0507461 - 71 (NH)

Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
3440 SE 19TH STREET
HOLLYWOOD, FL. 33316

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/28/2019 06:28 PM	C-5076AA	FWSA19OFF004809 /FWLR19 CAD008029	ARMSTRONG, T.

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	04/28/2019 17:32:20 -		

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	BRIDGE CAMINO REAL ICW X2[SPANISH RIVER RD]

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	E CAMINO REAL		BOCA RATON	FI	33432

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
JAMES	FRANCIS	TIGHT		WHITE	MALE	5'11"	180	BROWN	BLUE

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
		04/25/1996	23	BOCA RATON FL UNITED STATES	T230446961450	FL	E

Address
* / 2656 NE 24 ST , , FL 33064 / 954-999-8654

Pompano Beach

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/28/2019 6:28:44 PM	PUBLIC PLACE	ICW SOUTH OF CAMINO REAL BRIDGE

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	E CAMINO REAL		PALM BEACH	BOCA RATON	FI	33432

Charge : STATE STATUTE

Counts	Charge	Bond Amount	
1	327.35(1)(a)	$0.00	No Bond

Charge Degree	Charge Level	General Offense Code
FIRST DEGREE	MISDEMEANOR	DUI-UNLAW BLD ALCH

Charge Description
OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED

Bond Set by Court

Bond Amount	No Bond?
$0.00	No

Bond Type(s)

SCANNED
APR 29 2019

Probable Cause

While on routine water patrol, I Officer T. Armstrong of the Florida Fish and Wildlife Conservation Commission observed a vessel with multiple people aboard vomiting over the side. Upon approach of the vessel to conduct a safety inspection the operator of the vessel Mr. James Francis Tight identified through his Florida drivers license was asked to conduct field sobriety tasks after observing that he was slurring his speech. I also observed a strong smell of an alcoholic beverage emitting from Mr. Tights

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Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/28/2019 06:28 PM	C-5076AA	FWSA19OFF004809 /FWLR19 CAD008029	ARMSTRONG, T.

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	04/28/2019 17:32:20 -		

face. Mr. Tight consented to the field sobriety tasks. I first conducted horizontal gaze nystagmus. Mr. Tight was unable to follow the stimulus (tip of pen) when checking for lack of smooth pursuit. Mr. Tight then showed a nygstagmus at distinct and sustained at maximum deviation. Mr. Tight also showed for a nystagmus at onset prior to 45 degress. After conducting horizontal gaze nystagmusl asked Mr. Tight if he would consent to performing field sobriety tasks. Mr. Tight consented. During the instruction stage of finger to nose Mr. Tight did not follow instructions and started the tasks at the wrong time. Mr. Tight showed 6 total clues during the evaluation of finger to nose. Next, Mr. Tight was asked to perform the palm pat. Mr. Tight did not follow instructions and started at the wrog time. During the performance evaluation, Mr. Tight did not count as instructed, rolled his hands, chopped pats, and stopped before being told to do so. 5 total clues were observed during this stage. Next, Mr. Tight performed the hand coordination task. Mr. Tight did not follow instructions. During the evaluation stage, Mr. tight had improper count, improper touch, improper return, and did not return his left fist to his chest as instructed. I observed 6 total clues during the evaluation of this stage. Mr. Tight was found to be impaired after consenting and conducting field sobriety tasks. Mr. Tight was arrested and transported to the Silver Palms boat ramp where he refused to submit to a breath test. Nothing further.

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH COUNTY COURT AT GUN CLUB	(561) 688-4640		

Comments

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
ARMSTRONG, T.	OFFICER		WN954	FWSA\SO REGION A\BROWARD	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report

Reporting Officer

Officer Name	Office Rank	Officer ID No
ARMSTRONG, T.	OFFICER	WN954

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature WN954

Sworn and subscribed before me, the undersigned authority

This the 28th day of April, 2019.

