

By Senator Wise

5-131-07

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A bill to be entitled

An act relating to blood tests for alcohol or drug impairment; amending s. 316.1933, F.S.; requiring a law enforcement officer who has reasonable suspicion to believe that a motor vehicle driven by or in the actual physical control of a person has caused the death of a human being to require that person to submit to a blood test; authorizing the law enforcement officer to use reasonable force if necessary; requiring that the blood test be performed in a reasonable manner; providing that the test need not be incidental to a lawful arrest of the person; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (1) of section 316.1933, Florida Statutes, to read:

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

(1)

(c) Notwithstanding paragraph (a), if a law enforcement officer has reasonable suspicion to believe that a motor vehicle driven by or in the actual physical control of a person has caused the death of a human being, 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

1 substances as set forth in s. 877.111 or any substance  
2 controlled under chapter 893. The law enforcement officer may  
3 use reasonable force if necessary to require such person to  
4 submit to the administration of the blood test. The blood test  
5 shall be performed in a reasonable manner. Notwithstanding s.  
6 316.1932, the testing required by this paragraph need not be  
7 incidental to a lawful arrest of the person.

8 Section 2. This act shall take effect July 1, 2007.

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11 SENATE SUMMARY

12 Provides that if a law enforcement officer has reasonable  
13 suspicion to believe that a motor vehicle driven by or in  
14 the actual physical control of a person has caused the  
15 death of a human being, the law enforcement officer shall  
16 require the person driving or in actual physical control  
17 of the motor vehicle to submit to a blood test.  
18 Authorizes the law enforcement officer to use reasonable  
19 force if necessary. Requires that the blood test be  
20 performed in a reasonable manner. Provides that the test  
21 need not be incidental to a lawful arrest of the person.  
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