

ARREST / NOTICE TO APPEAR		18CT16411	
ADMI NIST RAT ION	CHITS Number	1 Arrest 3 Request for Warrant 1 NTA 4 Request for Capture	
Agency ORI Number	Agency Name	Agency Report Number (NTA's only)	JUVENILE
0500200	Boca Raton Police Department	3, 2 2018-012147	
Charge Type	Check for money	1 Felony 2 Traffic Felony	3 Misdemeanor 4 Traffic Misdemeanor 5 Ordinance 6 Other
Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)	IF Weapon Seized	Esse Type None/not Applicable
1500 ROYAL PALM WAY BOCA RATON, FL 33432	1500 ROYAL PALM WAY, BOCA RATON, FL 33432		
Date of Arrest	Time of Arrest	Booking Date	Booking Time
09/12/2018	03:35	09/12/2018	03:45
Arrest Date	Arrest Time	Arrest Date	Arrest Time
09/12/2018	00:00		
Name (Last, First, Middle)	Alias:	Alias (Name, DOB, Sex, Age, etc.)	
FLORES-HERNANDEZ, ALBERTO J			
Race	Sex	Date of Birth	Height
W - White 1 - American Indian	W	05/29/1978	6'01
B - Black 2 - Other	M		
Weight	Eye Color	Hair Color	Complexion
215	BROWN	BLACK	MEDIUM
Build	Marital Status	Religion	Indication of Alcohol Influence
Medium	S	NONE	Yes No Unk
Local Address (Street, Apt. Number)	(City)	(State)	(Zip)
23624 SW 117TH PL, MIAMI, FL 33032			
Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)
23624 SW 117TH PL, MIAMI, FL 33032			
Business Address (Name, Street)	(City)	(State)	(Zip)
DL Number, State	Soc Sec Number	INS Number	Place of Birth (City, State)
F462010781890 / FL			MIAMI, FL, United
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth
Parent Other	Name (Last, First, Middle)		
Legal Custodian			
Address (Street, Apt. Number)	(City)	(State)	(Zip)
Notified by (Name)	Date	Time	JUVENILE DISPOSITION
			1 Handled/Processed within Department and Released 2 TOT IAC 3 Incarcerated
Released To (Name)	Relationship	Date	Time
The above address was provided by defendant and/or defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.			
Property Crimes? Yes No			
Description of Property			
Value of Property			
Drug Activity	Drug Type	Amount / Unit	Offense #
N			
Counts	Domestic Violence	Warrant / Capture Number	Bond
Charge Description	State Violation Number	Violation of ORD #	
DUI	316.193(1)		
Charge Description	State Violation Number	Violation of ORD #	
Charge Description	State Violation Number	Violation of ORD #	
Health / Apparent Physical Condition of Defendant	Any knowledge of the following		
NORMAL	Mental Escape Risk Medication Deformation Injury		
Check which applies	Released O.R.	Released to Parent/Guardian	TOT County Jail
PROPERTY - Received By	Released By	Released To	
HORNE 791	HORNE 791	TOT CJ	
Transported By	Date Transported	Time Transported	Other
HORNE 791	09/12/2018	00:00	
INSTRUCTION NO. 1 - Mandatory appearance in court			
INSTRUCTION NO. 2 - You need not appear in Court			
but must comply with instructions on Page 2.			
Location (Court, Room)			
South County 200 W Atlantic Ave Delray Beach, FL 33444			
Court Date and Time			
10/22/2018 08:30:00			
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			
Name Verification (Printed by Arrestee)			
(PRINT)			
Name of Arresting Officer (Print)			
HORNE, A. 791			
Transporting Officer			
ASHTON HORNE 791 BRPD			
Witness here if subject signed with an "X"			
PAGE 1 OF 1			

