized~~ under the driving and boating under the influence
98 provisions and related provisions located in this chapter and



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99 chapters 322 and 327. The program is responsible for the
100 regulation of the individuals who operate, inspect, and instruct
101 on the breath test instruments used ~~utilized~~ in the driving and
102 boating under the influence provisions and related provisions
103 located in this chapter and chapters 322 and 327. The program is
104 further responsible for the regulation of blood analysts who
105 conduct blood testing to be used ~~utilized~~ under the driving and
106 boating under the influence provisions and related provisions
107 located in this chapter and chapters 322 and 327. The program
108 must ~~shall~~:

109 a. Establish uniform criteria for the issuance of permits
110 to breath test operators, agency inspectors, instructors, blood
111 analysts, and instruments.

112 b. Have the authority to permit breath test operators,
113 agency inspectors, instructors, blood analysts, and instruments.

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

117 d. Establish uniform requirements for instruction and
118 curricula for the operation and inspection of approved
119 instruments.

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

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

124 g. Have the authority to approve or disapprove breath test
125 instruments and accompanying paraphernalia for use pursuant to
126 the driving and boating under the influence provisions and
127 related provisions located in this chapter and chapters 322 and



128 327.
129 h. With the approval of the executive director of the
130 Department of Law Enforcement, make and enter into contracts and
131 agreements with other agencies, organizations, associations,
132 corporations, individuals, or federal agencies as are necessary,
133 expedient, or incidental to the performance of duties.
134 i. Issue final orders that ~~which~~ include findings of fact
135 and conclusions of law and that ~~which~~ constitute final agency
136 action for the purpose of chapter 120.
137 j. Enforce compliance with this section through civil or
138 administrative proceedings.
139 k. Make recommendations concerning any matter within the
140 purview of this section, this chapter, chapter 322, or chapter
141 327.
142 l. Adopt ~~Promulgate~~ rules for the administration and
143 implementation of this section, including definitions of terms.
144 m. Consult and cooperate with other entities for the
145 purpose of implementing ~~the mandates of~~ this section.
146 n. Have the authority to approve the type of blood test
147 used ~~utilized~~ under the driving and boating under the influence
148 provisions and related provisions located in this chapter and
149 chapters 322 and 327.
150 o. Have the authority to specify techniques and methods for
151 breath alcohol testing and blood testing used ~~utilized~~ under the
152 driving and boating under the influence provisions and related
153 provisions located in this chapter and chapters 322 and 327.
154 p. Have the authority to approve repair facilities for the
155 approved breath test instruments, including the authority to set
156 criteria for approval.



157
158 ~~Nothing in~~ This section does not ~~shall be construed to~~ supersede
159 provisions in this chapter and chapters 322 and 327. The
160 specifications in this section are derived from the power and
161 authority previously and currently possessed by the Department
162 of Law Enforcement and are enumerated to conform with the
163 mandates of chapter 99-379, Laws of Florida.

164 Section 2. Section 316.1939, Florida Statutes, is amended
165 to read:

166 316.1939 Refusal to submit to testing; penalties.—

167 (1) (a) A person who refuses to submit to a lawful test of
168 his or her breath as required under s. 316.1932 (1) (a) 1.a. is
169 subject, for a first refusal, to suspension of the person's
170 driving privilege for 1 year unless, instead of such suspension,
171 the person agrees to placement, at the person's own expense, of
172 an ignition interlock device approved by the department in the
173 same manner as devices approved by the department in accordance
174 with s. 316.1938 on all vehicles individually or jointly leased
175 or owned and routinely operated by the person for 1 continuous
176 year for a first refusal when the person qualifies for
177 reinstatement of a permanent or restricted driver license. This
178 subsection applies in addition to any other penalties authorized
179 by this section. The ignition interlock device placement period
180 required by this subsection shall run concurrently with any
181 other ignition interlock device placement period required by a
182 court or the department.

183 (b) Proof of installation of an ignition interlock device
184 required by this subsection must be sent to the department, and
185 verification of the operation of the device in the person's



186 vehicle must be periodically reported to the department.

187 (c) The prohibitions and penalties provided in s.
188 316.1937(5), (6), and (8) apply to a person whose driving
189 privilege is restricted pursuant to this subsection and to an
190 ignition interlock device required by this subsection.

