

By the Committee on Transportation; and Senators Diaz de la Portilla, Garcia, and Evers

596-00986-14

2014102c1

1                                   A bill to be entitled  
2       An act relating to drivers leaving the scene of a  
3       crash; creating the "Aaron Cohen Life Protection Act";  
4       amending s. 316.027, F.S.; redefining the term  
5       "serious bodily injury" and defining the term  
6       "vulnerable road user"; requiring the driver of a  
7       vehicle involved in a crash that results in serious  
8       bodily injury to a person to immediately stop the  
9       vehicle and remain at the scene of the crash;  
10      providing that a person commits a felony of the second  
11      degree if he or she fails to stop the vehicle and  
12      remain at the scene of the crash until specified  
13      requirements are fulfilled; requiring the court to  
14      impose a mandatory minimum term of imprisonment under  
15      certain circumstances; requiring the revocation of the  
16      driver's driver license; requiring the driver to  
17      participate in specified programs; providing for  
18      ranking of an offense committed if the victim of the  
19      offense was a vulnerable road user; authorizing the  
20      defendant to move to depart from the mandatory minimum  
21      term of imprisonment under certain circumstances;  
22      providing requirements and procedures for such  
23      departure; amending s. 322.0261, F.S.; requiring the  
24      Department of Highway Safety and Motor Vehicles to  
25      include in the curriculum of a certain driver  
26      improvement course instruction addressing the rights  
27      of vulnerable road users; amending s. 322.28, F.S.;  
28      requiring the court to revoke for at least 3 years the  
29      driver license of a person convicted of leaving the

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30 scene of a crash involving injury, serious bodily  
31 injury, or death; reenacting and amending s.  
32 322.34(6), F.S., relating to driving while a driver  
33 license is suspended, revoked, canceled, or  
34 disqualified, to incorporate the amendment to s.  
35 322.28, F.S., in a reference thereto; amending s.  
36 921.0022, F.S.; revising the offense severity ranking  
37 chart; conforming a cross-reference; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. This act may be cited as the "Aaron Cohen Life  
43 Protection Act."

44 Section 2. Section 316.027, Florida Statutes, is amended to  
45 read:

46 316.027 Crash involving death or personal injuries.—

47 (1) As used in this section, the term:

48 (a) "Serious bodily injury" means an injury to a person,  
49 including the driver, which consists of a physical condition  
50 that creates a substantial risk of death, serious personal  
51 disfigurement, or protracted loss or impairment of the function  
52 of a bodily member or organ.

53 (b) "Vulnerable road user" means:

54 1. A pedestrian, including a person actually engaged in  
55 work upon a highway, or in work upon utility facilities along a  
56 highway, or engaged in the provision of emergency services  
57 within the right-of-way;

58 2. A person operating a bicycle, motorcycle, scooter, or

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59 moped lawfully on the roadway;

60 3. A person riding an animal; or

61 4. A person lawfully operating on a public right-of-way,  
62 crosswalk, or shoulder of the roadway:

63 a. A farm tractor or similar vehicle designed primarily for  
64 farm use;

65 b. A skateboard, roller skates, or in-line skates;

66 c. A horse-drawn carriage;

67 d. An electric personal assistive mobility device; or

68 e. A wheelchair.

69 (2)(1)(a) The driver of a ~~any~~ vehicle involved in a crash  
70 occurring on public or private property ~~which that~~ results in  
71 injury to a ~~of any~~ person other than serious bodily injury shall  
72 ~~must~~ immediately stop the vehicle at the scene of the crash, or  
73 as close thereto as possible, and shall ~~must~~ remain at the scene  
74 of the crash until he or she has fulfilled the requirements of  
75 s. 316.062. ~~A Any~~ person who willfully violates this paragraph  
76 commits a felony of the third degree, punishable as provided in  
77 s. 775.082, s. 775.083, or s. 775.084.

78 (b) The driver of a vehicle involved in a crash occurring  
79 on public or private property which results in serious bodily  
80 injury to a person shall immediately stop the vehicle at the  
81 scene of the crash, or as close thereto as possible, and shall  
82 remain at the scene of the crash until he or she has fulfilled  
83 the requirements of s. 316.062. A person who willfully violates  
84 this paragraph commits a felony of the second degree, punishable  
85 as provided in s. 775.082, s. 775.083, or s. 775.084.