SCANNED

SEP 16 2018

AM 8:45

OBS Number		PROBABLE CAUSE AFFIDAVIT		1 Arrest 2 N.T.A.		3 Request for Warrant 4 Request for Capias		1	JUVENILE
Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2018-012147					
Charge Type Check as many as apply ☐ 1 Felony ☐ 2 Traffic Felony		☐ 3 Misdemeanor ☒ 4 Traffic Misdemeanor		☐ 5 Ordinance ☐ 6 Other		Special Notes			
Name (Last, First, Middle) FLORES-HERNANDEZ, ALBERTO J						Race W	Sex M	Date of Birth 05/29/1978	
Charge Description 316.193(1) DUI		Charge Description							
Charge Description		Charge Description							
Victim's Name (Last, First, Middle) STATE OF FLORIDA,						Race	Sex	Date of Birth	
Local Address (Street, Apt. Number) 100 NW 2ND AVE, BOCA RATON, FL 33432				(City)	(State)	(Zip)	Phone (561) -		Address Source
Business Address (Name, Street)				(City)	(State)	(Zip)	Phone (56) -		Occupation
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 commit 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 <u>12</u> day of <u>September</u>, <u>2018</u> at <u>03:35</u> (Specifically include facts constituting cause for arrest.) On 09/12/2018 at approximately 0312 hours, I responded to 500 E Camino Real in regards to a possibly impaired driver. Boca Raton Telecommunication Center received a call from Royal Palm Security Officer Peter Torres who advised that there was a silver Nissan driving in reverse in an erratic manner around the 1500 block of Royal Palm Way. Upon my arrival, I noticed a silver Nissan Rogue parked in the middle of the road in a forty-five-degree position. I then made contact with Royal Palm Security Officer Peter Torres. According to Torres, around 0300 hours, the vehicle was observed entering the community. Peter stated they made contact with the driver who was in control of the vehicle who identified himself as white male Alberto Flores-Hernandez. Peter stated they made contact with Alberto because he appeared to be confused and lost. Occupying the passenger seat was white male Taras Seniuch who was sleeping in the passenger seat. Peter stated that Alberto told him that he was an Uber driver and was just dropping off a customer. Peter then woke up Taras to hear his story. Taras explained that his address is in Delray Beach, FL which raised suspicion. Peter then explained to Alberto that he was not in Delray Beach but was in Boca Raton, FL. Peter advised the driver then put the car in reverse and started driving north bound (in reverse) until he struck the curb. At that point Peter contacted Boca Raton police for further assistance. It should be noted that both individuals remained in the vehicle until I arrived. I then approached the driver side door. Immediately I smelled a strong odor of an unknown alcoholic beverage emanating from Alberto's person. Alberto was still in the driver seat and his eyes were red and glassy. Based on Peter's statement and my observation I had Alberto step outside of the vehicle so I could conduct a DUI investigation. Alberto was occupying the driver seat. Alberto had blood shot red eyes and was sweating profusely while I was speaking to him. While speaking with Alberto he had a strong odor of an unknown alcoholic beverage emanating from his person and seemed very disoriented. I asked Alberto five times to present me with his driver's license and documents but he continued to wander off and look through									
SWORN AND SUBSCRIBED BEFORE ME FRENZ, JONATHAN RYAN NOTARY PUBLIC / CLERK OF COURT / OFFICER (F S S 117 10) <u>09/12/2018</u> DATE _____ SIGNATURE OF ARRESTING / INVESTIGATING OFFICER HORNE, ASHTON (791) NAME OF OFFICER (PLEASE PRINT) <u>09/12/2018</u> DATE									

