

By the Committee on Criminal Justice; and Senator Wright

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A bill to be entitled  
An act relating to driving and boating offenses;  
providing a short title; amending s. 316.193, F.S.;  
prohibiting a person from driving or being in actual  
physical control of a vehicle while under the  
influence of any intoxicating substance; providing  
enhanced criminal penalties for violation of driving  
under the influence if the person has a prior  
conviction for a violation of specified provisions;  
amending s. 316.1932, F.S.; requiring that a person be  
told that his or her failure to submit to a lawful  
test of breath or urine is a second degree misdemeanor  
or a first degree misdemeanor under certain  
circumstances; amending s. 316.1939, F.S.; classifying  
a person's refusal to submit to a chemical or physical  
test of breath or urine as a second degree misdemeanor  
or a first degree misdemeanor under certain  
circumstances; creating s. 316.19395, F.S.;  
authorizing judicial circuits to create driving under  
the influence diversion programs; providing  
requirements for such diversion programs; providing  
that a person who successfully completes a diversion  
program is ineligible for participation in such a  
program in the future; amending s. 316.656, F.S.;  
prohibiting a court from suspending, deferring, or  
withholding adjudication of guilt or imposition of  
sentence for a specified violation; amending s.  
322.34, F.S.; providing penalties for specified  
violations of driving while a license or driving

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privilege is canceled, suspended, or revoked or under suspension or revocation equivalent status; amending s. 327.35, F.S.; prohibiting a person from operating a vessel while under the influence of any intoxicating substance; amending s. 933.02, F.S.; permitting the issuance of a search warrant when a sample of blood of a person constitutes evidence relevant to proving specified crimes; amending s. 782.071, F.S.; providing enhanced criminal penalties for a violation of vehicular homicide if the person has a prior conviction for a violation of specified provisions; providing an effective date.

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

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

Section 2. Subsections (1) and (3) of section 316.193, Florida Statutes, are amended, and subsection (2) of that section is republished, 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 subsection (2) if the person is driving or in actual physical control of a vehicle within this state and:

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

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

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

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

1. By a fine of:

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

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

2. By imprisonment for:

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

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

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

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

(b)1. Any person who is convicted of a third violation of

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88 this section for an offense that occurs within 10 years after a  
89 prior conviction for a violation of this section commits a  
90 felony of the third degree, punishable as provided in s.  
91 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
92 order the mandatory placement for a period of not less than 2  
93 years, at the convicted person's sole expense, of an ignition  
94 interlock device approved by the department in accordance with  
95 s. 316.1938 upon all vehicles that are individually or jointly  
96 leased or owned and routinely operated by the convicted person,  
97 when the convicted person qualifies for a permanent or  
98 restricted license.

99       2. Any person who is convicted of a third violation of this  
100 section for an offense that occurs more than 10 years after the  
101 date of a prior conviction for a violation of this section shall  
102 be punished by a fine of not less than \$2,000 or more than  
103 \$5,000 and by imprisonment for not more than 12 months. The  
104 portion of a fine imposed in excess of \$2,500 pursuant to this  
105 subparagraph shall be remitted by the clerk to the Department of  
106 Revenue for deposit into the General Revenue Fund. In addition,  
107 the court shall order the mandatory placement for a period of at  
108 least 2 years, at the convicted person's sole expense, of an  
109 ignition interlock device approved by the department in  
110 accordance with s. 316.1938 upon all vehicles that are  
111 individually or jointly leased or owned and routinely operated  
112 by the convicted person, when the convicted person qualifies for  
113 a permanent or restricted license.

114       3. Any person who is convicted of a fourth or subsequent  
115 violation of this section, regardless of when any prior  
116 conviction for a violation of this section occurred, commits a

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felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than \$2,000. The portion of a fine imposed in excess of \$1,000 pursuant to this subparagraph shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.

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

(3) Any person:

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

(b) Who operates a vehicle; and

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

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

a. A felony of the second degree, punishable as provided in

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s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

Section 3. 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 her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages. The chemical

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or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person must ~~shall~~ be told that his or her failure to submit to any lawful test of his or her breath will result in the suspension of his or her ~~the person's~~ privilege to operate a motor vehicle as provided in s. 322.2615(1) (a) for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended or if he or she has previously been fined under s. 327.35215 as a result of a refusal to submit to a test or tests required under this chapter or chapter 327, and must ~~shall~~ also be told that if he or she refuses to submit to a lawful test of his or her breath ~~and his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327,~~ he or she commits a misdemeanor of the second ~~first~~ degree, punishable as provided in s. 775.082 or s. 775.083, or a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327, in addition to any other penalties provided by law.

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The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

b. 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 her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of chemical substances or controlled substances. The urine test must ~~shall~~ be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person must ~~shall~~ be told that his or her failure to submit to any lawful test of his or her urine will result in the suspension of his or her ~~the person's~~ privilege to operate a motor vehicle for a period of 1 year for the first refusal, or

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for a period of 18 months if the driving privilege of such person has been previously suspended or if he or she has previously been fined under s. 327.35215 as a result of a refusal to submit to a test or tests required under this chapter or chapter 327, and must ~~shall~~ also be told that if he or she refuses to submit to a lawful test of his or her urine ~~and his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327,~~ he or she commits a misdemeanor of the second ~~first~~ degree, punishable as provided in s. 775.082 or s. 775.083, or a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the

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influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

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

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

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

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

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

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

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

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations,

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corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

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

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

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

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

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

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

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

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

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and

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authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

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

316.1939 Refusal to submit to testing; penalties.—

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

(a) ~~Who~~ The arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances.~~.~~<sup>+</sup>

(b) The person ~~who~~ was placed under lawful arrest for a violation of s. 316.193, unless such test was requested pursuant to s. 316.1932(1)(c).~~.~~<sup>+</sup>

(c) The person ~~who~~ was informed that, if he or she refused to submit to such test, his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the

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case of a second or subsequent refusal, for a period of 18 months.<sup>7</sup>

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

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

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

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

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

Section 5. Section 316.19395, Florida Statutes, is created

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to read:

316.19395 Driving under the influence diversion programs.—

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

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

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

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

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(1) Notwithstanding ~~the provisions of~~ s. 948.01, a court may not ~~no court may~~ suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193 or s. 316.1939, for manslaughter resulting from the operation of a motor vehicle, or for vehicular homicide.

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

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

(2) Any person whose driver license or driving privilege

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has been canceled, suspended, or revoked as provided by law, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(43), except persons defined in s. 322.264, who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, or while under suspension or revocation equivalent status, commits:

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

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

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

(c) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section is related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:

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

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

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

4. Fleeing or eluding.

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

Section 8. Subsection (1) of section 327.35, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

(2) When any property shall have been used:

(a) As a means to commit any crime;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Vehicular homicide is:

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

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

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

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

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

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

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