86 (c)(b) The driver of a ~~any~~ vehicle involved in a crash  
87 occurring on public or private property ~~which that~~ results in

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88 the death of a any person shall ~~must~~ immediately stop the  
89 vehicle at the scene of the crash, or as close thereto as  
90 possible, and shall ~~must~~ remain at the scene of the crash until  
91 he or she has fulfilled the requirements of s. 316.062. A person  
92 who is arrested for a violation of this paragraph and who has  
93 previously been convicted of a violation of this section, s.  
94 316.061, s. 316.191, or s. 316.193, or a felony violation of s.  
95 322.34, shall be held in custody until brought before the court  
96 for admittance to bail in accordance with chapter 903. A ~~Any~~  
97 person who willfully violates this paragraph commits a felony of  
98 the first degree, punishable as provided in s. 775.082, s.  
99 775.083, or s. 775.084, and shall be sentenced to a mandatory  
100 minimum term of imprisonment of 4 years. A ~~Any~~ person who  
101 willfully commits such a violation while driving under the  
102 influence as set forth in s. 316.193(1) shall be sentenced to a  
103 mandatory minimum term of imprisonment of 4 ~~2~~ years.

104 (d) ~~(e)~~ Notwithstanding s. 775.089(1)(a), if the driver of a  
105 vehicle violates paragraph (a), ~~or~~ paragraph (b), or paragraph  
106 (c), the court shall order the driver to make restitution to the  
107 victim for any damage or loss unless the court finds clear and  
108 compelling reasons not to order the restitution. Restitution may  
109 be monetary or nonmonetary restitution. The court shall make the  
110 payment of restitution a condition of probation in accordance  
111 with s. 948.03. An order requiring the defendant to make  
112 restitution to a victim does not remove or diminish the  
113 requirement that the court order payment to the Crimes  
114 Compensation Trust Fund under chapter 960. Payment of an award  
115 by the Crimes Compensation Trust Fund creates an order of  
116 restitution to the Crimes Compensation Trust Fund unless

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117 specifically waived in accordance with s. 775.089(1)(b).

118 (e) A driver who violates paragraph (a), paragraph (b), or  
119 paragraph (c) shall:

120 1. Have his or her driver license revoked for at least 3  
121 years as provided in s. 322.28(4);

122 2. Participate in a victim's impact panel session in a  
123 judicial circuit if such a panel exists; or

124 3. Participate in a driver education course relating to the  
125 rights of vulnerable road users relative to vehicles on the  
126 roadway.

127 (f) For purposes of sentencing under chapter 921 and  
128 determining incentive gain-time eligibility under chapter 944,  
129 an offense listed in this subsection is ranked one level above  
130 the ranking specified in s. 921.0022 or s. 921.0023 for the  
131 offense committed if the victim of the offense was a vulnerable  
132 road user.

133 (g) The defendant may move to depart from the mandatory  
134 minimum term of imprisonment prescribed in paragraph (c) unless  
135 the violation was committed while the defendant was driving  
136 under the influence. The state may object to this departure. The  
137 court may grant the motion only if it finds that a factor,  
138 consideration, or circumstance clearly demonstrates that  
139 imposing a mandatory minimum term of imprisonment would  
140 constitute or result in an injustice. The court shall state in  
141 open court the basis for granting the motion.

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

144 (3) The stops shall ~~Every stop must~~ be made without  
145 unnecessarily obstructing traffic ~~more than is necessary,~~ and,

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146 if a damaged vehicle is obstructing traffic, the driver of the  
147 vehicle shall ~~must~~ make every reasonable effort to move the  
148 vehicle or have it moved so as not to obstruct the regular flow  
149 of traffic. A ~~Any~~ person who fails to comply with this  
150 subsection shall be cited for a nonmoving violation, punishable  
151 as provided in chapter 318.

152 (4) In addition to any other civil, criminal, or  
153 administrative penalty imposed, a person whose commission of a  
154 noncriminal traffic infraction or a ~~any~~ violation of this  
155 chapter or s. 1006.66 causes or results in the death of another  
156 person may, ~~in addition to any other civil, criminal, or~~  
157 ~~administrative penalty imposed,~~ be required by the court to  
158 serve 120 community service hours in a trauma center or hospital  
159 that regularly receives victims of vehicle accidents, under the  
160 supervision of a registered nurse, an emergency room physician,  
161 or an emergency medical technician pursuant to a voluntary  
162 community service program operated by the trauma center or  
163 hospital.

