



26 contained in a notice of suspension; waiving the  
 27 requirement to install an ignition interlock device  
 28 under certain circumstances; amending s. 322.2616,  
 29 F.S.; requiring certain information to be contained in  
 30 a notice of suspension; waiving the requirement to  
 31 install an ignition interlock device under certain  
 32 circumstances; amending s. 322.2715, F.S.; directing  
 33 the department to require placement of an ignition  
 34 interlock device before issuing a permanent or  
 35 restricted driver license to a person who refused to  
 36 submit to a lawful test of his or her breath;  
 37 requiring the person to install the device at his or  
 38 her own expense for a specified period; providing an  
 39 effective date.

40

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

42

43 Section 1. Paragraph (a) of subsection (1) of section  
 44 316.1932, Florida Statutes, is amended to read:

45 316.1932 Tests for alcohol, chemical substances, or  
 46 controlled substances; implied consent; refusal.—

47 (1)(a)1.a. A person who accepts the privilege extended by  
 48 the laws of this state of operating a motor vehicle within this  
 49 state is, by operating such vehicle, deemed to have given his or  
 50 her consent to submit to an approved chemical test or physical

51 | test including, but not limited to, an infrared light test of  
 52 | his or her breath for the purpose of determining the alcoholic  
 53 | content of his or her blood or breath if the person is lawfully  
 54 | arrested for any offense allegedly committed while the person  
 55 | was driving or was in actual physical control of a motor vehicle  
 56 | while under the influence of alcoholic beverages. The chemical  
 57 | or physical breath test must be incidental to a lawful arrest  
 58 | and administered at the request of a law enforcement officer who  
 59 | has reasonable cause to believe such person was driving or was  
 60 | in actual physical control of the motor vehicle within this  
 61 | state while under the influence of alcoholic beverages. The  
 62 | administration of a breath test does not preclude the  
 63 | administration of another type of test. The person must ~~shall~~ be  
 64 | told that his or her failure to submit to any lawful test of his  
 65 | or her breath will, for a first refusal, result in the  
 66 | suspension of the person's privilege to operate a motor vehicle  
 67 | for a period of 1 year, and the person will be subject to  
 68 | mandatory placement for 1 continuous year, at the person's own  
 69 | expense, of an ignition interlock device on all vehicles that  
 70 | are individually or jointly leased or owned and routinely  
 71 | operated by the person when the person qualifies for  
 72 | reinstatement of a permanent or restricted driver license. ~~for a~~  
 73 | ~~first refusal, or for a period of 18 months~~ If the driving  
 74 | privilege of such person has been previously suspended or if he  
 75 | or she has previously been fined under s. 327.35215 as a result

76 of a refusal to submit to a test or tests required under this  
 77 chapter or chapter 327, the person must be told that his or her  
 78 failure to submit to any lawful test of his or her breath will  
 79 result in the suspension of the person's privilege to operate a  
 80 motor vehicle for 18 months. The person must ~~and shall~~ also be  
 81 told that if he or she refuses to submit to a lawful test of his  
 82 or her breath and his or her driving privilege has been  
 83 previously suspended or if he or she has previously been fined  
 84 under s. 327.35215 for a prior refusal to submit to a lawful  
 85 test of his or her breath, urine, or blood as required under  
 86 this chapter or chapter 327, he or she commits a misdemeanor of  
 87 the first degree, punishable as provided in s. 775.082 or s.  
 88 775.083, in addition to any other penalties provided by law. The  
 89 refusal to submit to a chemical or physical breath test upon the  
 90 request of a law enforcement officer as provided in this section  
 91 is admissible into evidence in any criminal proceeding.

92 b. A person who accepts the privilege extended by the laws  
 93 of this state of operating a motor vehicle within this state is,  
 94 by operating such vehicle, deemed to have given his or her  
 95 consent to submit to a urine test for the purpose of detecting  
 96 the presence of chemical substances as set forth in s. 877.111  
 97 or controlled substances if the person is lawfully arrested for  
 98 any offense allegedly committed while the person was driving or  
 99 was in actual physical control of a motor vehicle while under  
 100 the influence of chemical substances or controlled substances.

