Supreme Court of Florida

STATE OF FLORIDA,
Petitioner,

vs.

BURT MARSHALL,
Respondent.

No. 88,774

[June 5, 1997]

PER CURIAM.

We review State v. Marshall, 21 Fla. L. Weekly D1865 (Fla. 3d DCA Aug. 14, 1996), in which the court certified direct conflict with State v. Riley, 617 So. 2d 340 (Fla. 1st DCA 1993). We have jurisdiction pursuant to article V, sections 3(b)(4) of the Florida Constitution.

In construing section 316.066, Florida Statutes (Supp. 1988), this Court has stated:

> To clarify our decision, we emphasize that the privilege granted under section 316.066 is applicable if no Miranda warnings are given. Further, if a law enforcement officer gives any indication to a defendant that he or she must respond to questions concerning the investigation of an accident, there must be an express statement by the law enforcement official to the defendant that "this is now a criminal investigation," followed immediately by Miranda warnings, before any statement by the defendant may be admitted.

State v. Norstrom, 613 So. 2d 437, 440-41 (Fla. 1993). We cannot say that the 1991 amendments to that statute and section 316.062, Florida Statutes (Supp. 1988), affect our holding in Norstrom. If the legislature had intended to eliminate the statutory requirement that drivers give accident reports to investigating officers, it would have said so in clearer language.

Accordingly, we approve the decision of the court below, adopt its opinion as our own, and disapprove State v. Riley.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Third District - Case No. 96-1397

(Monroe County)

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