

HB 0575

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A bill to be entitled
 An act relating to driving under the influence; amending
 s. 316.1933, F.S.; requiring a law enforcement officer to
 administer a field sobriety test or breath test to the
 driver or person in control of any motor vehicle involved
 in a traffic accident resulting in death or serious bodily
 injury; providing for administration of blood tests in
 certain circumstances; providing an effective date.

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

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

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

(1)(a) If a law enforcement officer has probable cause to
 believe that a motor vehicle driven by or in the actual physical
 control of a person under the influence of alcoholic beverages,
 any chemical substances, or any controlled substances has caused
 the death or serious bodily injury of a human being, or if a law
enforcement officer believes that a person given a field
sobriety test or physical or chemical breath test under
paragraph (b) has failed that test, the a law enforcement
 officer shall require the person driving or in actual physical
 control of the motor vehicle to submit to a test of the person's
 blood for the purpose of determining the alcoholic content
 thereof or the presence of chemical substances as set forth in
 s. 877.111 or any substance controlled under chapter 893. The

CODING: Words **stricken** are deletions; words **underlined** are additions.

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30 law enforcement officer may use reasonable force if necessary to
 31 require such person to submit to the administration of the blood
 32 test. The blood test shall be performed in a reasonable manner.
 33 Notwithstanding s. 316.1932, the testing required by this
 34 paragraph need not be incidental to a lawful arrest of the
 35 person.

36 (b) A law enforcement officer shall perform a field
 37 sobriety test, or a breath test as provided in s. 316.1932 if a
 38 person is physically or emotionally unable to perform a sobriety
 39 test, on the person driving or in actual physical control of any
 40 motor vehicle that was involved in a traffic accident that
 41 resulted in the death or serious bodily injury of a human being.
 42 If the law enforcement officer believes that the person is
 43 intoxicated or impaired, based on the person's performance on
 44 the field sobriety test or breath test, the officer shall
 45 require the person to submit to a blood test under this section.

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

51 Section 2. This act shall take effect July 1, 2004.