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1 A bill to be entitled
2 An act relating to refusal to submit to a breath,
3 urine, or blood test; amending s. 316.1932, F.S.;
4 requiring that a person arrested for driving or being
5 in actual physical control of a motor vehicle while
6 under the influence who refuses to submit to a lawful
7 test of his or her breath incidental to a lawful
8 arrest be told that he or she is subject, for a first
9 refusal, to the suspension of the privilege to operate
10 a motor vehicle unless the person agrees to the
11 placement for a specified timeframe, at the person's
12 own expense, of an ignition interlock device on all
13 vehicles that are individually or jointly leased or
14 owned and routinely operated by the person for 1
15 continuous year; amending s. 316.1939, F.S.; requiring
16 that a person arrested for driving under the influence
17 who refuses to submit to a lawful test of his or her
18 breath be subject, for a first refusal, to the
19 suspension of the privilege to operate a motor vehicle
20 for a specified period unless the person agrees to the
21 placement for a specified timeframe, at the person's
22 own expense, of an ignition interlock device on all
23 vehicles that are individually or jointly leased or
24 owned and routinely operated by the person for 1
25 continuous year when the person qualifies for
26 reinstatement of a permanent or restricted driver
27 license; providing applicability; authorizing certain
28 placement periods for ignition interlock devices to
29 run concurrently; requiring reporting to the

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30 Department of Highway Safety and Motor Vehicles;
31 specifying application of prohibitions and penalties;
32 requiring the department to annually post on its
33 website certain information; conforming provisions to
34 changes made by the act; amending s. 322.2615, F.S.;
35 requiring that a notice of suspension contain certain
36 information; prohibiting eligibility to receive a
37 license until certain actions are performed; providing
38 construction; amending s. 322.2616, F.S.; requiring
39 that a notice of suspension issued to persons younger
40 than a specified age contain certain information;
41 requiring that a certain notice of suspension include
42 certain information; revising the scope of a formal
43 review hearing; revising the requirements for issuance
44 of a license after the last temporary driving permit
45 was issued; requiring the department to terminate the
46 suspension effective on the date of ignition interlock
47 device placement on such vehicles; amending s.
48 322.2715, F.S.; directing the department to require
49 placement of an ignition interlock device before
50 issuing a permanent or restricted driver license to a
51 person who refused to submit to a lawful test of his
52 or her breath; requiring the person to install the
53 device at his or her own expense for a specified
54 period; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Paragraph (a) of subsection (1) of section

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59 316.1932, Florida Statutes, is amended to read:

60 316.1932 Tests for alcohol, chemical substances, or
61 controlled substances; implied consent; refusal.-

62 (1) (a) 1.a. A person who accepts the privilege extended by
63 the laws of this state of operating a motor vehicle within this
64 state is, by operating such vehicle, deemed to have given his or
65 her consent to submit to an approved chemical test or physical
66 test including, but not limited to, an infrared light test of
67 his or her breath for the purpose of determining the alcoholic
68 content of his or her blood or breath if the person is lawfully
69 arrested for any offense allegedly committed while the person
70 was driving or was in actual physical control of a motor vehicle
71 while under the influence of alcoholic beverages. The chemical
72 or physical breath test must be incidental to a lawful arrest
73 and administered at the request of a law enforcement officer who
74 has reasonable cause to believe such person was driving or was
75 in actual physical control of the motor vehicle within this
76 state while under the influence of alcoholic beverages. The
77 administration of a breath test does not preclude the
78 administration of another type of test. The person must ~~shall~~ be
79 told that his or her failure to submit to any lawful test of his
80 or her breath will, for a first refusal, result in the
81 suspension of the person's privilege to operate a motor vehicle
82 for a period of 1 year, unless, instead of such suspension, the
83 person agrees to placement for 1 continuous year, at the
84 person's own expense, of a department-approved ignition
85 interlock device on all vehicles that are individually or
86 jointly leased or owned and routinely operated by the person.
87 ~~for a first refusal, or for a period of 18 months~~ If the driving

