

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2024-2164
Lower Tribunal No. 2024-CT-300001

STATE OF FLORIDA,

Appellant,

v.

JEFFREY McSHANE HART,

Appellee.

Appeal from the County Court for Orange County.
Cherish Adams, Judge.

May 22, 2026

SMITH, J.

The State of Florida appeals from an order granting Jeffrey McShane Heart's motion to suppress evidence of his refusal to submit to a breath test. Both parties below and on appeal concede that the facts here mirror those faced by this Court in *State v. Repple*, 49 Fla. L. Weekly D1296 (Fla. 6th DCA June 14, 2024), *quashed by State v. Repple*, 428 So. 3d 59 (Fla. 2025), where this Court upheld the suppression finding that the "arresting [municipal] officer lacked authority to request the test and that the test was therefore invalid because the test was administered

outside the [municipality].” 428 So. 3d at 61. Within a few months of the parties filing of their briefs, the Florida Supreme Court quashed this Court’s decision, holding that Florida’s implied consent law¹ authorized a municipal officer’s request for submission to a breath test outside of the municipality. *Id.* The State filed a notice of supplemental authority in this case on February 27, 2026, attaching the Florida Supreme Court’s *State v. Repple* decision. Because neither party has sought to submit any additional briefing on this matter, it appears that both parties recognize the clear effect of the Florida Supreme Court’s decision here. Accordingly, pursuant to the holding of *State v. Repple*, 428 So. 3d 59 (Fla. 2025), we reverse the trial court’s suppression of Hart’s refusal to submit to a breath test and remand for further proceedings consistent with this opinion.

REVERSED and REMANDED.

TRAVER, C.J., and PRATT, J., concur.

James Uthmeier, Attorney General, Tallahassee, and Richard A. Pallas, Jr., Assistant Attorney General, Daytona Beach, for Appellant.

Ashley D. Parker, of Lindsey, Ferry & Parker, P.A., Maitland, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF FILED

¹ § 316.1932(1)(a)1.a., Fla. Stat. (2020).