50-2023-CT-003671AMB

05380544

2446

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number | 1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias | 1 | Juvenile: N

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 23001148

Charge Type (Check as many as apply): 1. Felony; 2. Traffic Felony; 3. Misdemeanor; 4. Traffic Misdemeanor [X]; 5. Ordinance; 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No)

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business): 11345 Legacy Ave. PALM BEACH GARDENS, FL, 33410

Location of Offense (Business Name, Address): 11345 Legacy Ave, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle PARKED
02/26/2023	20:39					11345 LEGACY AVE, PBG FL 33410

DEFENDANT

Name (Last, First, Middle): FOLEY, KEVIN, T

Alias (Name, DOB, Soc. Sec. #, Etc.):

Race (W - White I - American Indian B - Black O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	05/24/1987	602	190	BLUE	BROWN	LGT	Small

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): NONE

Marital Status: | Religion: | Indication of Alcohol Influence: Y [X] N [ ] Unk. [ ] | Drug Influence: Y [ ] N [ ] Unk. [X]

Local Address (Street, Apt. Number) (City) (State) (Zip): 805 N OLIVE AVE APT 610, WEST PALM BEACH, FL 33410 | Phone: (908) 304-3959 | Residence Type (1. City 2. County 3. Florida 4. Out of State): 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 900 DEL LAGO, APT 103, PALM BEACH GARDENS, FL 33410 | Phone: (561) 313-6080 | Address Source: FL DL

Business Address (Name, Street) (City) (State) (Zip): | Phone: | Occupation:

DL Number / State	Soc. Sec. #	INS Number	Place of Birth (City, State)	Citizenship
F400518371840 FL	[redacted]		NEW BRUNNSICK, NJ	US

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				[ ] [ ]	[ ] [ ] [ ]
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				[ ] [ ]	[ ] [ ] [ ]

JUVENILE

Parent / Legal Custodian / Other: Name (Last) (First) (Middle) | Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) | Business Phone

Notified by: (Name) | Date | Time | Juvenile Disposition: 1. Handle / Processed within Dept. and Released 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name) | Relationship | Date | Time

The above address provided by [ ] defendant and / or [ ] defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. [ ] Yes, by: (Name) [ ] No: (Reason)

School Attended | Grade

Property Crime? [ ] Yes [ ] No | Description of Property | Value of Property

CODE

Drug Activity: S. Sell; B. Buy; P. Possess; T. Traffic; R. Struggle; C. Deliver; E. Use; K. Dispense/Distribute; M. Manufacture/Produce/Cultivate; Z. Other

Drug Type: N. N/A; A. Amphetamine; B. Barbiturate; C. Cocaine; E. Heroin; H. Hallucinogen; M. Marijuana; O. Opium/Deriv.; P. Paraphernalia/Equipment; S. Synthetics; U. Unknown; Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DRIVING UNDER THE INFLUENCE	1	[ ] Y [X] N	316.193(1)(A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23001148		

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		[ ] Y [ ] N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		[ ] Y [ ] N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		[ ] Y [ ] N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room, Address): TO BE SET / North county courthouse 3188 PGA Blvd, Palm Beach Gardens FL

Court Date and Time: Month March Day 22 Year 2023 Time 0800 [AM] PM

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

Signature of Defendant (or Juvenile and Parent / Custodian) | Date Signed: 02/26/2023

ADMIN

HOLD for other Agency / Name: | Signature of Arresting Officer: 552

[ ] Dangerous [ ] Suicidal | [ ] Resisted Arrest [ ] Other

Name of Arresting Officer (Print): N.BADOLATI | I.D. #: 552

Intake Deputy: Bonilla (E3422) | I.D. # | Pouch #

Transporting Officer: N.BADOLATI | ID #: 552 | Agency: PBGPD

Name Verification (Printed by Arrestee PRINT): | Witness Signature (Subject signed with an "X"):

FEB 27 2023 12:13 CLERK OF CIRCUIT COURT

PAGE 1 OF 1

(1)

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PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

JUVENILE:

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 23-001148

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
FOLEY, KEVIN T		W	M	05/24/1987

CHARGES

Charge Description	Charge Description
316.193(1)(A) DUI - NORMAL FACULTIES IMPAIRED	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State Of Florida			

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source

Business Address (Name, Street)	(City)	(State)	(Zip)	Phone	Occupation

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody . . .

☒ committed the below acts in my presence.

☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.

☐ confessed to _____ admitting to the below facts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 26 day of February, 2023 at 19:51 (Specifically include facts constituting cause for arrest.)

On Sunday, February 26, 2023, at approximately 1951hrs I, Ofc. Badolati 552 responded to 11345 Legacy Ave, Palm Beach Gardens FL, reference to a report of a possible drunk driver.

