

By Senator Carlton

24-493-99

1 A bill to be entitled
 2 An act relating to traffic accidents involving
 3 death or serious injury; amending s. 316.1933,
 4 F.S.; requiring the driver of a vehicle
 5 involved in an accident to undergo testing for
 6 the presence of alcohol or drugs if the
 7 accident causes death or serious bodily injury;
 8 deleting provisions authorizing a law
 9 enforcement officer to require such testing
 10 upon probable cause to believe that the driver
 11 of the vehicle was under the influence of
 12 alcohol or drugs; providing an effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsection (1) of section 316.1933, Florida
 17 Statutes, 1998 Supplement, is amended to read:

18 316.1933 Blood test for impairment or intoxication in
 19 cases of death or serious bodily injury; right to use
 20 reasonable force.--

21 (1) Notwithstanding any recognized ability to refuse
 22 to submit to the tests provided in s. 316.1932 or any
 23 recognized power to revoke the implied consent to such tests,
 24 if a traffic accident results in ~~law enforcement officer has~~
 25 ~~probable cause to believe that a motor vehicle driven by or in~~
 26 ~~the actual physical control of a person under the influence of~~
 27 ~~alcoholic beverages, any chemical substances, or any~~
 28 ~~controlled substances has caused~~ the death or serious bodily
 29 injury of a human being, the driver of each vehicle involved
 30 in the accident ~~such person shall submit, upon the request of~~
 31 ~~a law enforcement officer,~~ to a test of the driver's ~~person's~~

1 blood for the purpose of determining the alcoholic content
2 thereof or the presence of chemical substances as set forth in
3 s. 877.111 or any substance controlled under chapter 893. The
4 law enforcement officer may use reasonable force if necessary
5 to require such driver ~~person~~ to submit to the administration
6 of the blood test. The blood test shall be performed in a
7 reasonable manner. The term "serious bodily injury" means an
8 injury to any person, including the driver, which consists of
9 a physical condition that creates a substantial risk of death,
10 serious personal disfigurement, or protracted loss or
11 impairment of the function of any bodily member or organ.

12 Section 2. This act shall take effect October 1, 1999.

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SENATE SUMMARY

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Requires that the driver of any vehicle involved in an
accident resulting in death or serious injury submit to a
test for alcohol or drugs. Deletes provisions authorizing
a law enforcement officer to require that the driver of
such vehicle submit to testing for alcohol or drugs only
if the officer has probable cause to believe that the
driver is impaired.