



HB 0895

2003

1 A bill to be entitled

2 An act relating to driving under the influence; amending
3 s. 316.1933, F.S.; requiring a law enforcement officer to
4 administer a field sobriety test to the driver or person
5 in control of any motor vehicle involved in a traffic
6 accident resulting in death or serious bodily injury;
7 providing for administration of blood tests in certain
8 circumstances; providing an 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 reasonable
16 force.--

17 (1)(a) If a law enforcement officer has probable cause to
18 believe that a motor vehicle driven by or in the actual physical
19 control of a person under the influence of alcoholic beverages,
20 any chemical substances, or any controlled substances has caused
21 the death or serious bodily injury of a human being, or if a law
22 enforcement officer believes that a person given a field
23 sobriety test under paragraph (b) has failed that test, the a
24 law enforcement officer shall require the person driving or in
25 actual physical control of the motor vehicle to submit to a test
26 of the person's blood for the purpose of determining the
27 alcoholic content thereof or the presence of chemical substances
28 as set forth in s. 877.111 or any substance controlled under
29 chapter 893. The law enforcement officer may use reasonable
30 force if necessary to require such person to submit to the



HB 0895

2003

31 administration of the blood test. The blood test shall be
32 performed in a reasonable manner. Notwithstanding s. 316.1932,
33 the testing required by this paragraph need not be incidental to
34 a lawful arrest of the person.

35 (b) A law enforcement officer shall perform a field
36 sobriety test on the person driving or in actual physical
37 control of any motor vehicle that was involved in a traffic
38 accident that resulted in the death or serious bodily injury of
39 a human being. If the law enforcement officer believes that the
40 person is intoxicated or impaired, based on the person's
41 performance on the field sobriety test, the officer shall
42 require the person to submit to a blood test under this section.

43 (c)-(b) The term "serious bodily injury" means an injury to
44 any person, including the driver, which consists of a physical
45 condition that creates a substantial risk of death, serious
46 personal disfigurement, or protracted loss or impairment of the
47 function of any bodily member or organ.

48 Section 2. This act shall take effect July 1, 2003.