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

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NOTICE OF CIVIL PENALTY

YOU ARE HEREBY NOTIFIED that, pursuant to the provisions of section 327 35215, Florida Statutes, a five hundred dollar ($500 00) civil penalty is assessed against you for refusal to submit to chemical testing of your blood, breath, or urine Said refusal occurred at the date and time set forth on the opposite side of this form.

You must respond to this notice within thirty (30) days You must either pay the $500 00 civil penalty or request a hearing before a County Court Judge If you fail to do one of the above within the thirty-day period, it will be a crime for you to operate any vessel upon the waters of this state, punishable by up to one year in jail, a fine of up to $1,000 00, or both.

If you request a hearing and fail to appear, a final judgment will be entered against you by default and you must pay the civil penalty before operating any vessel.

Return this form with your request for a hearing.

VIOLATOR INSTRUCTIONS

You may pay the civil penalty or request a hearing either in person or by mail by submitting this form to the Clerk of the Court at the address below If you choose to pay the $500 00 civil penalty, make your certified check or money order (DO NOT MAIL CASH) payable to **CLERK OF THE COUNTY COURT**. The clerk's office ☐ will ☐ will not accept a personal check

The address is

CLERK OF THE COUNTY COURT

PALM BEACH AT GUN CLUB County

Post Office Box

3228 GUN CLUB ROAD
Street Address

WEST PALM BEACH FL 33406
City State Zip Code

ANSWER TO NOTICE

☐ I waive my right to a hearing and have enclosed payment of $500.00.

☐ I request to have a hearing before a County Court Judge I understand that I will receive by mail a notice from the Court with the hearing date, time, and location I also understand that if I fail to appear, the $500 00 civil penalty will be sustained by default and I will not be allowed to operate any vessel upon the waters of this state until it is paid in full.

X IN CUSTODY 04/28/2019
Signature Date

JAMES FRANCIS TIGHT
Printed Name

~~LIGHTHOUSE POINT~~ 2656 NE 24TH ST.
Mailing Address

~~LIGHTHOUSE POINT~~ FL 33064
City State Zip Code

NOT A CERTIFIED COPY

STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISON OF LAW ENFORCEMENT
REFUSAL TO SUBMIT TO BREATH, URINE OR BLOOD TESTING

In the County Court of the Judicial Circuit in and for PALM BEACH County, Florida

STATE OF FLORIDA
(PLANTIFF)
V.
TIGHT, JAMES FRANCIS
DEFENDANT

Uniform Boating Citaion Number
V557191

AFFIDAVIT

I, ARMSTRONG, T, a law enforcement officer, who having been duly sworn, certify and state the following.

1 That on Sunday, April 28, 2019 at 5 39 pm probable cause existed to arrest the above named Defendant for a violation of section 327 35, Florida Statutes, as set forth in the attached narrative which is incorporated by references as if set forth fully herein.

2 That on that date and time:

☐ The Defendant was under lawful arrest for an offense committed while the Defendant was operating a vessel while under the influence of alcoholic beverages, chemical substances, and the Defendant was requested to submit to a ☒ breath test, ☐ urine test, or ☐ both a breath and a urine test;

or

☐ The Defendant had appeared for treatment at a hospital, clinic, or other medical facility, the adminsitration of a breath or urine test was impractical or impossible, and the Defendant was requested to submit to a blood test.

3 The Defendant was advised of both the penalties for a failure to submit to the blood, breath or urine test and the procedure for requesting a hearing.

4 The Defendant refused to submit to the ☐ blood, ☒ breath, or ☐ urine test(s).

FURTHER AFFIANT SAYETH NOT.