191 (2)~~(1)~~ A person who has refused to submit to a chemical or
192 physical test of his or her breath or urine, as described in s.
193 316.1932, and whose driving privilege was previously suspended
194 or who was previously fined under s. 327.35215 for a prior
195 refusal to submit to a lawful test of his or her breath, urine,
196 or blood required under this chapter or chapter 327, and:

197 (a) Who the arresting law enforcement officer had probable
198 cause to believe was driving or in actual physical control of a
199 motor vehicle in this state while under the influence of
200 alcoholic beverages, chemical substances, or controlled
201 substances;

202 (b) Who was placed under lawful arrest for a violation of
203 s. 316.193 unless such test was requested pursuant to s.
204 316.1932(1)(c);

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

210 (d) Who was informed that a refusal to submit to a lawful
211 test of his or her breath or urine, if his or her driving
212 privilege has been previously suspended or if he or she has
213 previously been fined under s. 327.35215 for a prior refusal to
214 submit to a lawful test of his or her breath, urine, or blood as



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215 required under this chapter or chapter 327, is a misdemeanor of
216 the first degree, punishable as provided in s. 775.082 or s.
217 775.083, in addition to any other penalties provided by law; and

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

221
222 commits a misdemeanor of the first degree and is subject to
223 punishment as provided in s. 775.082 or s. 775.083.

224 (3)~~(2)~~ The disposition of any administrative proceeding
225 that relates to the suspension of a person's driving privilege
226 does not affect a criminal action under subsection (2) ~~this~~
227 ~~section~~.

228 (4)~~(3)~~ The disposition of a criminal action under
229 subsection (2) ~~this section~~ does not affect any administrative
230 proceeding that relates to the suspension of a person's driving
231 privilege. The department's records showing that a person's
232 license has been previously suspended for a prior refusal to
233 submit to a lawful test of his or her breath, urine, or blood is
234 ~~shall be~~ admissible and creates ~~shall create~~ a rebuttable
235 presumption of such suspension.

236 (5) The department shall annually post on its website the
237 number of drivers who refuse to submit to a test and who either
238 choose to obtain a hardship license or choose to reinstate their
239 license with an ignition interlock device.

240 Section 3. Present subsections (12) through (16) of section
241 322.2615, Florida Statutes, are redesignated as subsections (13)
242 through (17), respectively, a new subsection (12) is added to
243 that section, and subsection (1) of that section is amended, to



244 read:

245 322.2615 Suspension of license; right to review.—

246 (1) (a) A law enforcement officer or correctional officer
247 shall, on behalf of the department, suspend the driving
248 privilege of a person who is driving or in actual physical
249 control of a motor vehicle and who has an unlawful blood-alcohol
250 level or breath-alcohol level of 0.08 or higher, or of a person
251 who has refused to submit to a urine test or a test of his or
252 her breath-alcohol or blood-alcohol level. The officer shall
253 take the person's driver license and issue the person a 10-day
254 temporary permit if the person is otherwise eligible for the
255 driving privilege and shall issue the person a notice of
256 suspension. If a blood test has been administered, the officer
257 or the agency employing the officer shall transmit such results
258 to the department within 5 days after receipt of the results. If
259 the department then determines that the person had a blood-
260 alcohol level or breath-alcohol level of 0.08 or higher, the
261 department shall suspend the person's driver license pursuant to
262 subsection (3).

263 (b) The suspension under paragraph (a) shall be pursuant
264 to, and the notice of suspension shall inform the driver of, the
265 following:

266 1.a. The driver refused to submit to a lawful breath,
267 blood, or urine test and his or her driving privilege is
268 suspended for ~~a period of~~ 1 year for a first refusal unless,
269 instead of such suspension, the driver agrees to placement, at
270 his or her own expense, of an ignition interlock device approved
271 by the department in accordance with s. 316.1938 for 1
272 continuous year on all vehicles that he or she individually or



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273 jointly leases or owns and routinely operates, or for a period
274 of 18 months if his or her driving privilege has been previously
275 suspended as a result of a refusal to submit to such a test; or

276 b. The driver was driving or in actual physical control of
277 a motor vehicle and had an unlawful blood-alcohol level or
278 breath-alcohol level of 0.08 or higher and his or her driving
279 privilege is suspended for ~~a period of~~ 6 months for a first
280 offense or for ~~a period of~~ 1 year if his or her driving
281 privilege has been previously suspended under this section.

