

By Representative Romeo

1                                   A bill to be entitled  
2           An act relating to driving under the influence;  
3           amending s. 316.1933, F.S.; making a blood test  
4           for alcohol or controlled or chemical  
5           substances nondiscretionary in certain  
6           circumstances when a traffic accident results  
7           in death or serious bodily injury; providing an  
8           effective date.

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

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12           Section 1. Subsection (1) of section 316.1933, Florida  
13   Statutes, is amended to read:

14           316.1933 Blood test for impairment or intoxication in  
15   cases of death or serious bodily injury; right to use  
16   reasonable force.--

17           (1) Notwithstanding any recognized ability to refuse  
18   to submit to the tests provided in s. 316.1932 or any  
19   recognized power to revoke the implied consent to such tests,  
20   if a law enforcement officer has probable cause to believe  
21   that a motor vehicle driven by or in the actual physical  
22   control of a person under the influence of alcoholic  
23   beverages, any chemical substances, or any controlled  
24   substances, when affected to the extent that the person's  
25   normal faculties are impaired, was involved in a traffic  
26   accident that resulted in ~~has caused~~ the death or serious  
27   bodily injury of a human being, such person shall submit, ~~upon~~  
28   ~~the request of a law enforcement officer,~~ to a test of the  
29   person's blood for the purpose of determining the alcoholic  
30   content thereof or the presence of chemical substances as set  
31   forth in s. 877.111 or any substance controlled under chapter

1 893. The law enforcement officer may use reasonable force if  
2 necessary to require such person to submit to the  
3 administration of the blood test. The blood test shall be  
4 performed in a reasonable manner. The term "serious bodily  
5 injury" means an injury to any person, including the driver,  
6 which consists of a physical condition that creates a  
7 substantial risk of death, serious personal disfigurement, or  
8 protracted loss or impairment of the function of any bodily  
9 member or organ.

10 Section 2. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Provides that, when a law enforcement officer has probable cause to believe that the operator of a motor vehicle that is involved in a traffic accident that results in death or serious bodily injury is under the influence of alcohol or chemical or controlled substances, a test of the operator's blood must be performed.