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1 A bill to be entitled
2 An act relating to alcohol or drug impairment;
3 amending s. 316.003, F.S.; defining terms applicable
4 to the Florida Uniform Traffic Control Law; amending
5 s. 316.193, F.S.; providing that a person commits the
6 offense of driving while impaired and is subject to
7 punishment for such violation if the person is driving
8 a motor vehicle and satisfies the specified criteria
9 relating to the consumption of alcohol or controlled
10 substances; providing that a person commits the
11 offense of driving while impaired if the person has in
12 the blood or urine certain controlled substances in
13 specified circumstances; providing that a person is
14 entitled to an affirmative defense to the offense of
15 driving while impaired if, under certain
16 circumstances, the person charged with the offense
17 introduced a controlled substance into his or her body
18 pursuant to a prescription; providing that use of a
19 nonprescribed substance does not constitute an
20 affirmative defense; providing that legal use of
21 alcohol, a chemical substance, a controlled substance,
22 a medication, or a drug does not constitute a defense
23 against a charge of driving while impaired under
24 certain circumstances; amending s. 327.02, F.S.;
25 defining the term "impaired" as it relates to vessel
26 safety; amending s. 790.151, F.S.; defining the term
27 "impaired" as it relates to the use of firearms;
28 providing that a person commits the offense of use of

29 a firearm while impaired and is subject to punishment
 30 for such violation if the person uses a firearm and
 31 satisfies the specified criteria relating to the
 32 consumption of alcohol or controlled substances;
 33 amending s. 790.157, F.S.; conforming terminology;
 34 revising the amount of alcohol concentration that may
 35 give rise to a presumption of impairment for purposes
 36 of the offense of use of a firearm while impaired;
 37 revising provisions relating to chemical analysis of a
 38 person's blood or breath; amending ss. 187.201,
 39 261.20, 310.101, 316.027, 316.1932, 316.1933,
 40 316.1934, 316.1937, 316.1939, 318.143, 318.17,
 41 320.055, 320.08, 322.12, 322.25, 322.26, 322.2615,
 42 322.2616, 322.271, 322.2715, 322.28, 322.291, 322.34,
 43 322.61, 322.62, 322.63, 324.023, 327.35, 327.352,
 44 327.353, 327.354, 327.355, 327.359, 327.38, 327.391,
 45 328.17, 337.195, 342.07, 401.281, 627.7275, 627.758,
 46 790.153, and 790.155, F.S.; conforming provisions to
 47 changes made by the act; providing an effective date.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Subsections (91) and (92) are added to section
 52 316.003, Florida Statutes, to read:

53 316.003 Definitions.—The following words and phrases, when
 54 used in this chapter, shall have the meanings respectively
 55 ascribed to them in this section, except where the context
 56 otherwise requires:

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57 (91) DRIVE.—To operate or be in actual physical control of
 58 a vehicle.

59 (92) IMPAIR OR IMPAIRED.—To weaken or diminish any of a
 60 person's physical or mental abilities, including, but not
 61 limited to, the person's balance, coordination, reflexes,
 62 memory, or comprehension or the person's ability to see, hear,
 63 walk, talk, judge distances, act in an emergency, follow
 64 directions, multitask, or, in general, perform the many mental
 65 and physical acts of daily life.

66 Section 2. Section 316.193, Florida Statutes, is amended
 67 to read:

68 316.193 Driving while impaired, with certain alcohol
 69 concentrations, or drugged ~~under the influence~~; penalties.—

70 (1) A person commits ~~is guilty of~~ the offense of driving
 71 while impaired ~~under the influence~~ and is subject to punishment
 72 as provided in subsection (2) if the person is driving ~~or in~~
 73 ~~actual physical control of~~ a vehicle anywhere within this state
 74 and:

75 (a) The person is impaired by an ~~under the influence of~~
 76 alcoholic beverage ~~beverages~~, a ~~any~~ chemical substance
 77 identified ~~set forth~~ in s. 877.111, a ~~or any~~ substance
 78 controlled substance as defined in ~~under~~ chapter 893 or the Code
 79 of Federal Regulations as of July 1, 2013, or as in effect upon
 80 the date of the most recent readoption of this section under s.
 81 11.2421 before the offense, or a combination of these items ~~when~~
 82 ~~affected to the extent that the person's normal faculties are~~
 83 ~~impaired;~~

84 (b) The person has an alcohol concentration ~~a blood-~~

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85 ~~alcohol level~~ of 0.08 or more grams of alcohol per 100
 86 milliliters of blood or per 210 liters of breath at the time of
 87 driving or anytime after driving as a result of alcohol consumed
 88 before or during driving; ~~or~~

89 (c) The person has in the blood or urine a substance
 90 identified as a controlled substance as defined in Schedule I of
 91 chapter 893 or the Code of Federal Regulations as of July 1,
 92 2013, or as in effect upon the date of the most recent
 93 readoption of this section under s. 11.2421 before the offense;

94 or

95 (d)1. The person has in the blood or urine a substance
 96 identified as a controlled substance in Schedule II, Schedule
 97 III, or Schedule IV of chapter 893 or the Code of Federal
 98 Regulations as of July 1, 2013, or as in effect upon the date of
 99 the most recent readoption of this section under s. 11.2421
 100 before the offense.

101 2.a. If a person who is charged with violating this
 102 paragraph introduced into his or her body a controlled substance
 103 prescribed by a licensed health professional authorized to
 104 prescribe the controlled substance, consumed the controlled
 105 substance in accordance with the health professional's
 106 directions, and submitted to testing of his or her blood or
 107 urine as described in s. 316.1932 or s. 316.1933, the person is
 108 entitled to an affirmative defense against any allegation that
 109 the person violated this paragraph. The introduction of a
 110 nonprescribed substance into the person's body does not
 111 constitute an affirmative defense with respect to any
 112 nonprescribed substance.

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113 b. Except as provided in sub-subparagraph a., the fact
114 that a person charged with violating this subsection is or was
115 legally entitled to introduce into the human body alcohol, a
116 chemical substance, a controlled substance, a medication, or a
117 drug does not constitute a defense against any charge of
118 violating this subsection ~~a breath-alcohol level of 0.08 or more~~
119 ~~grams of alcohol per 210 liters of breath.~~

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

123 1. By a fine of:

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

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

128 2. By imprisonment for:

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

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

131 3. For a second conviction, by mandatory placement for a
132 period of at least 1 year, at the convicted person's sole
133 expense, of an ignition interlock device approved by the
134 department in accordance with s. 316.1938 upon all vehicles that
135 are individually or jointly leased or owned and routinely
136 operated by the convicted person, when the convicted person
137 qualifies for a permanent or restricted license. The
138 installation of such device may not occur before July 1, 2003.

139 (b)1. A ~~Any~~ person who is convicted of a third violation
140 of this section for an offense that occurs within 10 years after

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141 a prior conviction for a violation of this section commits a
 142 felony of the third degree, punishable as provided in s.
 143 775.082, s. 775.083, or s. 775.084. In addition, the court shall
 144 order the mandatory placement for a period of at least ~~not less~~
 145 ~~than~~ 2 years, at the convicted person's sole expense, of an
 146 ignition interlock device approved by the department in
 147 accordance with s. 316.1938 upon all vehicles that are
 148 individually or jointly leased or owned and routinely operated
 149 by the convicted person, when the convicted person qualifies for
 150 a permanent or restricted license. ~~The installation of such~~
 151 ~~device may not occur before July 1, 2003.~~

152 2. A ~~Any~~ person who is convicted of a third violation of
 153 this section for an offense that occurs more than 10 years after
 154 the date of a prior conviction for a violation of this section
 155 shall be punished by a fine of not less than \$2,000 or more than
 156 \$5,000 and by imprisonment for not more than 12 months. In
 157 addition, the court shall order the mandatory placement for a
 158 period of at least 2 years, at the convicted person's sole
 159 expense, of an ignition interlock device approved by the
 160 department in accordance with s. 316.1938 upon all vehicles that
 161 are individually or jointly leased or owned and routinely
 162 operated by the convicted person, when the convicted person
 163 qualifies for a permanent or restricted license. ~~The~~
 164 ~~installation of such device may not occur before July 1, 2003.~~

165 3. A ~~Any~~ person who is convicted of a fourth or subsequent
 166 violation of this section, regardless of when any prior
 167 conviction for a violation of this section occurred, commits a
 168 felony of the third degree, punishable as provided in s.

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169 775.082, s. 775.083, or s. 775.084. ~~However,~~ The fine imposed
 170 for such fourth or subsequent violation may ~~be~~ not be less than
 171 \$2,000.

172 (3) A ~~Any~~ person:

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

174 (b) Who operates a vehicle; and

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

177 1. Damage to the property or person of another commits a
 178 misdemeanor of the first degree, punishable as provided in s.
 179 775.082 or s. 775.083.

180 2. Serious bodily injury to another, as defined in s.
 181 316.1933, commits a felony of the third degree, punishable as
 182 provided in s. 775.082, s. 775.083, or s. 775.084.

183 3. The death of a ~~any~~ human being or unborn quick child
 184 commits DUI manslaughter, and commits:

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

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

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

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

193

194 For purposes of this subsection, the definition of the term
 195 "unborn quick child" shall be determined in accordance with the
 196 definition of viable fetus as set forth in s. 782.071. A person

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197 | who is convicted of DUI manslaughter shall be sentenced to a
 198 | mandatory minimum term of imprisonment of 4 years.

199 | (4) A ~~Any~~ person who is convicted of a violation of
 200 | subsection (1) and who has an alcohol concentration ~~a blood-~~
 201 | ~~alcohol level or breath-alcohol level~~ of 0.15 or higher, or a
 202 | ~~any~~ person who is convicted of a violation of subsection (1) and
 203 | who at the time of the offense was accompanied in the vehicle by
 204 | a person under the age of 18 years, shall be punished:

205 | (a) By a fine of:

206 | 1. Not less than \$1,000 or more than \$2,000 for a first
 207 | conviction.

208 | 2. Not less than \$2,000 or more than \$4,000 for a second
 209 | conviction.

210 | 3. Not less than \$4,000 for a third or subsequent
 211 | conviction.

212 | (b) By imprisonment for:

213 | 1. Not more than 9 months for a first conviction.

214 | 2. Not more than 12 months for a second conviction.

215 |

216 | For the purposes of this subsection, only the instant offense is
 217 | required to be a violation of subsection (1) by a person who has
 218 | an alcohol concentration ~~a blood-alcohol level or breath-alcohol~~
 219 | ~~level~~ of 0.15 or higher.

220 | (c) In addition to the penalties in paragraphs (a) and
 221 | (b), the court shall order the mandatory placement, at the
 222 | convicted person's sole expense, of an ignition interlock device
 223 | approved by the department in accordance with s. 316.1938 upon
 224 | all vehicles that are individually or jointly leased or owned

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225 and routinely operated by the convicted person for at least ~~not~~
226 ~~less than~~ 6 continuous months for the first offense and for at
227 least ~~not less than~~ 2 continuous years for a second offense,
228 when the convicted person qualifies for a permanent or
229 restricted license.

230 (5) The court shall place all offenders convicted of
231 violating this section on monthly reporting probation and shall
232 require completion of a substance abuse course conducted by a
233 DUI program licensed by the department under s. 322.292, which
234 must include a psychosocial evaluation of the offender. If the
235 DUI program refers the offender to an authorized substance abuse
236 treatment provider for substance abuse treatment, in addition to
237 any sentence or fine imposed under this section, completion of
238 all such education, evaluation, and treatment is a condition of
239 reporting probation. The offender shall assume reasonable costs
240 for such education, evaluation, and treatment. The referral to
241 treatment resulting from a psychosocial evaluation may ~~shall~~ not
242 be waived without a supporting independent psychosocial
243 evaluation conducted by an authorized substance abuse treatment
244 provider appointed by the court, which shall have access to the
245 DUI program's psychosocial evaluation before the independent
246 psychosocial evaluation is conducted. The court shall review the
247 results and recommendations of both evaluations before
248 determining the request for waiver. The offender shall bear the
249 full cost of this procedure. The term "substance abuse" means
250 the abuse of alcohol or any substance named or described in
251 Schedules I through V of s. 893.03. If an offender referred to
252 treatment under this subsection fails to report for or complete

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253 such treatment or fails to complete the DUI program substance
254 abuse education course and evaluation, the DUI program shall
255 notify the court and the department of the failure. Upon receipt
256 of the notice, the department shall cancel the offender's
257 driving privilege, notwithstanding the terms of the court order
258 or any suspension or revocation of the driving privilege. The
259 department may temporarily reinstate the driving privilege on a
260 restricted basis upon verification from the DUI program that the
261 offender is currently participating in treatment and the DUI
262 education course and evaluation requirement has been completed.
263 If the DUI program notifies the department of the second failure
264 to complete treatment, the department shall reinstate the
265 driving privilege only after notice of completion of treatment
266 from the DUI program. The organization that conducts the
267 substance abuse education and evaluation may not provide
268 required substance abuse treatment unless a waiver has been
269 granted to that organization by the department. A waiver may be
270 granted only if the department determines, in accordance with
271 its rules, that the service provider that conducts the substance
272 abuse education and evaluation is the most appropriate service
273 provider and is licensed under chapter 397 or is exempt from
274 such licensure. A statistical referral report shall be submitted
275 quarterly to the department by each organization authorized to
276 provide services under this section.

277 (6) With respect to any person convicted of a violation of
278 subsection (1), regardless of any penalty imposed pursuant to
279 subsection (2), subsection (3), or subsection (4):

280 (a) For the first conviction, the court shall place the

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281 defendant on probation for a period not to exceed 1 year and, as
282 a condition of such probation, shall order the defendant to
283 participate in public service or a community work project for a
284 minimum of 50 hours. The court may order a defendant to pay a
285 fine of \$10 for each hour of public service or community work
286 otherwise required only if the court finds that the residence or
287 location of the defendant at the time public service or
288 community work is required or the defendant's employment
289 obligations would create an undue hardship for the defendant.
290 However, the total period of probation and incarceration may not
291 exceed 1 year. The court must also, as a condition of probation,
292 order the impoundment or immobilization of the vehicle that was
293 operated by or in the actual control of the defendant or any one
294 vehicle registered in the defendant's name at the time of
295 impoundment or immobilization, for a period of 10 days or for
296 the unexpired term of any lease or rental agreement that expires
297 within 10 days. The impoundment or immobilization must not occur
298 concurrently with the incarceration of the defendant. The
299 impoundment or immobilization order may be dismissed in
300 accordance with paragraph (e), paragraph (f), paragraph (g), or
301 paragraph (h).

302 (b) For the second conviction for an offense that occurs
303 within a period of 5 years after the date of a prior conviction
304 for violation of this section, the court shall order
305 imprisonment for at least ~~not less than~~ 10 days. The court must
306 also, as a condition of probation, order the impoundment or
307 immobilization of all vehicles owned by the defendant at the
308 time of impoundment or immobilization, for a period of 30 days

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309 or for the unexpired term of any lease or rental agreement that
310 expires within 30 days. The impoundment or immobilization must
311 not occur concurrently with the incarceration of the defendant
312 and must occur concurrently with the driver ~~driver's~~ license
313 revocation imposed under s. 322.28(2)(a)2. The impoundment or
314 immobilization order may be dismissed in accordance with
315 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).
316 At least 48 hours of confinement must be consecutive.

317 (c) For the third or subsequent conviction for an offense
318 that occurs within a period of 10 years after the date of a
319 prior conviction for violation of this section, the court shall
320 order imprisonment for at least ~~not less than~~ 30 days. The court
321 must also, as a condition of probation, order the impoundment or
322 immobilization of all vehicles owned by the defendant at the
323 time of impoundment or immobilization, for a period of 90 days
324 or for the unexpired term of any lease or rental agreement that
325 expires within 90 days. The impoundment or immobilization must
326 not occur concurrently with the incarceration of the defendant
327 and must occur concurrently with the driver ~~driver's~~ license
328 revocation imposed under s. 322.28(2)(a)3. The impoundment or
329 immobilization order may be dismissed in accordance with
330 paragraph (e), paragraph (f), paragraph (g), or paragraph (h).
331 At least 48 hours of confinement must be consecutive.

332 (d) The court must, at the time of sentencing the
333 defendant, issue an order for the impoundment or immobilization
334 of a vehicle. The order of impoundment or immobilization must
335 include the name and telephone numbers of all immobilization
336 agencies meeting all of the conditions of subsection (13).

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337 Within 7 business days after the date that the court issues the
338 order of impoundment or immobilization, the clerk of the court
339 must send notice by certified mail, return receipt requested, to
340 the registered owner of each vehicle, if the registered owner is
341 a person other than the defendant, and to each person of record
342 claiming a lien against the vehicle.

343 (e) A person who owns but was not operating the vehicle
344 when the offense occurred may submit to the court a police
345 report indicating that the vehicle was stolen at the time of the
346 offense or documentation of having purchased the vehicle after
347 the offense was committed from an entity other than the
348 defendant or the defendant's agent. If the court finds that the
349 vehicle was stolen or that the sale was not made to circumvent
350 the order and allow the defendant continued access to the
351 vehicle, the order must be dismissed and the owner of the
352 vehicle will incur no costs. If the court denies the request to
353 dismiss the order of impoundment or immobilization, the
354 petitioner may request an evidentiary hearing.

355 (f) A person who owns but was not operating the vehicle
356 when the offense occurred, and whose vehicle was stolen or who
357 purchased the vehicle after the offense was committed directly
358 from the defendant or the defendant's agent, may request an
359 evidentiary hearing to determine whether the impoundment or
360 immobilization should occur. If the court finds that ~~either~~ the
361 vehicle was stolen or the purchase was made without knowledge of
362 the offense, that the purchaser had no relationship to the
363 defendant other than through the transaction, and that such
364 purchase would not circumvent the order and allow the defendant

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365 continued access to the vehicle, the order must be dismissed and
 366 the owner of the vehicle will incur no costs.

