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LEGISLATIVE ACTION

Senate

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House

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The Committee on Criminal Justice (Wright) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as "Trenton's Law."

Section 2. Subsections (1), (2), and (3) of section  
316.193, Florida Statutes, are amended to read:

316.193 Driving under the influence; penalties.—

(1) A person commits ~~is guilty of~~ the offense of driving  
under the influence and is subject to punishment as provided in



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11 subsection (2) if the person is driving or in actual physical  
12 control of a vehicle within this state and:

13 (a) The person is under the influence of alcoholic  
14 beverages, any chemical substance set forth in s. 877.111, ~~or~~  
15 any substance controlled under chapter 893, or any intoxicating  
16 substance, when affected to the extent that the person's normal  
17 faculties are impaired;

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

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

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

25 1. By a fine of:

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

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

30 2. By imprisonment for:

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

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

33 3. For a second conviction, by mandatory placement for a  
34 period of at least 1 year, at the convicted person's sole  
35 expense, of an ignition interlock device approved by the  
36 department in accordance with s. 316.1938 upon all vehicles that  
37 are individually or jointly leased or owned and routinely  
38 operated by the convicted person, when the convicted person  
39 qualifies for a permanent or restricted license.



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40  
41 The portion of a fine imposed in excess of \$500 pursuant to sub-  
42 subparagraph 1.a. and the portion of a fine imposed in excess of  
43 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by  
44 the clerk to the Department of Revenue for deposit into the  
45 General Revenue Fund.

46 (b)1. Any person who is convicted of a third violation of  
47 this section for an offense that occurs within 10 years after a  
48 prior conviction for a violation of this section commits a  
49 felony of the third degree, punishable as provided in s.  
50 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
51 order the mandatory placement for a period of not less than 2  
52 years, at the convicted person's sole expense, of an ignition  
53 interlock device approved by the department in accordance with  
54 s. 316.1938 upon all vehicles that are individually or jointly  
55 leased or owned and routinely operated by the convicted person,  
56 when the convicted person qualifies for a permanent or  
57 restricted license.

58 2. Any person who is convicted of a third violation of this  
59 section for an offense that occurs more than 10 years after the  
60 date of a prior conviction for a violation of this section shall  
61 be punished by a fine of not less than \$2,000 or more than  
62 \$5,000 and by imprisonment for not more than 12 months. The  
63 portion of a fine imposed in excess of \$2,500 pursuant to this  
64 subparagraph shall be remitted by the clerk to the Department of  
65 Revenue for deposit into the General Revenue Fund. In addition,  
66 the court shall order the mandatory placement for a period of at  
67 least 2 years, at the convicted person's sole expense, of an  
68 ignition interlock device approved by the department in



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69 accordance with s. 316.1938 upon all vehicles that are  
70 individually or jointly leased or owned and routinely operated  
71 by the convicted person, when the convicted person qualifies for  
72 a permanent or restricted license.

73 3. Any person who is convicted of a fourth or subsequent  
74 violation of this section, regardless of when any prior  
75 conviction for a violation of this section occurred, commits a  
76 felony of the third degree, punishable as provided in s.  
77 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
78 for such fourth or subsequent violation may be not less than  
79 \$2,000. The portion of a fine imposed in excess of \$1,000  
80 pursuant to this subparagraph shall be remitted by the clerk to  
81 the Department of Revenue for deposit into the General Revenue  
82 Fund.

83 (c) In addition to the penalties in paragraph (a), the  
84 court may order placement, at the convicted person's sole  
85 expense, of an ignition interlock device approved by the  
86 department in accordance with s. 316.1938 for at least 6  
87 continuous months upon all vehicles that are individually or  
88 jointly leased or owned and routinely operated by the convicted  
89 person if, at the time of the offense, the person had a blood-  
90 alcohol level or breath-alcohol level of .08 or higher.

91 (3) Any person:

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

93 (b) Who operates a vehicle; and

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

96 1. Damage to the property or person of another commits a  
97 misdemeanor of the first degree, punishable as provided in s.



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98 775.082 or s. 775.083.

99 2. Serious bodily injury to another, as defined in s.  
100 316.1933, commits a felony of the third degree, punishable as  
101 provided in s. 775.082, s. 775.083, or s. 775.084.