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88 privilege of such person has been previously suspended or if he
89 or she has previously been fined under s. 327.35215 as a result
90 of a refusal to submit to a test or tests required under this
91 chapter or chapter 327, the person must be told that his or her
92 failure to submit to any lawful test of his or her breath will
93 result in the suspension of the person's privilege to operate a
94 motor vehicle for 18 months. The person must ~~and shall~~ also be
95 told that if he or she refuses to submit to a lawful test of his
96 or her breath and his or her driving privilege has been
97 previously suspended or if he or she has previously been fined
98 under s. 327.35215 for a prior refusal to submit to a lawful
99 test of his or her breath, urine, or blood as required under
100 this chapter or chapter 327, he or she commits a misdemeanor of
101 the first degree, punishable as provided in s. 775.082 or s.
102 775.083, in addition to any other penalties provided by law. The
103 refusal to submit to a chemical or physical breath test upon the
104 request of a law enforcement officer as provided in this section
105 is admissible into evidence in any criminal proceeding.

106 b. A person who accepts the privilege extended by the laws
107 of this state of operating a motor vehicle within this state is,
108 by operating such vehicle, deemed to have given his or her
109 consent to submit to a urine test for the purpose of detecting
110 the presence of chemical substances as set forth in s. 877.111
111 or controlled substances if the person is lawfully arrested for
112 any offense allegedly committed while the person was driving or
113 was in actual physical control of a motor vehicle while under
114 the influence of chemical substances or controlled substances.
115 The urine test must be incidental to a lawful arrest and
116 administered at a detention facility or any other facility,

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117 mobile or otherwise, which is equipped to administer such tests
118 at the request of a law enforcement officer who has reasonable
119 cause to believe such person was driving or was in actual
120 physical control of a motor vehicle within this state while
121 under the influence of chemical substances or controlled
122 substances. The urine test must ~~shall~~ be administered at a
123 detention facility or any other facility, mobile or otherwise,
124 which is equipped to administer such test in a reasonable manner
125 that will ensure the accuracy of the specimen and maintain the
126 privacy of the individual involved. The administration of a
127 urine test does not preclude the administration of another type
128 of test. The person must ~~shall~~ be told that his or her failure
129 to submit to any lawful test of his or her urine will result in
130 the suspension of the person's privilege to operate a motor
131 vehicle for ~~a period of~~ 1 year for the first refusal, or for a
132 ~~period of~~ 18 months if the driving privilege of such person has
133 been previously suspended or if he or she has previously been
134 fined under s. 327.35215 as a result of a refusal to submit to a
135 test or tests required under this chapter or chapter 327, and
136 must ~~shall~~ also be told that if he or she refuses to submit to a
137 lawful test of his or her urine and his or her driving privilege
138 has been previously suspended or if he or she has previously
139 been fined under s. 327.35215 for a prior refusal to submit to a
140 lawful test of his or her breath, urine, or blood as required
141 under this chapter or chapter 327, he or she commits a
142 misdemeanor of the first degree, punishable as provided in s.
143 775.082 or s. 775.083, in addition to any other penalties
144 provided by law. The refusal to submit to a urine test upon the
145 request of a law enforcement officer as provided in this section

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146 is admissible into evidence in any criminal proceeding.

147 2. The Alcohol Testing Program within the Department of Law
148 Enforcement is responsible for the regulation of the operation,
149 inspection, and registration of breath test instruments used
150 ~~utilized~~ under the driving and boating under the influence
151 provisions and related provisions located in this chapter and
152 chapters 322 and 327. The program is responsible for the
153 regulation of the individuals who operate, inspect, and instruct
154 on the breath test instruments used ~~utilized~~ in the driving and
155 boating under the influence provisions and related provisions
156 located in this chapter and chapters 322 and 327. The program is
157 further responsible for the regulation of blood analysts who
158 conduct blood testing to be used ~~utilized~~ under the driving and
159 boating under the influence provisions and related provisions
160 located in this chapter and chapters 322 and 327. The program
161 must ~~shall~~:

162 a. Establish uniform criteria for the issuance of permits
163 to breath test operators, agency inspectors, instructors, blood
164 analysts, and instruments.

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

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

170 d. Establish uniform requirements for instruction and
171 curricula for the operation and inspection of approved
172 instruments.