367 (g) The court shall also dismiss the order of impoundment
 368 or immobilization of the vehicle if the court finds that the
 369 family of the owner of the vehicle has no other private or
 370 public means of transportation.

371 (h) The court may also dismiss the order of impoundment or
 372 immobilization of any vehicles that are owned by the defendant
 373 but that are operated solely by the employees of the defendant
 374 or any business owned by the defendant.

375 (i) All costs and fees for the impoundment or
 376 immobilization, including the cost of notification, must be paid
 377 by the owner of the vehicle or, if the vehicle is leased or
 378 rented, by the person leasing or renting the vehicle, unless the
 379 impoundment or immobilization order is dismissed. All provisions
 380 of s. 713.78 ~~shall~~ apply. The costs and fees for the impoundment
 381 or immobilization must be paid directly to the person impounding
 382 or immobilizing the vehicle.

383 (j) The person who owns a vehicle that is impounded or
 384 immobilized under this paragraph, or a person who has a lien of
 385 record against such a vehicle and who has not requested a review
 386 of the impoundment pursuant to paragraph (e), paragraph (f), or
 387 paragraph (g), may, within 10 days after the date that person
 388 has knowledge of the location of the vehicle, file a complaint
 389 in the county in which the owner resides to determine whether
 390 the vehicle was wrongfully taken or withheld from the owner or
 391 lienholder. Upon the filing of a complaint, the owner or
 392 lienholder may have the vehicle released by posting with the

393 court a bond or other adequate security equal to the amount of
 394 the costs and fees for impoundment or immobilization, including
 395 towing or storage, to ensure the payment of such costs and fees
 396 if the owner or lienholder does not prevail. When the bond is
 397 posted and the fee is paid as set forth in s. 28.24, the clerk
 398 of the court shall issue a certificate releasing the vehicle. At
 399 the time of release, after reasonable inspection, the owner or
 400 lienholder must give a receipt to the towing or storage company
 401 indicating any loss or damage to the vehicle or to the contents
 402 of the vehicle.

403 (k) A defendant, ~~in the court's discretion,~~ may be
 404 required to serve all or any portion of a term of imprisonment
 405 to which the defendant has been sentenced pursuant to this
 406 section in a residential alcoholism treatment program or a
 407 residential drug abuse treatment program. Any time spent in such
 408 a program must be credited by the court toward the term of
 409 imprisonment.

410
 411 For the purposes of this section, a any conviction for a
 412 violation of s. 327.35; a previous conviction for the violation
 413 of former s. 316.1931, former s. 860.01, or former s. 316.028;
 414 or a previous conviction outside this state for driving while
 415 impaired, driving under the influence, driving while
 416 intoxicated, driving with an unlawful alcohol concentration,
 417 driving with an unlawful blood-alcohol level, driving with an
 418 unlawful breath-alcohol level, or any other similar alcohol-
 419 related or drug-related traffic offense, ~~is also considered a~~
 420 previous conviction for violation of this section. However, in

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421 satisfaction of the fine imposed pursuant to this section, the
 422 court may, upon a finding that the defendant is financially
 423 unable to pay ~~either~~ all or part of the fine, order that the
 424 defendant participate for a specified additional period ~~of time~~
 425 in public service or a community work project in lieu of payment
 426 of that portion of the fine which the court determines the
 427 defendant is unable to pay. In determining the ~~such~~ additional
 428 sentence, the court shall consider the amount of the unpaid
 429 portion of the fine and the reasonable value of the services to
 430 be ordered; however, the court may not compute the reasonable
 431 value of services at a rate less than the federal minimum wage
 432 at the time of sentencing.

433 (7) A conviction under this section does not bar any civil
 434 suit for damages against the person so convicted.

435 (8) At the arraignment, or in conjunction with any notice
 436 of arraignment provided by the clerk of the court, the clerk
 437 shall provide any person charged with a violation of this
 438 section with notice that upon conviction the court shall suspend
 439 or revoke the offender's driver ~~driver's~~ license and that the
 440 offender should make arrangements for transportation at any
 441 proceeding in which the court may take such action. Failure to
 442 provide such notice does not affect the court's suspension or
 443 revocation of the offender's driver ~~driver's~~ license.

444 (9) A person who is arrested for a violation of this
 445 section may not be released from custody:

446 (a) Until the person is no longer impaired by an ~~under the~~
 447 ~~influence of~~ alcoholic beverage ~~beverages~~, a ~~any~~ chemical
 448 substance identified ~~set forth~~ in s. 877.111, or a ~~any~~ substance

449 controlled substance as defined in ~~under~~ chapter 893 or the Code
 450 of Federal Regulations as of July 1, 2013, or as in effect upon
 451 the date of the most recent readoption of this section under s.
 452 11.2421 before the offense, and affected to the extent that he
 453 or she is ~~his or her normal faculties are~~ impaired;

454 (b) Until the person's alcohol concentration ~~blood-alcohol~~
 455 ~~level or breath-alcohol level~~ is less than 0.05; or

456 (c) Until 8 hours have elapsed from the time the person
 457 was arrested.

458 (10) The rulings of the Department of Highway Safety and
 459 Motor Vehicles under s. 322.2615 may ~~shall~~ not be considered in
 460 any trial for a violation of this section. Testimony or evidence
 461 from the administrative proceedings or any written statement
 462 submitted by a person in his or her request for administrative
 463 review is inadmissible into evidence or for any other purpose in
 464 any criminal proceeding, unless timely disclosed in criminal
 465 discovery pursuant to Rule 3.220, Florida Rules of Criminal
 466 Procedure.

467 (11) The Department of Highway Safety and Motor Vehicles
 468 shall ~~is directed to~~ adopt rules providing for the
 469 implementation of the use of ignition interlock devices.

470 (12) If the records of the Department of Highway Safety
 471 and Motor Vehicles show that the defendant has been previously
 472 convicted of the offense of driving while impaired or under the
 473 influence, that evidence is sufficient by itself to establish
 474 the ~~that~~ prior conviction for driving while impaired or
 475 the influence. However, such evidence may be contradicted or
 476 rebutted by other evidence. This presumption may be considered

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477 along with any other evidence presented in deciding whether the
 478 defendant has been previously convicted of the offense of
 479 driving while impaired or under the influence.

480 (13) If personnel of the circuit court or the sheriff do
 481 not immobilize vehicles, only immobilization agencies that meet
 482 the conditions of this subsection shall immobilize vehicles in
 483 that judicial circuit.

484 (a) The immobilization agency responsible for immobilizing
 485 vehicles in that judicial circuit is ~~shall be~~ subject to strict
 486 compliance with all of the following conditions and
 487 restrictions:

488 1. Any immobilization agency engaged in the business of
 489 immobilizing vehicles shall provide to the clerk of the court a
 490 signed affidavit attesting that the agency:

- 491 a. Has verifiable experience in immobilizing vehicles;
- 492 b. Maintains accurate and complete records of all payments
 493 for the immobilization, copies of all documents pertaining to
 494 the court's order of impoundment or immobilization, and any
 495 other documents relevant to each immobilization. Such records
 496 must be maintained by the immobilization agency for at least 3
 497 years; and

498 c. Employs and assigns persons to immobilize vehicles who
 499 ~~that~~ meet the requirements established in subparagraph 2.

500 2. The person who immobilizes a vehicle must:

- 501 a. Not have been adjudicated incapacitated under s.
 502 744.331, or a similar statute in another state, unless his or
 503 her capacity has been judicially restored; not have been
 504 involuntarily placed in a treatment facility for the mentally

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505 ill under chapter 394, or a similar law in any other state,
506 unless his or her competency has been judicially restored; or
507 not have been diagnosed as having an incapacitating mental
508 illness unless a psychologist or psychiatrist licensed in this
509 state certifies that he or she does not currently suffer from
510 the mental illness.

511 b. Not be a chronic and habitual user of alcoholic
512 beverages to the extent that he or she is ~~his or her normal~~
513 ~~faculties are~~ impaired; not have been committed under chapter
514 397, former chapter 396, or a similar law in any other state;
515 not have been found to be a habitual offender under s.
516 856.011(3), or a similar law in any other state; or not have had
517 any conviction ~~convictions~~ under this section, or a similar law
518 in any other state, within 2 years before the affidavit is
519 submitted.

520 c. Not have been committed for controlled substance abuse
521 or have been found guilty of a crime under chapter 893, or a
522 similar law in any other state, relating to controlled
523 substances in any other state.

524 d. Not have been found guilty of or entered a plea of
525 guilty or nolo contendere to, regardless of adjudication, or
526 been convicted of a felony, unless his or her civil rights have
527 been restored.

528 e. Be a citizen or legal resident alien of the United
529 States or have been granted authorization to seek employment in
530 this country by the United States Bureau of Citizenship and
531 Immigration Services.

532 (b) The immobilization agency shall conduct a state

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533 criminal history check through the ~~Florida~~ Department of Law
534 Enforcement to ensure that the person hired to immobilize a
535 vehicle meets the requirements in sub-subparagraph (a)2.d.

536 (c) A person who violates paragraph (a) commits a
537 misdemeanor of the first degree, punishable as provided in s.
538 775.082 or s. 775.083.

539 (14) As used in this chapter, the term:

540 (a) "Immobilization," "immobilizing," or "immobilize"
541 means the act of installing a vehicle antitheft device on the
542 steering wheel of a vehicle, the act of placing a tire lock or
543 wheel clamp on a vehicle, or a governmental agency's act of
544 taking physical possession of the license tag and vehicle
545 registration rendering a vehicle legally inoperable to prevent
546 any person from operating the vehicle pursuant to an order of
547 impoundment or immobilization under subsection (6).

548 (b) "Immobilization agency" or "immobilization agencies"
549 means any person, firm, company, agency, organization,
550 partnership, corporation, association, trust, or other business
551 entity of any kind whatsoever that meets all of the conditions
552 of subsection (13).

553 (c) "Impoundment," "impounding," or "impound" means the
554 act of storing a vehicle at a storage facility pursuant to an
555 order of impoundment or immobilization under subsection (6)
556 where the person impounding the vehicle exercises control,
557 supervision, and responsibility over the vehicle.

558 (d) "Person" means any individual, firm, company, agency,
559 organization, partnership, corporation, association, trust, or
560 other business entity of any kind whatsoever.

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561 Section 3. Subsections (14) through (40) of section
 562 327.02, Florida Statutes, are renumbered as subsections (15)
 563 through (41), respectively, and a new subsection (14) is added
 564 to that section to read:

565 327.02 Definitions of terms used in this chapter and in
 566 chapter 328.—As used in this chapter and in chapter 328, unless
 567 the context clearly requires a different meaning, the term:

568 (14) "Impaired" has the same meaning as provided in s.
 569 316.003.

570 Section 4. Section 790.151, Florida Statutes, is amended
 571 to read:

572 790.151 Using firearm while impaired by ~~under the~~
 573 ~~influence~~ of alcoholic beverages, chemical substances, or
 574 controlled substances; penalties.—

575 (1) As used in ss. 790.151-790.157, the term: ~~to~~

576 (a) "Impaired" has the same meaning as provided in s.
 577 316.003.

578 (b) "Use a firearm" means to discharge a firearm or to
 579 have a firearm readily accessible for immediate discharge.

580 (2) For the purposes of this section, "readily accessible
 581 for immediate discharge" means loaded and in a person's hand.

582 (3) It is unlawful and punishable as provided in
 583 subsection (4) for any person who is impaired by ~~under the~~
 584 ~~influence of~~ alcoholic beverages, any chemical substance set
 585 forth in s. 877.111, or any substance controlled under chapter
 586 893, ~~when affected to the extent that his or her normal~~
 587 ~~faculties are impaired,~~ to use a firearm in this state.

588 (4) Any person who violates subsection (3) commits a

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589 | misdemeanor of the second degree, punishable as provided in s.
 590 | 775.082 or s. 775.083.

591 | (5) This section does not apply to persons exercising
 592 | lawful self-defense or defense of one's property.

593 | Section 5. Section 790.157, Florida Statutes, is amended
 594 | to read:

595 | 790.157 Presumption of impairment; testing methods.—

596 | (1) It is unlawful and punishable as provided in s.
 597 | 790.151 for any person who is impaired by ~~under the influence of~~
 598 | alcoholic beverages or controlled substances, ~~when affected to~~
 599 | ~~the extent that his or her normal faculties are impaired,~~ to use
 600 | a firearm in this state.

601 | (2) Upon the trial of any civil or criminal action or
 602 | proceeding arising out of acts alleged to have been committed by
 603 | any person while using a firearm while impaired by ~~under the~~
 604 | ~~influence of~~ alcoholic beverages or controlled substances, ~~when~~
 605 | ~~affected to the extent that his or her normal faculties were~~
 606 | ~~impaired or to the extent that the person was deprived of full~~
 607 | ~~possession of his or her normal faculties,~~ the results of any
 608 | test administered in accordance with s. 790.153 or s. 790.155
 609 | and this section shall be admissible into evidence when
 610 | otherwise admissible, and the amount of alcohol in the person's
 611 | blood at the time alleged, as shown by chemical analysis of the
 612 | person's blood or chemical or physical analysis of the person's
 613 | breath, shall give rise to the following presumptions:

614 | (a) If there was at that time an alcohol concentration of
 615 | 0.05 grams per 100 milliliters of blood or per 210 liters of
 616 | breath ~~percent or less by weight of alcohol in the person's~~

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617 ~~blood, it shall be presumed that the person was not impaired by~~
 618 ~~under the influence of alcoholic beverages to the extent that~~
 619 ~~his or her normal faculties were impaired.~~

620 (b) If there was at that time an alcohol concentration in
 621 excess of 0.05 grams percent but less than 0.08 grams per 100
 622 milliliters of blood or per 210 liters of breath ~~0.10 percent by~~
 623 ~~weight of alcohol in the person's blood, such fact shall not~~
 624 ~~give rise to any presumption that the person was or was not~~
 625 ~~under the influence of alcoholic beverages to the extent that~~
 626 ~~his or her normal faculties were impaired~~ by alcoholic
 627 beverages, but such fact may be considered with other competent
 628 evidence in determining whether the person was impaired by ~~under~~
 629 ~~the influence of alcoholic beverages to the extent that his or~~
 630 ~~her normal faculties were impaired.~~

631 (c) If there was at that time an alcohol concentration of
 632 0.08 grams per 100 milliliters of blood or per 210 liters of
 633 breath ~~0.10 percent or more by weight of alcohol in the person's~~
 634 ~~blood, that fact shall be prima facie evidence that the person~~
 635 ~~was impaired by under the influence of alcoholic beverages to~~
 636 ~~the extent that his or her normal faculties were impaired.~~

637
 638 ~~The percent by weight of alcohol in the blood shall be based~~
 639 ~~upon grams of alcohol per 100 milliliters of blood. The~~
 640 ~~foregoing provisions of This subsection does not limit shall not~~
 641 ~~be construed as limiting the introduction of any other competent~~
 642 ~~evidence bearing upon the question of whether the person was~~
 643 ~~impaired by under the influence of alcoholic beverages to the~~
 644 ~~extent that his or her normal faculties were impaired.~~

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645 (3) A chemical analysis of a person's blood to determine
 646 its alcoholic content or a chemical or physical analysis of a
 647 person's breath, in order to be considered valid under ~~the~~
 648 ~~provisions of~~ this section, must have been performed
 649 substantially in accordance with rules adopted ~~methods approved~~
 650 by the ~~Florida~~ Department of Law Enforcement and by an
 651 individual possessing a valid permit issued by the department
 652 for this purpose. Any insubstantial difference ~~differences~~
 653 between approved methods and procedures ~~techniques~~ and actual
 654 testing methods and procedures in an individual case does ~~shall~~
 655 not render the test or test results invalid. The ~~Florida~~
 656 Department of Law Enforcement may approve satisfactory
 657 ~~techniques or methods~~ and procedures, ascertain the
 658 qualification and competence of individuals to conduct such
 659 analyses, and issue permits which shall be subject to
 660 termination or revocation in accordance with rules adopted by
 661 the department.

662 (4) Any person charged with using a firearm while impaired
 663 by ~~under the influence of~~ alcoholic beverages or controlled
 664 substances ~~to the extent that his or her normal faculties were~~
 665 ~~impaired~~, whether in a municipality or not, shall be entitled to
 666 trial by jury according to the Florida Rules of Criminal
 667 Procedure.

668 Section 6. Paragraph (b) of subsection (6) of section
 669 187.201, Florida Statutes, is amended to read:

670 187.201 State Comprehensive Plan adopted.—The Legislature
 671 hereby adopts as the State Comprehensive Plan the following
 672 specific goals and policies:

- 673 (6) PUBLIC SAFETY.—
- 674 (b) *Policies.*—
- 675 1. Maintain safe and secure prisons and other correctional
- 676 facilities with the required number of well-trained staff.
- 677 2. Provide effective alternatives to incarceration for
- 678 appropriate offenders and encourage victim restitution.
- 679 3. Make the corrections system as financially cost-
- 680 effective as possible through prison industries and other inmate
- 681 work programs and through contractual agreements with public and
- 682 private vendors.
- 683 4. Continue to monitor educational and vocational training
- 684 of inmates to increase the likelihood of successful
- 685 reintegration into the community.
- 686 5. Provide all inmates with access to adequate health
- 687 care, including diagnostic and treatment programs for offenders
- 688 suffering from substance abuse or psychological disorders.
- 689 6. Provide incentives to attract and retain high-quality
- 690 law enforcement and correctional officers.
- 691 7. Emphasize the reduction of serious crime, particularly
- 692 violent, organized, economic, and drug-related crimes.
- 693 8. Increase the level of training and technical assistance
- 694 provided to law enforcement agencies.
- 695 9. Increase crime prevention efforts to enhance the
- 696 protection of individual personal safety and property.
- 697 10. Emphasize and protect the rights of crime victims.
- 698 11. Continue to implement coordinated and integrated
- 699 strategies to combat organized crime, economic crime, and drug
- 700 trafficking.

