

HB 1539

2026

A bill to be entitled  
An act relating to blood testing required following civilian-involved shootings; creating s. 790.402, F.S.; defining terms; requiring a civilian to submit to a test of his or her blood within a certain timeframe after an incident if he or she discharges a firearm within this state resulting in an injury or a death; specifying the procedure for the testing; specifying consequences for refusing to submit to testing; providing for confidentiality and disclosure of test results; providing reporting requirements; providing an effective date.

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

Section 1. Section 790.402, Florida Statutes, is created to read:

790.402 Blood testing required following civilian-involved shootings.-

(1) DEFINITIONS.—As used in this section, the term:

(a) "Civilian" means an individual who is not acting in an official capacity as a law enforcement officer, correctional officer, correctional probation officer, as those terms are defined in s. 943.10, or member of the armed forces at the time of the incident.

26       (b) "Civilian-involved shooting" means an incident within  
27 this state in which a civilian discharges a firearm, whether  
28 intentionally or unintentionally, resulting in injury or death  
29 to any person.

30       (2) TESTING REQUIREMENT.—If a civilian discharges a  
31 firearm within this state resulting in an injury or a death,  
32 such individual must submit to a test of his or her blood within  
33 2 hours after the incident for the purpose of determining the  
34 alcohol content thereof or the presence of chemical substances  
35 as set forth in s. 877.111 or any substance controlled under  
36 chapter 893.

37       (3) PROCEDURE.—

38       (a) The test must be administered by a qualified medical  
39 professional at the direction of a law enforcement officer or an  
40 independent investigator assigned by the Department of Law  
41 Enforcement.

42       (b) The blood sample must be analyzed by a state-certified  
43 laboratory, and the results must be provided to the  
44 investigating agency and to the Department of Law Enforcement.

45       (c) Refusal to submit to testing pursuant to this section  
46 constitutes grounds for administrative or criminal penalties,  
47 and such refusal is deemed a waiver of a claim of self-defense  
48 in any subsequent criminal or civil proceedings arising from the  
49 incident.

50       (4) CONFIDENTIALITY AND DISCLOSURE.—Test results obtained

51 pursuant to this section must be treated as part of the official  
52 investigative record and maintained in accordance with chapter  
53 119. Results may be disclosed upon conclusion of the  
54 investigation unless otherwise prohibited by law or court order.

55 (5) REPORTING.—The Department of Law Enforcement shall  
56 submit an annual report by June 30 of each year to the Governor,  
57 the President of the Senate, and the Speaker of the House of  
58 Representatives which includes all of the following information:

59 (a) The number of civilian-involved shooting incidents and  
60 the number of those individuals that submitted to the requiring  
61 testing pursuant to this section.

62 (b) Aggregate data on testing results and any related  
63 prosecutorial or disciplinary actions.

64 (c) Recommendations for policy or procedural improvements  
65 to enhance firearm safety, transparency, and community  
66 accountability.

67 **Section 2.** This act shall take effect July 1, 2026.