164 (5) This section does not apply to crashes occurring during  
165 a motorsports event, as defined in s. 549.10(1), or at a closed-  
166 course motorsport facility, as defined in s. 549.09(1).

167 Section 3. Subsection (2) of section 322.0261, Florida  
168 Statutes, is amended to read:

169 322.0261 Driver improvement course; requirement to maintain  
170 driving privileges; failure to complete; department approval of  
171 course.—

172 (2) With respect to an operator convicted of, or who  
173 pleaded nolo contendere to, a traffic offense giving rise to a  
174 crash identified in paragraph (1) (a) or paragraph (1) (b), the

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175 department shall require that the operator, in addition to other  
176 applicable penalties, attend a department-approved driver  
177 improvement course in order to maintain his or her driving  
178 privileges. The department shall include in the course  
179 curriculum instruction specifically addressing the rights of  
180 vulnerable road users as defined in s. 316.027 relative to  
181 vehicles on the roadway. If the operator fails to complete the  
182 course within 90 days after receiving notice from the  
183 department, the operator's driver ~~driver's~~ license shall be  
184 canceled by the department until the course is successfully  
185 completed.

186 Section 4. Subsection (4) of section 322.28, Florida  
187 Statutes, is amended to read:

188 322.28 Period of suspension or revocation.—

189 (4) (a) Upon a conviction for a violation of s.  
190 316.193(3)(c)2., involving serious bodily injury, a conviction  
191 of manslaughter resulting from the operation of a motor vehicle,  
192 or a conviction of vehicular homicide, the court shall revoke  
193 the driver license of the person convicted for a minimum period  
194 of 3 years. If a conviction under s. 316.193(3)(c)2., involving  
195 serious bodily injury, is also a subsequent conviction as  
196 described under paragraph (2)(a), the court shall revoke the  
197 driver license or driving privilege of the person convicted for  
198 the period applicable as provided in paragraph (2)(a) or  
199 paragraph (2)(d).

200 (b) Upon a conviction for a violation of s. 316.027(2)(a),  
201 s. 316.027(2)(b), or s. 316.027(2)(c) involving injury, serious  
202 bodily injury, or death, the court shall revoke the driver  
203 license of the person convicted for a minimum period of 3 years.

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204        (c) ~~(b)~~ If the period of revocation was not specified by the  
205 court at the time of imposing sentence or within 30 days  
206 thereafter, the department shall revoke the driver license for  
207 the minimum period applicable under paragraph (a) or paragraph  
208 (b) or, for a subsequent conviction, for the minimum period  
209 applicable under paragraph (2) (a) or paragraph (2) (d).

210        Section 5. For the purpose of incorporating the amendment  
211 made by this act to section 322.28, Florida Statutes, in a  
212 reference thereto, subsection (6) of section 322.34, Florida  
213 Statutes, is reenacted and amended to read:

214        322.34 Driving while license suspended, revoked, canceled,  
215 or disqualified.—

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

217        (a) Without having a driver's license as required under s.  
218 322.03; or

219        (b) While his or her driver's license or driving privilege  
220 is canceled, suspended, or revoked pursuant to s. 316.655, s.  
221 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),

222  
223 and who by careless or negligent operation of the motor vehicle  
224 causes the death of or serious bodily injury to another human  
225 being commits ~~is guilty of~~ a felony of the third degree,  
226 punishable as provided in s. 775.082 or s. 775.083.

227        Section 6. Paragraphs (e) through (g) of subsection (3) of  
228 section 921.0022, Florida Statutes, are amended to read:

229        921.0022 Criminal Punishment Code; offense severity ranking  
230 chart.—

231        (3) OFFENSE SEVERITY RANKING CHART

232        (e) LEVEL 5

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Florida Statute	Felony Degree	Description
316.027 <u>(2) (a)</u> <del>(1) (a)</del>	3rd	Accidents involving personal injuries <u>other than serious bodily injury</u> , failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny

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239

379.3671  
(2) (c) 3.

3rd

lobster trap, line,  
or buoy.