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701 12. Expand the state's provisions for the protection of
702 witnesses in criminal cases, especially organized crime cases.

703 13. Strengthen the state's commitment to pursue, both
704 criminally and civilly, those individuals who profit from
705 economic crimes, in a manner that keeps pace with the level and
706 sophistication of these criminal activities.

707 14. Improve the efficiency of law enforcement through the
708 establishment of a close communication and coordination system
709 among agencies and a comprehensive reporting system for such
710 types of criminal activities as forcible felonies and organized,
711 economic, and drug crimes.

712 15. Improve the effectiveness of the delinquent juvenile
713 justice system commitment programs to reduce recidivism of
714 juveniles who would otherwise be recommitted to state
715 supervision.

716 16. Utilize alternative sentencing and dispute resolution
717 when appropriate, particularly in civil disputes and minor
718 criminal violations.

719 17. Increase the state's commitment to stringent
720 enforcement of laws against drunken or drugged driving.

721 18. Expand public awareness campaigns that will emphasize
722 the dangers of driving while impaired by ~~under the influence of~~
723 alcohol or drugs.

724 19. Promote efforts to encourage the use of personal
725 safety restraint devices for all persons traveling in motor
726 vehicles.

727 20. Improve the enforcement of and compliance with safe
728 highway speed limits.

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729 21. Provide effective and efficient driver licensing
 730 systems, including a reliable testing system designed to
 731 preclude unqualified drivers from receiving driver ~~driver's~~
 732 licenses.

733 22. Require local governments, in cooperation with
 734 regional and state agencies, to prepare advance plans for the
 735 safe evacuation of coastal residents.

736 23. Require local governments, in cooperation with
 737 regional and state agencies, to adopt plans and policies to
 738 protect public and private property and human lives from the
 739 effects of natural disasters.

740 Section 7. Paragraph (b) of subsection (5) of section
 741 261.20, Florida Statutes, is amended to read:

742 261.20 Operations of off-highway vehicles on public lands;
 743 restrictions; safety courses; required equipment; prohibited
 744 acts; penalties.—

745 (5) It is a violation of this section:

746 (b) To operate an off-highway vehicle while impaired by an
 747 alcoholic beverage ~~under the influence of alcohol~~, a controlled
 748 substance, or a ~~any~~ prescription or over-the-counter drug that
 749 impairs vision or motor condition.

750 Section 8. Paragraph (m) of subsection (1) of section
 751 310.101, Florida Statutes, is amended to read:

752 310.101 Grounds for disciplinary action by the board.—

753 (1) Any act of misconduct, inattention to duty,
 754 negligence, or incompetence; any willful violation of any law or
 755 rule, including the rules of the road, applicable to a licensed
 756 state pilot or certificated deputy pilot; or any failure to

757 exercise that care which a reasonable and prudent licensed state
 758 pilot or certificated deputy pilot would exercise under the same
 759 or similar circumstances may result in disciplinary action.
 760 Examples of acts by a licensed state pilot or certificated
 761 deputy pilot which constitute grounds for disciplinary action
 762 include, but are not limited to:

763 (m) Having a license to operate a motor vehicle revoked,
 764 suspended, or otherwise acted against by any jurisdiction,
 765 including its agencies or subdivisions, for operating the
 766 vehicle while impaired by ~~under the influence of~~ alcohol or
 767 drugs. The jurisdiction's acceptance of a relinquishment of
 768 license, stipulation, consent order, plea of nolo contendere,
 769 penalty in any form, or other settlement offered in response to
 770 or in anticipation of the filing of charges related to the
 771 license to operate a motor vehicle shall be construed as action
 772 against the license.

773 Section 9. Paragraph (b) of subsection (1) of section
 774 316.027, Florida Statutes, is amended to read:

775 316.027 Crash involving death or personal injuries.-

776 (1)

777 (b) The driver of any vehicle involved in a crash
 778 occurring on public or private property that results in the
 779 death of any person must immediately stop the vehicle at the
 780 scene of the crash, or as close thereto as possible, and must
 781 remain at the scene of the crash until he or she has fulfilled
 782 the requirements of s. 316.062. A person who is arrested for a
 783 violation of this paragraph and who has previously been
 784 convicted of a violation of this section, s. 316.061, s.

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785 316.191, or s. 316.193, or a felony violation of s. 322.34,
 786 shall be held in custody until brought before the court for
 787 admittance to bail in accordance with chapter 903. Any person
 788 who willfully violates this paragraph commits a felony of the
 789 first degree, punishable as provided in s. 775.082, s. 775.083,
 790 or s. 775.084. Any person who willfully commits such a violation
 791 while driving impaired ~~under the influence~~ as set forth in s.
 792 316.193(1) shall be sentenced to a mandatory minimum term of
 793 imprisonment of 2 years.

794 Section 10. Section 316.1932, Florida Statutes, is amended
 795 to read:

796 316.1932 Tests for alcohol, chemical substances, or
 797 controlled substances; implied consent; refusal.-

798 (1)(a)1.a. A ~~Any~~ person who accepts the privilege extended
 799 by the laws of this state of operating a motor vehicle within
 800 this state is, by ~~se~~ operating such vehicle, deemed to have
 801 given ~~his or her~~ consent to submit to an approved chemical ~~test~~
 802 or physical breath test, including, but not limited to, an
 803 infrared light test of his or her breath to determine ~~for the~~
 804 ~~purpose of determining~~ the alcohol concentration ~~alcoholic~~
 805 ~~content~~ of the ~~his or her~~ blood or breath if the person is
 806 lawfully arrested for an ~~any~~ offense allegedly committed while
 807 the person was driving or was in actual physical control of a
 808 motor vehicle while impaired by an ~~under the influence of~~
 809 alcoholic beverage ~~beverages~~. The chemical or physical breath
 810 test must be incidental to a lawful arrest and administered at
 811 the request of a law enforcement officer who has reasonable
 812 cause to believe that the ~~such~~ person was driving or was in

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813 actual physical control of the motor vehicle within this state
814 while impaired by an ~~under the influence of~~ alcoholic beverage
815 ~~beverages~~. The administration of the ~~a~~ breath test does not
816 preclude the administration of another type of test. The person
817 shall be told that ~~his or her~~ failure to submit to a ~~any~~ lawful
818 breath test ~~of his or her breath~~ will result in the suspension
819 of his or her ~~the person's~~ privilege to operate a motor vehicle
820 for a period of 1 year for a first refusal, or for a period of
821 18 months if the driving privilege ~~of such person~~ has been
822 previously suspended as a result of a refusal to submit to a
823 lawful breath, blood, or urine test. The person ~~such a test or~~
824 ~~tests, and~~ shall also be told that if he or she refuses to
825 submit to a lawful breath test ~~of his or her breath~~ and if his
826 or her driving privilege has been previously suspended as a
827 result of ~~for a prior~~ refusal to submit to a lawful breath,
828 blood, or urine test ~~of his or her breath, urine, or blood,~~ he
829 or she commits a misdemeanor in addition to any other penalty
830 ~~penalties~~. The refusal to submit to a chemical or physical
831 breath test upon the request of a law enforcement officer as
832 provided in this section is admissible into evidence in any
833 criminal proceeding.

834 b. A ~~Any~~ person who accepts the privilege extended by the
835 laws of this state of operating a motor vehicle within this
836 state is, by ~~so~~ operating such vehicle, deemed to have given ~~his~~
837 ~~or her~~ consent to submit to a urine test to detect ~~for the~~
838 ~~purpose of detecting~~ the presence of a chemical substance
839 ~~substances~~ as set forth in s. 877.111 or a controlled substance
840 ~~substances~~ if the person is lawfully arrested for an ~~any~~ offense

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841 allegedly committed while the person was driving or was in
 842 actual physical control of a motor vehicle while impaired by a
 843 ~~under the influence of chemical substances~~ or controlled
 844 substance substances. The urine test must be incidental to a
 845 lawful arrest and administered at a detention facility or any
 846 other facility, mobile or otherwise, which is equipped to
 847 administer such test tests at the request of a law enforcement
 848 officer who has reasonable cause to believe that the ~~such~~ person
 849 was driving or was in actual physical control of a motor vehicle
 850 within this state while impaired by a ~~under the influence of~~
 851 chemical ~~substances~~ or controlled substance substances. The
 852 urine test shall be administered ~~at a detention facility or any~~
 853 ~~other facility, mobile or otherwise, which is equipped to~~
 854 ~~administer such test~~ in a reasonable manner that will ensure the
 855 accuracy of the specimen and maintain the privacy of the person
 856 ~~individual~~ involved. The administration of the ~~a~~ urine test does
 857 not preclude the administration of another type of test. The
 858 person shall be told that ~~his or her~~ failure to submit to a ~~any~~
 859 lawful urine test ~~of his or her urine~~ will result in the
 860 suspension of his or her ~~the person's~~ privilege to operate a
 861 motor vehicle for a period of 1 year for the first refusal, or
 862 for a period of 18 months if the driving privilege ~~of such~~
 863 ~~person~~ has been previously suspended as a result of a refusal to
 864 submit to a lawful breath, blood, or urine test. The person ~~such~~
 865 ~~a test or tests, and~~ shall also be told that if he or she
 866 refuses to submit to a lawful urine test ~~of his or her urine~~ and
 867 if his or her driving privilege has been previously suspended as
 868 a result of ~~for a prior~~ refusal to submit to a lawful breath,

869 blood, or urine test ~~of his or her breath, urine, or blood,~~ he
 870 or she commits a misdemeanor in addition to any other penalty
 871 ~~penalties~~. The refusal to submit to a urine test upon the
 872 request of a law enforcement officer as provided in this section
 873 is admissible into evidence in any criminal proceeding.

874 2. The Alcohol Testing Program within the Department of
 875 Law Enforcement is responsible for the regulation of the
 876 operation, inspection, and registration of breath test
 877 instruments that are used ~~utilized~~ under the provisions relating
 878 to driving and boating while impaired ~~under the influence~~
 879 ~~provisions and related provisions located~~ in this chapter and
 880 chapters 322 and 327. The program is responsible for the
 881 regulation of the individuals who operate, inspect, and instruct
 882 on the breath test instruments that are used under the
 883 provisions relating to ~~utilized in the~~ driving and boating while
 884 impaired ~~under the influence provisions and related provisions~~
 885 ~~located~~ in this chapter and chapters 322 and 327. The program is
 886 further responsible for the regulation of blood analysts who
 887 conduct blood alcohol testing that is used ~~to be utilized~~ under
 888 such ~~the driving and boating under the influence provisions and~~
 889 ~~related provisions located in this chapter and chapters 322 and~~
 890 ~~327~~. The program shall:

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

894 b. Have the authority to issue permits for ~~permit~~ breath
 895 test operators, agency inspectors, instructors, blood analysts,
 896 and instruments.

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

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

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

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

907 g. Have the authority to approve or disapprove breath test
 908 instruments and accompanying paraphernalia for use pursuant to
 909 the provisions relating to driving and boating while impaired
 910 ~~under the influence provisions and related provisions located in~~
 911 this chapter and chapters 322 and 327.

912 h. With the approval of the executive director of the
 913 Department of Law Enforcement, make and enter into contracts and
 914 agreements with other agencies, organizations, associations,
 915 corporations, individuals, or federal agencies as are necessary,
 916 expedient, or incidental to the performance of duties.

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

920 j. Enforce compliance with ~~the provisions of~~ this section
 921 through civil or administrative proceedings.

922 k. Make recommendations concerning any matter within the
 923 purview of this section, this chapter, chapter 322, or chapter
 924 327.

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

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

929 n. Have the authority to approve the breath and ~~type of~~
 930 blood alcohol test to be used under the provisions relating to
 931 ~~utilized under the driving and boating while impaired under the~~
 932 ~~influence provisions and related provisions located in this~~
 933 chapter and chapters 322 and 327.

934 o. Have the authority to approve ~~specify techniques and~~
 935 ~~methods and procedures~~ for breath ~~alcohol testing~~ and blood
 936 alcohol testing to be used under the provisions relating to
 937 ~~utilized under the driving and boating while impaired under the~~
 938 ~~influence provisions and related provisions located in this~~
 939 chapter and chapters 322 and 327.

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

943
 944 ~~Nothing in~~ This section does not ~~shall be construed to~~ supersede
 945 provisions in this chapter and chapters 322 and 327. The
 946 specifications in this section are derived from the power and
 947 authority previously and currently possessed by the Department
 948 of Law Enforcement and are enumerated to conform with the
 949 mandates of chapter 99-379, Laws of Florida.

950 (b)1. The alcohol concentration ~~blood alcohol level~~ must
 951 be based upon grams of alcohol per 100 milliliters of blood or-
 952 ~~The breath alcohol level must be based upon grams of alcohol per~~

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953 210 liters of breath.

954 2. An analysis of a person's breath, in order to be
955 considered valid under this section, must have been performed
956 substantially according to rules adopted ~~methods approved~~ by the
957 Department of Law Enforcement. For this purpose, the department
958 may approve satisfactory ~~techniques or methods~~ and procedures.
959 Any insubstantial difference ~~differences~~ between approved
960 methods and procedures ~~techniques~~ and actual testing procedures
961 in an ~~any~~ individual case does ~~de~~ not render the test or test
962 results invalid.

963 (c) A ~~Any~~ person who accepts the privilege extended by the
964 laws of this state of operating a motor vehicle within this
965 state is, by operating such vehicle, deemed to have given ~~his or~~
966 ~~her~~ consent to submit to an approved blood test to determine ~~for~~
967 ~~the purpose of determining~~ the alcohol concentration ~~alcoholic~~
968 ~~content~~ of the blood or a blood test to determine ~~for the~~
969 ~~purpose of determining~~ the presence of a chemical ~~substances~~ or
970 controlled substance ~~substances~~ as provided in this section if
971 there is reasonable cause to believe that the person was driving
972 or was in actual physical control of a motor vehicle while
973 impaired by an ~~under the influence of~~ alcoholic beverage
974 ~~beverages~~ or a chemical or controlled substance ~~substances~~ and
975 if the person appears for treatment at a hospital, clinic, or
976 other medical facility and the administration of a breath or
977 urine test is impractical or impossible. As used in this
978 paragraph, the term "other medical facility" includes an
979 ambulance or other medical emergency vehicle. The blood test
980 shall be performed in a reasonable manner. A ~~Any~~ person who is

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981 incapable of refusal by reason of unconsciousness or other
 982 mental or physical condition is deemed not to have withdrawn ~~his~~
 983 ~~or her~~ consent to such test. A blood test may be administered
 984 regardless of whether ~~or not~~ the person is told that ~~his or her~~
 985 failure to submit to ~~such~~ a lawful blood test will result in the
 986 suspension of his or her ~~the person's~~ privilege to operate a
 987 motor vehicle upon the public highways of this state and that a
 988 refusal to submit to a lawful blood test is a misdemeanor ~~of his~~
 989 ~~or her blood,~~ if his or her driving privilege has been
 990 previously suspended as a result of a ~~for~~ refusal to submit to a
 991 lawful breath, blood, or urine test ~~of his or her breath, urine,~~
 992 ~~or blood, is a misdemeanor.~~ A Any person who is capable of
 993 refusal shall be told that ~~his or her~~ failure to submit to ~~such~~
 994 a lawful blood test will result in the suspension of his or her
 995 ~~the person's~~ privilege to operate a motor vehicle for a period
 996 of 1 year for a first refusal, or for a period of 18 months if
 997 the driving privilege ~~of the person~~ has been suspended
 998 previously as a result of a refusal to submit to a lawful
 999 breath, blood, or urine test ~~such a test or tests,~~ and that a
 1000 refusal to submit to a lawful blood test is a misdemeanor ~~of his~~
 1001 ~~or her blood,~~ if the ~~his or her~~ driving privilege has been
 1002 previously suspended as a result of ~~for~~ a ~~prior~~ refusal to
 1003 submit to a lawful breath, blood, or urine test ~~of his or her~~
 1004 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
 1005 to a blood test upon the request of a law enforcement officer is
 1006 admissible in evidence in any criminal proceeding.

1007 (d) If the arresting officer does not request a chemical
 1008 or physical breath test of the person arrested for an any

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1009 offense allegedly committed while the person was driving or was
 1010 in actual physical control of a motor vehicle while impaired by
 1011 an ~~under the influence of~~ alcoholic beverage ~~beverages~~ or a
 1012 chemical or controlled substance ~~substances~~, the ~~such~~ person may
 1013 request the arresting officer to have a chemical or physical
 1014 breath test performed on ~~made of~~ the arrested person ~~person's~~
 1015 ~~breath~~ or a urine or blood test to determine ~~of the urine or~~
 1016 ~~blood for the purpose of determining~~ the alcohol concentration
 1017 ~~alcoholic content~~ of his or her ~~the person's~~ blood or breath or
 1018 the presence of a chemical ~~substances~~ or controlled substance.
 1019 ~~substances; and,~~ If so requested, the arresting officer shall
 1020 have the test performed.

1021 (e)1. By applying for a driver ~~driver's~~ license and by
 1022 accepting and using a driver ~~driver's~~ license, the person
 1023 holding the driver ~~driver's~~ license is deemed to have given
 1024 ~~expressed his or her~~ consent to the provisions of this section.

1025 2. A nonresident or any other person driving in a status
 1026 exempt from the requirements of the driver ~~driver's~~ license law,
 1027 by the ~~his or her~~ act of driving in such exempt status, is
 1028 deemed to have given ~~expressed his or her~~ consent to the
 1029 provisions of this section.

1030 3. A warning of the consent provisions ~~provision~~ of this
 1031 section shall be printed on each new or renewed driver ~~driver's~~
 1032 license.