Upon arrival, I met with Ofc. Arnold 441 who stated that on the above date, he located a vehicle, a 2021 Jeep Grand Cherokee bearing FL registration 95AEFV, driving eastbound on PGA Blvd and Interstate 95 with no headlights or tail lights activated. Before initiating a traffic stop on the vehicle, Ofc. Arnold was flagged down by a vehicle next to him that stated "that guy in the black Jeep is drunk and almost hit us". Ofc. Arnold initiated a traffic stop in his marked patrol vehicle at PGA Blvd and Interstate 95. The vehicle continued to travel eastbound at a speed of approximately 35-45mps, swerving back and forth between the three lanes of travel. The vehicle came to a stop in the Legacy Plaza in front of Capital Grill. Ofc. Arnold stated that the driver, Kevin T Foley had glassy bloodshot eyes, slurred speech, and had the odor of an unknown alcoholic beverage emitting from his breath as he spoke. Ofc. Arnold advised me that Foley stated he was coming from the Honda Classic and had a few drinks tonight.

I then made contact with the driver, Kevin T Foley who was in actual physical control of his vehicle. While speaking to Foley, I observed him to have glassy bloodshot eyes, a slow and mumbled slurred speech, and the odor of an unknown alcoholic beverage emitting from his breath that grew stronger as he spoke. I asked Foley where he was coming from and how much did he have to drink this evening and he stated, "I am coming from the Honda Classic, and I had two or three Vodka drinks". Foley stated he would participate in Standardized Field Sobriety Exercises and exited his vehicle. Foley stated he had no medical conditions which would affect the exercises performed.

The first exercise conducted, was the Horizontal Gaze Nystagmus. The stimulus used was a Zebra F301 pen. I observed equal tracking and a lack of smooth pursuit in both eyes.

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

K. O'Neal

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10)

02/26/2023
DATE

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

552

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

BADOLATI, NICHOLAS (552)
NAME OF OFFICER (PLEASE PRINT)

02/26/2023
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

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ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	1	JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 23-001148

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
FOLEY, KEVIN T		W	M	05/24/1987

PROBABLE CAUSE STATEMENT

Foley had involuntary jerking in both eyes at maximum deviation and the onset of Nystagmus in both eyes prior to 45 degrees. During the exercise, Foley was instructed more than once to not move his head and only follow the tip of the pen with his eyes.

The second exercise conducted, was the Walk and Turn. The line used for the walk and turn was a white parking spot line. I informed Foley of the instructions and advised him to stay in the starting position until told to begin the exercise. Foley failed to maintain the starting position by pausing more than once to regain his balance. Additionally, Foley had his arms more than six inches from his side and was using them for balance. On step one, Foley`s missed heel to toe and extended his arms more than six inches from his side to use them for balance. On step two, Foley stepped off the line and had to restart the exercised from the starting position. Foley restarted the exercise and steps one through nine, he failed to maintain heel to toe and extended his arms more than six inches from his side for balance. On step seven, Foley swayed to the side to regain his balance. During the returning one through nine steps, Foley failed to stay on the line, missed heel to toe, and used his arms for balance.

The next exercise conducted, was the One-Leg Stand. Foley stated he understood the instructions and failed to maintain the starting position by extending his arms out more than six inches, to his side for balance. During the exercise, Foley had his arms extended out more than six inches to his side for balance. Foley`s right leg was approximately six inches off the ground but was bent at the knee. At 1004, Foley puts his right leg down and picks it back up to continue the exercise. At 1007, Foley puts his right leg down again and restarts the exercise.

Based on the results of the investigation, I placed Kevin T Foley under arrest at 2039hrs. I then transported Foley to PBSO BAT, to conduct the breath test. At PBSO BAT, I asked Foley if he was willing to submit a lawful test of his breath to determine its alcohol content, to which he refused. I then read Foley the Florida Implied Consent, to which he acknowledged and refused to provide a breath sample at 2152hrs.