SCANNED
SEP 16 2018

OSTE Number AGENCY ORI Number FL 0500200	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1 Arrest 2 N.T.A. 3 Request for Warrant 4 Request for Capias 1	JUVENILE
Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2018-012147		
Charge Type: ☐ 1 Felony ☐ 2 Traffic Felony ☐ 3 Misdemeanor ☒ 4 Traffic Misdemeanor ☐ 5 Ordinance ☐ 6 Other		Special Notes	
Name (Last, First, Middle) FLORES-HERNANDEZ, ALBERTO J		Race W	Sex M
Date of Birth 05/29/1978			
his phone. I then asked Alberto had he been drinking and he stated "yes". Based on the observations I asked Alberto if he would submit to roadside sobriety tasks and he stated that he would submit. I then walked Alberto over to the front of my marked patrol vehicle. While walking to the vehicle Alberto was shaky and was swaying back and forth. The tasks that were conducted were HGN, Walk and Turn, One leg Stand, Finger to Nose and Rhomberg Alphabet. First, Alberto conducted the Horizontal Gaze Nystagmus Exercise and he advised he understood my instructions. Alberto displayed a lack of smooth pursuit in the right and left eye. Alberto also displayed a distinct nystagmus at maximum deviation and an onset of nystagmus prior to forty-five degrees in both the right and left eye. Alberto did not follow my instructions during this task. Alberto moved his head throughout the entire task. Alberto was also swaying back and forth and could not maintain his balance. I then asked Alberto to conduct the Walk and Turn task. Alberto was unable to maintain his balance during this task. While completing this task, Alberto did not walk heel to toe. During the task Alberto utilized his arms for balance. During this task Alberto, did not keep his arms to his side as instructed. Alberto took a total of thirty steps instead of the instructed amount (9). Next, was the One Leg stand. Alberto was unable to maintain his balance during this task. Alberto started the task and placed his foot on the ground once before counting. During this task Alberto, did not count out loud as instructed. Alberto did not keep his arms at his side during this task. While conducting this task, Alberto used his arms for balance. Next, was the Finger to Nose exercise (L-R-L-R-R-L). During this task Alberto, did not keep his head tilted back. Alberto also had his eyes open during the entire task. While announcing the cadence, Alberto failed to bring his arm back down to his side. Lastly, was the Rhomberg Alphabet test. Alberto was unable to recite the alphabet, he made several errors at the beginning and at the end of the alphabet. Based on my investigation and observations Alberto was placed under arrest for DUI. I then transported Alberto to the BAT facility located at the Police Department. Officer Reissi #776 acted as my breath operator. Officer Reissi and I conducted the 20-minute observation and then took Alberto into the BAT room where he refused to give a breath sample. I also read Alberto his Constitutional Rights and implied consent which he advised he understood. Alberto still refused to provide a breath sample. Alberto answered all questions regarding this incident, see DUI influence report. Alberto is being charged under F.S.S. 316.193(1) for DUI. Alberto was then transported to the Palm Beach County Jail for further processing.			
SWORN AND SUBSCRIBED BEFORE ME FRENZ, JONATHAN RYAN NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 09/12/2018 DATE		SIGNATURE OF ARRESTING / INVESTIGATING OFFICER HORNE, ASHTON (791) NAME OF OFFICER (PLEASE PRINT) 09/12/2018 DATE	
		PAGE 2 of 2	

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P.I.O.

SEP 16 2018

18-12147
1015-0335
OBS: 0353

DUI INFLUENCE REPORT



BOCA RATON POLICE SERVICES DEPARTMENT
100 NW 2nd Avenue
Boca Raton, FL 33432

SG-111ED
SEP 16 2018



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART I

On the _____ day of _____, at _____ AM/PM:

Subject: _____ Case Number: _____

PERSONAL CONTACT

Driving Pattern: _____

Observation of Driver: _____

Driver's Statement: _____

Odors: _____

GENERAL OBSERVATIONS

Speech: _____

Attitude: _____

Clothing: _____

Medical Problems: _____

Medications: _____

Other: _____

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SEP 16 2005

Horizontal Gaze Nystagmus:

☐ Left eye does not follow smoothly

☐ Right eye does not follow smoothly

☐ Left eye jerks at 45 degrees angle or less

☐ Right eye jerks at 45 degrees angle or less

☐ Distinct jerking left eye maximum deviation

☐ Distinct jerking right eye maximum deviation

Can not do, Why? _____

Walk and turn: _____

Can not do, Why? _____

One leg stand: _____

Can not do, Why? _____

Finger to nose: _____

Can not do, Why? _____

Alphabet (speech pattern): _____

Can not do, Why? _____

Breath/Blood test results: _____

State of Florida, County of Palm Beach,

Sworn and subscribed before me this _____ (date) by _____.