1033 (f)1. The tests determining the amount ~~weight~~ of alcohol
 1034 in a person's ~~the defendant's~~ blood or breath shall be
 1035 administered at the request of a law enforcement officer
 1036 substantially in accordance with rules of the Department of Law

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1037 Enforcement. Such rules must specify precisely the alcohol test
 1038 or tests that are approved by the Department of Law Enforcement
 1039 for reliability of result and ease of administration, and must
 1040 provide an approved procedure ~~method of administration~~ which
 1041 must be followed in all ~~such~~ tests given under this section.
 1042 However, the failure of a law enforcement officer to request the
 1043 withdrawal of blood does not affect the admissibility of a test
 1044 of blood withdrawn for medical purposes.

1045 2.a. Only a physician, certified paramedic, registered
 1046 nurse, licensed practical nurse, other personnel authorized by a
 1047 hospital to draw blood, or duly licensed clinical laboratory
 1048 director, supervisor, technologist, or technician, acting at the
 1049 request of a law enforcement officer, may withdraw blood to
 1050 determine ~~for the purpose of determining~~ its alcohol
 1051 concentration ~~alcoholic content~~ or the presence of a chemical
 1052 ~~substances~~ or controlled substance ~~substances~~ therein. However,
 1053 the failure of a law enforcement officer to request the
 1054 withdrawal of blood does not affect the admissibility of a test
 1055 of blood withdrawn for medical purposes.

1056 b. Notwithstanding any provision of law pertaining to the
 1057 confidentiality of hospital records or other medical records, if
 1058 a health care provider, who is providing medical care in a
 1059 health care facility to a person injured in a motor vehicle
 1060 crash, becomes aware, as a result of a ~~any~~ blood test performed
 1061 in the course of that medical treatment, that the person's
 1062 alcohol concentration ~~blood-alcohol level~~ meets or exceeds the
 1063 concentration proscribed ~~blood-alcohol level specified~~ in s.
 1064 316.193(1)(b), the health care provider may notify a ~~any~~ law

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1065 enforcement officer or law enforcement agency. Any such notice
 1066 must be given within a reasonable time after the health care
 1067 provider receives the test result. Any such notice shall be used
 1068 only for the purpose of providing the law enforcement officer
 1069 with reasonable cause to request the withdrawal of a blood
 1070 sample pursuant to this section.

1071 c. The notice shall consist only of the name of the person
 1072 being treated, the name of the person who drew the blood, the
 1073 alcohol concentration ~~blood-alcohol level~~ indicated by the test,
 1074 and the date and time of the administration of the test.

1075 d. Nothing contained in s. 395.3025(4), s. 456.057, or any
 1076 applicable practice act affects the authority to provide notice
 1077 under this section, and the health care provider is not
 1078 considered to have breached any duty owed to the person under s.
 1079 395.3025(4), s. 456.057, or any applicable practice act by
 1080 providing notice or failing to provide notice. It is not deemed
 1081 ~~shall not be~~ a breach of an ~~any~~ ethical, moral, or legal duty
 1082 for a health care provider to provide notice or fail to provide
 1083 notice.

1084 e. A civil, criminal, or administrative action may not be
 1085 brought against a ~~any~~ person or health care provider
 1086 participating in good faith in the provision of notice or
 1087 failing ~~failure~~ to provide notice as provided in this section. A
 1088 ~~Any~~ person or health care provider participating in the
 1089 provision of notice or failing ~~failure~~ to provide notice as
 1090 provided in this section is ~~shall be~~ immune from any civil or
 1091 criminal liability and from any professional disciplinary action
 1092 with respect to the provision of notice or failure to provide

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1093 notice under this section. Any such participant has the same
 1094 immunity with respect to participating in any judicial
 1095 proceedings resulting from the notice or failure to provide
 1096 notice.

1097 3. The person tested may, at his or her own expense, have
 1098 a physician, registered nurse, other personnel authorized by a
 1099 hospital to draw blood, or duly licensed clinical laboratory
 1100 director, supervisor, technologist, or technician, or other
 1101 person of his or her own choosing administer an independent test
 1102 in addition to the test administered at the direction of the law
 1103 enforcement officer to determine ~~for the purpose of determining~~
 1104 the amount of alcohol in the person's blood or breath or the
 1105 presence of a chemical substances or controlled substance
 1106 ~~substances~~ at the time alleged, as shown by chemical analysis of
 1107 his or her blood or urine, or by chemical or physical test of
 1108 his or her breath. The failure or inability to obtain an
 1109 independent test by a person does not preclude the admissibility
 1110 in evidence of the test taken at the direction of the law
 1111 enforcement officer. The law enforcement officer may ~~shall~~ not
 1112 interfere with the person's opportunity to obtain the
 1113 independent test and shall provide the person with timely
 1114 telephone access to secure the test, but the burden is on the
 1115 person to arrange and secure the test at his or her ~~the person's~~
 1116 ~~own~~ expense.

1117 4. Upon the request of the person tested, full information
 1118 concerning the results of the test taken at the direction of the
 1119 law enforcement officer shall be made available to the person or
 1120 his or her attorney. Full information is limited to the

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1121 following:

1122 a. The type of test administered and the procedures
1123 followed.

1124 b. The time of the collection of the blood or breath
1125 sample analyzed.

1126 c. The numerical results of the test indicating the
1127 alcohol concentration ~~content~~ of the blood or ~~and~~ breath.

1128 d. The type and status of any permit issued by the
1129 Department of Law Enforcement which was held by the person who
1130 performed the test.

1131 e. If the test was administered by means of a breath test
1132 ~~testing~~ instrument, the date of performance of the most recent
1133 required inspection of the ~~such~~ instrument.

1134
1135 Full information does not include manuals, schematics, or
1136 software of the instrument used to test the person or any other
1137 material that is not in the actual possession of the state.
1138 Additionally, full information does not include information in
1139 the possession of the manufacturer of the test instrument.

1140 5. A hospital, clinical laboratory, medical clinic, or
1141 similar medical institution; a ~~or~~ physician, certified
1142 paramedic, registered nurse, licensed practical nurse, or other
1143 personnel authorized by a hospital to draw blood; a, ~~or~~ duly
1144 licensed clinical laboratory director, supervisor, technologist,
1145 or technician; or ~~or~~ any other person assisting a law enforcement
1146 officer does not incur any civil or criminal liability as a
1147 result of the withdrawal or analysis of a blood or urine
1148 specimen, or the chemical or physical test of a person's breath

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1149 | pursuant to accepted medical standards when requested by a law
 1150 | enforcement officer, regardless of whether ~~or not~~ the subject
 1151 | resisted the administration of the test.

1152 | (2) The results of a any test administered pursuant to
 1153 | this section to detect ~~for the purpose of detecting~~ the presence
 1154 | of a any controlled substance are ~~shall~~ not ~~be~~ admissible as
 1155 | evidence in a criminal prosecution for the possession of a
 1156 | controlled substance.

1157 | (3) Notwithstanding any ~~provision of~~ law pertaining to the
 1158 | confidentiality of hospital records or other medical records,
 1159 | information relating to the alcohol concentration ~~alcoholic~~
 1160 | ~~content~~ of the blood or breath or the presence of a chemical
 1161 | ~~substances~~ or controlled substance ~~substances~~ in the blood or
 1162 | urine obtained pursuant to this section shall be released to a
 1163 | court, prosecuting attorney, defense attorney, or law
 1164 | enforcement officer in connection with an alleged violation of
 1165 | s. 316.193 upon request for such information.

1166 | Section 11. Paragraph (a) of subsection (1) and paragraph
 1167 | (a) of subsection (2) of section 316.1933, Florida Statutes, are
 1168 | amended to read:

1169 | 316.1933 Blood test for impairment or intoxication in
 1170 | cases of death or serious bodily injury; right to use reasonable
 1171 | force.—

1172 | (1)(a) If a law enforcement officer has probable cause to
 1173 | believe that a motor vehicle driven by or in the actual physical
 1174 | control of a person who is impaired by an ~~under the influence of~~
 1175 | alcoholic beverage ~~beverages~~, a any chemical substance
 1176 | ~~substances~~, or a any controlled substance ~~substances~~ has caused

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1177 the death or serious bodily injury of a human being, the a law
 1178 enforcement officer shall require the person driving or in
 1179 actual physical control of the motor vehicle to submit to a
 1180 blood test to determine ~~of the person's blood for the purpose of~~
 1181 ~~determining~~ the alcohol concentration ~~alcoholic content~~ thereof
 1182 or the presence of a chemical substance ~~substances~~ as set forth
 1183 in s. 877.111 or a controlled ~~any~~ substance as defined in
 1184 ~~controlled under~~ chapter 893 or the Code of Federal Regulations
 1185 as of July 1, 2013, or as in effect upon the date of the most
 1186 recent readoption of this section under s. 11.2421 before the
 1187 offense. The law enforcement officer may use reasonable force if
 1188 necessary to require the ~~such~~ person to submit to the
 1189 administration of the blood test. The blood test shall be
 1190 performed in a reasonable manner. Notwithstanding s. 316.1932,
 1191 the testing required by this paragraph need not be incidental to
 1192 a lawful arrest of the person.

1193 (2) (a) Only a physician, certified paramedic, registered
 1194 nurse, licensed practical nurse, other personnel authorized by a
 1195 hospital to draw blood, or duly licensed clinical laboratory
 1196 director, supervisor, technologist, or technician, acting at the
 1197 request of a law enforcement officer, may withdraw blood to
 1198 determine ~~for the purpose of determining~~ the alcohol
 1199 concentration ~~alcoholic content~~ thereof or the presence of
 1200 chemical substances or controlled substances therein. However,
 1201 the failure of a law enforcement officer to request the
 1202 withdrawal of blood does ~~shall~~ not affect the admissibility of a
 1203 test of blood withdrawn for medical purposes.

1204 1. Notwithstanding any provision of law pertaining to the

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1205 confidentiality of hospital records or other medical records, if
 1206 a health care provider, who is providing medical care in a
 1207 health care facility to a person injured in a motor vehicle
 1208 crash, becomes aware, as a result of any blood test performed in
 1209 the course of that medical treatment, that the person's alcohol
 1210 concentration ~~blood-alcohol level~~ meets or exceeds the
 1211 concentration proscribed ~~blood-alcohol level specified~~ in s.
 1212 316.193(1)(b), the health care provider may notify any law
 1213 enforcement officer or law enforcement agency. Any such notice
 1214 must be given within a reasonable time after the health care
 1215 provider receives the test result. Any such notice must only
 1216 ~~shall~~ be used ~~only~~ for the purpose of providing the law
 1217 enforcement officer with reasonable cause to request the
 1218 withdrawal of a blood sample pursuant to this section.

1219 2. The notice shall consist only of the name of the person
 1220 being treated, the name of the person who drew the blood, the
 1221 alcohol concentration ~~blood-alcohol level~~ indicated by the test,
 1222 and the date and time of the administration of the test.

1223 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
 1224 applicable practice act affects the authority to provide notice
 1225 under this section, and the health care provider is not
 1226 considered to have breached any duty owed to the person under s.
 1227 395.3025(4), s. 456.057, or any applicable practice act by
 1228 providing notice or failing to provide notice. It is ~~shall~~ not
 1229 ~~be~~ a breach of any ethical, moral, or legal duty for a health
 1230 care provider to provide notice or fail to provide notice.

1231 4. A civil, criminal, or administrative action may not be
 1232 brought against any person or health care provider participating

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1233 in good faith in the provision of notice or failure to provide
 1234 notice as provided in this section. Any person or health care
 1235 provider participating in the provision of notice or failure to
 1236 provide notice as provided in this section is ~~shall be~~ immune
 1237 from any civil or criminal liability and from any professional
 1238 disciplinary action with respect to the provision of notice or
 1239 failure to provide notice under this section. Any such
 1240 participant has the same immunity with respect to participating
 1241 in any judicial proceedings resulting from the notice or failure
 1242 to provide notice.

1243 Section 12. Subsections (1) and (2) of section 316.1934,
 1244 Florida Statutes, are amended to read:

1245 316.1934 Presumption of impairment; testing methods.—

1246 (1) It is unlawful and punishable as provided in ~~chapter~~
 1247 ~~322 and in~~ s. 316.193 for a any person who is impaired by an
 1248 ~~under the influence of alcoholic~~ beverage ~~beverages or a~~
 1249 ~~controlled~~ substance ~~substances, when affected to the extent~~
 1250 ~~that the person's normal faculties are impaired or to the extent~~
 1251 ~~that the person is deprived of full possession of normal~~
 1252 ~~faculties,~~ to drive or be in actual physical control of a any
 1253 motor vehicle within this state. ~~Such normal faculties include,~~
 1254 ~~but are not limited to, the ability to see, hear, walk, talk,~~
 1255 ~~judge distances, drive an automobile, make judgments, act in~~
 1256 ~~emergencies, and, in general, normally perform the many mental~~
 1257 ~~and physical acts of daily life.~~

1258 (2) At the trial of any civil or criminal action or
 1259 proceeding arising out of an act ~~acts~~ alleged to have been
 1260 committed by a any person while driving, ~~or in actual physical~~

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1261 ~~control of, a vehicle while impaired under the influence of~~
1262 ~~alcoholic beverages or controlled substances, when affected to~~
1263 ~~the extent that the person's normal faculties were impaired or~~
1264 ~~to the extent that he or she was deprived of full possession of~~
1265 ~~his or her normal faculties, the results of any test~~
1266 ~~administered in accordance with s. 316.1932 or s. 316.1933 and~~
1267 ~~this section are admissible into evidence when otherwise~~
1268 ~~admissible, and the amount of alcohol in the person's blood or~~
1269 ~~breath at the time alleged, as shown by chemical analysis of the~~
1270 ~~person's blood, or by chemical or physical test of the person's~~
1271 ~~breath, gives rise to the following presumptions:~~

1272 (a) If the person's alcohol concentration was ~~there was at~~
1273 ~~that time a blood alcohol level or breath alcohol level of 0.05~~
1274 ~~or less, it is presumed that the person was not impaired by an~~
1275 ~~under the influence of alcoholic beverage beverages to the~~
1276 ~~extent that his or her normal faculties were impaired.~~

1277 (b) If the person's alcohol concentration exceeded ~~there~~
1278 ~~was at that time a blood alcohol level or breath alcohol level~~
1279 ~~in excess of 0.05 but was less than 0.08, that fact does not~~
1280 ~~give rise to any presumption that the person was or was not~~
1281 ~~impaired by an under the influence of alcoholic beverage~~
1282 ~~beverages to the extent that his or her normal faculties were~~
1283 ~~impaired but may be considered with other competent evidence in~~
1284 ~~determining whether the person was impaired by an under the~~
1285 ~~influence of alcoholic beverage beverages to the extent that his~~
1286 ~~or her normal faculties were impaired.~~

1287 (c) If the person's alcohol concentration was ~~there was at~~
1288 ~~that time a blood alcohol level or breath alcohol level of 0.08~~

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1289 or higher, that fact is prima facie evidence that the person was
 1290 impaired by an ~~under the influence of~~ alcoholic beverage
 1291 ~~beverages to the extent that his or her normal faculties were~~
 1292 ~~impaired~~. Moreover, a ~~such~~ person who has an alcohol
 1293 concentration ~~a blood-alcohol level or breath-alcohol level~~ of
 1294 0.08 or higher commits the offense ~~is guilty~~ of driving, or
 1295 being in actual physical control of, a motor vehicle, with an
 1296 unlawful alcohol concentration ~~blood-alcohol level or breath-~~
 1297 ~~alcohol level~~.

1298
 1299 The presumptions provided in this subsection do not limit the
 1300 introduction of any other competent evidence bearing upon the
 1301 question of whether the person was impaired by an ~~under the~~
 1302 ~~influence of~~ alcoholic beverage ~~beverages to the extent that his~~
 1303 ~~or her normal faculties were impaired~~.

1304 Section 13. Subsection (1) of section 316.1937, Florida
 1305 Statutes, is amended to read:

1306 316.1937 Ignition interlock devices, requiring; unlawful
 1307 acts.—

1308 (1) In addition to any other authorized penalty ~~penalties~~,
 1309 the court may require that a ~~any~~ person who is convicted of
 1310 driving while impaired ~~under the influence~~ in violation of s.
 1311 316.193 ~~shall~~ not operate a motor vehicle unless the ~~that~~
 1312 vehicle is equipped with a functioning ignition interlock device
 1313 certified by the department as provided in s. 316.1938, and
 1314 installed in such a manner that the vehicle will not start if
 1315 the operator's alcohol concentration exceeds ~~blood-alcohol level~~
 1316 ~~is in excess of~~ 0.05 percent or as otherwise specified by the

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1317 court. The court may require the use of an approved ignition
 1318 interlock device for a period of at least ~~not less than~~ 6
 1319 continuous months, if the person is permitted to operate a motor
 1320 vehicle, regardless of whether ~~or not~~ the privilege to operate a
 1321 motor vehicle is restricted, as determined by the court. The
 1322 court, however, shall order placement of an ignition interlock
 1323 device in those circumstances required by s. 316.193.