101 The urine test must be incidental to a lawful arrest and  
102 administered at a detention facility or any other facility,  
103 mobile or otherwise, which is equipped to administer such tests  
104 at the request of a law enforcement officer who has reasonable  
105 cause to believe such person was driving or was in actual  
106 physical control of a motor vehicle within this state while  
107 under the influence of chemical substances or controlled  
108 substances. The urine test must ~~shall~~ be administered at a  
109 detention facility or any other facility, mobile or otherwise,  
110 which is equipped to administer such test in a reasonable manner  
111 that will ensure the accuracy of the specimen and maintain the  
112 privacy of the individual involved. The administration of a  
113 urine test does not preclude the administration of another type  
114 of test. The person must ~~shall~~ be told that his or her failure  
115 to submit to any lawful test of his or her urine will result in  
116 the suspension of the person's privilege to operate a motor  
117 vehicle for ~~a period of~~ 1 year for the first refusal, or for a  
118 ~~period of~~ 18 months if the driving privilege of such person has  
119 been previously suspended or if he or she has previously been  
120 fined under s. 327.35215 as a result of a refusal to submit to a  
121 test or tests required under this chapter or chapter 327, and  
122 must ~~shall~~ also be told that if he or she refuses to submit to a  
123 lawful test of his or her urine and his or her driving privilege  
124 has been previously suspended or if he or she has previously  
125 been fined under s. 327.35215 for a prior refusal to submit to a

126 lawful test of his or her breath, urine, or blood as required  
 127 under this chapter or chapter 327, he or she commits a  
 128 misdemeanor of the first degree, punishable as provided in s.  
 129 775.082 or s. 775.083, in addition to any other penalties  
 130 provided by law. The refusal to submit to a urine test upon the  
 131 request of a law enforcement officer as provided in this section  
 132 is admissible into evidence in any criminal proceeding.

133         2. The Alcohol Testing Program within the Department of  
 134 Law Enforcement is responsible for the regulation of the  
 135 operation, inspection, and registration of breath test  
 136 instruments used ~~utilized~~ under the driving and boating under  
 137 the influence provisions and related provisions located in this  
 138 chapter and chapters 322 and 327. The program is responsible for  
 139 the regulation of the individuals who operate, inspect, and  
 140 instruct on the breath test instruments used ~~utilized~~ in the  
 141 driving and boating under the influence provisions and related  
 142 provisions located in this chapter and chapters 322 and 327. The  
 143 program is further responsible for the regulation of blood  
 144 analysts who conduct blood testing to be used ~~utilized~~ under the  
 145 driving and boating under the influence provisions and related  
 146 provisions located in this chapter and chapters 322 and 327. The  
 147 program must ~~shall~~:

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

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

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

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

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

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

163           g. Have the authority to approve or disapprove breath test  
164 instruments and accompanying paraphernalia for use pursuant to  
165 the driving and boating under the influence provisions and  
166 related provisions located in this chapter and chapters 322 and  
167 327.

168           h. With the approval of the executive director of the  
169 Department of Law Enforcement, make and enter into contracts and  
170 agreements with other agencies, organizations, associations,  
171 corporations, individuals, or federal agencies as are necessary,  
172 expedient, or incidental to the performance of duties.

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

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

178 k. Make recommendations concerning any matter within the  
 179 purview of this section, this chapter, chapter 322, or chapter  
 180 327.

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

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

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

189 o. Have the authority to specify techniques and methods  
 190 for breath alcohol testing and blood testing used ~~utilized~~ under  
 191 the driving and boating under the influence provisions and  
 192 related provisions located in this chapter and chapters 322 and  
 193 327.

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

197  
 198 ~~Nothing in~~ This section does not ~~shall be construed to~~ supersede  
 199 provisions in this chapter and chapters 322 and 327. The  
 200 specifications in this section are derived from the power and



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

204 Section 2. Section 316.1939, Florida Statutes, is amended  
 205 to read:

206 316.1939 Refusal to submit to testing; penalties.—

207 (1)(a) A person who refuses to submit to a lawful test of  
 208 his or her breath as required under s. 316.1932(1)(a)1.a. is  
 209 subject to mandatory placement, at the person's own expense, of  
 210 an ignition interlock device approved by the department in the  
 211 same manner as devices approved by the department in accordance  
 212 with s. 316.1938 on all vehicles individually or jointly leased  
 213 or owned and routinely operated by the person for 1 continuous  
 214 year for a first refusal when the person qualifies for  
 215 reinstatement of a permanent or restricted driver license. This  
 216 subsection applies in addition to any other penalties authorized  
 217 by this section. The ignition interlock device placement period  
 218 required by this subsection may run concurrently with any other  
 219 ignition interlock device placement period required by a court  
 220 or the department.

