

By Senator Dockery

15-00397-10

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1 A bill to be entitled
2 An act relating to leaving the scene of a crash
3 involving death or personal injuries; amending s.
4 316.027, F.S.; requiring a driver of any vehicle
5 involved in a crash that results in serious bodily
6 injury to any person to immediately stop the vehicle
7 at the scene of the crash; providing that a person
8 commits a felony of the second degree if he or she
9 fails to stop the vehicle at the scene of the crash;
10 providing additional penalties for failing to stop the
11 vehicle at the scene of the crash; amending s. 322.28,
12 F.S.; requiring the court to revoke the driver's
13 license of a person convicted of leaving the scene of
14 a crash involving injury, serious bodily injury, or
15 death for at least 3 years; amending ss. 318.13,
16 318.14, and 318.18, F.S.; conforming cross-references;
17 reenacting s. 322.34(6), F.S., relating to driving
18 while a driver's license is suspended, revoked,
19 canceled, or disqualified, to incorporate the
20 amendment to s. 322.28, F.S., in a reference thereto;
21 amending s. 921.0022, F.S.; conforming a cross-
22 reference; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 316.027, Florida Statutes, is amended to
27 read:

28 316.027 Crash involving death or personal injuries.—
29 (1) (a) The driver of any vehicle involved in a crash

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30 occurring on public or private property which ~~that~~ results in
31 injury of any person must immediately stop the vehicle at the
32 scene of the crash, or as close thereto as possible, and must
33 remain at the scene of the crash until he or she has fulfilled
34 the requirements of s. 316.062. Any person who willfully
35 violates this paragraph commits a felony of the third degree,
36 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

37 (b) The driver of any vehicle involved in a crash occurring
38 on public or private property which results in serious bodily
39 injury of any person must immediately stop the vehicle at the
40 scene of the crash, or as close thereto as possible, and must
41 remain at the scene of the crash until he or she has fulfilled
42 the requirements of s. 316.062. Any person who willfully
43 violates this paragraph commits a felony of the second degree,
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

45 (c) ~~(b)~~ The driver of any vehicle involved in a crash
46 occurring on public or private property which ~~that~~ results in
47 the death of any person must immediately stop the vehicle at the
48 scene of the crash, or as close thereto as possible, and must
49 remain at the scene of the crash until he or she has fulfilled
50 the requirements of s. 316.062. Any person who willfully
51 violates this paragraph commits a felony of the first degree,
52 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
53 Any person who willfully violates this paragraph while driving
54 under the influence as set forth in s. 316.193(1) shall be
55 sentenced to a mandatory minimum term of imprisonment of 10 ~~2~~
56 years.

57 (d) ~~(e)~~ Notwithstanding s. 775.089(1) (a), if the driver of a
58 vehicle violates paragraph (a), ~~or~~ paragraph (b), or paragraph

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59 (c), the court shall order the driver to make restitution to the
60 victim for any damage or loss unless the court finds clear and
61 compelling reasons not to order the restitution. Restitution may
62 be monetary or nonmonetary restitution. The court shall make the
63 payment of restitution a condition of probation in accordance
64 with s. 948.03. An order requiring the defendant to make
65 restitution to a victim does not remove or diminish the
66 requirement that the court order payment to the Crimes
67 Compensation Trust Fund under chapter 960. Payment of an award
68 by the Crimes Compensation Trust Fund creates an order of
69 restitution to the Crimes Compensation Trust Fund unless
70 specifically waived in accordance with s. 775.089(1)(b).

71 (e) Any driver who violates paragraph (a), paragraph (b),
72 or paragraph (c) is also subject to:

73 1. A mandatory minimum term of imprisonment of:

74 a. Three years if the crash results in injury to any
75 person;

76 b. Seven years if the crash results in serious bodily
77 injury to any person; or

78 c. Ten years if the crash results in the death of any
79 person.

80 2. A mandatory revocation of the driver's license for a
81 minimum period of not less than 3 years as provided in s.
82 322.28(4).

83 3. Participation in a victim's impact panel session in a
84 judicial circuit where one exists.

85 ~~(2) The department shall revoke the driver's license of the~~
86 ~~person so convicted.~~

87 (2)(3) Every stop must be made without obstructing traffic

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88 more than is necessary, and, if a damaged vehicle is obstructing
89 traffic, the driver of the vehicle must make every reasonable
90 effort to move the vehicle or have it moved so as not to
91 obstruct the regular flow of traffic. Any person who fails to
92 comply with this subsection shall be cited for a nonmoving
93 violation, punishable as provided in chapter 318.