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

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

177 g. Have the authority to approve or disapprove breath test
178 instruments and accompanying paraphernalia for use pursuant to
179 the driving and boating under the influence provisions and
180 related provisions located in this chapter and chapters 322 and
181 327.

182 h. With the approval of the executive director of the
183 Department of Law Enforcement, make and enter into contracts and
184 agreements with other agencies, organizations, associations,
185 corporations, individuals, or federal agencies as are necessary,
186 expedient, or incidental to the performance of duties.

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

190 j. Enforce compliance with this section through civil or
191 administrative proceedings.

192 k. Make recommendations concerning any matter within the
193 purview of this section, this chapter, chapter 322, or chapter
194 327.

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

197 m. Consult and cooperate with other entities for the
198 purpose of implementing ~~the mandates of~~ this section.

199 n. Have the authority to approve the type of blood test
200 used ~~utilized~~ under the driving and boating under the influence
201 provisions and related provisions located in this chapter and
202 chapters 322 and 327.

203 o. Have the authority to specify techniques and methods for

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204 breath alcohol testing and blood testing used ~~utilized~~ under the
205 driving and boating under the influence provisions and related
206 provisions located in this chapter and chapters 322 and 327.

207 p. Have the authority to approve repair facilities for the
208 approved breath test instruments, including the authority to set
209 criteria for approval.

210

211 ~~Nothing in~~ This section does not ~~shall be construed to~~ supersede
212 provisions in this chapter and chapters 322 and 327. The
213 specifications in this section are derived from the power and
214 authority previously and currently possessed by the Department
215 of Law Enforcement and are enumerated to conform with the
216 mandates of chapter 99-379, Laws of Florida.

217 Section 2. Section 316.1939, Florida Statutes, is amended
218 to read:

219 316.1939 Refusal to submit to testing; penalties.—

220 (1) (a) A person who refuses to submit to a lawful test of
221 his or her breath as required under s. 316.1932(1)(a)1.a. is
222 subject, for a first refusal, to suspension of the person's
223 driving privilege for 1 year unless, instead of such suspension,
224 the person agrees to placement, at the person's own expense, of
225 an ignition interlock device approved by the department in the
226 same manner as devices approved by the department in accordance
227 with s. 316.1938 on all vehicles individually or jointly leased
228 or owned and routinely operated by the person for 1 continuous
229 year for a first refusal when the person qualifies for
230 reinstatement of a permanent or restricted driver license. This
231 subsection applies in addition to any other penalties authorized
232 by this section. The ignition interlock device placement period

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233 required by this subsection shall run concurrently with any
234 other ignition interlock device placement period required by a
235 court or the department.

236 (b) Proof of installation of an ignition interlock device
237 required by this subsection must be sent to the department, and
238 verification of the operation of the device in the person's
239 vehicle must be periodically reported to the department.

240 (c) The prohibitions and penalties provided in s.
241 316.1937(5), (6), and (8) apply to a person whose driving
242 privilege is restricted pursuant to this subsection and to an
243 ignition interlock device required by this subsection.

244 (2)~~(1)~~ A person who has refused to submit to a chemical or
245 physical test of his or her breath or urine, as described in s.
246 316.1932, and whose driving privilege was previously suspended
247 or who was previously fined under s. 327.35215 for a prior
248 refusal to submit to a lawful test of his or her breath, urine,
249 or blood required under this chapter or chapter 327, and:

250 (a) Who the arresting law enforcement officer had probable
251 cause to believe was driving or in actual physical control of a
252 motor vehicle in this state while under the influence of
253 alcoholic beverages, chemical substances, or controlled
254 substances;

255 (b) Who was placed under lawful arrest for a violation of
256 s. 316.193 unless such test was requested pursuant to s.
257 316.1932(1)(c);

258 (c) Who was informed that, if he or she refused to submit
259 to such test in the case of a second or subsequent refusal, his
260 or her privilege to operate a motor vehicle would be suspended
261 ~~for a period of 1 year or, in the case of a second or subsequent~~

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262 ~~refusal, for a period of~~ 18 months;

263 (d) Who was informed that a refusal to submit to a lawful
264 test of his or her breath or urine, if his or her driving
265 privilege has been previously suspended or if he or she has
266 previously been fined under s. 327.35215 for a prior refusal to
267 submit to a lawful test of his or her breath, urine, or blood as
268 required under this chapter or chapter 327, is a misdemeanor of
269 the first degree, punishable as provided in s. 775.082 or s.
270 775.083, in addition to any other penalties provided by law; and

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

274
275 commits a misdemeanor of the first degree and is subject to
276 punishment as provided in s. 775.082 or s. 775.083.