Willful molestation,  
possession, or  
removal of a  
commercial  
harvester's trap  
contents or trap gear  
by another harvester.

240

381.0041 (11) (b)

3rd

Donate blood, plasma,  
or organs knowing HIV  
positive.

241

440.10 (1) (g)

2nd

Failure to obtain  
workers' compensation  
coverage.

242

440.105 (5)

2nd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

243

440.381 (2)

2nd

Submission of false,  
misleading, or  
incomplete  
information with the  
purpose of avoiding

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244

624.401 (4) (b) 2.

2nd

or reducing workers' compensation premiums.

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

245

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

246

790.01 (2)

3rd

Carrying a concealed firearm.

247

790.162

2nd

Threat to throw or discharge destructive device.

248

790.163 (1)

2nd

False report of deadly explosive or weapon of mass destruction.

249

790.221 (1)

2nd

Possession of short-barreled shotgun or

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250

790.23

2nd

machine gun.

Felons in possession of firearms, ammunition, or electronic weapons or devices.

251

800.04 (6) (c)

3rd

Lewd or lascivious conduct; offender less than 18 years of age.

252

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

253

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

254

812.0145 (2) (b)

2nd

Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
812.131 (2) (b)	3rd	Robbery by sudden snatching.
812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements,

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making false entries  
of material fact or  
false statements  
regarding property  
values relating to  
the solvency of an  
insuring entity.

262

817.568 (2) (b)

2nd

Fraudulent use of  
personal  
identification  
information; value of  
benefit, services  
received, payment  
avoided, or amount of  
injury or fraud,  
\$5,000 or more or use  
of personal  
identification  
information of 10 or  
more individuals.

263

817.625 (2) (b)

2nd

Second or subsequent  
fraudulent use of  
scanning device or  
reencoder.

264

825.1025 (4)

3rd

Lewd or lascivious  
exhibition in the

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265

827.071 (4)

2nd

presence of an elderly person or disabled adult.

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

266

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

267

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

268

843.01

3rd

Resist officer with violence to person;

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269

847.0135 (5) (b)

2nd

resist arrest with  
violence.

Lewd or lascivious  
exhibition using  
computer; offender 18  
years or older.

270

847.0137  
(2) & (3)

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

271

847.0138  
(2) & (3)

3rd

Transmission of  
material harmful to  
minors to a minor by  
electronic device or  
equipment.

272

874.05 (1) (b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

273

874.05 (2) (a)

2nd

Encouraging or  
recruiting person  
under 13 years of age  
to join a criminal

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274

893.13(1)(a)1.

2nd

gang.

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

275

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

276

893.13(1)(d)1.

1st

Sell, manufacture, or

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deliver cocaine (or  
other s.

893.03(1)(a), (1)(b),  
(1)(d), (2)(a),  
(2)(b), or (2)(c)4.  
drugs) within 1,000  
feet of university.

277

893.13(1)(e)2.

2nd

Sell, manufacture, or  
deliver cannabis or  
other drug prohibited  
under s.

893.03(1)(c),  
(2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9.,  
(3), or (4) within  
1,000 feet of  
property used for  
religious services or  
a specified business  
site.

278

893.13(1)(f)1.

1st

Sell, manufacture, or  
deliver cocaine (or  
other s.

893.03(1)(a), (1)(b),  
(1)(d), or (2)(a),

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279

893.13(4)(b)

2nd

(2)(b), or (2)(c)4.  
drugs) within 1,000  
feet of public  
housing facility.

Deliver to minor  
cannabis (or other s.  
893.03(1)(c),  
(2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9.,  
(3), or (4) drugs).

280

893.1351(1)

3rd

Ownership, lease, or  
rental for  
trafficking in or  
manufacturing of  
controlled substance.

281

282

283

(f) LEVEL 6

284

Florida  
Statute

Felony  
Degree

Description

285

316.027(2)(b)

2nd

Leaving the scene of a  
crash involving serious  
bodily injury.

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286

316.193 (2) (b) 3rd Felony DUI, 4th or subsequent conviction.

287

499.0051 (3) 2nd Knowing forgery of pedigree papers.

288

499.0051 (4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

289

499.0051 (5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

290

775.0875 (1) 3rd Taking firearm from law enforcement officer.

291

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

292

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

293

784.041 3rd Felony battery; domestic battery by strangulation.