1324 Section 14. Subsection (1) of section 316.1939, Florida
 1325 Statutes, is amended to read:

1326 316.1939 Refusal to submit to testing; penalties.—

1327 (1) A ~~Any~~ person who has refused to submit to a chemical
 1328 or physical test of his or her breath, blood, or urine, as
 1329 described in s. 316.1932, ~~and~~ whose driving privilege was
 1330 previously suspended for a ~~prior~~ refusal to submit to a lawful
 1331 breath, blood, or urine test of his or her breath, urine, or
 1332 blood, and:

1333 (a) Who the arresting law enforcement officer had probable
 1334 cause to believe was driving ~~or in actual physical control of~~ a
 1335 motor vehicle in this state while impaired by an under the
 1336 influence of alcoholic beverage beverages, chemical substance
 1337 substances, or controlled substance substances;

1338 (b) Who was placed under lawful arrest for a violation of
 1339 s. 316.193 unless such test was requested pursuant to s.
 1340 316.1932(1)(c);

1341 (c) Who was informed that, if he or she refused to submit
 1342 to such test, his or her privilege to operate a motor vehicle
 1343 would be suspended for a period of 1 year or, in the case of a
 1344 second or subsequent refusal, for a period of 18 months;

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1345 (d) Who was informed that a refusal to submit to a lawful
 1346 breath, blood, or urine test ~~of his or her breath, urine, or~~
 1347 ~~blood~~, if his or her driving privilege has been previously
 1348 suspended for a ~~prior~~ refusal to submit to a lawful breath,
 1349 blood, or urine test ~~of his or her breath, urine, or blood~~, is a
 1350 misdemeanor; and

1351 (e) Who, after having been so informed, refused to submit
 1352 to any such test when requested to do so by a law enforcement
 1353 officer or correctional officer

1354
 1355 commits a misdemeanor of the first degree, punishable ~~and is~~
 1356 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

1357 Section 15. Subsection (5) of section 318.143, Florida
 1358 Statutes, is amended to read:

1359 318.143 Sanctions for infractions by minors.—

1360 (5) A minor who is arrested for a violation of s. 316.193
 1361 may be released from custody as soon as:

1362 (a) The minor is no longer impaired by an ~~under the~~
 1363 ~~influence of~~ alcoholic beverage ~~beverages, a~~ of any chemical
 1364 substance set forth in s. 877.111, or a ~~of any~~ substance
 1365 controlled substance as defined in ~~under~~ chapter 893 or the Code
 1366 of Federal Regulations as of July 1, 2013, or as in effect upon
 1367 the date of the most recent readoption of this section under s.
 1368 11.2421 before the offense, ~~and is not affected to the extent~~
 1369 ~~that his or her normal faculties are impaired;~~

1370 (b) The minor's alcohol concentration ~~blood alcohol level~~
 1371 is less than 0.05 ~~percent~~; or

1372 (c) Six hours have elapsed after the minor's arrest.

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1373 Section 16. Section 318.17, Florida Statutes, is amended
1374 to read:

1375 318.17 Offenses excepted.—The provisions ~~No provision~~ of
1376 this chapter are not ~~is~~ available to a person who is charged
1377 with any of the following offenses:

1378 (1) Fleeing or attempting to elude a police officer, in
1379 violation of s. 316.1935;

1380 (2) Leaving the scene of a crash, in violation of ss.
1381 316.027 and 316.061;

1382 (3) Driving, or being in actual physical control of, a any
1383 vehicle while impaired by an ~~under the influence of~~ alcoholic
1384 beverage beverages, a any chemical substance set forth in s.
1385 877.111, or a any substance controlled substance as defined in
1386 under chapter 893 or the Code of Federal Regulations as of July
1387 1, 2013, or as in effect upon the date of the most recent
1388 readoption of this section under s. 11.2421 before the offense,
1389 in violation of s. 316.193, or driving with an unlawful alcohol
1390 concentration ~~blood alcohol level~~;

1391 (4) Reckless driving, in violation of s. 316.192;

1392 (5) Making a false crash report ~~reports~~, in violation of
1393 s. 316.067;

1394 (6) Willfully failing or refusing to comply with a any
1395 lawful order or direction of a any police officer or member of
1396 the fire department, in violation of s. 316.072(3);

1397 (7) Obstructing an officer, in violation of s. 316.545(1);

1398 or

1399 (8) Any other offense in chapter 316 which is classified
1400 as a criminal violation.

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1401 Section 17. Paragraph (c) of subsection (1) of section
 1402 320.055, Florida Statutes, is amended to read:

1403 320.055 Registration periods; renewal periods.—The
 1404 following registration periods and renewal periods are
 1405 established:

1406 (1)

1407 (c) Notwithstanding the requirements of paragraph (a), the
 1408 owner of a motor vehicle subject to paragraph (a) who has had
 1409 his or her driver ~~driver's~~ license suspended pursuant to a
 1410 violation of s. 316.193 or pursuant to s. 322.26(2) for driving
 1411 while impaired ~~under the influence~~ must obtain a 6-month
 1412 registration as a condition of reinstating the license, subject
 1413 to renewal during the 3-year period that financial
 1414 responsibility requirements apply. The registration period
 1415 begins the first day of the birth month of the owner and ends
 1416 the last day of the fifth month immediately following the
 1417 owner's birth month. For such vehicles, the department shall
 1418 issue a vehicle registration certificate that is valid for 6
 1419 months and shall issue a validation sticker that displays an
 1420 expiration date of 6 months after the date of issuance. The
 1421 license tax required by s. 320.08 and all other applicable
 1422 license taxes shall be one-half of the amount otherwise
 1423 required, except that the service charge required by s. 320.04
 1424 shall be paid in full for each 6-month registration. A vehicle
 1425 required to be registered under this paragraph is not eligible
 1426 for the extended registration period under paragraph (b).

1427 Section 18. Paragraph (d) of subsection (5) of section
 1428 320.08, Florida Statutes, is amended to read:

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1429 320.08 License taxes.—Except as otherwise provided herein,
 1430 there are hereby levied and imposed annual license taxes for the
 1431 operation of motor vehicles, mopeds, motorized bicycles as
 1432 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 1433 and mobile homes, as defined in s. 320.01, which shall be paid
 1434 to and collected by the department or its agent upon the
 1435 registration or renewal of registration of the following:

1436 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1437 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1438 (d) A wrecker, as defined in s. 320.01(40), which is used
 1439 to tow a vessel as defined in s. 327.02(39), a disabled,
 1440 abandoned, stolen-recovered, or impounded motor vehicle as
 1441 defined in s. 320.01(38), or a replacement motor vehicle as
 1442 defined in s. 320.01(39): \$41 flat, of which \$11 shall be
 1443 deposited into the General Revenue Fund.

1444 Section 19. Subsections (3) and (4) of section 322.12,
 1445 Florida Statutes, are amended to read:

1446 322.12 Examination of applicants.—

1447 (3) For an applicant for a Class E driver ~~driver's~~
 1448 license, the ~~such~~ examination must ~~shall~~ include a test of the
 1449 applicant's eyesight given by the driver ~~driver's~~ license
 1450 examiner designated by the department or by a licensed
 1451 ophthalmologist, optometrist, or physician and a test of the
 1452 applicant's hearing given by a driver ~~driver's~~ license examiner
 1453 or a licensed physician. The examination must ~~shall~~ also include
 1454 a test of the applicant's ability to read and understand highway
 1455 signs regulating, warning, and directing traffic; his or her
 1456 knowledge of the traffic laws of this state, including laws

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1457 | regulating driving while impaired by ~~under the influence of~~
1458 | alcohol or a controlled substance ~~substances~~, driving with an
1459 | unlawful alcohol concentration ~~blood-alcohol level~~, and driving
1460 | while intoxicated; and his or her knowledge of the effects of
1461 | alcohol and controlled substances upon persons and the dangers
1462 | of driving a motor vehicle while impaired by ~~under the influence~~
1463 | ~~of~~ alcohol or a controlled substance ~~substances~~ and must ~~shall~~
1464 | include an actual demonstration of the applicant's ability to
1465 | exercise ordinary and reasonable control in the operation of a
1466 | motor vehicle.

1467 | (4) The examination for an applicant for a commercial
1468 | driver ~~driver's~~ license must ~~shall~~ include a test of the
1469 | applicant's eyesight given by a driver ~~driver's~~ license examiner
1470 | designated by the department or by a licensed ophthalmologist,
1471 | optometrist, or physician and a test of the applicant's hearing
1472 | given by a driver ~~driver's~~ license examiner or a licensed
1473 | physician. The examination must ~~shall~~ also include a test of the
1474 | applicant's ability to read and understand highway signs
1475 | regulating, warning, and directing traffic; his or her knowledge
1476 | of the traffic laws of this state pertaining to the class of
1477 | motor vehicle which he or she is applying to be licensed to
1478 | operate, including laws regulating driving while impaired by
1479 | ~~under the influence of~~ alcohol or a controlled substance
1480 | ~~substances~~, driving with an unlawful alcohol concentration
1481 | ~~blood-alcohol level~~, and driving while intoxicated; his or her
1482 | knowledge of the effects of alcohol and controlled substances
1483 | and the dangers of driving a motor vehicle after having consumed
1484 | alcohol or a controlled substance ~~substances~~; and his or her

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1485 knowledge of any special skills, requirements, or precautions
 1486 necessary for the safe operation of the class of vehicle which
 1487 he or she is applying to be licensed to operate. In addition,
 1488 the examination must ~~shall~~ include an actual demonstration of
 1489 the applicant's ability to exercise ordinary and reasonable
 1490 control in the safe operation of a motor vehicle or combination
 1491 of vehicles of the type covered by the license classification
 1492 which the applicant is seeking, including an examination of the
 1493 applicant's ability to perform an inspection of his or her
 1494 vehicle.

1495 (a) The portion of the examination which tests an
 1496 applicant's safe driving ability shall be administered by the
 1497 department or by an entity authorized by the department to
 1498 administer such examination, pursuant to s. 322.56. Such
 1499 examination shall be administered at a location approved by the
 1500 department.

1501 (b) A person who seeks to retain a hazardous-materials
 1502 endorsement must, upon renewal, pass the test for such
 1503 endorsement as specified in s. 322.57(1)(d), if the person has
 1504 not taken and passed the hazardous-materials test within 2 years
 1505 preceding his or her application for a commercial driver
 1506 ~~driver's~~ license in this state.

1507 Section 20. Subsections (5) and (7) of section 322.25,
 1508 Florida Statutes, are amended to read:

1509 322.25 When court to forward license to department and
 1510 report convictions; temporary reinstatement of driving
 1511 privileges.—

1512 (5) For the purpose of this chapter, the entrance of a

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1513 plea of nolo contendere by the defendant to a charge of driving
1514 while intoxicated, driving while impaired ~~under the influence,~~
1515 driving with an unlawful alcohol concentration ~~blood-alcohol~~
1516 ~~level,~~ or any other alcohol-related or drug-related traffic
1517 offense similar to the offenses specified in s. 316.193,
1518 accepted by the court and under which plea the court has entered
1519 a fine or sentence, whether in this state or any other state or
1520 country, shall be equivalent to a conviction.

1521 (7) Any licensed driver convicted of driving, or being in
1522 the actual physical control of, a vehicle within this state
1523 while impaired by an ~~under the influence of~~ alcoholic beverage
1524 ~~beverages,~~ a ~~any~~ chemical substance set forth in s. 877.111, or
1525 a ~~any~~ substance controlled substance as defined in ~~under~~ chapter
1526 893 or the Code of Federal Regulations as of July 1, 2013, or as
1527 in effect upon the date of the most recent readoption of this
1528 section under s. 11.2421 before the offense, ~~when affected to~~
1529 ~~the extent that his or her normal faculties are impaired,~~ and
1530 whose license and driving privilege have been revoked as
1531 provided in subsection (1) may be issued a court order for
1532 reinstatement of a driving privilege on a temporary basis if,
1533 ~~provided that,~~ as a part of the penalty, upon conviction, the
1534 defendant is required to enroll in and complete a driver
1535 improvement course for the rehabilitation of drinking drivers
1536 and if the driver is otherwise eligible for reinstatement of the
1537 driving privilege as provided by s. 322.282. The court order for
1538 reinstatement must ~~shall~~ be on a form provided by the department
1539 and must be taken by the person convicted to a Florida driver
1540 ~~driver's~~ license examining office, where a temporary driving

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1541 permit may be issued. The period ~~of time~~ for which a temporary
1542 permit that is issued in accordance with this subsection is
1543 valid shall be deemed to be part of the period of revocation
1544 imposed by the court.

1545 Section 21. Subsection (2) of section 322.26, Florida
1546 Statutes, is amended to read:

1547 322.26 Mandatory revocation of license by department.—The
1548 department shall forthwith revoke the license or driving
1549 privilege of any person upon receiving a record of such person's
1550 conviction of any of the following offenses:

1551 (2) Driving a motor vehicle or being in actual physical
1552 control thereof, or entering a plea of nolo contendere, said
1553 plea being accepted by the court and said court entering a fine
1554 or sentence to a charge of driving, while impaired by an ~~under~~
1555 ~~the influence of~~ alcoholic beverage ~~beverages~~ or a ~~substance~~
1556 controlled substance as defined in ~~under~~ chapter 893 or the Code
1557 of Federal Regulations as of July 1, 2013, or as in effect upon
1558 the date of the most recent readoption of this section under s.
1559 11.2421 before the offense, or being in actual physical control
1560 of a motor vehicle while under the influence of an alcoholic
1561 beverage ~~beverages~~ or a ~~substance~~ controlled substance as
1562 defined in ~~under~~ chapter 893 or the Code of Federal Regulations
1563 as of July 1, 2013, or as in effect upon the date of the most
1564 recent readoption of this section under s. 11.2421 before the
1565 offense. ~~If In any case where~~ DUI manslaughter occurs and the
1566 person has no prior conviction ~~convictions~~ for a DUI-related
1567 offense ~~offenses~~, the revocation of the license or driving
1568 privilege is ~~shall be~~ permanent, except as provided ~~for~~ in s.

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1569 322.271(4) .
 1570 Section 22. Subsections (2) and (7) of section 322.2615,
 1571 Florida Statutes, are amended to read:
 1572 322.2615 Suspension of license; right to review.—
 1573 (2) Except as provided in paragraph (1)(a), the law
 1574 enforcement officer shall forward to the department, within 5
 1575 days after issuing the notice of suspension, the driver ~~driver's~~
 1576 license; an affidavit stating the officer's grounds for belief
 1577 that the person was driving or was in actual physical control of
 1578 a motor vehicle while impaired by an ~~under the influence of~~
 1579 alcoholic beverage ~~beverages~~ or a chemical or controlled
 1580 substance ~~substances~~; the results of any breath or blood test or
 1581 an affidavit stating that a breath, blood, or urine test was
 1582 requested by a law enforcement officer or correctional officer
 1583 and that the person refused to submit; the officer's description
 1584 of the person's field sobriety test, if any; and the notice of
 1585 suspension. The failure of the officer to submit materials
 1586 within the 5-day period specified in this subsection and in
 1587 subsection (1) does not affect the department's ability to
 1588 consider any evidence submitted at or before ~~prior to~~ the
 1589 hearing. The officer may also submit a copy of the crash report
 1590 and a copy of a videotape of the field sobriety test or the
 1591 attempt to administer such test. Materials submitted to the
 1592 department by a law enforcement agency or correctional agency
 1593 shall be considered self-authenticating and shall be in the
 1594 record for consideration by the hearing officer. Notwithstanding
 1595 s. 316.066(5), the crash report shall be considered by the
 1596 hearing officer.

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1597 (7) In a formal review hearing under subsection (6) or an
 1598 informal review hearing under subsection (4), the hearing
 1599 officer shall determine by a preponderance of the evidence
 1600 whether sufficient cause exists to sustain, amend, or invalidate
 1601 the suspension. The scope of the review is ~~shall be~~ limited to
 1602 the following issues:

1603 (a) If the license was suspended for driving with an
 1604 unlawful alcohol concentration ~~blood-alcohol level or breath-~~
 1605 ~~alcohol level~~ of 0.08 or higher:

1606 1. Whether the law enforcement officer had probable cause
 1607 to believe that the person whose license was suspended was
 1608 driving or was in actual physical control of a motor vehicle in
 1609 this state while impaired by an ~~under the influence of~~ alcoholic
 1610 beverage ~~beverages~~ or a chemical or controlled substance
 1611 substances.

1612 2. Whether the person whose license was suspended had an
 1613 unlawful alcohol concentration ~~blood-alcohol level or breath-~~
 1614 ~~alcohol level~~ of 0.08 or higher as provided in s. 316.193.

1615 (b) If the license was suspended for refusal to submit to
 1616 a breath, blood, or urine test:

1617 1. Whether the law enforcement officer had probable cause
 1618 to believe that the person whose license was suspended was
 1619 driving or was in actual physical control of a motor vehicle in
 1620 this state while impaired by an ~~under the influence of~~ alcoholic
 1621 beverage ~~beverages~~ or a chemical or controlled substance
 1622 substances.

1623 2. Whether the person whose license was suspended refused
 1624 to submit to any such test after being requested to do so by a

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1625 law enforcement officer or correctional officer.

1626 3. Whether the person whose license was suspended was told
 1627 that if he or she refused to submit to such test, his or her
 1628 privilege to operate a motor vehicle would be suspended for a
 1629 period of 1 year or, in the case of a second or subsequent
 1630 refusal, for a period of 18 months.

1631 Section 23. Paragraph (b) of subsection (1) of section
 1632 322.2616, Florida Statutes, is amended to read:

1633 322.2616 Suspension of license; persons under 21 years of
 1634 age; right to review.—

1635 (1)

1636 (b) A law enforcement officer who has probable cause to
 1637 believe that a motor vehicle is being driven by or is in the
 1638 actual physical control of a person who is under the age of 21
 1639 and who is impaired by or ~~while~~ under the influence of an
 1640 alcoholic beverage ~~beverages~~ or ~~who~~ has any alcohol
 1641 concentration ~~blood-alcohol or breath-alcohol level~~ may lawfully
 1642 detain such a person and may request that the person ~~to~~ submit
 1643 to a test to determine his or her alcohol concentration ~~blood-~~
 1644 ~~alcohol or breath-alcohol level~~.