102 3. The death of any human being or unborn child commits DUI  
103 manslaughter, and commits:

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

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

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

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

112 c. A felony of the first degree, punishable as provided in  
113 s. 775.082, s. 775.083, or s. 775.084, if the person has a prior  
114 conviction for a violation of this subparagraph or s. 782.071.

115  
116 For purposes of this subsection, the term "unborn child" has the  
117 same meaning as provided in s. 775.021(5). A person who is  
118 convicted of DUI manslaughter shall be sentenced to a mandatory  
119 minimum term of imprisonment of 4 years.

120 Section 3. Paragraph (a) of subsection (1) of section  
121 316.1932, Florida Statutes, is amended to read:

122 316.1932 Tests for alcohol, chemical substances, or  
123 controlled substances; implied consent; refusal.—

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



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127 her consent to submit to an approved chemical test or physical  
128 test including, but not limited to, an infrared light test of  
129 his or her breath for the purpose of determining the alcoholic  
130 content of his or her blood or breath if the person is lawfully  
131 arrested for any offense allegedly committed while the person  
132 was driving or was in actual physical control of a motor vehicle  
133 while under the influence of alcoholic beverages. The chemical  
134 or physical breath test must be incidental to a lawful arrest  
135 and administered at the request of a law enforcement officer who  
136 has reasonable cause to believe such person was driving or was  
137 in actual physical control of the motor vehicle within this  
138 state while under the influence of alcoholic beverages. The  
139 administration of a breath test does not preclude the  
140 administration of another type of test. The person must ~~shall~~ be  
141 told that his or her failure to submit to any lawful test of his  
142 or her breath will result in the suspension of his or her ~~the~~  
143 ~~person's~~ privilege to operate a motor vehicle as provided in s.  
144 322.2615(1)(a) for a period of 1 year for a first refusal, or  
145 for a period of 18 months if the driving privilege of such  
146 person has been previously suspended or if he or she has  
147 previously been fined under s. 327.35215 as a result of a  
148 refusal to submit to a test or tests required under this chapter  
149 or chapter 327, and must ~~shall~~ also be told that if he or she  
150 refuses to submit to a lawful test of his or her breath ~~and his~~  
151 ~~or her driving privilege has been previously suspended or if he~~  
152 ~~or she has previously been fined under s. 327.35215 for a prior~~  
153 ~~refusal to submit to a lawful test of his or her breath, urine,~~  
154 ~~or blood as required under this chapter or chapter 327, he or~~  
155 she commits a misdemeanor of the second ~~first~~ degree, punishable



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156 as provided in s. 775.082 or s. 775.083, or a misdemeanor of the  
157 first degree, punishable as provided in s. 775.082 or s.  
158 775.083, if his or her driving privilege has been previously  
159 suspended or if he or she has previously been fined under s.  
160 327.35215 for a prior refusal to submit to a lawful test of his  
161 or her breath, urine, or blood as required under this chapter or  
162 chapter 327, in addition to any other penalties provided by law.  
163 The refusal to submit to a chemical or physical breath test upon  
164 the request of a law enforcement officer as provided in this  
165 section is admissible into evidence in any criminal proceeding.

166 b. A person who accepts the privilege extended by the laws  
167 of this state of operating a motor vehicle within this state is,  
168 by operating such vehicle, deemed to have given his or her  
169 consent to submit to a urine test for the purpose of detecting  
170 the presence of chemical substances as set forth in s. 877.111  
171 or controlled substances if the person is lawfully arrested for  
172 any offense allegedly committed while the person was driving or  
173 was in actual physical control of a motor vehicle while under  
174 the influence of chemical substances or controlled substances.  
175 The urine test must be incidental to a lawful arrest and  
176 administered at a detention facility or any other facility,  
177 mobile or otherwise, which is equipped to administer such tests  
178 at the request of a law enforcement officer who has reasonable  
179 cause to believe such person was driving or was in actual  
180 physical control of a motor vehicle within this state while  
181 under the influence of chemical substances or controlled  
182 substances. The urine test must ~~shall~~ be administered at a  
183 detention facility or any other facility, mobile or otherwise,  
184 which is equipped to administer such test in a reasonable manner