Based on the results of this investigation, I established probable cause showing Kevin T Foley was in actual physical control a motor vehicle, in the state of Florida, while under the influence of alcohol, to the extent his normal faculties were impaired, in violation of F.S.S 316.193 (1)(A). My department issued body worn camera was utilized during this investigation.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10)

02/26/2023
DATE

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

BADOLATI, NICHOLAS (552)
NAME OF OFFICER (PLEASE PRINT)

02/26/2023
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 23-0408414 PBSO Zone: 3-13

Agency Case #: 23001148 Crash Case #:

Incident Information:

Time of Stop/Crash: 1951 Date of Incident: 02/26/2023 Day: SUNDAY

Location of Incident: 11345 Legacy Ave, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 20:39 Date of Arrest: 02/26/2023 Day: SUNDAY

Location of Arrest: 11345 Legacy Ave, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) Foley ~~Kevin~~ NB, (F) Kevin ~~Foley~~ NB, (M) T

DOB: 05/24/1987 Race: W Sex: M Height: 602 Weight: 190 Hair BROWN Eye BLUE

Address: 805 N OLIVE AVE APT 610, WEST PALM BEACH, FL 33410 Phone: (908) 304-3959

Arresting Officer's Name: N.BADOLATI ID#: 552

Agency: PBGPD Division: PATROL

Breath Results

1) _____ at _____ hrs.
2) _____ at _____ hrs.
3) REFUSED hrs.
4) _____ at _____ hrs.

---BAT Use---

BAT Notified: YES

Arrival Time at BAT: 2127

Subject Arrest Time: 20:39

Breath Test Operator: 41017
PBSO

NOT A CERTIFIED COPY

23001148

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, N.BADOLATI, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of PALM BEACH GARDENS POLICE DEPARTMENT, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 26 day of FEBRUARY, 2023, at 20:39 ☐P.M. ☑A.M.

DRIVER KEVIN (FIRST NAME) T (MIDDLE OR MAIDEN NAME) FOLEY (LAST NAME),

DL # F400518871840, state of FL, was placed under lawful arrest for

the offense of DRIVING UNDER THE INFLUENCE by N.BADOLATI (Name of Arresting Officer) and

issued citation # AGEV2EE.

That on or about the 26 day of FEBRUARY, 2023, at 2152 ☑P.M. ☑A.M.

in PALM BEACH County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such test would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended, or if he or she had been previously fined under s. 327.35215, F.S., for refusing to submit to a breath, urine, or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended, or if he or she has been previously fined under s. 327.35215, F.S., for refusal to submit to a lawful test of his or her breath, urine, or blood. Nonetheless, the driver refused to submit to the test requested.

552
Signature of Law Enforcement Officer or Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)

Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 26 day of FEBRUARY, 2023, by N.BADOLATI, who is personally known to me or who has produced _____ as identification.

Notary Public _____

The foregoing instrument was sworn and subscribed before me:

_____
Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

NOT CERTIFIED COPY

EFFECTIVE OCTOBER 1, 2021

TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: FOLEY, KEVIN .T.

CASE NUMBER: 23-040844

DATE: Feb 26, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 21:50

ENDING TIME: 21:55

BREATH TESTS RESULTS: 1) R TIME 21:52 A.M.☐ P.M.☒ 2) N/A TIME N/A A.M.☐ P.M.☒

3) N/A TIME N/A A.M.☐ P.M.☐ 4) N/A TIME N/A A.M.☐ P.M.☐

BREATH OPERATOR: T. MILLER #41017

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: TALKATIVE, AGITATED, CRANKY

CLOTHING: BLUE SHIRT, GRAY SHORTS, WHITE SNEAKERS

MEDICAL CONDITIONS: ALLERGIC TO AVOCADO, BANANAS AND LATEX

MEDICATIONS: NONE

REFUSED

OTHER:

BLOODSHOT AND GLASSY EYES

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 21:27 HRS.

SUBJECT:REFUSED TO TAKE TEST

A/O: READ I/C.
SUBJECT: STATED HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST.

A/O: READ RIGHTS.
SUBJECT: STATED HE UNDERSTOOD RIGHTS.

A/O: CONDUCTED Q & A.
SUBJECT: ANSWERED QUESTIONS.

REFUSED

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SUBJECT: _____ CASE NUMBER: E00114B

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? Yes

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? Palm Beach Lakes

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? Sunday

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? Yes WHAT? Right knee

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? _____

DO YOU LIMP? Yes DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? Last year

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? Yes WHEN? 4:20pm

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	NO
GLASS EYE?	NO
FALSE TEETH?	NO
EAR INFECTION?	NO
INNER EAR TROUBLE?	NO
DIABETES?	NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: N. BADOLATO 5-2

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO #0129C REV. 9/93

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SUBJECT:_____ CASE NUMBER: 23001148

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your ***BREATH*** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am OF Enlisti of the PBGFL

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your ***breath, urine*** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X)_____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) Read on Camera

NOT A CERTIFIED COPY

WHITE: STATE ATTY. YELLOW: DHSMV PINK: CENTRAL RECORDS GOLD: JAIL

PALM BEACH COUNTY
SHERIFF'S OFFICE
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2023005396	**Date:** 2/27/23
	Specialist Name/ID: T.Howard/7185