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

225 (c) The prohibitions and penalties provided in s.

226 316.1937(5), (6), and (8) apply to a person whose driving  
 227 privilege is restricted pursuant to this subsection and to an  
 228 ignition interlock device required by this subsection.

229 (2)~~(1)~~ A person who has refused to submit to a chemical or  
 230 physical test of his or her breath or urine, as described in s.  
 231 316.1932, and whose driving privilege was previously suspended  
 232 or who was previously fined under s. 327.35215 for a prior  
 233 refusal to submit to a lawful test of his or her breath, urine,  
 234 or blood required under this chapter or chapter 327, and:

235 (a) Who the arresting law enforcement officer had probable  
 236 cause to believe was driving or in actual physical control of a  
 237 motor vehicle in this state while under the influence of  
 238 alcoholic beverages, chemical substances, or controlled  
 239 substances;

240 (b) Who was placed under lawful arrest for a violation of  
 241 s. 316.193 unless such test was requested pursuant to s.  
 242 316.1932(1)(c);

243 (c) Who was informed that:~~7~~

244 1. If he or she refused to submit to a lawful test of his  
 245 or her breath, his or her privilege to operate a motor vehicle  
 246 would be suspended for 1 year for a first refusal and that he or  
 247 she would be subject to mandatory placement, at his or her own  
 248 expense, of an ignition interlock device approved by the  
 249 department in the same manner as devices approved by the  
 250 department in accordance with s. 316.1938, for 1 continuous year

251 for a first refusal on all vehicles that he or she individually  
 252 or jointly leases or owns and routinely operates when he or she  
 253 qualifies for reinstatement of a permanent or restricted driver  
 254 license; or

255 2. If he or she refused to submit to a lawful ~~such~~ test of  
 256 his or her urine, his or her privilege to operate a motor  
 257 vehicle would be suspended for ~~a period of 1 year~~ for a first  
 258 refusal or, ~~in the case of a second or subsequent refusal, for a~~  
 259 ~~period of 18 months~~ for a second or subsequent refusal;

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

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

271  
 272 commits a misdemeanor of the first degree and is subject to  
 273 punishment as provided in s. 775.082 or s. 775.083.

274 ~~(3)(2)~~ The disposition of any administrative proceeding  
 275 that relates to the suspension of a person's driving privilege

276 does not affect a criminal action under subsection (2) ~~this~~  
 277 ~~section~~.

278 ~~(4)-(3)~~ The disposition of a criminal action under  
 279 subsection (2) ~~this section~~ does not affect any administrative  
 280 proceeding that relates to the suspension of a person's driving  
 281 privilege. The department's records showing that a person's  
 282 license has been previously suspended for a prior refusal to  
 283 submit to a lawful test of his or her breath, urine, or blood is  
 284 ~~shall be~~ admissible and creates ~~shall create~~ a rebuttable  
 285 presumption of such suspension.

286 Section 3. Subsections (12) through (16) of section  
 287 322.2615, Florida Statutes, are renumbered as subsections (13)  
 288 through (17), respectively, subsection (1) is amended, and a new  
 289 subsection (12) is added to that section, to read:

290 322.2615 Suspension of license; right to review.—

291 (1)(a) A law enforcement officer or correctional officer  
 292 shall, on behalf of the department, suspend the driving  
 293 privilege of a person who is driving or in actual physical  
 294 control of a motor vehicle and who has an unlawful blood-alcohol  
 295 level or breath-alcohol level of 0.08 or higher, or of a person  
 296 who has refused to submit to a urine test or a test of his or  
 297 her breath-alcohol or blood-alcohol level. The officer shall  
 298 take the person's driver license and issue the person a 10-day  
 299 temporary permit if the person is otherwise eligible for the  
 300 driving privilege and shall issue the person a notice of

301 suspension. If a blood test has been administered, the officer  
 302 or the agency employing the officer shall transmit such results  
 303 to the department within 5 days after receipt of the results. If  
 304 the department then determines that the person had a blood-  
 305 alcohol level or breath-alcohol level of 0.08 or higher, the  
 306 department shall suspend the person's driver license pursuant to  
 307 subsection (3).