1645 Section 24. Paragraph (d) of subsection (2) of section
 1646 322.271, Florida Statutes, is amended to read:

1647 322.271 Authority to modify revocation, cancellation, or
 1648 suspension order.—

1649 (2) At such hearing, the person whose license has been
 1650 suspended, canceled, or revoked may show that such suspension,
 1651 cancellation, or revocation causes a serious hardship and
 1652 precludes the person from carrying out his or her normal

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1653 business occupation, trade, or employment and that the use of
 1654 the person's license in the normal course of his or her business
 1655 is necessary to the proper support of the person or his or her
 1656 family.

1657 (d) For the purpose of this section, a previous conviction
 1658 of driving while impaired, driving under the influence, driving
 1659 while intoxicated, driving with an unlawful alcohol
 1660 concentration, driving with an unlawful blood-alcohol level, or
 1661 any other similar alcohol-related or drug-related offense
 1662 outside this state or a previous conviction of former s.
 1663 316.1931, former s. 316.028, or former s. 860.01 is considered a
 1664 previous conviction for violation of s. 316.193.

1665 Section 25. Section 322.2715, Florida Statutes, is amended
 1666 to read:

1667 322.2715 Ignition interlock device.—

1668 (1) Before issuing a permanent or restricted driver
 1669 ~~driver's~~ license under this chapter, the department shall
 1670 require the placement of a department-approved ignition
 1671 interlock device for any person convicted of committing an
 1672 offense of driving while impaired ~~under the influence~~ as
 1673 specified in subsection (3), except that consideration may be
 1674 given to those individuals having a documented medical condition
 1675 that would prohibit the device from functioning normally. An
 1676 interlock device shall be placed on all vehicles that are
 1677 individually or jointly leased or owned and routinely operated
 1678 by the convicted person.

1679 (2) For purposes of this section, any conviction for a
 1680 violation of s. 316.193, a previous conviction for a violation

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1681 of former s. 316.1931, or a conviction outside this state for
 1682 driving while impaired, driving under the influence, driving
 1683 while intoxicated, driving with an unlawful alcohol
 1684 concentration, driving with an unlawful blood-alcohol level, or
 1685 any other similar alcohol-related or drug-related traffic
 1686 offense is a conviction of driving while impaired ~~under the~~
 1687 ~~influence~~.

1688 (3) If the person is convicted of:

1689 (a) A first offense of driving while impaired ~~under the~~
 1690 ~~influence~~ under s. 316.193 and has an unlawful alcohol
 1691 concentration ~~blood-alcohol level or breath-alcohol level~~ as
 1692 specified in s. 316.193(4), or if a person is convicted of a
 1693 violation of s. 316.193 and was at the time of the offense
 1694 accompanied in the vehicle by a person younger than 18 years of
 1695 age, the person shall have the ignition interlock device
 1696 installed for at least ~~not less than~~ 6 continuous months for the
 1697 first offense and for at least ~~not less than~~ 2 continuous years
 1698 for a second offense.

1699 (b) A second offense of driving while impaired or under
 1700 the influence, the ignition interlock device shall be installed
 1701 for at least ~~a period of not less than~~ 1 continuous year.

1702 (c) A third offense of driving while impaired or under the
 1703 influence which occurs within 10 years after a prior conviction
 1704 for a violation of s. 316.193, the ignition interlock device
 1705 shall be installed for at least ~~a period of not less than~~ 2
 1706 continuous years.

1707 (d) A third offense of driving while impaired or under the
 1708 influence which occurs more than 10 years after the date of a

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1709 prior conviction, the ignition interlock device shall be
 1710 installed for at least ~~a period of not less than~~ 2 continuous
 1711 years.

1712 (e) A fourth or subsequent offense of driving while
 1713 impaired or under the influence, the ignition interlock device
 1714 shall be installed for at least ~~a period of not less than~~ 5
 1715 years.

1716 (4) If the court fails to order the mandatory placement of
 1717 the ignition interlock device or fails to order for the
 1718 applicable period the mandatory placement of an ignition
 1719 interlock device under s. 316.193 or s. 316.1937 at the time of
 1720 imposing sentence or within 30 days thereafter, the department
 1721 shall immediately require that the ignition interlock device be
 1722 installed as provided in this section, except that consideration
 1723 may be given to those individuals having a documented medical
 1724 condition that would prohibit the device from functioning
 1725 normally. This subsection applies to the reinstatement of the
 1726 driving privilege following a revocation, suspension, or
 1727 cancellation that is based upon a conviction for the offense of
 1728 driving while impaired or under the influence which occurs on or
 1729 after July 1, 2005.

1730 (5) In addition to any fee ~~fees~~ authorized by rule for the
 1731 installation and maintenance of the ignition interlock device,
 1732 the authorized installer of the device shall collect and remit
 1733 \$12 for each installation to the department, which shall be
 1734 deposited into the Highway Safety Operating Trust Fund to be
 1735 used for the operation of the Ignition Interlock Device Program.

1736 Section 26. Subsection (1) and paragraphs (a), (c), and

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1737 (e) of subsection (2) of section 322.28, Florida Statutes, are
 1738 amended to read:

1739 322.28 Period of suspension or revocation.—

1740 (1) Unless otherwise provided by this section, the
 1741 department may ~~shall~~ not suspend a license for a period of more
 1742 than 1 year and, upon revoking a license, in any case except in
 1743 a prosecution for the offense of driving a motor vehicle while
 1744 impaired by an ~~under the influence of~~ alcoholic beverage
 1745 ~~beverages,~~ a chemical substance ~~substances~~ as set forth in s.
 1746 877.111, or a controlled substance ~~substances,~~ may ~~shall~~ not in
 1747 any event grant a new license until the expiration of 1 year
 1748 after such revocation.

1749 (2) In a prosecution for a violation of s. 316.193 or
 1750 former s. 316.1931, the following provisions apply:

1751 (a) Upon conviction of the driver, the court, along with
 1752 imposing sentence, shall revoke the driver ~~driver's~~ license or
 1753 driving privilege of the person so convicted, effective on the
 1754 date of conviction, and shall prescribe the period of ~~such~~
 1755 revocation in accordance with the following provisions:

1756 1. Upon a first conviction for a violation of the
 1757 provisions of s. 316.193, except a violation resulting in death,
 1758 the driver ~~driver's~~ license or driving privilege shall be
 1759 revoked for not less than 180 days and not ~~or~~ more than 1 year.

1760 2. Upon a second conviction for an offense that occurs
 1761 within ~~a period of~~ 5 years after ~~the date of~~ a prior conviction
 1762 for a violation ~~of the provisions~~ of s. 316.193 or former s.
 1763 316.1931 or a combination of these ~~such~~ sections, the driver
 1764 ~~driver's~~ license or driving privilege shall be revoked for not

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1765 less than 5 years.

1766 3. Upon a third conviction for an offense that occurs
 1767 within ~~a period of~~ 10 years after ~~the date of~~ a prior conviction
 1768 for the violation ~~of the provisions~~ of s. 316.193 or former s.
 1769 316.1931 or a combination of these ~~such~~ sections, the driver
 1770 ~~driver's~~ license or driving privilege shall be revoked for not
 1771 less than 10 years.

1772
 1773 For the purposes of this paragraph, a previous conviction
 1774 outside this state for driving under the influence, driving
 1775 while impaired, driving while intoxicated, driving with an
 1776 unlawful alcohol concentration, driving with an unlawful blood-
 1777 alcohol level, or any other alcohol-related or drug-related
 1778 traffic offense similar to the offense of driving while impaired
 1779 ~~under the influence~~ as proscribed by s. 316.193 is ~~will be~~
 1780 considered a previous conviction for violation of s. 316.193,
 1781 and a conviction for violation of former s. 316.028, former s.
 1782 316.1931, or former s. 860.01 is considered a conviction for
 1783 violation of s. 316.193.

1784 (c) The forfeiture of bail bond, not vacated within 20
 1785 days, in any prosecution for the offense of driving while
 1786 impaired by an ~~under the influence of~~ alcoholic beverage
 1787 ~~beverages~~, a chemical substance ~~substances~~, or a controlled
 1788 substance ~~substances~~ to the extent of depriving the defendant of
 1789 his or her abilities ~~normal faculties~~ shall be deemed equivalent
 1790 to a conviction for the purposes of this paragraph, and the
 1791 department shall immediately ~~forthwith~~ revoke the defendant's
 1792 driver ~~driver's~~ license or driving privilege for the maximum

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1793 period applicable under paragraph (a) for a first conviction and
 1794 for the minimum period applicable under paragraph (a) for a
 1795 second or subsequent conviction; however, if the defendant is
 1796 later convicted of the charge, the period of revocation imposed
 1797 by the department for such conviction may ~~shall~~ not exceed the
 1798 difference between the applicable maximum for a first conviction
 1799 or minimum for a second or subsequent conviction and the
 1800 revocation period under this subsection that has actually
 1801 elapsed. ~~†~~ Upon conviction of such charge, the court may impose
 1802 revocation for a period ~~of time as~~ specified in paragraph (a).
 1803 This paragraph does not apply if an appropriate motion
 1804 contesting the forfeiture is filed within the 20-day period.

1805 (e) The court shall permanently revoke the driver ~~driver's~~
 1806 license or driving privilege of a person who has been convicted
 1807 four times for violation of s. 316.193 or former s. 316.1931 or
 1808 a combination of these ~~such~~ sections. The court shall
 1809 permanently revoke the driver ~~driver's~~ license or driving
 1810 privilege of a ~~any~~ person who has been convicted of DUI
 1811 manslaughter in violation of s. 316.193. If the court has not
 1812 permanently revoked the driver ~~such driver's~~ license or driving
 1813 privilege within 30 days after imposing sentence, the department
 1814 shall permanently revoke the driver ~~driver's~~ license or driving
 1815 privilege pursuant to this paragraph. The person may not be
 1816 issued or granted a driver ~~No driver's~~ license or driving
 1817 privilege ~~may be issued or granted to any such person~~. This
 1818 paragraph applies only if at least one of the convictions for
 1819 violation of s. 316.193 or former s. 316.1931 was for a
 1820 violation that occurred after July 1, 1982. For the purposes of

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1821 this paragraph, a conviction for violation of former s. 316.028,
 1822 former s. 316.1931, or former s. 860.01 is also considered a
 1823 conviction for violation of s. 316.193. ~~Also,~~ A conviction of
 1824 driving under the influence, driving while intoxicated, driving
 1825 while impaired, driving with an unlawful alcohol concentration,
 1826 driving with an unlawful blood-alcohol level, or any other
 1827 similar alcohol-related or drug-related traffic offense outside
 1828 this state is also considered a conviction for the purposes of
 1829 this paragraph.

1830 Section 27. Section 322.291, Florida Statutes, is amended
 1831 to read:

1832 322.291 Driver improvement schools or DUI programs;
 1833 required in certain suspension and revocation cases.—Except as
 1834 provided in s. 322.03(2), a ~~any~~ person:

1835 (1) Whose driving privilege has been revoked:

1836 (a) Upon conviction for:

1837 1. Driving, or being in actual physical control of, a ~~any~~
 1838 vehicle while impaired by an ~~under the influence of~~ alcoholic
 1839 beverage ~~beverages~~, a ~~any~~ chemical substance set forth in s.
 1840 877.111, or a ~~any~~ substance controlled under chapter 893, in
 1841 violation of s. 316.193;

1842 2. Driving with an unlawful alcohol concentration ~~blood-~~
 1843 ~~or breath-alcohol level~~;

1844 3. Manslaughter resulting from the operation of a motor
 1845 vehicle;

1846 4. Failure to stop and render aid as required under the
 1847 laws of this state in the event of a motor vehicle crash
 1848 resulting in the death or personal injury of another; or

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1849 | 5. Reckless driving; ~~or~~
 1850 | (b) As a habitual offender; or
 1851 | (c) Upon direction of the court, if the court feels that
 1852 | the seriousness of the offense and the circumstances surrounding
 1853 | the conviction warrant the revocation of the licensee's driving
 1854 | privilege; or
 1855 | (2) Whose license was suspended under the point system,
 1856 | was suspended for driving with an unlawful blood-alcohol level
 1857 | of 0.10 percent or higher before January 1, 1994, was suspended
 1858 | for driving with an unlawful blood-alcohol level of 0.08 percent
 1859 | or higher after December 31, 1993, was suspended for a violation
 1860 | of s. 316.193(1), or was suspended for refusing to submit to a
 1861 | lawful breath, blood, or urine test as provided in s. 322.2615
 1862 |
 1863 | shall, before the driving privilege may be reinstated, present
 1864 | to the department proof of enrollment in an advanced driver-
 1865 | improvement course that is approved by the department and a
 1866 | ~~department-approved advanced driver improvement course~~ operating
 1867 | pursuant to s. 318.1451 or a substance abuse education course
 1868 | conducted by a DUI program licensed pursuant to s. 322.292,
 1869 | which must ~~shall~~ include a psychosocial evaluation and
 1870 | treatment, if referred. Additionally, for a third or subsequent
 1871 | violation of requirements for installation of an ignition
 1872 | interlock device, a person must complete treatment as determined
 1873 | by a licensed treatment agency following a referral by a DUI
 1874 | program and have the duration of the ignition interlock device
 1875 | requirement extended by at least 1 month up to the time ~~period~~
 1876 | required to complete treatment. If the person fails to complete

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1877 such course or evaluation within 90 days after reinstatement, or
 1878 subsequently fails to complete treatment, if referred, the DUI
 1879 program shall notify the department of the failure. Upon receipt
 1880 of the notice, the department shall cancel the person's
 1881 ~~offender's~~ driving privilege, notwithstanding the expiration of
 1882 the suspension or revocation of the driving privilege. The
 1883 department may temporarily reinstate the driving privilege upon
 1884 verification from the DUI program that the person ~~offender~~ has
 1885 completed the education course and evaluation requirement and
 1886 has reentered and is currently participating in treatment. If
 1887 the DUI program notifies the department of the second failure to
 1888 complete treatment, the department shall reinstate the driving
 1889 privilege only after notice of completion of treatment from the
 1890 DUI program.

1891 Section 28. Paragraph (a) of subsection (9) of section
 1892 322.34, Florida Statutes, is amended to read:

1893 322.34 Driving while license suspended, revoked, canceled,
 1894 or disqualified.—

1895 (9) (a) A motor vehicle that is driven by a person who is
 1896 impaired by ~~under the influence of~~ alcohol or a controlled
 1897 substance ~~drugs~~ in violation of s. 316.193 is subject to seizure
 1898 and forfeiture under ss. 932.701-932.706 and is subject to liens
 1899 for recovering, towing, or storing vehicles under s. 713.78 if,
 1900 at the time of the offense, the person's driver ~~driver's~~ license
 1901 is suspended, revoked, or canceled as a result of a prior
 1902 conviction for driving under the influence or driving while
 1903 impaired.

1904 Section 29. Subsection (3) of section 322.61, Florida

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1905 Statutes, is amended to read:

1906 322.61 Disqualification from operating a commercial motor
1907 vehicle.—

1908 (3) (a) Except as provided in subsection (4), any person
1909 who is convicted of one of the offenses listed in paragraph (b)
1910 while operating a commercial motor vehicle shall, in addition to
1911 any other applicable penalties, be disqualified from operating a
1912 commercial motor vehicle for a period of 1 year.

1913 (b) Except as provided in subsection (4), any holder of a
1914 commercial driver license who is convicted of one of the
1915 offenses listed in this paragraph while operating a
1916 noncommercial motor vehicle shall, in addition to any other
1917 applicable penalties, be disqualified from operating a
1918 commercial motor vehicle for a period of 1 year:

1919 1. Driving a motor vehicle while he or she is impaired by
1920 ~~under the influence of~~ alcohol or a controlled substance;

1921 2. Driving a commercial motor vehicle while the alcohol
1922 concentration of his or her blood, breath, or urine is .04
1923 ~~percent~~ or higher;

1924 3. Leaving the scene of a crash involving a motor vehicle
1925 driven by such person;

1926 4. Using a motor vehicle in the commission of a felony;

1927 5. Driving a commercial motor vehicle while in possession
1928 of a controlled substance;

1929 6. Refusing to submit to a test to determine his or her
1930 alcohol concentration while driving a motor vehicle;

1931 7. Driving a commercial vehicle while the licenseholder's
1932 commercial driver license is suspended, revoked, or canceled or

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1933 while the licenseholder is disqualified from driving a
 1934 commercial vehicle; or

1935 8. Causing a fatality through the negligent operation of a
 1936 commercial motor vehicle.

1937 Section 30. Section 322.62, Florida Statutes, is amended
 1938 to read:

1939 322.62 Driving while impaired ~~under the influence~~;
 1940 commercial motor vehicle operators.—

1941 (1) A person who has ~~any~~ alcohol in his or her body may
 1942 not drive or be in actual physical control of a commercial motor
 1943 vehicle in this state. A ~~Any~~ person who violates this section
 1944 commits is guilty of a moving violation, punishable as provided
 1945 in s. 318.18.

1946 (2) (a) In addition to the penalty provided in subsection
 1947 (1), a person who violates this section shall be immediately
 1948 placed out of service ~~out-of-service immediately~~ for a period of
 1949 24 hours.

1950 (b) In addition to the penalty provided in subsection (1),
 1951 a person who violates this section and who has an alcohol
 1952 concentration ~~a blood-alcohol level~~ of 0.04 or more grams of
 1953 alcohol per 100 milliliters of blood, ~~or a breath-alcohol level~~
 1954 ~~of~~ 0.04 or more grams of alcohol per 210 liters of breath is
 1955 subject to the penalty provided in s. 322.61.

1956 (3) This section does not supersede s. 316.193. ~~Nothing in~~
 1957 This section does not prohibit ~~prohibits~~ the prosecution of a
 1958 person who drives a commercial motor vehicle for driving while
 1959 impaired by ~~under the influence of~~ alcohol or a controlled
 1960 substance, regardless of substances whether the ~~or not such~~

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1961 person is also prosecuted for a violation of this section.