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784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on

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code inspector.

302

787.02 (2)

3rd

False imprisonment;  
restraining with purpose  
other than those in s.  
787.01.

303

790.115 (2) (d)

2nd

Discharging firearm or  
weapon on school  
property.

304

790.161 (2)

2nd

Make, possess, or throw  
destructive device with  
intent to do bodily harm  
or damage property.

305

790.164 (1)

2nd

False report of deadly  
explosive, weapon of  
mass destruction, or act  
of arson or violence to  
state property.

306

790.19

2nd

Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.

307

794.011 (8) (a)

3rd

Solicitation of minor to  
participate in sexual

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activity by custodial  
adult.

308

794.05 (1)

2nd

Unlawful sexual activity  
with specified minor.

309

800.04 (5) (d)

3rd

Lewd or lascivious  
molestation; victim 12  
years of age or older  
but less than 16 years  
of age; offender less  
than 18 years.

310

800.04 (6) (b)

2nd

Lewd or lascivious  
conduct; offender 18  
years of age or older.

311

806.031 (2)

2nd

Arson resulting in great  
bodily harm to  
firefighter or any other  
person.

312

810.02 (3) (c)

2nd

Burglary of occupied  
structure; unarmed; no  
assault or battery.

313

810.145 (8) (b)

2nd

Video voyeurism; certain  
minor victims; 2nd or  
subsequent offense.

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812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102 (1)	3rd	Abuse of an elderly

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person or disabled  
adult.

321

825.102 (3) (c)

3rd

Neglect of an elderly  
person or disabled  
adult.

322

825.1025 (3)

3rd

Lewd or lascivious  
molestation of an  
elderly person or  
disabled adult.

323

825.103 (2) (c)

3rd

Exploiting an elderly  
person or disabled adult  
and property is valued  
at less than \$20,000.

324

827.03 (2) (c)

3rd

Abuse of a child.

325

827.03 (2) (d)

3rd

Neglect of a child.

326

827.071 (2) & (3)

2nd

Use or induce a child in  
a sexual performance, or  
promote or direct such  
performance.

327

836.05

2nd

Threats; extortion.

328

836.10

2nd

Written threats to kill

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or do bodily injury.

329

843.12

3rd

Aids or assists person to escape.

330

847.011

3rd

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

331

847.012

3rd

Knowingly using a minor in the production of materials harmful to minors.

332

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

333

914.23

2nd

Retaliation against a witness, victim, or informant, with bodily injury.

334

944.35 (3) (a) 2.

3rd

Committing malicious

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battery upon or  
 inflicting cruel or  
 inhuman treatment on an  
 inmate or offender on  
 community supervision,  
 resulting in great  
 bodily harm.

335

944.40

2nd

Escapes.

336

944.46

3rd

Harboring, concealing,  
 aiding escaped  
 prisoners.

337

944.47 (1) (a) 5.

2nd

Introduction of  
 contraband (firearm,  
 weapon, or explosive)  
 into correctional  
 facility.

338

951.22 (1)

3rd

Intoxicating drug,  
 firearm, or weapon  
 introduced into county  
 facility.

339

340

341 (g) LEVEL 7

342

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	Florida Statute	Felony Degree	Description
343	316.027 <u>(2) (c)</u> <del>(1) (b)</del>	1st	Accident involving death, failure to stop; leaving scene.
344	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
345	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.
346	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
347	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great

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bodily harm, permanent  
disfiguration,  
permanent disability,  
or death.

348

409.920  
(2) (b) 1.a.

3rd

Medicaid provider  
fraud; \$10,000 or less.

349

409.920  
(2) (b) 1.b.

2nd

Medicaid provider  
fraud; more than  
\$10,000, but less than  
\$50,000.

350

456.065 (2)

3rd

Practicing a health  
care profession without  
a license.

351

456.065 (2)

2nd

Practicing a health  
care profession without  
a license which results  
in serious bodily  
injury.

352

458.327 (1)

3rd

Practicing medicine  
without a license.

353

459.013 (1)

3rd

Practicing osteopathic  
medicine without a  
license.

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354  
355  
356  
357  
358  
359  
360  
361  
362

460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory

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care services without a license.

363

483.828 (1)

3rd

Practicing as clinical laboratory personnel without a license.