Officer's Signature

WN954
ID Number

Florida Fish and Wildlife Conservation Commission

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28 DAY OF Apr, 2019

Notary Public or Attesting Officer M9447

☒ Personally known to me

☐ Produced _____ as Identification

Distribution	
Original	File with the Clerk of the County Court – Attach a probable cause narrative and a copy of the Uniform Boating Citation
2nd White	File with the Clerk of the County Court – (Disposition and Abstract of Court Record)
Blue	Mail to FWC – Law Enforcement Records Section, 620 South Meridian Street, Tallahassee, FL 32399-1600
Yellow	Violator Copy
Pink	Retained by Officer/Agency

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Incident Summary Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
3440 SE 19TH STREET
HOLLYWOOD, FL. 33316

Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
5/1/2019 5:07:17 PM	ISR050328 (05)	FWSA19OFF004809 /F WLR19CAD008029	OFFICER / WN954	ARMSTRONG, T.

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status: Clearance:
FL0508000	4/28/2019 5:32:20 PM	04/28/2019 17:32:20 -		

Offense Description
S1B BUI - BOAT

LOCATION(S)

County	Location Type	Location Description
PALM BEACH	INCIDENT LOCATION	BRIDGE CAMINO REAL ICW X2[SPANISH RIVER RD]

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code	Phone Number	Ext.
	ICW S OF CAMINO ROYALE BRIDGE		BOCA RATON				

Person: DEFENDANT

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
JAMES	FRANCIS	TIGHT		WHITE	MALE	5'10"	145	BROWN	

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
		04/25/1996	23	, ,	T230446961450	FL	E

Addresses
• **RESIDENCE / 2656 NE 24 ST, FL 33064 /**

Charge: STATE STATUTE

Counts	Charge	Arrest Offense Code Description
1	327.35(1)(a)	DUI-UNLAW BLD ALCH

Charge Degree	Charge Level	General Offense Code
FIRST DEGREE	MISDEMEANOR	

Charge Description
OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED

UCR Code / UCR Description

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
COUNTY COURTHOUSE
2019 MAY -3 PM 2:59

Vessel: SUBJECT VESSEL

Year	Make	Type	Color	Hull Material
1988	CONTENDER BOATS INC	OPEN MOTORBOAT	OFFWHITE	FIBERGLASS

Vessel Name	State	Registration Number	Tag Expiration	Vessel HIN	Vessel Doc Number
	FL	FL3081GA	06/30/2020	JDJ00084L788	

Owner Type	Vessel Value ($)	Length	Fuel Type	Propulsion	Number of Engines / Type	Total HP
PERSON		25	GAS	Propeller	/	

Vessel Owner	Vessel Released To Person	Vessel Released By Officer
JAMES FRANCIS TIGHT (DEFENDANT)		

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Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
5/1/2019 5:07:17 PM	ISR050328 (05)	FWSA19OFF004809 /F WLR19CAD008029	OFFICER / WN954	ARMSTRONG, T.

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status:
FL0508000	4/28/2019 5:32:20 PM	04/28/2019 17:32:20 -		Clearance:

Offense Description
S1B BUI - BOAT

Narrative: SUMMARY

Narrative Date/Time	Narrative Synopsis
5/1/2019 7:38:03 PM	ARMSTRONG SUMMARY

Reporting Officer	Officer Rank	Officer ID No	Officer Org/Unit
ARMSTRONG, T.	OFFICER	WN954	FWSA\SO REGION A\BROWARD

Officer Signature

Officer Agency
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

I. Who: James Francis Tight DOB 04/25/1996

II. When: 04/28/2019 at approximately 1740 hours

III. Where: Intracoastal waterway south of Camino Real bridge

IV. What: F.S. 327. 35(1)(a) Boating under the influence

V. **Other information related to BUI** The vessel was a 25-foot 1988 Contender, displayed registration FL 3081 GA. The owner is James Francis Tight (DOB: 04/25/1996) who was also the operator. He was accompanied by approx. 20 other passengers.

Weather Conditions: The weather was partly cloudy with a temperature of about 80 degrees Fahrenheit. The water was slightly choppy due to the boat traffic of Boca bash. Visibility was clear.