282 2. The suspension period shall commence on the date of
283 issuance of the notice of suspension.

284 3. The driver may request a formal or informal review of
285 the suspension by the department within 10 days after the date
286 of issuance of the notice of suspension or may request a review
287 of eligibility for a restricted driving privilege under s.
288 322.271(7).

289 4. A driver who requests a formal or informal review of the
290 suspension for a first time refusal of a lawful breath, blood,
291 or urine test waives the privilege to agree to the placement, at
292 his or her expense of ignition interlock device approved by the
293 department for 1 year on all vehicles that he or she
294 individually or jointly leases or owns and routinely operates if
295 the driver requests a formal or informal review of the
296 suspension for a first time refusal of a lawful breath, blood,
297 or urine test.

298 5. If the driver agrees to the placement, at his or her own
299 expense, of a department-approved ignition interlock device
300 approved by the department in accordance with s. 316.1938 for 1
301 year on all vehicles that he or she individually or jointly



302 leases or owns and routinely operates instead of a 1-year
303 suspension for a first-time refusal of a lawful breath, blood,
304 or urine test, the driver must notify the department of his or
305 her agreement to the installation of an ignition interlock
306 device and must have the ignition interlock device installed in
307 such vehicles within 10 days after the date of the issuance of
308 the notice of suspension. If the driver agrees to the placement
309 of an ignition interlock device, such placement shall be entered
310 on the driver's record and have the same effect as suspension
311 for failure to submit to a lawful test of breath, blood, or
312 urine.

313 ~~6.4.~~ The temporary permit issued at the time of suspension
314 expires at midnight of the 10th day following the date of
315 issuance of the notice of suspension.

316 ~~7.5.~~ The driver may submit to the department any materials
317 relevant to the suspension.

318 (3) If the department determines that the license should be
319 suspended pursuant to this section and if the notice of
320 suspension has not already been served upon the person by a law
321 enforcement officer or correctional officer as provided in
322 subsection (1), the department shall issue a notice of
323 suspension and, unless the notice is mailed pursuant to s.
324 322.251, a temporary permit that expires 10 days after the date
325 of issuance if the driver is otherwise eligible. The notice
326 shall also inform the driver that his or her driving privilege
327 is suspended unless, instead of such suspension, the driver
328 agrees to placement, at his or her own expense, of a department-
329 approved ignition interlock device in accordance with s.
330 316.1938 for 1 continuous year on all vehicles that he or she



331 individually or jointly leases or owns and routinely operates.

332 (10) A person whose driver license is suspended under
333 subsection (1) or subsection (3) may apply for issuance of a
334 license for business or employment purposes only if the person
335 is otherwise eligible for the driving privilege pursuant to s.
336 322.271.

337 (a) If the suspension of the driver license of the person
338 for failure to submit to a breath, urine, or blood test is
339 sustained, the person is not eligible to receive a license for
340 business or employment purposes only, pursuant to s. 322.271,
341 until 90 days have elapsed after the expiration of the last
342 temporary permit issued and the person has had a department-
343 approved ignition interlock device in accordance with s.
344 316.1938 installed for 1 continuous year, at the person's own
345 expense, on all vehicles that he or she individually or jointly
346 leases or owns and routinely operates. If the driver is not
347 issued a 10-day permit pursuant to this section or s. 322.64
348 because he or she is ineligible for the permit and the
349 suspension for failure to submit to a breath, urine, or blood
350 test is not invalidated by the department, the driver is not
351 eligible to receive a business or employment license pursuant to
352 s. 322.271 until 90 days have elapsed from the date of the
353 suspension and has had a department-approved ignition interlock
354 device in accordance with s. 316.1938 installed for 1 continuous
355 year, at the person's own expense, on all vehicles that he or
356 she individually or jointly leases or owns and routinely
357 operates.

358 (14)

359 (b) The disposition of any related criminal proceedings



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360 does not affect a suspension or ignition interlock placement for
361 refusal to submit to a blood, breath, or urine test imposed
362 under this section.