94 (3)~~(4)~~ A person whose commission of a noncriminal traffic
95 infraction or any violation of this chapter or s. 1006.66 causes
96 or results in the death of another person may, in addition to
97 any other civil, criminal, or administrative penalty imposed, be
98 required by the court to serve 120 community service hours in a
99 trauma center or hospital that regularly receives victims of
100 vehicle accidents, under the supervision of a registered nurse,
101 an emergency room physician, or an emergency medical technician
102 pursuant to a voluntary community service program operated by
103 the trauma center or hospital.

104 (4)~~(5)~~ This section does not apply to crashes occurring
105 during a motorsports event, as defined in s. 549.10(1), or at a
106 closed-course motorsport facility, as defined in s. 549.09(1).

107 Section 2. Subsection (4) of section 322.28, Florida
108 Statutes, is amended to read:

109 322.28 Period of suspension or revocation.—

110 (4) (a) Upon a conviction for a violation of s.
111 316.193(3)(c)2., involving serious bodily injury, a conviction
112 of manslaughter resulting from the operation of a motor vehicle,
113 or a conviction of vehicular homicide, the court shall revoke
114 the driver's license of the person convicted for a minimum
115 period of 3 years. If a conviction under s. 316.193(3)(c)2.,
116 involving serious bodily injury, is also a subsequent conviction

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117 as described under paragraph (2) (a), the court shall revoke the
118 driver's license or driving privilege of the person convicted
119 for the period applicable as provided in paragraph (2) (a) or
120 paragraph (2) (e).

121 (b) Upon a conviction for a violation of s. 316.027(1) (a),
122 s. 316.027(1) (b), or s. 316.027(1) (c) involving injury, serious
123 bodily injury, or death, the court shall revoke the driver's
124 license of the person convicted for a minimum period of 3 years.

125 (c) ~~(b)~~ If the period of revocation was not specified by the
126 court at the time of imposing sentence or within 30 days
127 thereafter, the department shall revoke the driver's license for
128 the minimum period applicable under paragraph (a) or paragraph
129 (b) or, for a subsequent conviction, for the minimum period
130 applicable under paragraph (2) (a) or paragraph (2) (e).

131 Section 3. Subsection (3) of section 318.13, Florida
132 Statutes, is amended to read:

133 318.13 Definitions.—The following words and phrases, when
134 used in this chapter, shall have the meanings respectively
135 ascribed to them in this section, except where the context
136 otherwise requires:

137 (3) "Infraction" means a noncriminal violation that may
138 require community service hours under s. 316.027(3) ~~s.~~
139 ~~316.027(4)~~, but is not punishable by incarceration and for which
140 there is no right to a trial by jury or a right to court-
141 appointed counsel.

142 Section 4. Subsection (1) of section 318.14, Florida
143 Statutes, is amended to read:

144 318.14 Noncriminal traffic infractions; exception;
145 procedures.—

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146 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
147 person cited for a violation of chapter 316, s. 320.0605, s.
148 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
149 (3), s. 322.161(5), s. 322.19, or s. 1006.66(3) is charged with
150 a noncriminal infraction and must be cited for such an
151 infraction and cited to appear before an official. If another
152 person dies as a result of the noncriminal infraction, the
153 person cited may be required to perform 120 community service
154 hours under s. 316.027(3) ~~s. 316.027(4)~~, in addition to any
155 other penalties.

156 Section 5. Paragraph (c) of subsection (8) of section
157 318.18, Florida Statutes, is amended to read:

158 318.18 Amount of penalties.—The penalties required for a
159 noncriminal disposition pursuant to s. 318.14 or a criminal
160 offense listed in s. 318.17 are as follows:

161 (8)

162 (c) If the noncriminal infraction has caused or resulted in
163 the death of another, the person who committed the infraction
164 may perform 120 community service hours under s. 316.027(3) ~~s.~~
165 ~~316.027(4)~~, in addition to any other penalties.

