

By Senator Jones

34-00736-26

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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.

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

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30 (2) TESTING REQUIREMENT.—If a civilian discharges a firearm
31 within this state resulting in an injury or a death, such
32 individual must submit to a test of his or her blood within 2
33 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:

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59 (a) The number of civilian-involved shooting incidents and
60 the number of those individuals that submitted to the required
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.