364

483.901 (9)

3rd

Practicing medical physics without a license.

365

484.013 (1) (c)

3rd

Preparing or dispensing optical devices without a prescription.

366

484.053

3rd

Dispensing hearing aids without a license.

367

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.

368

560.123 (8) (b) 1.

3rd

Failure to report currency or payment

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instruments exceeding  
\$300 but less than  
\$20,000 by a money  
services business.

369

560.125 (5) (a)

3rd

Money services business  
by unauthorized person,  
currency or payment  
instruments exceeding  
\$300 but less than  
\$20,000.

370

655.50 (10) (b) 1.

3rd

Failure to report  
financial transactions  
exceeding \$300 but less  
than \$20,000 by  
financial institution.

371

775.21 (10) (a)

3rd

Sexual predator;  
failure to register;  
failure to renew  
driver's license or  
identification card;  
other registration  
violations.

372

775.21 (10) (b)

3rd

Sexual predator working  
where children  
regularly congregate.

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373

775.21 (10) (g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

374

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

375

782.07 (1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

376

782.071

2nd

Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

377

782.072

2nd

Killing of a human

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being by the operation  
of a vessel in a  
reckless manner (vessel  
homicide).

378

784.045 (1) (a) 1.

2nd

Aggravated battery;  
intentionally causing  
great bodily harm or  
disfigurement.

379

784.045 (1) (a) 2.

2nd

Aggravated battery;  
using deadly weapon.

380

784.045 (1) (b)

2nd

Aggravated battery;  
perpetrator aware  
victim pregnant.

381

784.048 (4)

3rd

Aggravated stalking;  
violation of injunction  
or court order.

382

784.048 (7)

3rd

Aggravated stalking;  
violation of court  
order.

383

784.07 (2) (d)

1st

Aggravated battery on  
law enforcement  
officer.

384

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784.074 (1) (a)

1st

Aggravated battery on sexually violent predators facility staff.

385

784.08 (2) (a)

1st

Aggravated battery on a person 65 years of age or older.

386

784.081 (1)

1st

Aggravated battery on specified official or employee.

387

784.082 (1)

1st

Aggravated battery by detained person on visitor or other detainee.

388

784.083 (1)

1st

Aggravated battery on code inspector.

389

787.06 (3) (a)

1st

Human trafficking using coercion for labor and services.

390

787.06 (3) (e)

1st

Human trafficking using coercion for labor and services by the transfer or transport

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of any individual from  
outside Florida to  
within the state.

391

790.07(4)

1st

Specified weapons  
violation subsequent to  
previous conviction of  
s. 790.07(1) or (2).

392

790.16(1)

1st

Discharge of a machine  
gun under specified  
circumstances.

393

790.165(2)

2nd

Manufacture, sell,  
possess, or deliver  
hoax bomb.

394

790.165(3)

2nd

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

395

790.166(3)

2nd

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

396

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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.

397

790.23

1st,PBL

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

398

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.

399

796.03

2nd

Procuring any person under 16 years of age for prostitution.

400

800.04(5)(c)1.

2nd

Lewd or lascivious molestation; victim

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less than 12 years of  
age; offender less than  
18 years of age.

401

800.04 (5) (c) 2.

2nd

Lewd or lascivious  
molestation; victim 12  
years of age or older  
but less than 16 years  
of age; offender 18  
years of age or older.

402

806.01 (2)

2nd

Maliciously damage  
structure by fire or  
explosive.

403

810.02 (3) (a)

2nd

Burglary of occupied  
dwelling; unarmed; no  
assault or battery.

404

810.02 (3) (b)

2nd

Burglary of unoccupied  
dwelling; unarmed; no  
assault or battery.

405

810.02 (3) (d)

2nd

Burglary of occupied  
conveyance; unarmed; no  
assault or battery.

406

810.02 (3) (e)

2nd

Burglary of authorized  
emergency vehicle.

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407  
408  
409  
410  
411  
412

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.
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.

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	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
413	812.131 (2) (a)	2nd	Robbery by sudden snatching.
414	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
415	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
416	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
417	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
418	817.234 (11) (c)	1st	Insurance fraud;

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property value \$100,000  
or more.

419

817.2341  
(2) (b) & (3) (b)

1st

Making false entries of  
material fact or false  
statements regarding  
property values  
relating to the  
solvency of an insuring  
entity which are a  
significant cause of  
the insolvency of that  
entity.