VI. **DETAILS OF BUI**

A. Phase 1- Initial Observation of vessel in operation

On Sunday, April 28, 2019 I, Officer T. Armstrong of the Florida Fish and Wildlife Conservation Commission was on a marked patrol vessel in the area of the Intracoastal waterway south of Camino Real bridge. At approximately 1740 hours I observed a vessel leaving the Lake Boca area traveling south down the Intracoastal. The vessel, a white Contender with registration FL 3081 GA had multiple passengers on board vomiting over the side of the vessel. The operator of the vessel was observed leaning on the center console holding a red cup in one hand.

I activated my lights and siren to initiate a stop on the vessel to conduct a boating safety inspection. Upon approach of the vessel the operator later identified through dispatch as James Francis Tight DOB 04/25/1996 (T-230-446-96-145-0) was observed behind the center console with one hand on the steering wheel. I then tied to

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Tights vessel and asked Tight for his license and registration. After receiving the registration, I asked Tight to pull a life jacket out for everyone on board the vessel. I observed Tight unsteady as he retrieved the life jackets. There was an insufficient amount of life jackets on board the vessel. The vessel was also over its maximum capacity of individuals.

I then asked Tight how much he had to drink. As Tight leaned in I observed his eyes were glassy and bloodshot. There was an odor of and alcoholic beverage emitting from Tights face. Tight had an inaudible response to the question. I then asked Tight to board my vessel. After boarding my vessel, I asked Tight if he would consent to performing Standardized Field Sobriety Tasks (SFST's) to determine possible impairment for the safety of him and his passengers. Tight complied.

B. Phase 2 - Personal contact with operator of vessel

At approximately 1800 hours, I began the SFST's. I instructed Tight to sit on the front edge of his seat. I then instructed Tight to sit with his feet shoulder width apart. I asked if he was stable. He said yes. I instructed him not to move his feet until the tasks were over. I also instructed him to stay in that position and not do anything else until instructed to do so. I asked if he understood. He said yes.

I asked Tight the Pre-task questions, reading from the agency issued seated battery of SFSTs form. I asked if he had any physical defects or disabilities. He stated no. I asked if he had any defects with his eyes. He stated no. I asked if he was sick or injured. He said no. I asked if he was under the care of a doctor or dentist. He said no. I asked if he was taking any medication or drugs. He said no.

C. Phase 3- Pre-arrest screening and observations of operator

The first scientifically validated Field Sobriety Task I conducted on Tight was the **Horizontal Gaze Nystagmus.** I asked if he was wearing contact lenses. He stated no. I instructed him to hold his head still and follow the stimulus (tip of my pen) with his eyes only. I asked if he understood. He said yes. I held my stimulus approx. twelve to fifteen inches from Tights nose. I checked for equal pupil size and resting nystagmus. His pupils were equal and he did not have resting nystagmus present. I then checked for equal tracking. I was unable to establish equal tracking due to Tight not being able to follow instructions. I then began my passes in which Tight remained staring at the center of my chest. I reminded Tight to look at and follow the stimulus as I continued my passes, checking for six scientifically validated clues. Tight exhibited all six clues. He had lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation, and onset of nystagmus prior to forty-five degrees. I then checked for vertical nystagmus. Vertical nystagmus was not present.

The second scientifically validated Field Sobriety Task I conducted on Tight was the **Finger to nose** task. During the instruction stage, Tight was unable to follow instructions and started at the wrong time. I started by reading Tight the instructions in which he started prior to me telling him to begin. I then instructed him to begin. At that time, he had already touched his nose with the wrong finger. Tight touched his nose with the pad of his finger multiple times. Tight exhibited six clues during this task.

The third scientifically-validated Field Sobriety Task I conducted on Tight was the **Palm pat**. I instructed him to

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place his hands palm-to-palm on top of one another. I instructed him to remain in this position while I explained the task. After instructing and demonstrating the task to him, I instructed him to begin. During the task, Tight was unable to follow instructions and started at the wrong time. Tight did not count as instructed, rolled his hands, had a chopped pat, and stopped before his was told. Tight exhibited five clues during this task.

