

Florida law and the Constitution of the United States prohibit the police from taking your blood for a DUI investigation unless there has been a death or serious bodily injury and reasonable cause to believe that you were under the influence of alcohol to the extent that your normal faculties are impaired.

Florida Statute Section 316.1933 reads:

“...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 has caused the death or serious bodily injury of a human being, such person shall submit, upon request of a law enforcement officer, to a test of the person’s blood...”

If the State cannot show that there was probable cause that there was a death or serious bodily injury the blood draw is inadmissible.