166 Section 6. For the purpose of incorporating the amendment
167 made by this act to section 322.28, Florida Statutes, in a
168 reference thereto, subsection (6) of section 322.34, Florida
169 Statutes, is reenacted to read:

170 322.34 Driving while license suspended, revoked, canceled,
171 or disqualified.—

172 (6) Any person who operates a motor vehicle:

173 (a) Without having a driver's license as required under s.
174 322.03; or

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175 (b) While his or her driver's license or driving privilege
 176 is canceled, suspended, or revoked pursuant to s. 316.655, s.
 177 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
 178
 179 and who by careless or negligent operation of the motor vehicle
 180 causes the death of or serious bodily injury to another human
 181 being is guilty of a felony of the third degree, punishable as
 182 provided in s. 775.082 or s. 775.083.

183 Section 7. Paragraph (g) of subsection (3) of section
 184 921.0022, Florida Statutes, is amended to read:

185 921.0022 Criminal Punishment Code; offense severity ranking
 186 chart.—

187 (3) OFFENSE SEVERITY RANKING CHART

188 (g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027 <u>(1)(c)</u> (1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

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402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

194

409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or less.

195

409.920(2)(b)1.b. 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.

196

456.065(2) 3rd Practicing a health care profession without a license.

197

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

198

458.327(1) 3rd Practicing medicine without a license.

199

459.013(1) 3rd Practicing osteopathic medicine without a license.

200

460.411(1) 3rd Practicing chiropractic medicine without a license.

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461.012 (1) 3rd Practicing podiatric medicine without a license.

202

462.17 3rd Practicing naturopathy without a license.

203

463.015 (1) 3rd Practicing optometry without a license.

204

464.016 (1) 3rd Practicing nursing without a license.

205

465.015 (2) 3rd Practicing pharmacy without a license.

206

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

207

467.201 3rd Practicing midwifery without a license.

208

468.366 3rd Delivering respiratory care services without a license.

209

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

210

483.901 (9) 3rd Practicing medical physics without a license.

211

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

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212

484.053 3rd Dispensing hearing aids without a license.

213

494.0018(2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

214

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

215

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

216

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

217

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

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775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

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- 775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
- 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
- 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
- 782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
- 782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
- 784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.
- 784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.
- 784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

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784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
784.081 (1)	1st	Aggravated battery on specified official or employee.
784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083 (1)	1st	Aggravated battery on code inspector.
790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
790.16 (1)	1st	Discharge of a machine gun under

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specified circumstances.

790.165 (2)

2nd

Manufacture, sell, possess, or deliver
hoax bomb.

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790.165 (3)

2nd

Possessing, displaying, or threatening
to use any hoax bomb while committing or
attempting to commit a felony.

239

790.166 (3)

2nd

Possessing, selling, using, or
attempting to use a hoax weapon of mass
destruction.

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790.166 (4)

2nd

Possessing, displaying, or threatening
to use a hoax weapon of mass destruction
while committing or attempting to commit
a felony.

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790.23

1st, PBL

Possession of a firearm by a person who
qualifies for the penalty enhancements
provided for in s. 874.04.

242

794.08 (4)

3rd

Female genital mutilation; consent by a
parent, guardian, or a person in
custodial authority to a victim younger
than 18 years of age.

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796.03

2nd

Procuring any person under 16 years for
prostitution.

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800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

246

806.01(2) 2nd Maliciously damage structure by fire or explosive.

247

810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

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810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

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810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

250

810.02(3)(e) 2nd Burglary of authorized emergency vehicle.

251

812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

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- 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

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817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

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817.2341(2)(b) 1st Making false entries of material fact or & (3)(b) false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

263

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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825.103(2)(b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

265

827.03(3)(b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

266

827.04(3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

267

837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

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269	838.015	2nd	Bribery.
270	838.016	2nd	Unlawful compensation or reward for official behavior.
271	838.021(3)(a)	2nd	Unlawful harm to a public servant.
272	838.22	2nd	Bid tampering.
273	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
274	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
275	872.06	2nd	Abuse of a dead human body.
276	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

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community center.

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893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

278

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

279

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

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893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

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893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

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893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

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893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14

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grams, less than 28 grams.

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893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

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893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

287

893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

288

893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

289

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

290

896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

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943.0435(4)(c) 2nd Sexual offender vacating permanent

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residence; failure to comply with reporting requirements.

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

944.607(13) 3rd Sexual offender; failure to report and

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reregister; failure to respond to
address verification.

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985.4815(10) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

302

985.4815(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

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985.4815(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

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Section 8. This act shall take effect July 1, 2010.