The fourth and final scientifically validated task I conducted on Tight was the **Hand coordination** task. I instructed him to make fists with both hands, placing his left fist at the center of his chest and his right fist against his left fist. I then had Officer J. Keen demonstrate the instructed position. I instructed Tight to remain in this position while I explain the rest of the exercise. I asked if he understood. He said yes. I read aloud the instructions for the tasks and continued to have Officer Keen demonstrate each task. I instructed him to begin after the instruction stage was complete. TIght started in the wrong position. While performing the task, Tight exhibited six of the scientifically validated clues.

D. Arrest of operator

I placed Tight under arrest for operating a vessel while normal faculties impaired. The vessel was released to a female passenger. Tight was fitted with a PFD and transported to Silver Palms boat ramp where James was observed for 20 minutes. I read Tight the Florida BUI/DUI Implied Consent Warning and requested if he would provide a breath sample. Tight refused.

James Francis Tight was charged with:

-Operating a vessel while normal faculties impaired - F.S. 327.35(1)

* PLEASE NOTE, BODY CAMERA WAS IN USE DURING THIS ARREST

Sup #	Officer Name	Officer Rank	Involvement On Report	Reporting Role	ID #	Org/Unit	Officer Agency
01	ARMSTRONG, T.	OFFICER		REPORTING OFFICER	WN954	FWSA\SO REGION A\BROWARD	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
5/1/2019 5:07:17 PM	**ISR050328 (05)**	**FWSA19OFF004809 /FWLR19CAD008029**	**OFFICER / WN954**	**ARMSTRONG, T.**

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status:
FL0508000	**4/28/2019 5:32:20 PM**	**04/28/2019 17:32:20 -**		Clearance:

Offense Description
S1B BUI - BOAT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the narratives associated with this report:

Officer: Reporting Officer (Supplement05)

Officer Name	Office Rank	Officer ID No
ARMSTRONG, T.	**OFFICER**	**WN954**

Officer Agency
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the 2 day of May, 2019
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

L. McDonald M947

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Field Sobriety Task Performance Report

Subject Name JAMES F. TIGHT Start time 1738

PRE-TASK QUESTIONS (select)

	Y	N	Notes:
Do you have any physical defects or disabilities?	☐	☑	
Do you have any defects with your eyes?	☐	☑	
Are you sick or injured?	☐	☑	
Are you under the care of a doctor or dentist?	☐	☑	
Are you taking any medication or drugs?	☐	☑	

GENERAL INSTRUCTIONS:

Please sit straight at the front edge of your seat. Put your arms down at your sides. Place your feet shoulder-width apart so you are comfortable and stable. Are you stable? *(Response)* **Do not move your feet until the tasks are over. Stay in this position and do not do anything else until I tell you to do so. Do you understand?** *(Response)*

HORIZONTAL GAZE NYSTAGMUS

Have the subject remove their eyeglasses, if worn.

Are you wearing contact lenses? ☐ *Yes* ☑ *No*

I am going to check your eyes. Hold your head still and follow the stimulus with your eyes only. Do you understand? *(Response)*

Elevate the stimulus about 12-15" from the subject's nose. Check for equal pupil size, resting nystagmus and equal tracking.