1962 Section 31. Subsection (3) of section 322.63, Florida
 1963 Statutes, is amended to read:

1964 322.63 Alcohol or drug testing; commercial motor vehicle
 1965 operators.—

1966 (3) (a) The breath and blood alcohol tests authorized in
 1967 this section shall be administered substantially in accordance
 1968 with rules adopted by the Department of Law Enforcement.

1969 (b) The Alcohol Testing Program within the Department of
 1970 Law Enforcement is responsible for the regulation of the
 1971 operation, inspection, and registration of breath test
 1972 instruments that are used ~~utilized~~ under the provisions relating
 1973 to driving and boating while impaired ~~under the influence~~
 1974 ~~provisions and related provisions located~~ in this chapter and
 1975 chapters 316 and 327. The program is responsible for the
 1976 regulation of the individuals who operate, inspect, and instruct
 1977 on the breath test instruments that are used ~~under utilized in~~
 1978 the provisions relating to driving and boating while impaired
 1979 ~~under the influence provisions and related provisions located~~ in
 1980 this chapter and chapters 316 and 327. The program is further
 1981 responsible for the regulation of blood analysts who conduct
 1982 blood alcohol testing that is used ~~to be utilized~~ under such
 1983 provisions ~~the driving and boating under the influence~~
 1984 ~~provisions and related provisions located in this chapter and~~
 1985 ~~chapters 316 and 327~~. The program shall:

1986 1. Establish uniform criteria for the issuance of permits
 1987 to breath test operators, agency inspectors, instructors, blood
 1988 analysts, and instruments.

- 1989 2. Have the authority to issue permits for ~~permit~~ breath
 1990 test operators, agency inspectors, instructors, blood analysts,
 1991 and instruments.
- 1992 3. Have the authority to discipline and suspend, revoke,
 1993 or renew the permits of breath test operators, agency
 1994 inspectors, instructors, blood analysts, and instruments.
- 1995 4. Establish uniform requirements for instruction and
 1996 curricula for the operation and inspection of approved
 1997 instruments.
- 1998 5. Have the authority to specify one approved curriculum
 1999 for the operation and inspection of approved instruments.
- 2000 6. Establish a procedure for the approval of breath test
 2001 operator and agency inspector classes.
- 2002 7. Have the authority to approve or disapprove breath test
 2003 instruments and accompanying paraphernalia for use pursuant to
 2004 the provisions relating to driving and boating while impaired
 2005 ~~under the influence provisions and related provisions located in~~
 2006 this chapter and chapters 316 and 327.
- 2007 8. With the approval of the executive director of the
 2008 Department of Law Enforcement, make and enter into contracts and
 2009 agreements with other agencies, organizations, associations,
 2010 corporations, individuals, or federal agencies as are necessary,
 2011 expedient, or incidental to the performance of duties.
- 2012 9. Issue final orders that ~~which~~ include findings of fact
 2013 and conclusions of law and that ~~which~~ constitute final agency
 2014 action for the purpose of chapter 120.
- 2015 10. Enforce compliance with ~~the provisions of~~ this section
 2016 through civil or administrative proceedings.

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2017 11. Make recommendations concerning any matter within the
 2018 purview of this section, this chapter, chapter 316, or chapter
 2019 327.

2020 12. Adopt ~~Promulgate~~ rules for the administration and
 2021 implementation of this section, including definitions of terms.

2022 13. Consult and cooperate with other entities for the
 2023 purpose of implementing the mandates of this section.

2024 14. Have the authority to approve the breath and ~~type of~~
 2025 blood alcohol test to be used ~~utilized~~ under the provisions
 2026 relating to driving and boating while impaired ~~under the~~
 2027 ~~influence provisions and related provisions located in this~~
 2028 chapter and chapters 316 and 327.

2029 15. Have the authority to approve ~~specify techniques and~~
 2030 methods and procedures for breath ~~alcohol testing~~ and blood
 2031 alcohol testing to be used ~~utilized~~ under the provisions
 2032 relating to driving and boating while impaired ~~under the~~
 2033 ~~influence provisions and related provisions located in this~~
 2034 chapter and chapters 316 and 327.

2035 16. Have the authority to approve repair facilities for
 2036 the approved breath test instruments, including the authority to
 2037 set criteria for approval.

2038
 2039 ~~Nothing in~~ This section does not ~~shall be construed to~~ supersede
 2040 provisions in this chapter and chapters 316 and 327. The
 2041 specifications in this section are derived from the power and
 2042 authority previously and currently possessed by the Department
 2043 of Law Enforcement and are enumerated to conform with the
 2044 mandates of chapter 99-379, Laws of Florida.

2045 (c) Any insubstantial difference ~~differences~~ between
 2046 approved methods and procedures ~~techniques~~ and actual testing
 2047 methods and procedures in an ~~any~~ individual case does not render
 2048 the test or tests results invalid.

2049 (d) Notwithstanding any other provision of this section,
 2050 the failure of a law enforcement officer to request the
 2051 withdrawal of blood does ~~shall~~ not affect the admissibility of a
 2052 test of blood withdrawn for medical purposes.

2053 Section 32. Section 324.023, Florida Statutes, is amended
 2054 to read:

2055 324.023 Financial responsibility for bodily injury or
 2056 death.—In addition to any other financial responsibility
 2057 required by law, every owner or operator of a motor vehicle that
 2058 is required to be registered in this state, or that is located
 2059 within this state, and who, regardless of adjudication of guilt,
 2060 has been found guilty of or entered a plea of guilty or nolo
 2061 contendere to a charge of driving while impaired or under the
 2062 influence under s. 316.193 after October 1, 2007, shall, by one
 2063 of the methods established in s. 324.031(1), (2), or (3),
 2064 establish and maintain the ability to respond in damages for
 2065 liability on account of accidents arising out of the use of a
 2066 motor vehicle in the amount of \$100,000 because of bodily injury
 2067 to, or death of, one person in any one crash and, subject to
 2068 such limits for one person, in the amount of \$300,000 because of
 2069 bodily injury to, or death of, two or more persons in any one
 2070 crash and in the amount of \$50,000 because of property damage in
 2071 any one crash. If the owner or operator chooses to establish and
 2072 maintain such ability by posting a bond or furnishing a

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2073 certificate of deposit pursuant to s. 324.031(2) or (3), the
 2074 ~~such~~ bond or certificate of deposit must be in an amount of at
 2075 least ~~not less than~~ \$350,000. Such higher limits must be carried
 2076 for a minimum period of 3 years. If the owner or operator has
 2077 not been convicted of driving while impaired ~~under the influence~~
 2078 or of a felony traffic offense for a period of 3 years after
 2079 ~~from~~ the date of reinstatement of driving privileges for a
 2080 violation of s. 316.193, the owner or operator is ~~shall be~~
 2081 exempt from this section.

2082 Section 33. Subsection (1) and paragraph (a) of subsection
 2083 (8) of section 327.35, Florida Statutes, is amended to read:

2084 327.35 Boating while impaired ~~under the influence;~~
 2085 penalties; "designated drivers".-

2086 (1) A person commits ~~is guilty of~~ the offense of boating
 2087 while impaired ~~under the influence~~ and is subject to punishment
 2088 as provided in subsection (2) if the person is operating a
 2089 vessel within this state and:

2090 (a) The person is impaired by ~~under the influence of~~
 2091 alcoholic beverages, any chemical substance set forth in s.
 2092 877.111, or any substance controlled under chapter 893, ~~when~~
 2093 ~~affected to the extent that the person's normal faculties are~~
 2094 ~~impaired;~~

2095 (b) The person has a blood-alcohol concentration level of
 2096 0.08 or more grams of alcohol per 100 milliliters of blood; or

2097 (c) The person has a breath-alcohol concentration level of
 2098 0.08 or more grams of alcohol per 210 liters of breath.

2099 (8) A person who is arrested for a violation of this
 2100 section may not be released from custody:

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2101 (a) Until the person is no longer impaired by ~~under the~~
 2102 ~~influence of~~ alcoholic beverages, any chemical substance set
 2103 forth in s. 877.111, or any substance controlled under chapter
 2104 893 ~~and affected to the extent that his or her normal faculties~~
 2105 ~~are impaired;~~

2106 Section 34. Paragraphs (a), (c), and (d) of subsection (1)
 2107 of section 327.352, Florida Statutes, are amended to read:

2108 327.352 Tests for alcohol, chemical substances, or
 2109 controlled substances; implied consent; refusal.-

2110 (1)(a)1. The Legislature declares that the operation of a
 2111 vessel is a privilege that must be exercised in a reasonable
 2112 manner. In order to protect the public health and safety, it is
 2113 essential that a lawful and effective means of reducing the
 2114 incidence of boating while impaired or intoxicated be
 2115 established. Therefore, any person who accepts the privilege
 2116 extended by the laws of this state of operating a vessel within
 2117 this state is, by so operating such vessel, deemed to have given
 2118 his or her consent to submit to an approved chemical test or
 2119 physical test including, but not limited to, an infrared light
 2120 test of his or her breath to determine ~~for the purpose of~~
 2121 ~~determining~~ the alcohol concentration ~~alcoholic content~~ of his
 2122 or her blood or breath if the person is lawfully arrested for
 2123 any offense allegedly committed while the person was operating a
 2124 vessel while impaired by ~~under the influence of~~ alcoholic
 2125 beverages. The chemical or physical breath test must be
 2126 incidental to a lawful arrest and administered at the request of
 2127 a law enforcement officer who has reasonable cause to believe
 2128 such person was operating the vessel within this state while

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2129 impaired by ~~under the influence of~~ alcoholic beverages. The
 2130 administration of a breath test does not preclude the
 2131 administration of another type of test. The person shall be told
 2132 that his or her failure to submit to any lawful test of his or
 2133 her breath will result in a civil penalty of \$500, and shall
 2134 also be told that if he or she refuses to submit to a lawful
 2135 test of his or her breath and he or she has been previously
 2136 fined for refusal to submit to any lawful test of his or her
 2137 breath, urine, or blood, he or she commits a misdemeanor in
 2138 addition to any other penalties. The refusal to submit to a
 2139 chemical or physical breath test upon the request of a law
 2140 enforcement officer as provided in this section is admissible
 2141 into evidence in any criminal proceeding.

2142 2. Any person who accepts the privilege extended by the
 2143 laws of this state of operating a vessel within this state is,
 2144 by so operating such vessel, deemed to have given his or her
 2145 consent to submit to a urine test to detect ~~for the purpose of~~
 2146 ~~detecting~~ the presence of chemical substances as set forth in s.
 2147 877.111 or controlled substances if the person is lawfully
 2148 arrested for any offense allegedly committed while the person
 2149 was operating a vessel while impaired by ~~under the influence of~~
 2150 chemical substances or controlled substances. The urine test
 2151 must be incidental to a lawful arrest and administered at a
 2152 detention facility or any other facility, mobile or otherwise,
 2153 which is equipped to administer such tests at the request of a
 2154 law enforcement officer who has reasonable cause to believe such
 2155 person was operating a vessel within this state while impaired
 2156 by ~~under the influence of~~ chemical substances or controlled

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2157 substances. The urine test shall be administered at a detention
 2158 facility or any other facility, mobile or otherwise, which is
 2159 equipped to administer such test in a reasonable manner that
 2160 will ensure the accuracy of the specimen and maintain the
 2161 privacy of the individual involved. The administration of a
 2162 urine test does not preclude the administration of another type
 2163 of test. The person shall be told that his or her failure to
 2164 submit to any lawful test of his or her urine will result in a
 2165 civil penalty of \$500, and shall also be told that if he or she
 2166 refuses to submit to a lawful test of his or her urine and he or
 2167 she has been previously fined for refusal to submit to any
 2168 lawful test of his or her breath, urine, or blood, he or she
 2169 commits a misdemeanor in addition to any other penalties. The
 2170 refusal to submit to a urine test upon the request of a law
 2171 enforcement officer as provided in this section is admissible
 2172 into evidence in any criminal proceeding.

2173 (c) Any person who accepts the privilege extended by the
 2174 laws of this state of operating a vessel within this state is,
 2175 by operating such vessel, deemed to have given his or her
 2176 consent to submit to an approved blood test to determine ~~for the~~
 2177 ~~purpose of determining~~ the alcohol concentration ~~alcoholic~~
 2178 ~~content~~ of the blood or a blood test to determine ~~for the~~
 2179 ~~purpose of determining~~ the presence of chemical substances or
 2180 controlled substances as provided in this section if there is
 2181 reasonable cause to believe the person was operating a vessel
 2182 while impaired by ~~under the influence of~~ alcoholic beverages or
 2183 chemical or controlled substances and the person appears for
 2184 treatment at a hospital, clinic, or other medical facility and

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2185 the administration of a breath or urine test is impractical or
 2186 impossible. As used in this paragraph, the term "other medical
 2187 facility" includes an ambulance or other medical emergency
 2188 vehicle. The blood test shall be performed in a reasonable
 2189 manner. Any person who is incapable of refusal by reason of
 2190 unconsciousness or other mental or physical condition is deemed
 2191 not to have withdrawn his or her consent to such test. Any
 2192 person who is capable of refusal shall be told that his or her
 2193 failure to submit to such a blood test will result in a civil
 2194 penalty of \$500 and that a refusal to submit to a lawful test of
 2195 his or her blood, if he or she has previously been fined for
 2196 refusal to submit to any lawful test of his or her breath,
 2197 urine, or blood, is a misdemeanor. The refusal to submit to a
 2198 blood test upon the request of a law enforcement officer shall
 2199 be admissible in evidence in any criminal proceeding.

2200 (d) If the arresting officer does not request a chemical
 2201 or physical breath test of the person arrested for any offense
 2202 allegedly committed while the person was operating a vessel
 2203 while impaired by ~~under the influence of~~ alcoholic beverages or
 2204 controlled substances, the person may request the arresting
 2205 officer to have a chemical or physical test made of the arrested
 2206 person's breath or a test of the urine or blood to determine ~~for~~
 2207 ~~the purpose of determining~~ the alcohol concentration ~~alcoholic~~
 2208 ~~content~~ of the person's blood or breath or the presence of
 2209 chemical substances or controlled substances; and, if so
 2210 requested, the arresting officer shall have the test performed.

2211 Section 35. Paragraph (a) of subsection (1) of section
 2212 327.353, Florida Statutes, is amended to read:

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2213 327.353 Blood test for impairment ~~or intoxication~~ in cases
 2214 of death or serious bodily injury; right to use reasonable
 2215 force.-

2216 (1) (a) If a law enforcement officer has probable cause to
 2217 believe that a vessel operated by a person impaired by ~~under the~~
 2218 ~~influence of~~ alcoholic beverages, any chemical substances, or
 2219 any controlled substances has caused the death or serious bodily
 2220 injury of a human being, a law enforcement officer shall require
 2221 the person operating ~~or in actual physical control of~~ the vessel
 2222 to submit to a test of the person's blood to determine ~~for the~~
 2223 ~~purpose of determining~~ the alcohol concentration ~~alcoholic~~
 2224 ~~content~~ thereof or the presence of chemical substances as set
 2225 forth in s. 877.111 or any substance controlled under chapter
 2226 893. The law enforcement officer may use reasonable force if
 2227 necessary to require the person to submit to the administration
 2228 of the blood test. The blood test shall be performed in a
 2229 reasonable manner. Notwithstanding s. 327.352, the testing
 2230 required by this paragraph need not be incidental to a lawful
 2231 arrest of the person.

2232 Section 36. Subsections (1) and (2) of section 327.354,
 2233 Florida Statutes, are amended to read:

2234 327.354 Presumption of impairment; testing methods.-

2235 (1) It is unlawful and punishable as provided in s. 327.35
 2236 for any person who is impaired by ~~under the influence of~~
 2237 alcoholic beverages or controlled substances, ~~when affected to~~
 2238 ~~the extent that the person's normal faculties are impaired or to~~
 2239 ~~the extent that the person is deprived of full possession of~~
 2240 ~~normal faculties,~~ to operate any vessel within this state. Such

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2241 ~~normal faculties include, but are not limited to, the ability to~~
 2242 ~~see, hear, walk, talk, judge distances, drive an automobile,~~
 2243 ~~make judgments, act in emergencies, and, in general, normally~~
 2244 ~~perform the many mental and physical acts of daily life.~~

2245 (2) At the trial of any civil or criminal action or
 2246 proceeding arising out of acts alleged to have been committed by
 2247 any person while operating a vessel while impaired by ~~under the~~
 2248 ~~influence of~~ alcoholic beverages or controlled substances, ~~when~~
 2249 ~~affected to the extent that the person's normal faculties were~~
 2250 ~~impaired or to the extent that he or she was deprived of full~~
 2251 ~~possession of his or her normal faculties,~~ the results of any
 2252 test administered in accordance with s. 327.352 or s. 327.353
 2253 and this section are admissible into evidence when otherwise
 2254 admissible, and the amount of alcohol in the person's blood or
 2255 breath at the time alleged, as shown by chemical analysis of the
 2256 person's blood, or by chemical or physical test of the person's
 2257 breath, gives rise to the following presumptions:

2258 (a) If there was at that time a blood-alcohol
 2259 concentration level ~~or breath-alcohol concentration level~~ of
 2260 0.05 or less, it is presumed that the person was not impaired by
 2261 ~~under the influence of alcoholic beverages to the extent that~~
 2262 ~~his or her normal faculties were impaired.~~

2263 (b) If there was at that time a blood-alcohol
 2264 concentration level ~~or breath-alcohol concentration level~~ in
 2265 excess of 0.05 but less than 0.08, that fact does not give rise
 2266 to any presumption that the person was or was not impaired by
 2267 ~~under the influence of alcoholic beverages to the extent that~~
 2268 ~~his or her normal faculties were impaired~~ but may be considered

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2269 with other competent evidence in determining whether the person
 2270 was impaired by ~~under the influence of~~ alcoholic beverages ~~to~~
 2271 ~~the extent that his or her normal faculties were impaired.~~

2272 (c) If there was at that time a blood-alcohol
 2273 concentration level or breath-alcohol concentration level of
 2274 0.08 or higher, that fact is prima facie evidence that the
 2275 person was impaired by ~~under the influence of~~ alcoholic
 2276 beverages ~~to the extent that his or her normal faculties were~~
 2277 ~~impaired.~~ Any person who operates a vessel and who has a blood-
 2278 alcohol concentration level or breath-alcohol concentration
 2279 level of 0.08 or higher commits the offense ~~is guilty of~~
 2280 operating a vessel with an unlawful blood-alcohol concentration
 2281 level or breath-alcohol concentration level.

