

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Koster offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 275-294 and insert:

6 Section 3. Subsections (12) through (16) of section
7 322.2615, Florida Statutes, are renumbered as (13) through (17),
8 subsection (1) and paragraph (a) of subsection (10) are amended,
9 and a new subsection (12) is added to the section read:

10 322.2615 Suspension of license; right to review.-

11 (1)(a) A law enforcement officer or correctional officer
12 shall, on behalf of the department, suspend the driving
13 privilege of a person who is driving or in actual physical
14 control of a motor vehicle and who has an unlawful blood-alcohol
15 level or breath-alcohol level of 0.08 or higher, or of a person
16 who has refused to submit to a urine test or a test of his or

PCS for CSHB 197 a1

Published On: 4/18/2023 5:25:39 PM

Amendment No. 1

17 her breath-alcohol or blood-alcohol level. The officer shall
18 take the person's driver license and issue the person a 10-day
19 temporary permit if the person is otherwise eligible for the
20 driving privilege and shall issue the person a notice of
21 suspension. If a blood test has been administered, the officer
22 or the agency employing the officer shall transmit such results
23 to the department within 5 days after receipt of the results. If
24 the department then determines that the person had a blood-
25 alcohol level or breath-alcohol level of 0.08 or higher, the
26 department shall suspend the person's driver license pursuant to
27 subsection (3).

28 (b) The suspension under paragraph (a) shall be pursuant
29 to, and the notice of suspension shall inform the driver of, the
30 following:

31 1.a. The driver refused to submit to a lawful breath,
32 ~~blood, or urine~~ test and his or her driving privilege is
33 suspended for a period of 1 year for a first refusal or for a
34 period of 18 months if his or her driving privilege has been
35 previously suspended as a result of a refusal to submit to such
36 a test and that he or she is subject to mandatory placement, at
37 his or her own expense, of an ignition interlock device approved
38 by the department in accordance with s. 316.1938, for 1
39 continuous year for a first refusal, or 18 continuous months for
40 a second or subsequent refusal, on all vehicles that he or she
41 individually or jointly leases or owns and routinely operates,

PCS for CSHB 197 a1

Published On: 4/18/2023 5:25:39 PM

Amendment No. 1

42 when he or she qualifies for reinstatement of a permanent or
43 restricted driver license; ~~or~~

44 b. The driver refused to submit to a lawful blood or urine
45 test and his or her driving privilege is suspended for a period
46 of 1 year for a first refusal or for a period of 18 months if
47 his or her driving privilege has been previously suspended as a
48 result of a refusal to submit to such a test; or

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

55 2. The suspension period shall commence on the date of
56 issuance of the notice of suspension.

57 3. The driver may request a formal or informal review of
58 the suspension by the department within 10 days after the date
59 of issuance of the notice of suspension or may request a review
60 of eligibility for a restricted driving privilege under s.
61 322.271(7).

62 4. The temporary permit issued at the time of suspension
63 expires at midnight of the 10th day following the date of
64 issuance of the notice of suspension.

65 5. The driver may submit to the department any materials
66 relevant to the suspension.

PCS for CSHB 197 a1

Published On: 4/18/2023 5:25:39 PM

Amendment No. 1

67 (10) A person whose driver license is suspended under
68 subsection (1) or subsection (3) may apply for issuance of a
69 license for business or employment purposes only if the person
70 is otherwise eligible for the driving privilege pursuant to s.
71 322.271.

72 (a) If the suspension of the driver license of the person
73 for failure to submit to a breath, urine, or blood test is
74 sustained, the person is not eligible to receive a license for
75 business or employment purposes only, pursuant to s. 322.271,
76 until 30 ~~90~~ days have elapsed after the expiration of the last
77 temporary permit issued. If the driver is not issued a 10-day
78 permit pursuant to this section or s. 322.64 because he or she
79 is ineligible for the permit and the suspension for failure to
80 submit to a breath, urine, or blood test is not invalidated by
81 the department, the driver is not eligible to receive a business
82 or employment license pursuant to s. 322.271 until 30 ~~90~~ days
83 have elapsed from the date of the suspension.

84 (12) If a person whose driver license is suspended for
85 refusal to submit to a lawful breath test has his or her driver
86 license suspension invalidated for any reason under this
87 section, the requirement that he or she install an ignition
88 interlock device for refusal to submit to a lawful test of his
89 or her breath under s. 316.1939(1) is waived.

