

By Senator Miller

18-742-04

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

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

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14 Section 1. Subsection (1) of section 316.1933, Florida
15 Statutes, is amended to read:16 316.1933 Blood test for impairment or intoxication in
17 cases of death or serious bodily injury; right to use
18 reasonable force.--19 (1)(a) If a law enforcement officer has probable cause
20 to believe that a motor vehicle driven by or in the actual
21 physical control of a person under the influence of alcoholic
22 beverages, any chemical substances, or any controlled
23 substances has caused the death or serious bodily injury of a
24 human being, or if a law enforcement officer believes that a
25 person given a field sobriety test under paragraph (b) has
26 failed that test, the a law enforcement officer shall require
27 the person driving or in actual physical control of the motor
28 vehicle to submit to a test of the person's blood for the
29 purpose of determining the alcoholic content thereof or the
30 presence of chemical substances as set forth in s. 877.111 or
31 any substance controlled under chapter 893. The law

1 enforcement officer may use reasonable force if necessary to
2 require such person to submit to the administration of the
3 blood test. The blood test shall be performed in a reasonable
4 manner. Notwithstanding s. 316.1932, the testing required by
5 this paragraph need not be incidental to a lawful arrest of
6 the person.

7 (b) A law enforcement officer shall perform a field
8 sobriety test on the person driving or in actual physical
9 control of any motor vehicle that was involved in a traffic
10 accident that resulted in the death or serious bodily injury
11 of a human being. If the law enforcement officer believes that
12 the person is intoxicated or impaired, based on the person's
13 performance on the field sobriety test, the officer shall
14 require the person to submit to a blood test under this
15 section.

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

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

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24 SENATE SUMMARY

25 Requires a law enforcement officer to administer a field
26 sobriety test to the person driving or in control of any
27 motor vehicle involved in a traffic accident in which
28 death or serious bodily injury occurs. If the officer
29 believes that the person has failed the field sobriety
30 test, the person must be given a blood test for alcohol
31 or chemical or controlled substances.