308 (b) The suspension under paragraph (a) shall be pursuant  
 309 to, and the notice of suspension shall inform the driver of, the  
 310 following:

311 1.a. The driver refused to submit to a lawful breath,  
 312 ~~blood, or urine~~ test and his or her driving privilege is  
 313 suspended for ~~a period of~~ 1 year for a first refusal or for a  
 314 ~~period of~~ 18 months if his or her driving privilege has been  
 315 previously suspended as a result of a refusal to submit to such  
 316 a test, and he or she is subject to mandatory placement, at his  
 317 or her own expense, of an ignition interlock device approved by  
 318 the department in the same manner as devices approved by the  
 319 department in accordance with s. 316.1938 for 1 continuous year  
 320 for a first refusal on all vehicles that he or she individually  
 321 or jointly leases or owns and routinely operates when he or she  
 322 qualifies for reinstatement of a permanent or restricted driver  
 323 license;

324 b. The driver refused to submit to a lawful blood or urine  
 325 test and his or her driving privilege is suspended for 1 year

326 for a first refusal or for 18 months if his or her driving  
327 privilege has been previously suspended as a result of a refusal  
328 to submit to such a test; or

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

335 2. The suspension period shall commence on the date of  
336 issuance of the notice of suspension.

337 3. The driver may request a formal or informal review of  
338 the suspension by the department within 10 days after the date  
339 of issuance of the notice of suspension or may request a review  
340 of eligibility for a restricted driving privilege under s.  
341 322.271(7).

342 4. The temporary permit issued at the time of suspension  
343 expires at midnight of the 10th day following the date of  
344 issuance of the notice of suspension.

345 5. The driver may submit to the department any materials  
346 relevant to the suspension.

347 (12) If a person whose driver license is suspended for  
348 refusal to submit to a lawful breath test has such suspension  
349 invalidated for any reason under this section, the requirement  
350 that he or she install an ignition interlock device for refusal

351 to submit to a lawful test of his or her breath under s.  
 352 316.1939(1) is waived.

353 Section 4. Subsections (13) through (19) of section  
 354 322.2616, Florida Statutes, are renumbered as subsections (14)  
 355 through (20), respectively, subsection (2) is amended, and a new  
 356 subsection (13) is added to that section, to read:

357 322.2616 Suspension of license; persons under 21 years of  
 358 age; right to review.—

359 (2) (a) A law enforcement officer or correctional officer  
 360 shall, on behalf of the department, suspend the driving  
 361 privilege of such person if the person has a blood-alcohol or  
 362 breath-alcohol level of 0.02 or higher. The officer shall also  
 363 suspend, on behalf of the department, the driving privilege of a  
 364 person who has refused to submit to a test as provided by  
 365 paragraph (b). The officer shall take the person's driver  
 366 license and issue the person a 10-day temporary driving permit  
 367 if the person is otherwise eligible for the driving privilege  
 368 and shall issue the person a notice of suspension.

369 (b) The suspension under paragraph (a) must be pursuant  
 370 to, and the notice of suspension must inform the driver of, the  
 371 following:

372 1.a. The driver refused to submit to a lawful breath test  
 373 and his or her driving privilege is suspended for ~~a period of 1~~  
 374 year for a first refusal or for ~~a period of 18 months~~ if his or  
 375 her driving privilege has been previously suspended as provided

376 in this section as a result of a refusal to submit to a test,  
377 and he or she is subject to mandatory placement, at his or her  
378 own expense, of an ignition interlock device approved by the  
379 department in the same manner as devices approved by the  
380 department in accordance with s. 316.1938 for 1 continuous year  
381 for a first refusal on all vehicles that he or she individually  
382 or jointly leases or owns and routinely operates when he or she  
383 qualifies for reinstatement of a permanent or restricted driver  
384 license; or