Lack of smooth pursuit	☑	☑
Distinct & sustained nystagmus at max. deviation	☑	☑
Onset of nystagmus prior to 45-degrees	☑	☑

6

Vertical nystagmus: **Yes** ☐ **No** ☑

FINGER TO NOSE

- **Make a fist with both hands, extend your index fingers and turn your palms forward. Remain in this position while I explain the task.** *(Demonstrate)* **Do you understand?** *(Response)*
- **When I say begin, tilt your head back to about a 45° angle and close your eyes.** *(Demonstrate)*
- **When I tell you to, touch the tip of your nose with the tip of your index finger and immediately return it to your side.** *(Demonstrate and explain the fingertip, pad and side of fingers and demonstrate touching tip of the nose)*
- **When I say right, you must touch your right index finger to your nose; when I say left, you must touch your left index finger to your nose. Do you understand?** *(Response)*
- **Begin.** *(After head tilt...)* **Left...Right...Left...Right...Right...Left** *(After performance...)* **Open your eyes and straighten your head.**

| | | |

STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISON OF LAW ENFORCEMENT
REFUSAL TO SUBMIT TO BREATH, URINE OR BLOOD TESTING

In the County Court of the Judicial Circuit in and for PALM BEACH

STATE OF FLORIDA
(PLANTIFF)
V.
TIGHT, JAMES FRANCIS
DEFENDANT

Uniform Boating Citaion Number
V557191

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AFFIDAVIT

I, ARMSTRONG, T., a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, April 28, 2019 at 5:39 pm probable cause existed to arrest the above named Defendant for a violation of section 327.35, Florida Statutes, as set forth in the attached narrative which is incorporated by references as if set forth fully herein.
2. That on that date and time:
   ☒ The Defendant was under lawful arrest for an offense committed while the Defendant was operating a vessel while under the influence of alcoholic beverages, chemical substances, and the Defendant was requested to submit to a ☒ breath test, ☐ urine test, or ☐ both a breath and a urine test;
   or
   ☐ The Defendant had appeared for treatment at a hospital, clinic, or other medical facility, the adminsitration of a breath or urine test was impractical or impossible, and the Defendant was requested to submit to a blood test.
3. The Defendant was advised of both the penalties for a failure to submit to the blood, breath or urine test and the procedure for requesting a hearing.
4. The Defendant refused to submit to the ☐ blood, ☒ breath, or ☐ urine test(s).

FURTHER AFFIANT SAYETH NOT.

Officer's Signature

WN954
ID Number

Florida Fish and Wildlife Commission

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28 DAY OF Apr 20 19

Notary Public or Attesting Officer

☒ Personally known to me

☐ Produced as Identification

ABSTRACT OF COURT RECORD AND REPORT OF DISPOSITION

MUST BE REPORTED WITHIN 10 DAYS AFTER FINAL ADJUDICATION TO:
FWC LAW ENFORCEMENT RECORDS SECTION
620 S. MERIDIAN STREET
TALLAHASSEE, FL 32399-1600

I. ACTION BY COUNTY COURT CLERK, NO HEARING:

☐ Paid Civil penalty of $500.00 ..... _____
DATE RECEIVED

☐ 30 days has elapsed without receipt of the $500 Civil Penalty or a request for a hearing before a County Court Judge. The Civil Penalty is sustained and the defendant's vessel operating privilege is suspended by operation of law pending payment of the $500 Civil Penalty.

II. ACTION BY COUNTY COURT WHERE HEARING IS ELECTED:

The $500.00 Civil Penalty was:

☐ Sustained

☐ Dismissed

III. COURT INFORMATION:

County: _____ City: _____

Presiding Judge: _____

IV. BOAT OPERATING PRIVILEGE ACTION:

☐ Suspended Pending Payment of $500.00 Civil Penalty

☐ Reinstated upon payment in full of $500.00 Civil Penalty – _____
DATE RECEIVED

☐ Not Affected - Civil Penalty Dismissed

V. THE DATE BELOW MUST BE ENTERED ON ALL DISPOSITIONS:

Final Adjudication or Action on _____ by County Clerk
DATE

Submitted on _____ to FWC/DLE Records Section
DATE

By: _____ _____
SIGNATURE OF PERSON SUBMITTING REPORT TITLE

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COURT RECORD

Case No.: _____ Hearing Docket No.: _____ Page No.: _____

DATE	Court Action and Other Orders
	☐ Payment of $500.00 received; or ☐ Hearing requested
	Continuance to: _____ Reason: _____
	Continuance to: _____ Reason: _____
	Other: _____
	$500.00 civil penalty is: Sustained ☐ Dismissed ☐

JUDGEMENT and ORDER

After hearing the evidence presented in this manner and duly considering the same, the court finds that the Defendant, _____, did unlawfully refuse to submit to chemical testing of his/her blood, breath, or urine, in violation of section 327.35215, Florida Statutes. The $500.00 civil penalty is sustained.