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185 that will ensure the accuracy of the specimen and maintain the  
186 privacy of the individual involved. The administration of a  
187 urine test does not preclude the administration of another type  
188 of test. The person must ~~shall~~ be told that his or her failure  
189 to submit to any lawful test of his or her urine will result in  
190 the suspension of his or her ~~the person's~~ privilege to operate a  
191 motor vehicle for a period of 1 year for the first refusal, or  
192 for a period of 18 months if the driving privilege of such  
193 person has been previously suspended or if he or she has  
194 previously been fined under s. 327.35215 as a result of a  
195 refusal to submit to a test or tests required under this chapter  
196 or chapter 327, and must ~~shall~~ also be told that if he or she  
197 refuses to submit to a lawful test of his or her urine ~~and his~~  
198 ~~or her driving privilege has been previously suspended or if he~~  
199 ~~or she has previously been fined under s. 327.35215 for a prior~~  
200 ~~refusal to submit to a lawful test of his or her breath, urine,~~  
201 ~~or blood as required under this chapter or chapter 327,~~ he or  
202 she commits a misdemeanor of the second ~~first~~ degree, punishable  
203 as provided in s. 775.082 or s. 775.083, or a misdemeanor of the  
204 first degree, punishable as provided in s. 775.082 or s.  
205 775.083, if his or her driving privilege has been previously  
206 suspended or if he or she has previously been fined under s.  
207 327.35215 for a prior refusal to submit to a lawful test of his  
208 or her breath, urine, or blood as required under this chapter or  
209 chapter 327, in addition to any other penalties provided by law.  
210 The refusal to submit to a urine test upon the request of a law  
211 enforcement officer as provided in this section is admissible  
212 into evidence in any criminal proceeding.

213 2. The Alcohol Testing Program within the Department of Law





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214 Enforcement is responsible for the regulation of the operation,  
215 inspection, and registration of breath test instruments utilized  
216 under the driving and boating under the influence provisions and  
217 related provisions located in this chapter and chapters 322 and  
218 327. The program is responsible for the regulation of the  
219 individuals who operate, inspect, and instruct on the breath  
220 test instruments utilized in the driving and boating under the  
221 influence provisions and related provisions located in this  
222 chapter and chapters 322 and 327. The program is further  
223 responsible for the regulation of blood analysts who conduct  
224 blood testing to be utilized under the driving and boating under  
225 the influence provisions and related provisions located in this  
226 chapter and chapters 322 and 327. The program shall:

227       a. Establish uniform criteria for the issuance of permits  
228 to breath test operators, agency inspectors, instructors, blood  
229 analysts, and instruments.

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

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

235       d. Establish uniform requirements for instruction and  
236 curricula for the operation and inspection of approved  
237 instruments.

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

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

242       g. Have the authority to approve or disapprove breath test



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243 instruments and accompanying paraphernalia for use pursuant to  
244 the driving and boating under the influence provisions and  
245 related provisions located in this chapter and chapters 322 and  
246 327.

247       h. With the approval of the executive director of the  
248 Department of Law Enforcement, make and enter into contracts and  
249 agreements with other agencies, organizations, associations,  
250 corporations, individuals, or federal agencies as are necessary,  
251 expedient, or incidental to the performance of duties.

252       i. Issue final orders which include findings of fact and  
253 conclusions of law and which constitute final agency action for  
254 the purpose of chapter 120.

255       j. Enforce compliance with this section through civil or  
256 administrative proceedings.

257       k. Make recommendations concerning any matter within the  
258 purview of this section, this chapter, chapter 322, or chapter  
259 327.

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

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

264       n. Have the authority to approve the type of blood test  
265 utilized under the driving and boating under the influence  
266 provisions and related provisions located in this chapter and  
267 chapters 322 and 327.

268       o. Have the authority to specify techniques and methods for  
269 breath alcohol testing and blood testing utilized under the  
270 driving and boating under the influence provisions and related  
271 provisions located in this chapter and chapters 322 and 327.



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272 p. Have the authority to approve repair facilities for the  
273 approved breath test instruments, including the authority to set  
274 criteria for approval.

275  
276 Nothing in this section shall be construed to supersede  
277 provisions in this chapter and chapters 322 and 327. The  
278 specifications in this section are derived from the power and  
279 authority previously and currently possessed by the Department  
280 of Law Enforcement and are enumerated to conform with the  
281 mandates of chapter 99-379, Laws of Florida.

