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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
04/30/2025 10:26 AM	.	04/30/2025 04:06 PM
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Senator Wright moved the following:

Senate Amendment (with title amendment)

Between lines 52 and 53
insert:

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



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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 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 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 the person's privilege to operate a motor vehicle 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 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



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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 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 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



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

97 2. The Alcohol Testing Program within the Department of Law
98 Enforcement is responsible for the regulation of the operation,



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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 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



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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, 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. 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



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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 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. Subsection (1) of 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, ~~and 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,~~ and:

(a) Who the arresting law enforcement officer had probable cause to believe 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;

(b) 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);

(c) 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 case of a



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second or subsequent refusal, for a period of 18 months;

(d) Who was informed that a refusal to submit to a lawful test of his or her breath or urine is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, or 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, that a refusal to submit to a lawful test of his or her breath or urine 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 second ~~first~~ degree for a first refusal or a misdemeanor of the first degree for a second or subsequent refusal, and is subject to punishment as provided in s. 775.082 or s. 775.083.

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

And the title is amended as follows:

Delete lines 2 - 6

and insert:

An act relating to driving and boating offenses;
providing a short title; amending s. 316.193, F.S.;
providing an enhanced penalty for DUI manslaughter if
a person has a prior conviction for specified



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215 offenses; amending s. 316.1932, F.S.; requiring that a
216 person be told that his or her failure to submit to
217 lawful test of breath or urine subsequent to a DUI
218 arrest is either a second degree misdemeanor or a
219 first degree misdemeanor; amending s. 316.1939, F.S.;
220 creating a criminal penalty for a first refusal to
221 submit to a breath or urine test subsequent to a DUI
222 arrest; amending s. 327.35, F.S.;