2282
 2283 The presumptions provided in this subsection do not limit the
 2284 introduction of any other competent evidence bearing upon the
 2285 question of whether the person was impaired by ~~under the~~
 2286 ~~influence of~~ alcoholic beverages ~~to the extent that his or her~~
 2287 ~~normal faculties were impaired.~~

2288 Section 37. Subsection (1) of section 327.355, Florida
 2289 Statutes, is amended to read:

2290 327.355 Operation of vessels by persons under 21 years of
 2291 age who have consumed alcoholic beverages.—

2292 (1) (a) Notwithstanding s. 327.35, it is unlawful for a
 2293 person under the age of 21 who has a breath-alcohol
 2294 concentration level of 0.02 or higher to operate ~~or be in actual~~
 2295 ~~physical control of~~ a vessel.

2296 (b) A law enforcement officer who has probable cause to

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2297 | believe that a vessel is being operated by ~~or is in the actual~~
 2298 | ~~physical control~~ of a person who is under the age of 21 while
 2299 | impaired by ~~under the influence of~~ alcoholic beverages or who
 2300 | has any breath-alcohol concentration level ~~level~~ may lawfully detain
 2301 | such a person and may request that person to submit to a test to
 2302 | determine his or her breath-alcohol concentration level. If the
 2303 | person under the age of 21 refuses to submit to such testing,
 2304 | the law enforcement officer shall warn the person that failure
 2305 | to submit to the breath test will result in the required
 2306 | performance of 50 hours of public service and that his or her
 2307 | vessel operating privilege will be suspended until the public
 2308 | service is performed. Failure or refusal to submit to a breath
 2309 | test after this warning is a violation of this section.

2310 | Section 38. Subsection (1) of section 327.359, Florida
 2311 | Statutes, is amended to read:

2312 | 327.359 Refusal to submit to testing; penalties.—Any
 2313 | person who has refused to submit to a chemical or physical test
 2314 | of his or her breath, blood, or urine, as described in s.
 2315 | 327.352, and who has been previously fined for refusal to submit
 2316 | to a lawful test of his or her breath, urine, or blood, and:

2317 | (1) Who the arresting law enforcement officer had probable
 2318 | cause to believe was operating ~~or in actual physical control of~~
 2319 | a vessel in this state while impaired by ~~under the influence of~~
 2320 | alcoholic beverages, chemical substances, or controlled
 2321 | substances;

2322 |
 2323 | commits a misdemeanor of the first degree and is subject to
 2324 | punishment as provided in s. 775.082 or s. 775.083.

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2325 Section 39. Section 327.38, Florida Statutes, is amended
 2326 to read:

2327 327.38 Skiing prohibited while intoxicated or under
 2328 influence of drugs.—A ~~No~~ person may not ~~shall~~ manipulate any
 2329 water skis, aquaplane, or similar device from a vessel while
 2330 intoxicated or impaired by ~~under the influence of~~ any narcotic
 2331 drug, barbiturate, or marihuana, ~~to the extent that the person's~~
 2332 ~~normal faculties are impaired.~~

2333 Section 40. Subsection (1) of section 327.391, Florida
 2334 Statutes, is amended to read:

2335 327.391 Airboats regulated.—

2336 (1) The exhaust of every internal combustion engine used
 2337 on any airboat operated on the waters of this state shall be
 2338 provided with an automotive-style factory muffler, underwater
 2339 exhaust, or other manufactured device capable of adequately
 2340 muffling the sound of the exhaust of the engine as described in
 2341 s. 327.02~~(24)~~. The use of cutouts or flex pipe as the sole
 2342 source of muffling is prohibited, except as provided in
 2343 subsection (4). Any person who violates this subsection commits
 2344 a noncriminal infraction punishable as provided in s. 327.73(1).

2345 Section 41. Subsection (4) of section 328.17, Florida
 2346 Statutes, is amended to read:

2347 328.17 Nonjudicial sale of vessels.—

2348 (4) A marina, as defined in s. 327.02~~(20)~~, shall have:

2349 (a) A possessory lien upon any vessel for storage fees,
 2350 dockage fees, repairs, improvements, or other work-related
 2351 storage charges, and for expenses necessary for preservation of
 2352 the vessel or expenses reasonably incurred in the sale or other

2353 disposition of the vessel. The possessory lien shall attach as
 2354 of the date the vessel is brought to the marina or as of the
 2355 date the vessel first occupies rental space at the marina
 2356 facility.

2357 (b) A possessory lien upon any vessel in a wrecked,
 2358 junked, or substantially dismantled condition, which has been
 2359 left abandoned at a marina, for expenses reasonably incurred in
 2360 the removal and disposal of the vessel. The possessory lien
 2361 shall attach as of the date the vessel arrives at the marina or
 2362 as of the date the vessel first occupies rental space at the
 2363 marina facility. If the funds recovered from the sale of the
 2364 vessel, or from the scrap or salvage value of the vessel, are
 2365 insufficient to cover the expenses reasonably incurred by the
 2366 marina in removing and disposing of the vessel, all costs in
 2367 excess of recovery shall be recoverable against the owner of the
 2368 vessel. For a vessel damaged as a result of a named storm, the
 2369 provisions of this paragraph shall be suspended for 60 days
 2370 following the date the vessel is damaged in the named storm. The
 2371 operation of the provisions specified in this paragraph run
 2372 concurrently with, and do not extend, the 60-day notice periods
 2373 provided in subsections (5) and (7).

2374 Section 42. Subsection (1) of section 337.195, Florida
 2375 Statutes, is amended to read:

2376 337.195 Limits on liability.—

2377 (1) In a civil action for the death of or injury to a
 2378 person, or for damage to property, against the Department of
 2379 Transportation or its agents, consultants, or contractors for
 2380 work performed on a highway, road, street, bridge, or other

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2381 transportation facility when the death, injury, or damage
 2382 resulted from a motor vehicle crash within a construction zone
 2383 in which the driver of one of the vehicles was impaired by or
 2384 under the influence of an alcoholic beverage ~~beverages~~ as set
 2385 forth in s. 316.193, by a ~~under the influence of any~~ chemical
 2386 substance as set forth in s. 877.111, or by a ~~illegally under~~
 2387 ~~the influence of any~~ substance controlled under chapter 893 to
 2388 the extent that her or his abilities ~~normal faculties~~ were
 2389 impaired or that she or he operated a vehicle recklessly as
 2390 defined in s. 316.192, it is presumed that the driver's
 2391 operation of the vehicle was the sole proximate cause of her or
 2392 his own death, injury, or damage. This presumption can be
 2393 overcome if the gross negligence or intentional misconduct of
 2394 the Department of Transportation, or of its agents, consultants,
 2395 or contractors, was a proximate cause of the driver's death,
 2396 injury, or damage.

2397 Section 43. Subsection (2) of section 342.07, Florida
 2398 Statutes, is amended to read:

2399 342.07 Recreational and commercial working waterfronts;
 2400 legislative findings; definitions.—

2401 (2) As used in this section, the term "recreational and
 2402 commercial working waterfront" means a parcel or parcels of real
 2403 property that provide access for water-dependent commercial
 2404 activities, including hotels and motels as defined in s.
 2405 509.242(1), or provide access for the public to the navigable
 2406 waters of the state. Recreational and commercial working
 2407 waterfronts require direct access to or a location on, over, or
 2408 adjacent to a navigable body of water. The term includes water-

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2409 dependent facilities that are open to the public and offer
 2410 public access by vessels to the waters of the state or that are
 2411 support facilities for recreational, commercial, research, or
 2412 governmental vessels. These facilities include public lodging
 2413 establishments, docks, wharfs, lifts, wet and dry marinas, boat
 2414 ramps, boat hauling and repair facilities, commercial fishing
 2415 facilities, boat construction facilities, and other support
 2416 structures over the water. As used in this section, the term
 2417 "vessel" has the same meaning as in s. 327.02(39). Seaports are
 2418 excluded from the definition.

2419 Section 44. Subsection (1) of section 401.281, Florida
 2420 Statutes, is amended to read:

2421 401.281 Drivers.—

2422 (1) Each licensee is responsible for assuring that its
 2423 vehicles are driven only by trained, experienced, and otherwise
 2424 qualified personnel. The licensee must, at a minimum, document
 2425 that each of its drivers:

2426 (a) Is at least 18 years of age;

2427 (b) Certifies under oath that he or she is not addicted to
 2428 alcohol or any controlled substance;

2429 (c) Certifies under oath that he or she is free from any
 2430 physical or mental defect or disease that might impair his or
 2431 her ability to drive an ambulance;

2432 (d) Upon initial designation as a driver, has not, within
 2433 the past 3 years, been convicted of driving while impaired by or
 2434 under the influence of alcohol or a controlled substance
 2435 ~~substances~~ and has not had a driver ~~driver's~~ license suspended
 2436 under the point system provided for in chapter 322;

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2437 (e) Possesses a valid driver ~~driver's~~ license issued under
 2438 chapter 322, is trained in the safe operation of emergency
 2439 vehicles, and has completed an emergency vehicle operator's
 2440 course or the reasonable equivalent as approved by the
 2441 department; however, this paragraph applies only to a driver of
 2442 a land vehicle;

2443 (f) Possesses a valid American Red Cross or National
 2444 Safety Council standard first aid course card or its equivalent;
 2445 and

2446 (g) Possesses a valid American Red Cross or American Heart
 2447 Association cardiopulmonary resuscitation card.

2448 Section 45. Paragraph (a) of subsection (2) of section
 2449 627.7275, Florida Statutes, is amended to read:

2450 627.7275 Motor vehicle liability.—

2451 (2) (a) Insurers writing motor vehicle insurance in this
 2452 state shall make available, subject to the insurers' usual
 2453 underwriting restrictions:

2454 1. Coverage under policies as described in subsection (1)
 2455 to any applicant for private passenger motor vehicle insurance
 2456 coverage who is seeking the coverage in order to reinstate the
 2457 applicant's driving privileges in this state when the driving
 2458 privileges were revoked or suspended pursuant to s. 316.646 or
 2459 s. 324.0221 due to the failure of the applicant to maintain
 2460 required security.

2461 2. Coverage under policies as described in subsection (1),
 2462 which also provides liability coverage for bodily injury, death,
 2463 and property damage arising out of the ownership, maintenance,
 2464 or use of the motor vehicle in an amount not less than the

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2465 limits described in s. 324.021(7) and conforms to the
 2466 requirements of s. 324.151, to any applicant for private
 2467 passenger motor vehicle insurance coverage who is seeking the
 2468 coverage in order to reinstate the applicant's driving
 2469 privileges in this state after such privileges were revoked or
 2470 suspended under s. 316.193 or s. 322.26(2) for driving while
 2471 impaired or under the influence.

2472 Section 46. Subsection (4) of section 627.758, Florida
 2473 Statutes, is amended to read:

2474 627.758 Surety on auto club traffic arrest bond;
 2475 conditions, limit; bail bond.—

2476 (4) Notwithstanding the provisions of s. 626.311 or
 2477 chapter 648, any surety insurer identified in a guaranteed
 2478 traffic arrest bond certificate or any licensed general lines
 2479 agent of the surety insurer may execute a bail bond for the
 2480 automobile club or association member identified in the
 2481 guaranteed traffic arrest bond certificate in an amount not in
 2482 excess of \$5,000 for any violation of chapter 316 or any similar
 2483 traffic law or ordinance except for driving while impaired by
 2484 ~~under the influence of~~ alcoholic beverages, chemical substances,
 2485 or controlled substances, as prohibited by s. 316.193.

2486 Section 47. Section 790.153, Florida Statutes, is amended
 2487 to read:

2488 790.153 Tests for impairment ~~or intoxication~~; right to
 2489 refuse.—

2490 (1) (a) Any person who uses a firearm within this state
 2491 shall submit to an approved chemical or physical breath test to
 2492 determine the alcoholic content of the blood and to a urine test

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2493 to detect the presence of controlled substances, if there is
2494 probable cause to believe that the person was using a firearm
2495 while impaired by ~~under the influence of~~ alcoholic beverages or
2496 controlled substances or that the person is lawfully arrested
2497 for any offense allegedly committed while he or she was using a
2498 firearm while impaired by ~~under the influence of~~ alcoholic
2499 beverages or controlled substances. The breath test shall be
2500 incidental to a lawful arrest and administered at the request of
2501 a law enforcement officer who has probable cause to believe such
2502 person was using the firearm within this state while impaired by
2503 ~~under the influence of~~ alcoholic beverages. The urine test shall
2504 be incidental to a lawful arrest and administered at a detention
2505 facility, mobile or otherwise, which is equipped to administer
2506 such tests at the request of a law enforcement officer who has
2507 probable cause to believe such person was using a firearm within
2508 this state while impaired by ~~under the influence of~~ controlled
2509 substances. The urine test shall be administered at a detention
2510 facility or any other facility, mobile or otherwise, which is
2511 equipped to administer such tests in a reasonable manner that
2512 will ensure the accuracy of the specimen and maintain the
2513 privacy of the individual involved. The administration of either
2514 test shall not preclude the administration of the other test.
2515 The refusal to submit to a chemical or physical breath or urine
2516 test upon the request of a law enforcement officer as provided
2517 in this section shall be admissible into evidence in any
2518 criminal proceeding. This section shall not hinder the taking of
2519 a mandatory blood test as outlined in s. 790.155.

2520 (b) If the arresting officer does not request a chemical

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2521 or physical test of the person arrested for any offense
2522 allegedly committed while the person was using a firearm while
2523 impaired by ~~under the influence of~~ alcoholic beverages or
2524 controlled substances, such person may request the arresting
2525 officer to have a chemical or physical test made of the arrested
2526 person's breath to determine ~~for the purpose of determining~~ the
2527 alcoholic content of the person's blood or a chemical test of
2528 urine or blood to determine ~~for the purpose of determining~~ the
2529 presence of controlled substances, ~~and~~ if so requested, the
2530 arresting officer shall have the test performed.

2531 (c) The provisions of s. 316.1932(1)(f) ~~relating to~~
2532 administration of tests for determining the weight of alcohol in
2533 the defendant's blood, additional tests at the defendant's
2534 expense, availability of test information to the defendant or
2535 the defendant's attorney, and liability of medical institutions
2536 and persons administering such tests are incorporated into this
2537 section act.

2538 (2) The results of any test administered pursuant to this
2539 section to detect ~~for the purpose of detecting~~ the presence of
2540 any controlled substance are not ~~shall not be~~ admissible as
2541 evidence in a criminal prosecution for the possession of a
2542 controlled substance.

2543 (3) Notwithstanding any provision of law pertaining to the
2544 confidentiality of hospital records or other medical records,
2545 information obtained pursuant to this section shall be released
2546 to a court, prosecuting attorney, defense attorney, or law
2547 enforcement officer in connection with an alleged violation of
2548 s. 790.151 upon request for such information.

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2549 Section 48. Section 790.155, Florida Statutes, is amended
 2550 to read:

2551 790.155 Blood test for impairment ~~or intoxication~~ in cases
 2552 of death or serious bodily injury; right to use reasonable
 2553 force.—

2554 (1) (a) Notwithstanding any recognized ability to refuse to
 2555 submit to the tests provided in s. 790.153, if a law enforcement
 2556 officer has probable cause to believe that a firearm used by a
 2557 person who was impaired by ~~under the influence of~~ alcoholic
 2558 beverages or controlled substances has caused the death or
 2559 serious bodily injury of a human being, such person shall
 2560 submit, upon the request of a law enforcement officer, to a test
 2561 of his or her blood to determine ~~for the purpose of determining~~
 2562 the alcoholic content thereof or the presence of controlled
 2563 substances therein. The law enforcement officer may use
 2564 reasonable force if necessary to require such person to submit
 2565 to the administration of the blood test. The blood test shall be
 2566 performed in a reasonable manner.

2567 (b) The term "serious bodily injury" means a physical
 2568 condition which creates a substantial risk of death, serious
 2569 personal disfigurement, or protracted loss or impairment of the
 2570 function of any bodily member or organ.

2571 (2) The provisions of s. 316.1933(2)~~7~~ relating to blood
 2572 tests for impairment or intoxication~~7~~ are incorporated into this
 2573 section act.

2574 (3) (a) Any criminal charge resulting from the incident
 2575 giving rise to the officer's demand for testing should be tried
 2576 concurrently with a charge of any violation of s. 790.151. If

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2577 such charges are tried separately, the fact that such person
2578 refused, resisted, obstructed, or opposed testing is ~~shall be~~
2579 admissible at the trial of the criminal offense which gave rise
2580 to the demand for testing.

2581 (b) The results of any test administered pursuant to this
2582 section to detect ~~for the purpose of detecting~~ the presence of
2583 any controlled substance are not ~~shall not be~~ admissible as
2584 evidence in a criminal prosecution for the possession of a
2585 controlled substance.

2586 (4) Notwithstanding any provision of law pertaining to the
2587 confidentiality of hospital records or other medical records,
2588 information obtained pursuant to this section shall be released
2589 to a court, prosecuting attorney, defense attorney, or law
2590 enforcement officer in connection with an alleged violation of
2591 s. 790.151 upon request for such information.

2592 Section 49. This act shall take effect July 1, 2013.