90 Section 4. Subsections (13) through (19) of section
91 322.2616, Florida Statutes, are renumbered as (14) through (20),

PCS for CSHB 197 a1

Published On: 4/18/2023 5:25:39 PM

Amendment No. 1

92 subsection (2) is amended, and a new subsection (13) is added to
93 the section to read:

94 322.2616 Suspension of license; persons under 21 years of
95 age; right to review.—

96 (2)(a) A law enforcement officer or correctional officer
97 shall, on behalf of the department, suspend the driving
98 privilege of such person if the person has a blood-alcohol or
99 breath-alcohol level of 0.02 or higher. The officer shall also
100 suspend, on behalf of the department, the driving privilege of a
101 person who has refused to submit to a test as provided by
102 paragraph (b). The officer shall take the person's driver
103 license and issue the person a 10-day temporary driving permit
104 if the person is otherwise eligible for the driving privilege
105 and shall issue the person a notice of suspension.

106 (b) The suspension under paragraph (a) must be pursuant
107 to, and the notice of suspension must inform the driver of, the
108 following:

109 1.a. The driver refused to submit to a lawful breath test
110 and his or her driving privilege is suspended for a period of 1
111 year for a first refusal or for a period of 18 months if his or
112 her driving privilege has been previously suspended as provided
113 in this section as a result of a refusal to submit to a test and
114 that he or she is subject to mandatory placement, at his or her
115 own expense, of an ignition interlock device approved by the
116 department in accordance with s. 316.1938, for 1 continuous year

PCS for CSHB 197 a1

Published On: 4/18/2023 5:25:39 PM

Amendment No. 1

117 for a first refusal, or 18 continuous months for a second or
118 subsequent refusal, on all vehicles that he or she individually
119 or jointly leases or owns and routinely operates, when he or she
120 qualifies for reinstatement of a permanent or restricted driver
121 license; or

122 b. The driver was under the age of 21 and was driving or
123 in actual physical control of a motor vehicle while having a
124 blood-alcohol or breath-alcohol level of 0.02 or higher; and the
125 person's driving privilege is suspended for a period of 6 months
126 for a first violation, or for a period of 1 year if his or her
127 driving privilege has been previously suspended as provided in
128 this section for driving or being in actual physical control of
129 a motor vehicle with a blood-alcohol or breath-alcohol level of
130 0.02 or higher.

131 2. The suspension period commences on the date of issuance
132 of the notice of suspension.

133 3. The driver may request a formal or informal review of
134 the suspension by the department within 10 days after the
135 issuance of the notice of suspension.

136 4. A temporary permit issued at the time of the issuance
137 of the notice of suspension shall not become effective until
138 after 12 hours have elapsed and will expire at midnight of the
139 10th day following the date of issuance.

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

PCS for CSHB 197 a1

Published On: 4/18/2023 5:25:39 PM

Amendment No. 1

142 (c) When a driver subject to this section has a blood-
143 alcohol or breath-alcohol level of 0.05 or higher, the
144 suspension shall remain in effect until such time as the driver
145 has completed a substance abuse course offered by a DUI program
146 licensed by the department. The driver shall assume the
147 reasonable costs for the substance abuse course. As part of the
148 substance abuse course, the program shall conduct a substance
149 abuse evaluation of the driver, and notify the parents or legal
150 guardians of drivers under the age of 19 years of the results of
151 the evaluation. The term "substance abuse" means the abuse of
152 alcohol or any substance named or described in Schedules I
153 through V of s. 893.03. If a driver fails to complete the
154 substance abuse education course and evaluation, the driver
155 license shall not be reinstated by the department.

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

162 (13) If a person whose driver license is suspended for
163 refusal to submit to a lawful breath test has his or her driver
164 license suspension invalidated for any reason under this
165 section, the requirement that he or she install an ignition

Amendment No. 1

166 | interlock device for refusal to submit to a lawful test of his
167 | or her breath under s. 316.1939(1) is waived.

168

169

170

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

171

Remove lines 18-22 and insert:

172

the act; amending s. 322.2615, F.S.; requiring certain

173

information to be contained in a notice of suspension; waiving

174

the requirement to install an ignition interlock device in

175

certain circumstances; decreasing the period during which a

176

person whose driver license is suspended for failure to submit

177

to a breath, urine, or blood test is not eligible to receive a

178

license for business or employment purposes only; amending s.

179

322.2616, F.S.; requiring certain information to be contained in

180

a notice of suspension; waiving the requirement to install an

181

ignition interlock device in certain circumstances; amending s.