277 (3)~~(2)~~ The disposition of any administrative proceeding
278 that relates to the suspension of a person's driving privilege
279 does not affect a criminal action under subsection (2) ~~this~~
280 ~~section~~.

281 (4)~~(3)~~ The disposition of a criminal action under
282 subsection (2) ~~this section~~ does not affect any administrative
283 proceeding that relates to the suspension of a person's driving
284 privilege. The department's records showing that a person's
285 license has been previously suspended for a prior refusal to
286 submit to a lawful test of his or her breath, urine, or blood is
287 ~~shall be~~ admissible and creates ~~shall create~~ a rebuttable
288 presumption of such suspension.

289 (5) The department shall annually post on its website the
290 number of drivers who refuse to submit to a test and who either

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291 choose to obtain a hardship license or choose to reinstate their
292 license with an ignition interlock device.

293 Section 3. Subsections (1) and (3), paragraph (a) of
294 subsection (10), and paragraph (b) of subsection (14) of section
295 322.2615, Florida Statutes, are amended to read:

296 322.2615 Suspension of license; right to review.—

297 (1) (a) A law enforcement officer or correctional officer
298 shall, on behalf of the department, suspend the driving
299 privilege of a person who is driving or in actual physical
300 control of a motor vehicle and who has an unlawful blood-alcohol
301 level or breath-alcohol level of 0.08 or higher, or of a person
302 who has refused to submit to a urine test or a test of his or
303 her breath-alcohol or blood-alcohol level. The officer shall
304 take the person's driver license and issue the person a 10-day
305 temporary permit if the person is otherwise eligible for the
306 driving privilege and shall issue the person a notice of
307 suspension. If a blood test has been administered, the officer
308 or the agency employing the officer shall transmit such results
309 to the department within 5 days after receipt of the results. If
310 the department then determines that the person had a blood-
311 alcohol level or breath-alcohol level of 0.08 or higher, the
312 department shall suspend the person's driver license pursuant to
313 subsection (3).

314 (b) The suspension under paragraph (a) shall be pursuant
315 to, and the notice of suspension shall inform the driver of, the
316 following:

317 1.a. The driver refused to submit to a lawful breath,
318 blood, or urine test and his or her driving privilege is
319 suspended for ~~a period of~~ 1 year for a first refusal unless,

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320 instead of such suspension, the driver agrees to placement, at
321 his or her own expense, of an ignition interlock device approved
322 by the department in accordance with s. 316.1938 for 1
323 continuous year on all vehicles that he or she individually or
324 jointly leases or owns and routinely operates, or for a period
325 ~~of~~ 18 months if his or her driving privilege has been previously
326 suspended as a result of a refusal to submit to such a test; or

327 b. The driver was driving or in actual physical control of
328 a motor vehicle and had an unlawful blood-alcohol level or
329 breath-alcohol level of 0.08 or higher and his or her driving
330 privilege is suspended for ~~a period of~~ 6 months for a first
331 offense or for ~~a period of~~ 1 year if his or her driving
332 privilege has been previously suspended under this section.

333 2. The suspension period shall commence on the date of
334 issuance of the notice of suspension.

335 3. The driver may request a formal or informal review of
336 the suspension by the department within 10 days after the date
337 of issuance of the notice of suspension or may request a review
338 of eligibility for a restricted driving privilege under s.
339 322.271(7).

340 4. A driver who requests a formal or informal review of the
341 suspension for a first-time refusal of a lawful breath, blood,
342 or urine test waives the privilege to agree to the placement, at
343 his or her expense of an ignition interlock device approved by
344 the department for 1 year on all vehicles that he or she
345 individually or jointly leases or owns and routinely operates if
346 the driver requests a formal or informal review of the
347 suspension for a first-time refusal of a lawful breath, blood,
348 or urine test.