420

817.535 (2) (a)

3rd

Filing false lien or  
other unauthorized  
document.

421

825.102 (3) (b)

2nd

Neglecting an elderly  
person or disabled  
adult causing great  
bodily harm,  
disability, or  
disfigurement.

422

825.103 (2) (b)

2nd

Exploiting an elderly  
person or disabled  
adult and property is  
valued at \$20,000 or

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more, but less than  
\$100,000.

423

827.03(2)(b)

2nd

Neglect of a child  
causing great bodily  
harm, disability, or  
disfigurement.

424

827.04(3)

3rd

Impregnation of a child  
under 16 years of age  
by person 21 years of  
age or older.

425

837.05(2)

3rd

Giving false  
information about  
alleged capital felony  
to a law enforcement  
officer.

426

838.015

2nd

Bribery.

427

838.016

2nd

Unlawful compensation  
or reward for official  
behavior.

428

838.021(3)(a)

2nd

Unlawful harm to a  
public servant.

429

838.22

2nd

Bid tampering.

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430

843.0855 (2) 3rd Impersonation of a public officer or employee.

431

843.0855 (3) 3rd Unlawful simulation of legal process.

432

843.0855 (4) 3rd Intimidation of a public officer or employee.

433

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

434

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

435

872.06 2nd Abuse of a dead human body.

436

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

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437

874.10

1st, PBL

Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

438

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 community center.

439

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

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property used for  
religious services or a  
specified business  
site.

440

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).

441

893.135(1)(a)1.

1st

Trafficking in  
cannabis, more than 25  
lbs., less than 2,000  
lbs.

442

893.135  
(1)(b)1.a.

1st

Trafficking in cocaine,  
more than 28 grams,  
less than 200 grams.

443

893.135  
(1)(c)1.a.

1st

Trafficking in illegal  
drugs, more than 4  
grams, less than 14  
grams.

444

893.135(1)(d)1.

1st

Trafficking in  
phencyclidine, more  
than 28 grams, less  
than 200 grams.

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445

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

446

893.135 (1) (f) 1. 1st Trafficking in  
amphetamine, more than  
14 grams, less than 28  
grams.

447

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

448

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

449

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

450

893.135 1st Trafficking in  
(1) (k) 2.a. Phenethylamines, 10

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grams or more, less  
than 200 grams.

451

893.1351 (2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

452

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

453

896.104 (4) (a) 1.

3rd

Structuring  
transactions to evade  
reporting or  
registration  
requirements, financial  
transactions exceeding  
\$300 but less than  
\$20,000.

454

943.0435 (4) (c)

2nd

Sexual offender  
vacating permanent  
residence; failure to  
comply with reporting  
requirements.

455

943.0435 (8)

2nd

Sexual offender;

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remains in state after  
 indicating intent to  
 leave; failure to  
 comply with reporting  
 requirements.

456

943.0435 (9) (a)

3rd

Sexual offender;  
 failure to comply with  
 reporting requirements.

457

943.0435 (13)

3rd

Failure to report or  
 providing false  
 information about a  
 sexual offender; harbor  
 or conceal a sexual  
 offender.

458

943.0435 (14)

3rd

Sexual offender;  
 failure to report and  
 reregister; failure to  
 respond to address  
 verification.

459

944.607 (9)

3rd

Sexual offender;  
 failure to comply with  
 reporting requirements.

460

944.607 (10) (a)

3rd

Sexual offender;  
 failure to submit to

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the taking of a  
digitized photograph.

461

944.607(12)

3rd

Failure to report or  
providing false  
information about a  
sexual offender; harbor  
or conceal a sexual  
offender.

462

944.607(13)

3rd

Sexual offender;  
failure to report and  
reregister; failure to  
respond to address  
verification.

463

985.4815(10)

3rd

Sexual offender;  
failure to submit to  
the taking of a  
digitized photograph.

464

985.4815(12)

3rd

Failure to report or  
providing false  
information about a  
sexual offender; harbor  
or conceal a sexual  
offender.

465

985.4815(13)

3rd

Sexual offender;

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failure to report and  
reregister; failure to  
respond to address  
verification.

466

467

Section 7. This act shall take effect July 1, 2014.