385 b. The driver was under the age of 21 and was driving or  
386 in actual physical control of a motor vehicle while having a  
387 blood-alcohol or breath-alcohol level of 0.02 or higher; and the  
388 person's driving privilege is suspended for ~~a period of~~ 6 months  
389 for a first violation, or for ~~a period of~~ 1 year if his or her  
390 driving privilege has been previously suspended as provided in  
391 this section for driving or being in actual physical control of  
392 a motor vehicle with a blood-alcohol or breath-alcohol level of  
393 0.02 or higher.

394 2. The suspension period commences on the date of issuance  
395 of the notice of suspension.

396 3. The driver may request a formal or informal review of  
397 the suspension by the department within 10 days after the  
398 issuance of the notice of suspension.

399 4. A temporary permit issued at the time of the issuance  
400 of the notice of suspension shall not become effective until



401 after 12 hours have elapsed and will expire at midnight of the  
 402 10th day following the date of issuance.

403 5. The driver may submit to the department any materials  
 404 relevant to the suspension of his or her license.

405 (c) When a driver subject to this section has a blood-  
 406 alcohol or breath-alcohol level of 0.05 or higher, the  
 407 suspension shall remain in effect until such time as the driver  
 408 has completed a substance abuse course offered by a DUI program  
 409 licensed by the department. The driver shall assume the  
 410 reasonable costs for the substance abuse course. As part of the  
 411 substance abuse course, the program shall conduct a substance  
 412 abuse evaluation of the driver, and notify the parents or legal  
 413 guardians of drivers under the age of 19 years of the results of  
 414 the evaluation. The term "substance abuse" means the abuse of  
 415 alcohol or any substance named or described in Schedules I  
 416 through V of s. 893.03. If a driver fails to complete the  
 417 substance abuse education course and evaluation, the driver  
 418 license shall not be reinstated by the department.

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

425 (13) If a person whose driver license is suspended for

426 refusal to submit to a lawful breath test has such suspension  
 427 invalidated for any reason under this section, the requirement  
 428 that he or she install an ignition interlock device for refusal  
 429 to submit to a lawful test of his or her breath under s.  
 430 316.1939(1) is waived.

431 Section 5. Subsection (5) of section 322.2715, Florida  
 432 Statutes, is renumbered as subsection (6), subsection (1) is  
 433 amended, and a new subsection (5) is added to that section, to  
 434 read:

435 322.2715 Ignition interlock device.—

436 (1) Before issuing a permanent or restricted driver  
 437 license under this chapter, the department shall require the  
 438 placement of a department-approved ignition interlock device for  
 439 any person convicted of committing an offense of driving under  
 440 the influence as specified in subsection (3), or for any person  
 441 who refused to submit to a lawful test of his or her breath as  
 442 specified in subsection (5), except that consideration may be  
 443 given to those individuals having a documented medical condition  
 444 that would prohibit the device from functioning normally. If a  
 445 medical waiver has been granted for a ~~convicted~~ person seeking a  
 446 restricted license, the ~~convicted~~ person shall not be entitled  
 447 to a restricted license until the required ignition interlock  
 448 device installation period under subsection (3) or subsection  
 449 (5) expires, in addition to the time requirements under s.  
 450 322.271. If a medical waiver has been approved for a ~~convicted~~

451 person seeking permanent reinstatement of the driver license,  
452 the ~~convicted~~ person must be restricted to an employment-  
453 purposes-only license and be supervised by a licensed DUI  
454 program until the required ignition interlock device  
455 installation period under subsection (3) or subsection (5)  
456 expires. An interlock device shall be placed on all vehicles  
457 that are individually or jointly leased or owned and routinely  
458 operated by the ~~convicted~~ person.

459 (5) If a person refused to submit to a lawful test of his  
460 or her breath as required by s. 316.1932(1)(a)1.a., he or she  
461 must install, at his or her own expense, an ignition interlock  
462 device on all vehicles individually or jointly leased or owned  
463 and routinely operated by the person for 1 continuous year for a  
464 first refusal upon reinstatement of a permanent or restricted  
465 driver license.

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