282 Section 4. Section 316.1939, Florida Statutes, is amended  
283 to read:

284 316.1939 Refusal to submit to testing; penalties.—

285 (1) A person who has refused to submit to a chemical or  
286 physical test of his or her breath or urine, as described in s.  
287 316.1932, commits a misdemeanor of the second degree, punishable  
288 as provided in s. 775.082 or s. 775.083, in addition to any  
289 other penalties provided by law, and such person whose driving  
290 privilege was previously suspended or who was previously fined  
291 under s. 327.35215 for a prior refusal to submit to a lawful  
292 test of his or her breath, urine, or blood required under this  
293 chapter or chapter 327 commits a misdemeanor of the first  
294 degree, punishable as provided in s. 775.082 or s. 775.083, in  
295 addition to any other penalties provided by law if all of the  
296 following apply, and:

297 (a) ~~Who~~ The arresting law enforcement officer had probable  
298 cause to believe that the person was driving or in actual  
299 physical control of a motor vehicle in this state while under  
300 the influence of alcoholic beverages, chemical substances, or



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301 controlled substances.~~†~~

302 (b) The person ~~who~~ was placed under lawful arrest for a  
303 violation of s. 316.193~~2~~, unless such test was requested pursuant  
304 to s. 316.1932(1)(c).~~†~~

305 (c) The person ~~who~~ was informed that, if he or she refused  
306 to submit to such test, his or her privilege to operate a motor  
307 vehicle would be suspended for a period of 1 year or, in the  
308 case of a second or subsequent refusal, for a period of 18  
309 months.~~†~~

310 (d) The person, after having been informed as required in  
311 paragraph (c), still refuses ~~who was informed that a refusal to~~  
312 ~~submit to a lawful test of his or her breath or urine as~~  
313 ~~described in s. 316.1932, if his or her driving privilege has~~  
314 ~~been previously suspended or if he or she has previously been~~  
315 ~~fined under s. 327.35215 for a prior refusal to submit to a~~  
316 ~~lawful test of his or her breath, urine, or blood as required~~  
317 ~~under this chapter or chapter 327, is a misdemeanor of the first~~  
318 ~~degree, punishable as provided in s. 775.082 or s. 775.083, in~~  
319 ~~addition to any other penalties provided by law; and~~

320 ~~(e) Who, after having been so informed, refused to submit~~  
321 ~~to any such test when requested to do so by a law enforcement~~  
322 ~~officer or correctional officer~~

323  
324 ~~commits a misdemeanor of the first degree and is subject to~~  
325 ~~punishment as provided in s. 775.082 or s. 775.083.~~

326 (2) The disposition of any administrative proceeding that  
327 relates to the suspension of a person's driving privilege does  
328 not affect a criminal action under this section.

329 (3) The disposition of a criminal action under this section does



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330 not affect any administrative proceeding that relates to the  
331 suspension of a person's driving privilege. The department's  
332 records showing that a person's license has been previously  
333 suspended for a prior refusal to submit to a lawful test of his  
334 or her breath, urine, or blood are ~~shall be~~ admissible and  
335 create ~~shall create~~ a rebuttable presumption of such suspension.

336 Section 5. Section 316.19395, Florida Statutes, is created  
337 to read:

338 316.19395 Driving under the influence diversion programs.-

339 (1) Any judicial circuit may create a driving under the  
340 influence diversion program. A judicial circuit that creates  
341 such a diversion program shall publish the terms and conditions  
342 of the program on the website of the office of the state  
343 attorney for that circuit.

344 (2) Each judicial circuit that offers a diversion program  
345 under this section shall notify the department of each person  
346 who successfully completes the program. The department shall  
347 notate the successful completion of the diversion program on the  
348 driving record of each such person.

349 (3) A person who successfully completes a diversion program  
350 offered under this section is ineligible for future  
351 participation in such a program.

352 Section 6. Subsection (1) of section 316.656, Florida  
353 Statutes, is amended to read:

354 316.656 Mandatory adjudication; prohibition against  
355 accepting plea to lesser included offense.-

356 (1) Notwithstanding the provisions of s. 948.01, a court may not  
357 no court may suspend, defer, or withhold adjudication of guilt  
358 or imposition of sentence for any violation of s. 316.193 or s.