363 Section 4. Present subsections (13) through (19) of section
364 322.2616, Florida Statutes, are redesignated as subsections (14)
365 through (20), respectively, a new subsection (13) is added to
366 that section, and subsection (2) of that section is amended, to
367 read:

368 322.2616 Suspension of license; persons under 21 years of
369 age; right to review.—

370 (2) (a) A law enforcement officer or correctional officer
371 shall, on behalf of the department, suspend the driving
372 privilege of such person if the person has a blood-alcohol or
373 breath-alcohol level of 0.02 or higher. The officer shall also
374 suspend, on behalf of the department, the driving privilege of a
375 person who has refused to submit to a test as provided by
376 paragraph (b). The officer shall take the person's driver
377 license and issue the person a 10-day temporary driving permit
378 if the person is otherwise eligible for the driving privilege
379 and shall issue the person a notice of suspension.

380 (b) The suspension under paragraph (a) must be pursuant to,
381 and the notice of suspension must inform the driver of, the
382 following:

383 1.a. The driver refused to submit to a lawful breath test
384 and his or her driving privilege is suspended for ~~a period of 1~~
385 year for a first refusal unless, instead of such suspension, the
386 driver agrees to placement, at his or her own expense, of a
387 department-approved ignition interlock device in accordance with
388 s. 316.1938 for 1 continuous year on all vehicles that he or she



389 individually or jointly leases or owns and routinely operates,
390 or for ~~a period of~~ 18 months if his or her driving privilege has
391 been previously suspended as provided in this section as a
392 result of a refusal to submit to a test; or

393 b. The driver was under the age of 21 and was driving or in
394 actual physical control of a motor vehicle while having a blood-
395 alcohol or breath-alcohol level of 0.02 or higher; and the
396 person's driving privilege is suspended for ~~a period of~~ 6 months
397 for a first violation, or for ~~a period of~~ 1 year if his or her
398 driving privilege has been previously suspended as provided in
399 this section for driving or being in actual physical control of
400 a motor vehicle with a blood-alcohol or breath-alcohol level of
401 0.02 or higher.

402 2. The suspension period commences on the date of issuance
403 of the notice of suspension.

404 3. The driver may request a formal or informal review of
405 the suspension by the department within 10 days after the
406 issuance of the notice of suspension.

407 4. A driver who requests a formal or informal review of the
408 suspension for a first-time refusal of a lawful breath or blood
409 test waives the privilege to agree to the placement, at his or
410 her own expense, of a department-approved ignition interlock
411 device for 1 year on all vehicles that he or she individually or
412 jointly leases or owns and routinely operates.

413 5. If the driver agrees to the placement, at his or her own
414 expense, of a department-approved ignition interlock device in
415 accordance with s. 316.1938 for 1 year on all vehicles that he
416 or she individually or jointly leases or owns and routinely
417 operates instead of a 1-year suspension for a first-time refusal



418 of a lawful blood-alcohol or breath-alcohol test, the driver
419 must notify the department of his or her agreement to the
420 installation of an ignition interlock device and must have the
421 ignition interlock device installed in such vehicles within 10
422 days after the date of the issuance of the notice of suspension.
423 If the driver agrees to the placement of an ignition interlock
424 device, such placement shall be entered on the driver's record
425 and have the same effect as suspension for failure to submit to
426 a lawful test of blood-alcohol or breath-alcohol.

427 6.4. A temporary permit issued at the time of the issuance
428 of the notice of suspension shall not become effective until
429 after 12 hours have elapsed and will expire at midnight of the
430 10th day following the date of issuance.

431 7.5. The driver may submit to the department any materials
432 relevant to the suspension of his or her license.

433 (c) When a driver subject to this section has a blood-
434 alcohol or breath-alcohol level of 0.05 or higher, the
435 suspension shall remain in effect until such time as the driver
436 has completed a substance abuse course offered by a DUI program
437 licensed by the department. The driver shall assume the
438 reasonable costs for the substance abuse course. As part of the
439 substance abuse course, the program shall conduct a substance
440 abuse evaluation of the driver, and notify the parents or legal
441 guardians of drivers under the age of 19 years of the results of
442 the evaluation. The term "substance abuse" means the abuse of
443 alcohol or any substance named or described in Schedules I
444 through V of s. 893.03. If a driver fails to complete the
445 substance abuse education course and evaluation, the driver
446 license shall not be reinstated by the department.