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349 5. If the driver agrees to the placement, at his or her own
350 expense, of a department-approved ignition interlock device
351 approved by the department in accordance with s. 316.1938 for 1
352 year on all vehicles that he or she individually or jointly
353 leases or owns and routinely operates instead of a 1-year
354 suspension for a first-time refusal of a lawful breath, blood,
355 or urine test, the driver must notify the department of his or
356 her agreement to the installation of an ignition interlock
357 device and must have the ignition interlock device installed in
358 such vehicles within 10 days after the date of the issuance of
359 the notice of suspension. If the driver agrees to the placement
360 of an ignition interlock device, such placement shall be entered
361 on the driver's record and have the same effect as suspension
362 for failure to submit to a lawful test of breath, blood, or
363 urine.

364 ~~6.4.~~ The temporary permit issued at the time of suspension
365 expires at midnight of the 10th day following the date of
366 issuance of the notice of suspension.

367 ~~7.5.~~ The driver may submit to the department any materials
368 relevant to the suspension.

369 (3) If the department determines that the license should be
370 suspended pursuant to this section and if the notice of
371 suspension has not already been served upon the person by a law
372 enforcement officer or correctional officer as provided in
373 subsection (1), the department shall issue a notice of
374 suspension and, unless the notice is mailed pursuant to s.
375 322.251, a temporary permit that expires 10 days after the date
376 of issuance if the driver is otherwise eligible. The notice
377 shall also inform the driver that his or her driving privilege

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378 is suspended unless, instead of such suspension, the driver
379 agrees to placement, at his or her own expense, of a department-
380 approved ignition interlock device in accordance with s.
381 316.1938 for 1 continuous year on all vehicles that he or she
382 individually or jointly leases or owns and routinely operates.

383 (10) A person whose driver license is suspended under
384 subsection (1) or subsection (3) may apply for issuance of a
385 license for business or employment purposes only if the person
386 is otherwise eligible for the driving privilege pursuant to s.
387 322.271.

388 (a) If the suspension of the driver license of the person
389 for failure to submit to a breath, urine, or blood test is
390 sustained, the person is not eligible to receive a license for
391 business or employment purposes only, pursuant to s. 322.271,
392 until 90 days have elapsed after the expiration of the last
393 temporary permit issued and the person has had a department-
394 approved ignition interlock device in accordance with s.
395 316.1938 installed for 1 continuous year, at the person's own
396 expense, on all vehicles that he or she individually or jointly
397 leases or owns and routinely operates. If the driver is not
398 issued a 10-day permit pursuant to this section or s. 322.64
399 because he or she is ineligible for the permit and the
400 suspension for failure to submit to a breath, urine, or blood
401 test is not invalidated by the department, the driver is not
402 eligible to receive a business or employment license pursuant to
403 s. 322.271 until 90 days have elapsed from the date of the
404 suspension and has had a department-approved ignition interlock
405 device in accordance with s. 316.1938 installed for 1 continuous
406 year, at the person's own expense, on all vehicles that he or

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407 she individually or jointly leases or owns and routinely
408 operates.

409 (14)

410 (b) The disposition of any related criminal proceedings
411 does not affect a suspension or ignition interlock placement for
412 refusal to submit to a blood, breath, or urine test imposed
413 under this section.

414 Section 4. Subsections (2) and (4), paragraph (b) of
415 subsection (8), and subsections (11) and (15) of section
416 322.2616, Florida Statutes, are amended to read:

417 322.2616 Suspension of license; persons under 21 years of
418 age; right to review.—

419 (2) (a) A law enforcement officer or correctional officer
420 shall, on behalf of the department, suspend the driving
421 privilege of such person if the person has a blood-alcohol or
422 breath-alcohol level of 0.02 or higher. The officer shall also
423 suspend, on behalf of the department, the driving privilege of a
424 person who has refused to submit to a test as provided by
425 paragraph (b). The officer shall take the person's driver
426 license and issue the person a 10-day temporary driving permit
427 if the person is otherwise eligible for the driving privilege
428 and shall issue the person a notice of suspension.