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359 316.1939, for manslaughter resulting from the operation of a  
360 motor vehicle, or for vehicular homicide.

361 Section 7. Subsection (2) of section 322.34, Florida  
362 Statutes, is amended to read:

363 322.34 Driving while license suspended, revoked, canceled,  
364 or disqualified.—

365 (2) Any person whose driver license or driving privilege  
366 has been canceled, suspended, or revoked as provided by law, or  
367 who does not have a driver license or driving privilege but is  
368 under suspension or revocation equivalent status as defined in  
369 s. 322.01(43), except persons defined in s. 322.264, who,  
370 knowing of such cancellation, suspension, revocation, or  
371 suspension or revocation equivalent status, drives any motor  
372 vehicle upon the highways of this state while such license or  
373 privilege is canceled, suspended, or revoked, or while under  
374 suspension or revocation equivalent status, commits:

375 (a) A misdemeanor of the second degree, punishable as  
376 provided in s. 775.082 or s. 775.083.

377 (b)~~1~~. A misdemeanor of the first degree, punishable as  
378 provided in s. 775.082 or s. 775.083, upon a second or  
379 subsequent conviction, except as provided in paragraph (c).

380 ~~2~~. A person convicted of a third or subsequent conviction,  
381 except as provided in paragraph (c), must serve a minimum of 10  
382 days in jail.

383 (c) A felony of the third degree, punishable as provided in  
384 s. 775.082, s. 775.083, or s. 775.084, upon a third or  
385 subsequent conviction if the current violation of this section  
386 or the most recent prior violation of the section is related to  
387 driving while license canceled, suspended, revoked, or



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388 suspension or revocation equivalent status resulting from a  
389 violation of:

390 1. Driving under the influence. A person to whom this  
391 subparagraph applies must serve a minimum of 30 days in jail  
392 upon a first conviction, a minimum of 60 days in jail upon a  
393 second conviction, and a minimum of 90 days in jail upon a third  
394 or subsequent conviction;

395 2. Refusal to submit to a urine, breath-alcohol, or blood  
396 alcohol test. A person to whom this subparagraph applies must  
397 serve a minimum of 30 days in jail upon a first conviction, a  
398 minimum of 60 days in jail upon a second conviction, and a  
399 minimum of 90 days in jail upon a third or subsequent  
400 conviction;

401 3. A traffic offense causing death or serious bodily  
402 injury; or

403 4. Fleeing or eluding.  
404

405 The element of knowledge is satisfied if the person has been  
406 previously cited as provided in subsection (1); or the person  
407 admits to knowledge of the cancellation, suspension, or  
408 revocation, or suspension or revocation equivalent status; or  
409 the person received notice as provided in subsection (4). There  
410 is shall be a rebuttable presumption that the knowledge  
411 requirement is satisfied if a judgment or an order as provided  
412 in subsection (4) appears in the department's records for any  
413 case except for one involving a suspension by the department for  
414 failure to pay a traffic fine or for a financial responsibility  
415 violation.

416 Section 8. Subsection (1) of section 327.35, Florida



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417 Statutes, is amended to read:

418       327.35 Boating under the influence; penalties; "designated  
419 drivers."—

420       (1) A person commits ~~is guilty of~~ the offense of boating  
421 under the influence and is subject to punishment as provided in  
422 subsection (2) if the person is operating a vessel within this  
423 state and:

424       (a) The person is under the influence of alcoholic  
425 beverages, any chemical substance set forth in s. 877.111, ~~or~~  
426 any substance controlled under chapter 893, or any intoxicating  
427 substance when affected to the extent that the person's normal  
428 faculties are impaired;

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

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

433       Section 9. Section 933.02, Florida Statutes, is amended to  
434 read:

435       933.02 Grounds for issuance of search warrant.—Upon proper  
436 affidavits being made, a search warrant may be issued under ~~the~~  
437 ~~provisions of~~ this chapter upon any of the following grounds:

438       (1) When the property shall have been stolen or embezzled  
439 in violation of law;

440       (2) When any property shall have been used:

441       (a) As a means to commit any crime;

442       (b) In connection with gambling, gambling implements and  
443 appliances; or