Notary/Clerk of Court/ Officer (FSS 117.10)

Date

Signature of Arresting Officer

Name of Officer (print)

ARRESTING OFFICER: Ofc. Horne

Name: Ofc. Cruwe Phone # _____ Work # _____

Address: 100 NW 2nd Ave

Can testify to: Back up

Name: Ofc. Reissi Phone # _____ Work # _____

Address: 100 NW 2nd Ave

Can testify to: Back up w passenger

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____

Name: _____ Phone # _____ Work # _____

Address: _____

Can testify to: _____



BOCA RATON POLICE SERVICES DEPARTMENT
DUI INFLUENCE REPORT - PART II

To be filled out at testing facility

Agency Case # 18-12147

I. INTRODUCTION (Instrument Operator faces video camera)

A. The day is Wednesday, September, 12, 2018.
(day) (month) (date) (year)

B. The time is now approximately 0415 PM.

C. The following is in reference to case number 18-12147.

D. Present at this time is Off. Horne of the Boca Raton Police Department.
(Officer's Name)

E. Officer Horne, have you arrested Alberto Flores - Hernandez in violation of
Florida State Statute 316.193? (Defendant's name)

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida? _____

G. Mr./Mrs./Ms. Flores - Hernandez, I am required to inform you these
proceedings are being video recorded.

Operator Note: Video record breath request, breath sample, and interview.

II. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

- ☒ A. I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.
- B. 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.
- C. I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

I am Horne of the BRPD.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Subject Signature: _____

Note: Also read for CDL holders:

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for one year from today. If this is your **SECOND REFUSAL**, you will be permanently disqualified from operating a commercial motor vehicle.

Note: After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr./Mrs./Ms. Flores-Hernandez has refused to submit to a breath test.

The date is September, 12, 2018, and the time is 415 AM/PM.
(month) (day) (year)

A refusal form will be completed by the arresting officer.



BOCA RATON POLICE SERVICES DEPARTMENT

JUVENILE CONSTITUTIONAL WARNINGS

Rights of suspects prior to custodial questioning.
Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions. *Tell me in your own words what you think this means.*
(You do not have to talk to me or answer any questions about this offense. You can be quiet if you want.)
- (2) Any statement you make must be freely and voluntarily given. *Tell me in your own words what you think this means.*
(If you do talk to me it has to be because you want to and not because anyone is forcing you to speak.)
- (3) You have a right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning. *Tell me in your own words what you think this means.*
(You can talk to a lawyer before we ask you any questions and you can have him/her with you now, during our questioning.)
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning. *Tell me in your own words what you think this means*
(If you do not have money for a lawyer and you want one, a lawyer will be given to you for free.)
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent. *Tell me in your own words what you think this means.*
(If you decide to talk to me then change your mind, you can stop answering my questions at any time.)
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will. *Tell me in your own words what you think this means*
(I am not allowed to threaten you or make you any promises to get you to talk to me. If you decide to talk, it must be because you want to.)
- (7) Any statement can be and will be used against you in a court of law. *Tell me in your own words what you think this means*
(Anything you say to me can and will be told to the judge or a jury in court. A judge is a person who decides if you have done something wrong. Sometimes a group of people called a jury decide this, but the Judge is the person who decides what punishment you get.)
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: _____ Date: _____ Time: _____



BOCA RATON POLICE SERVICES DEPARTMENT
TESTING FACILITY TASK REPORT

SUBJECT: Alberto Flores - Hernandez

CASE #: 18-12147 DATE: 9/12/18

BREATH TEST RESULTS

1) TIME _____ AM/PM 2) TIME _____ AM/PM

3) TIME _____ AM/PM 4) TIME _____ AM/PM

BREATH OPERATOR: Reissi

MAINTENANCE TECHNICIAN: _____

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____

ATTITUDE: Calm

CLOTHING: Blue Button Down, Blk Pants, Blk Shoes

MEDICAL CONDITION: High Blood Pressure

OTHER: Odor of Alcoholic Beverages, Red glossy eyes

COMMENTS: _____

Identify yourself and state:

I am required to warn you before you make any statement that you have the following Constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have a right to the presence and representation 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 and representation of a court appointed lawyer before you make any statement 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 be and will be used against you in a court of law.
- (8) Do you understand these rights as I have read them to you, and do you wish to speak to me?