429 (b) The suspension under paragraph (a) must be pursuant to,
430 and the notice of suspension must inform the driver of, the
431 following:

432 1.a. The driver refused to submit to a lawful breath test
433 and his or her driving privilege is suspended for ~~a period of 1~~
434 year for a first refusal unless, instead of such suspension, the
435 driver agrees to placement, at his or her own expense, of a

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436 department-approved ignition interlock device in accordance with
437 s. 316.1938 for 1 continuous year on all vehicles that he or she
438 individually or jointly leases or owns and routinely operates,
439 ~~or for a period of 18 months if his or her driving privilege has~~
440 ~~been previously suspended as provided in this section as a~~
441 ~~result of a refusal to submit to a test; or~~

442 b. The driver was under the age of 21 and was driving or in
443 actual physical control of a motor vehicle while having a blood-
444 alcohol or breath-alcohol level of 0.02 or higher; and the
445 person's driving privilege is suspended for ~~a period of 6 months~~
446 ~~for a first violation, or for a period of 1 year if his or her~~
447 ~~driving privilege has been previously suspended as provided in~~
448 ~~this section for driving or being in actual physical control of~~
449 ~~a motor vehicle with a blood-alcohol or breath-alcohol level of~~
450 ~~0.02 or higher.~~

451 2. The suspension period commences on the date of issuance
452 of the notice of suspension.

453 3. The driver may request a formal or informal review of
454 the suspension by the department within 10 days after the
455 issuance of the notice of suspension.

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

462 5. If the driver agrees to the placement, at his or her own
463 expense, of a department-approved ignition interlock device in
464 accordance with s. 316.1938 for 1 year on all vehicles that he

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465 or she individually or jointly leases or owns and routinely
466 operates instead of a 1-year suspension for a first-time refusal
467 of a lawful blood-alcohol or breath-alcohol test, the driver
468 must notify the department of his or her agreement to the
469 installation of an ignition interlock device and must have the
470 ignition interlock device installed in such vehicles within 10
471 days after the date of the issuance of the notice of suspension.
472 If the driver agrees to the placement of an ignition interlock
473 device, such placement shall be entered on the driver's record
474 and have the same effect as suspension for failure to submit to
475 a lawful test of blood-alcohol or breath-alcohol.

476 6.4. A temporary permit issued at the time of the issuance
477 of the notice of suspension shall not become effective until
478 after 12 hours have elapsed and will expire at midnight of the
479 10th day following the date of issuance.

480 7.5. The driver may submit to the department any materials
481 relevant to the suspension of his or her license.

482 (c) When a driver subject to this section has a blood-
483 alcohol or breath-alcohol level of 0.05 or higher, the
484 suspension shall remain in effect until such time as the driver
485 has completed a substance abuse course offered by a DUI program
486 licensed by the department. The driver shall assume the
487 reasonable costs for the substance abuse course. As part of the
488 substance abuse course, the program shall conduct a substance
489 abuse evaluation of the driver, and notify the parents or legal
490 guardians of drivers under the age of 19 years of the results of
491 the evaluation. The term "substance abuse" means the abuse of
492 alcohol or any substance named or described in Schedules I
493 through V of s. 893.03. If a driver fails to complete the

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494 substance abuse education course and evaluation, the driver
495 license shall not be reinstated by the department.

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

502 (4) If the department finds that the license of the person
503 should be suspended under this section and if the notice of
504 suspension has not already been served upon the person by a law
505 enforcement officer or correctional officer as provided in
506 subsection (2), the department shall issue a notice of
507 suspension and, unless the notice is mailed under s. 322.251, a
508 temporary driving permit that expires 10 days after the date of
509 issuance if the driver is otherwise eligible. The notice shall
510 also inform the driver that his or her driving privilege is
511 suspended unless, instead of such suspension, the driver agrees
512 to placement, at his or her own expense, of a department-
513 approved ignition interlock device in accordance with s.
514 316.1938 for 1 continuous year on all vehicles that he or she
515 individually or jointly leases or owns and routinely operates.
516 The department shall terminate the suspension effective on the
517 date of ignition interlock device placement on such vehicles.