447 (d) A minor under the age of 18 years proven to be driving
448 with a blood-alcohol or breath-alcohol level of 0.02 or higher
449 may be taken by a law enforcement officer to the addictions
450 receiving facility in the county in which the minor is found to
451 be so driving, if the county makes the addictions receiving
452 facility available for such purpose.

453 (4) If the department finds that the license of the person
454 should be suspended under this section and if the notice of
455 suspension has not already been served upon the person by a law
456 enforcement officer or correctional officer as provided in
457 subsection (2), the department shall issue a notice of
458 suspension and, unless the notice is mailed under s. 322.251, a
459 temporary driving permit that expires 10 days after the date of
460 issuance if the driver is otherwise eligible. The notice shall
461 also inform the driver that his or her driving privilege is
462 suspended unless, instead of such suspension, the driver agrees
463 to placement, at his or her own expense, of a department-
464 approved ignition interlock device in accordance with s.
465 316.1938 for 1 continuous year on all vehicles that he or she
466 individually or jointly leases or owns and routinely operates.
467 The department shall terminate the suspension effective on the
468 date of ignition interlock device placement on such vehicles.

469 (8) In a formal review hearing under subsection (7) or an
470 informal review hearing under subsection (5), the hearing
471 officer shall determine by a preponderance of the evidence
472 whether sufficient cause exists to sustain, amend, or invalidate
473 the suspension. The scope of the review is limited to the
474 following issues:

475 (b) If the license was suspended because of the



476 individual's refusal to submit to a breath test:

477 1. Whether the law enforcement officer had probable cause
478 to believe that the person was under the age of 21 and was
479 driving or in actual physical control of a motor vehicle in this
480 state with any blood-alcohol or breath-alcohol level or while
481 under the influence of alcoholic beverages.

482 2. Whether the person was under the age of 21.

483 3. Whether the person refused to submit to a breath test
484 after being requested to do so by a law enforcement officer or
485 correctional officer.

486 4. Whether the person was told that if he or she refused to
487 submit to a breath test his or her privilege to operate a motor
488 vehicle would be suspended for a period of 1 year unless the
489 driver agrees to placement, at his or her own expense, of a
490 department-approved ignition interlock device in accordance with
491 s. 316.1938 for 1 continuous year on all vehicles that he or she
492 individually or jointly leases or owns and routinely operates,
493 or, in the case of a second or subsequent refusal, for a period
494 of 18 months.

495 (11) A person whose driver license is suspended under
496 subsection (2) or subsection (4) may apply for issuance of a
497 license for business or employment purposes only, pursuant to s.
498 322.271, if the person is otherwise eligible for the driving
499 privilege. However, such a license may not be issued until 30
500 days have elapsed after the expiration of the last temporary
501 driving permit issued under this section and, if the suspension
502 is for a first-time refusal of a blood-alcohol, breath-alcohol,
503 or urine test and such suspension was affirmed in a formal or
504 informal hearing, such person must have an ignition interlock



505 device installed as approved by the department in the same
506 manner as devices approved by the department in accordance with
507 s. 316.1938 for 1 year on all vehicles that he or she
508 individually or jointly leases or owns and routinely operates.

509 (15) The decision of the department under this section
510 shall not be considered in any trial for a violation of s.
511 316.193, nor shall any written statement submitted by a person
512 in his or her request for departmental review under this section
513 be admissible into evidence against him or her in any such
514 trial. The disposition of any related criminal proceedings shall
515 not affect a suspension or ignition interlock placement imposed
516 under this section.

