

By Senator Stargel

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1 A bill to be entitled
 2 An act relating to search warrants; amending s.
 3 933.02, F.S.; expanding the grounds for issuance of a
 4 search warrant to include blood if it constitutes
 5 evidence relevant to proving that misdemeanor driving
 6 under the influence has been committed; providing that
 7 specified rights or privileges do not preclude the
 8 issuance of a search warrant for blood in a driving
 9 under the influence case which is considered an
 10 additional method to secure evidence subsequent to
 11 various other methods; authorizing the issuance of a
 12 search warrant for blood in a misdemeanor driving
 13 under the influence case only after a condition has
 14 been met; making technical changes; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Section 933.02, Florida Statutes, is amended to
 20 read:

21 933.02 Grounds for issuance of search warrant.—Upon proper
 22 affidavits being made, a search warrant may be issued under the
 23 provisions of this chapter upon any of the following grounds:

24 (1) When the property was ~~shall have been~~ stolen or
 25 embezzled in violation of law.‡

26 (2) When any property was ~~shall have been~~ used:

27 (a) As a means to commit any crime;

28 (b) In connection with gambling, gambling implements and
 29 appliances; or

30 (c) In violation of s. 847.011 or other laws in reference
 31 to obscene prints and literature.‡

32 (3) When any property, including blood, constitutes

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33 evidence relevant to proving that:

34 (a) A misdemeanor for driving under the influence has been
35 committed; or

36 (b) A felony has been committed.~~†~~

37
38 The issuance of a search warrant for blood for driving under the
39 influence is not precluded by any of the rights or privileges
40 enumerated under s. 316.1932 and is considered an additional
41 method to secure evidence subsequent to the breath, urine, or
42 blood testing that may be required under s. 316.1932. A search
43 warrant for blood for a misdemeanor offense of driving under the
44 influence may be requested only after a refusal to submit to
45 testing under s. 316.1932 has occurred.

46 (4) When any property is being held or possessed in
47 violation of any of the following:

48 ~~(a) In violation of any of the Laws prohibiting the~~
49 ~~manufacture, sale, and transportation of intoxicating liquors.~~~~†~~

50 ~~(b) In violation of the Fish and game laws.~~~~†~~

51 ~~(c) In violation of the Laws relative to food and drug.~~~~†~~~~or~~

52 ~~(d) In violation of the Laws relative to citrus disease~~
53 ~~pursuant to s. 581.184.~~~~†~~~~or~~

54 (5) When the laws in relation to cruelty to animals, as
55 provided in chapter 828, have been or are violated in any
56 particular building or place.

57
58 This section also applies to any papers or documents used as a
59 means of or in aid of the commission of any offense against the
60 laws of the state.

61 Section 2. This act shall take effect July 1, 2017.