IT IS, THEREFORE, the Judgment and Order of this Court that you, the Defendant, pay a civil penalty of $500.00 within _____ days and that you refrain from operating any vessel upon the waters of this state until the $500.00 civil penalty is paid in full.

DONE, ADJUDGED, and ORDERED in open Court at _____ Florida, this _____ day of _____, 20____, A.D.

Judge: _____

Testimony, Judge's Notes, or other Court Orders: _____

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NOTICE OF CIVIL PENALTY

YOU ARE HEREBY NOTIFIED that, pursuant to the provisions of section 327.35215, Florida Statutes, a five hundred dollar ($500.00) civil penalty is assessed against you for refusal to submit to chemical testing of your blood, breath, or urine, said refusal occurring at the date and time set forth on the opposite side of this form.

You must respond to this notice within thirty (30) days. You must either pay the $500.00 civil penalty or request a hearing before a County Court Judge. If you fail to do one of the above within the thirty-day period, it will be a crime for you to operate any vessel upon the waters of this state, punishable by up to one year in jail, a fine of up to $1,000.00, or both.

If you request a hearing and fail to appear, a final judgment will be entered against you by default and you must pay the civil penalty before operating any vessel.

Return this form with your request for a hearing.

VIOLATOR INSTRUCTIONS

You may pay the civil penalty or request a hearing either in person or by mail by submitting this form to the Clerk of the Court at the address below. If you choose to pay the $500.00 civil penalty, make your certified check or money order (DO NOT MAIL CASH) payable to: **CLERK OF THE COUNTY COURT**. The clerk's office ☐ will ☐ will not accept a personal check.

The address is:

CLERK OF THE COUNTY COURT

_____ County

Post Office Box

Street Address

City State Zip Code

ANSWER TO NOTICE

☐ I waive my right to a hearing and have enclosed payment of $500.00.

☐ I request to have a hearing before a County Court Judge. I understand that I will receive by mail a notice from the Court with the hearing date, time, and location. I also understand that if I fail to appear, the $500.00 civil penalty will be sustained by default and I will not be allowed to operate any vessel upon the waters of this state until it is paid in full.

Signature Date

Printed Name

Mailing Address

City State Zip Code

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUI/DUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME TIGHT, JAMES FRANCIS CASE NO: FWSA19OFF004809

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

You are under arrest for operating a vessel or vehicle while under the influence of alcoholic beverages or chemical or contraolled substances.

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

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

☐ 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. Will you submit to a **BLOOD** test?

IF THE SUBJECT REFUSES TO SUBMIT TO TESTING, READ ONE OF THE FOLLOWING:

I am ARMSTRONG, T. of the Florida Fish and Wildlife Conservation Commission
OFFICER'S NAME

☒ **VESSEL**

If you fail to submit to the test I have requested of you, it will result in a civil penalty of $500.00. Additionaly , if you refuse to submit to the test I have requested of you and have previously been fined for 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.

Will you submit to the test? ☐ YES ☒ NO

☐ **VEHICLE**

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 privileges have been previously suspended for 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

Will you submit to the test? ☐ YES ☐ NO

04/28/2019 06:15 PM IN CUSTODY
DATE TIME DEFENDANT'S SIGNATURE

THOMAS ARMSTRONG #954
OFFICER'S NAME (PRINTED) OFFICER'S SIGNATURE

FWCDLE 108D (09/05)

NOT A CERTIFIED COPY