517 Section 5. Present subsection (5) of section 322.2715,
518 Florida Statutes, is redesignated as subsection (6), a new
519 subsection (5) is added to that section, and subsection (1) of
520 that section is amended, and to read:

521 322.2715 Ignition interlock device.—

522 (1) Before issuing a permanent or restricted driver license
523 under this chapter, the department shall require the placement
524 of a department-approved ignition interlock device for any
525 person convicted of committing an offense of driving under the
526 influence as specified in subsection (3), or for any person who
527 refused to submit to a lawful test of his or her breath as
528 specified in subsection (5) and who chooses ignition interlock
529 placement in lieu of suspension of the person's privilege to
530 operate a motor vehicle for a period of 1 year, except that
531 consideration may be given to those individuals having a
532 documented medical condition that would prohibit the device from
533 functioning normally. If a medical waiver has been granted for a



534 ~~convicted~~ person seeking a restricted license, the ~~convicted~~
535 person shall not be entitled to a restricted license until the
536 required ignition interlock device installation period under
537 subsection (3) or subsection (5) expires, in addition to the
538 time requirements under s. 322.271. If a medical waiver has been
539 approved for a ~~convicted~~ person seeking permanent reinstatement
540 of the driver license, the ~~convicted~~ person must be restricted
541 to an employment-purposes-only license and be supervised by a
542 licensed DUI program until the required ignition interlock
543 device installation period under subsection (3) or subsection
544 (5) expires. An interlock device shall be placed on all vehicles
545 that are individually or jointly leased or owned and routinely
546 operated by the ~~convicted~~ person.

547 (5) If a person refused to submit to a lawful test of his
548 or her breath as required by s. 316.1932(1)(a)1.a., and it is
549 the first time he or she refused to submit to a lawful test of
550 his or her breath, in lieu of suspension of the person's
551 privilege to operate a motor vehicle for a period of 1 year, the
552 person may choose to install, at his or her own expense, a
553 department-approved ignition interlock device on all vehicles
554 individually or jointly leased or owned and routinely operated
555 by the person for 1 continuous year.

556 Section 6. This act shall take effect October 1, 2024.

557
558 ===== T I T L E A M E N D M E N T =====

559 And the title is amended as follows:

560 Delete everything before the enacting clause
561 and insert:

562 A bill to be entitled



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563 An act relating to refusal to submit to a breath,
564 urine, or blood test; amending s. 316.1932, F.S.;
565 requiring that a person arrested for driving or being
566 in actual physical control of a motor vehicle while
567 under the influence who refuses to submit to a lawful
568 test of his or her breath incidental to a lawful
569 arrest be told that he or she is subject, for a first
570 refusal, to the suspension of the privilege to operate
571 a motor vehicle unless the person agrees to the
572 placement for a specified timeframe, at the person's
573 own expense, of an ignition interlock device on all
574 vehicles that are individually or jointly leased or
575 owned and routinely operated by the person for 1
576 continuous year; amending s. 316.1939, F.S.; requiring
577 that a person arrested for driving under the influence
578 who refuses to submit to a lawful test of his or her
579 breath be subject, for a first refusal, to the
580 suspension of the privilege to operate a motor vehicle
581 for a specified period unless the person agrees to the
582 placement for a specified timeframe, at the person's
583 own expense, of an ignition interlock device on all
584 vehicles that are individually or jointly leased or
585 owned and routinely operated by the person for 1
586 continuous year when the person qualifies for
587 reinstatement of a permanent or restricted driver
588 license; providing applicability; authorizing certain
589 placement periods for ignition interlock devices to
590 run concurrently; requiring reporting to the
591 Department of Highway Safety and Motor Vehicles;



592 specifying application of prohibitions and penalties;
593 requiring the department to annually post on its
594 website certain information; conforming provisions to
595 changes made by the act; amending s. 322.2615, F.S.;
596 requiring that a notice of suspension contain certain
597 information; prohibiting eligibility to receive a
598 license until certain actions are performed; providing
599 construction; amending s. 322.2616, F.S.; requiring
600 that a notice of suspension issued to persons younger
601 than a specified age contain certain information;
602 requiring that a certain notice of suspension include
603 certain information; revising the scope of a formal
604 review hearing; revising the requirements for issuance
605 of a license after the last temporary driving permit
606 was issued; requiring the department to terminate the
607 suspension effective on the date of ignition interlock
608 device placement on such vehicles; amending s.
609 322.2715, F.S.; directing the department to require
610 placement of an ignition interlock device before
611 issuing a permanent or restricted driver license to a
612 person who refused to submit to a lawful test of his
613 or her breath; requiring the person to install the
614 device at his or her own expense for a specified
615 period; providing an effective date.