Signed: [Signature] Date: 9/12/18 Time: 04/19 hours
0419

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? Yes

Where were you going? Trying to go to friends house

What street or highway were you on? Don't know

Direction of travel? Don't know

Where did you start driving from? Don't know

What city (county) were you stopped in? Boca Raton

What time did you start? 10 or 11 AM/PM PM What time is it now? Don't know

What is today's date? 9/11/18 What day of the week is it? Tuesday

When did you last eat? Don't know What did you eat? Don't know

What have you been doing the past three hours prior to this stop/accident? Drinking hanging Company friends

How much do you weigh? 220 Have you been drinking? Yes What were you drinking? Vodka

How much? one drinking where? Don't know With whom were you drinking? Friends

When did you have your first drink? 7 AM/PM PM When did you stop drinking? 11 AM/PM PM

How did you consume your last two drinks? Water with lime, orally.

Are you under the influence of alcohol now? ☐ Yes ☒ No

Can you feel the effects of alcohol? ☒ Yes ☐ No

Have you consumed alcohol since the accident? ☒ Yes ☐ No

Can you feel the effects of alcohol? ☒ Yes ☐ No

Have you consumed alcohol since the accident? ☒ Yes ☐ No How much? 4 drinks.

What? _____ Where? _____

What line of work are you in? Engineering

When did you last work? Friday

Do you have any physical defects or injuries? ☐ Yes ☒ No If yes, explain: _____

Are you sick or injured? ☐ Yes ☒ No If yes, explain: _____

Do you limp? ☐ Yes ☒ No

Did you get a bump on the head? ☐ Yes ☒ No

Were you in an accident today? No

Have you taken any drugs or smoked marijuana today? No

What? _____ When? _____

Have you seen a doctor or dentist today? ☐ Yes ☒ No Who? _____

Are you taking any prescription medications? ☐ Yes ☒ No What? _____ When? _____

Do you have: Epilepsy? ☐ Yes ☒ No

Inner ear trouble? ☐ Yes ☒ No

Glass eye? ☐ Yes ☒ No

Ear infection? ☐ Yes ☒ No

False teeth? ☐ Yes ☒ No

Diabetes? ☐ Yes ☒ No

Any problems not correctable by glasses or contact lenses? No

Do you take insulin? ☐ Yes ☒ No If yes, when was your last injection? _____

Have you ever had a driver's license in any other state? No

I am now ending this video recording. The time is now approximately 428 (AM/PM).

The date is September, 12, 2018.
(month) (day) (year)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT**

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOCA RATON PD
Instrument Serial Number: 80-006622 Software: 8100.27
Date of Test: 09/12/2018

Date of Last Agency Inspection: 08/17/2018

Observation Period Began: 03:53

Subject's Name: ALBERTO J FLORES-HERNANDEZ

DOB: 05/29/1978 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	04:19
	Air Blank	0.000	04:20
	Control Test	0.078	04:20
	Air Blank	0.000	04:21
	Subject Sample #1	REF*	04:21
	Air Blank	0.000	04:21
	Control Test	0.079	04:22
	Air Blank	0.000	04:22
	Diagnostics Check	OK	04:22

*Subject Test Refused

Cylinder Lot: 31517080A1
Exp: 01/05/2020

State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I, DAN J REISS, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: Dan Reiss 776 Date: 9/12/18
Signature

Sworn to (or affirmed) before me this 12 day of September, 2018

(X) [Signature]
Signature of Notary Public-State of Florida

[Signature]
Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST**

I, Off. Horne, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of BRPD, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 12 day of September, 20 18, at 415 ☐ P.M. ☒ A.M.

DRIVER Alberto J. Flores-Hernandez
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# F462-010-78-189-0, state of FL, was placed under lawful arrest for

the offense of DUI by Off. Horne and
(Name of Arresting Officer)

issued Citation # A6L04ZE

That on or about the 12 day of September, 20 18, at 415 ☐ P.M. ☒ A.M.
in Palm Beach County,

I requested that the driver submit to a ☒ breath and/or ☐ urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) 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 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 for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

(Signature)
Signature of Law Enforcement Officer or
Correctional Officer.

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

The foregoing instrument was sworn and subscribed before me:

Dan Pir 776
Signature of Attesting Officer

Title Police officer

Date 9/12/18

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this _____ day of _____, 20 _____,

by _____,

who is personally known to me or who has produced

_____ as identification

Notary Public _____

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.



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:	

REVIEW COMPLETED BY

Booking Number: 2018030616

Date: 9/12/2018

Specialist Name/ID: J. Beck/9007