444       (c) In violation of s. 847.011 or other laws in reference  
445 to obscene prints and literature;





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446 (3) When any property constitutes evidence relevant to  
447 proving that a felony has been committed;

448 (4) When any property is being held or possessed:

449 (a) In violation of any of the laws prohibiting the  
450 manufacture, sale, and transportation of intoxicating liquors;

451 (b) In violation of the fish and game laws;

452 (c) In violation of the laws relative to food and drug; or

453 (d) In violation of the laws relative to citrus disease  
454 pursuant to s. 581.184; ~~or~~

455 (5) When the laws in relation to cruelty to animals, as  
456 provided in chapter 828, have been or are violated in any  
457 particular building or place; or-

458 (6) When a sample of the blood of a person constitutes  
459 evidence relevant to proving that a violation of s. 316.193 or  
460 s. 327.35 has been committed.

461  
462 This section also applies to any papers or documents used as a  
463 means of or in aid of the commission of any offense against the  
464 laws of the state.

465 Section 10. Section 782.071, Florida Statutes, is amended  
466 to read:

467 782.071 Vehicular homicide.—“Vehicular homicide” is the  
468 killing of a human being, or the killing of an unborn child by  
469 any injury to the mother, caused by the operation of a motor  
470 vehicle by another in a reckless manner likely to cause the  
471 death of, or great bodily harm to, another.

472 (1) Vehicular homicide is:

473 (a) A felony of the second degree, punishable as provided  
474 in s. 775.082, s. 775.083, or s. 775.084.



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475 (b) A felony of the first degree, punishable as provided in  
476 s. 775.082, s. 775.083, or s. 775.084, if:

477 1. At the time of the accident, the person knew, or should  
478 have known, that the accident occurred; and

479 2. The person failed to give information and render aid as  
480 required by s. 316.062.

481

482 This paragraph does not require that the person knew that the  
483 accident resulted in injury or death.

484 (c) A felony of the first degree, punishable as provided in  
485 s. 775.082, s. 775.083, or s. 775.084, if the person has a prior  
486 conviction for a violation of this section or 316.193(3)(c)3.

487 Section 11. This act shall take effect October 1, 2025.

488

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

490 And the title is amended as follows:

491 Delete everything before the enacting clause  
492 and insert:

493 A bill to be entitled  
494 An act relating to driving and boating offenses;  
495 providing a short title; amending s. 316.193, F.S.;  
496 prohibiting a person from driving or being in actual  
497 physical control of a vehicle while under the  
498 influence of any intoxicating substance; providing  
499 enhanced criminal penalties for violation of driving  
500 under the influence if the person has a prior  
501 conviction for a violation of specified provisions;  
502 amending s. 316.1932, F.S.; requiring that a person be  
503 told that his or her failure to submit to a lawful



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504 test of breath or urine is a second degree misdemeanor  
505 or a first degree misdemeanor under certain  
506 circumstances; amending s. 316.1939, F.S.; classifying  
507 a person's refusal to submit to a chemical or physical  
508 test of breath or urine as a second degree misdemeanor  
509 or a first degree misdemeanor under certain  
510 circumstances; creating s. 316.19395, F.S.;  
511 authorizing judicial circuits to create driving under  
512 the influence diversion programs; providing  
513 requirements for such diversion programs; providing  
514 that a person who successfully completes a diversion  
515 program is ineligible for participation in such a  
516 program in the future; amending s. 316.656, F.S.;  
517 prohibiting a court from suspending, deferring, or  
518 withholding adjudication of guilt or imposition of  
519 sentence for a specified violation; amending s.  
520 322.34, F.S.; providing penalties for specified  
521 violations of driving while a license or driving  
522 privilege is canceled, suspended, or revoked or under  
523 suspension or revocation equivalent status; amending  
524 s. 327.35, F.S.; prohibiting a person from operating a  
525 vessel while under the influence of any intoxicating  
526 substance; amending s. 933.02, F.S.; permitting the  
527 issuance of a search warrant when a sample of blood of  
528 a person constitutes evidence relevant to proving  
529 specified crimes; amending s. 782.071, F.S.; providing  
530 enhanced criminal penalties for a violation of  
531 vehicular homicide if the person has a prior  
532 conviction for a violation of specified provisions;



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providing an effective date.