

By Senator Miller

21-169-02

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.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
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.

11

12 *****

13

SENATE SUMMARY

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

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.