518 (8) In a formal review hearing under subsection (7) or an
519 informal review hearing under subsection (5), the hearing
520 officer shall determine by a preponderance of the evidence
521 whether sufficient cause exists to sustain, amend, or invalidate
522 the suspension. The scope of the review is limited to the

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523 following issues:

524 (b) If the license was suspended because of the
525 individual's refusal to submit to a breath test:

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

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

532 3. Whether the person refused to submit to a breath test
533 after being requested to do so by a law enforcement officer or
534 correctional officer.

535 4. Whether the person was told that if he or she refused to
536 submit to a breath test his or her privilege to operate a motor
537 vehicle would be suspended for a period of 1 year unless the
538 driver agrees to placement, at his or her own expense, of a
539 department-approved ignition interlock device in accordance with
540 s. 316.1938 for 1 continuous year on all vehicles that he or she
541 individually or jointly leases or owns and routinely operates,
542 or, in the case of a second or subsequent refusal, for a period
543 of 18 months.

544 (11) A person whose driver license is suspended under
545 subsection (2) or subsection (4) may apply for issuance of a
546 license for business or employment purposes only, pursuant to s.
547 322.271, if the person is otherwise eligible for the driving
548 privilege. However, such a license may not be issued until 30
549 days have elapsed after the expiration of the last temporary
550 driving permit issued under this section and, if the suspension
551 is for a first-time refusal of a blood-alcohol, breath-alcohol,

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552 or urine test and such suspension was affirmed in a formal or
553 informal hearing, such person must have an ignition interlock
554 device installed as approved by the department in the same
555 manner as devices approved by the department in accordance with
556 s. 316.1938 for 1 year on all vehicles that he or she
557 individually or jointly leases or owns and routinely operates.

558 (15) The decision of the department under this section
559 shall not be considered in any trial for a violation of s.
560 316.193, nor shall any written statement submitted by a person
561 in his or her request for departmental review under this section
562 be admissible into evidence against him or her in any such
563 trial. The disposition of any related criminal proceedings shall
564 not affect a suspension or ignition interlock placement imposed
565 under this section.

566 Section 5. Present subsection (5) of section 322.2715,
567 Florida Statutes, is redesignated as subsection (6), a new
568 subsection (5) is added to that section, and subsection (1) of
569 that section is amended, to read:

570 322.2715 Ignition interlock device.—

571 (1) Before issuing a permanent or restricted driver license
572 under this chapter, the department shall require the placement
573 of a department-approved ignition interlock device for any
574 person convicted of committing an offense of driving under the
575 influence as specified in subsection (3), or for any person who
576 refused to submit to a lawful test of his or her breath as
577 specified in subsection (5) and who chooses ignition interlock
578 placement in lieu of suspension of the person's privilege to
579 operate a motor vehicle for a period of 1 year, except that
580 consideration may be given to those individuals having a

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581 documented medical condition that would prohibit the device from
582 functioning normally. If a medical waiver has been granted for a
583 ~~convicted~~ person seeking a restricted license, the ~~convicted~~
584 person shall not be entitled to a restricted license until the
585 required ignition interlock device installation period under
586 subsection (3) or subsection (5) expires, in addition to the
587 time requirements under s. 322.271. If a medical waiver has been
588 approved for a ~~convicted~~ person seeking permanent reinstatement
589 of the driver license, the ~~convicted~~ person must be restricted
590 to an employment-purposes-only license and be supervised by a
591 licensed DUI program until the required ignition interlock
592 device installation period under subsection (3) or subsection
593 (5) expires. An interlock device shall be placed on all vehicles
594 that are individually or jointly leased or owned and routinely
595 operated by the ~~convicted~~ person.

596 (5) If a person refused to submit to a lawful test of his
597 or her breath as required by s. 316.1932(1)(a)1.a., and it is
598 the first time he or she refused to submit to a lawful test of
599 his or her breath, in lieu of suspension of the person's
600 privilege to operate a motor vehicle for a period of 1 year, the
601 person may choose to install, at his or her own expense, a
602 department-approved ignition interlock device on all vehicles
603 individually or jointly leased or owned and routinely operated
604 by the person for 1 continuous year.

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