

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

576-02569-14

2014102c2

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

121 1. A person convicted of violating paragraph (a), paragraph
122 (b), or paragraph (c) shall, before his or her driving privilege
123 may be reinstated, present to the department proof of completion
124 of a victim's impact panel session in a judicial circuit if such
125 a panel exists, or if such a panel does not exist, a department-
126 approved driver improvement course relating to the rights of
127 vulnerable road users relative to vehicles on the roadway as
128 provided in s. 322.0261(2).

129 2. The department may reinstate an offender's driving
130 privilege after he or she satisfies the 3-year revocation period
131 as provided in s. 322.28(4) and successfully completes either a
132 victim's impact panel session or a department-approved driver
133 improvement course relating to the rights of vulnerable road
134 users relative to vehicles on the roadway as provided in s.
135 322.0261(2).

136 3. For purposes of this paragraph, an offender's driving
137 privilege may be reinstated only after the department verifies
138 that the offender participated in and successfully completed a
139 victim's impact panel session or a department-approved driver
140 improvement course.

141 (f) For purposes of sentencing under chapter 921 and
142 determining incentive gain-time eligibility under chapter 944,
143 an offense listed in this subsection is ranked one level above
144 the ranking specified in s. 921.0022 or s. 921.0023 for the
145 offense committed if the victim of the offense was a vulnerable

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146 road user.

147 (g) The defendant may move to depart from the mandatory
148 minimum term of imprisonment prescribed in paragraph (c) unless
149 the violation was committed while the defendant was driving
150 under the influence. The state may object to this departure. The
151 court may grant the motion only if it finds that a factor,
152 consideration, or circumstance clearly demonstrates that
153 imposing a mandatory minimum term of imprisonment would
154 constitute or result in an injustice. The court shall state in
155 open court the basis for granting the motion.

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

158 (3) The stops shall ~~Every stop must~~ be made without
159 unnecessarily obstructing traffic ~~more than is necessary~~, and,
160 if a damaged vehicle is obstructing traffic, the driver of the
161 vehicle shall ~~must~~ make every reasonable effort to move the
162 vehicle or have it moved so as not to obstruct the regular flow
163 of traffic. A ~~Any~~ person who fails to comply with this
164 subsection shall be cited for a nonmoving violation, punishable
165 as provided in chapter 318.

166 (4) In addition to any other civil, criminal, or
167 administrative penalty imposed, a person whose commission of a
168 noncriminal traffic infraction or a ~~any~~ violation of this
169 chapter or s. 1006.66 causes or results in the death of another
170 person may, ~~in addition to any other civil, criminal, or~~
171 ~~administrative penalty imposed~~, be required by the court to
172 serve 120 community service hours in a trauma center or hospital
173 that regularly receives victims of vehicle accidents, under the
174 supervision of a registered nurse, an emergency room physician,

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175 or an emergency medical technician pursuant to a voluntary
176 community service program operated by the trauma center or
177 hospital.

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

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

183 322.0261 Driver improvement course; requirement to maintain
184 driving privileges; failure to complete; department approval of
185 course.-

186 (2) With respect to an operator convicted of, or who
187 pleaded nolo contendere to, a traffic offense giving rise to a
188 crash identified in paragraph (1)(a) or paragraph (1)(b), the
189 department shall require that the operator, in addition to other
190 applicable penalties, attend a department-approved driver
191 improvement course in order to maintain his or her driving
192 privileges. The department shall include in the course
193 curriculum instruction specifically addressing the rights of
194 vulnerable road users as defined in s. 316.027 relative to
195 vehicles on the roadway. If the operator fails to complete the
196 course within 90 days after receiving notice from the
197 department, the operator's driver ~~driver's~~ license shall be
198 canceled by the department until the course is successfully
199 completed.

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

202 322.28 Period of suspension or revocation.-

203 (4) (a) Upon a conviction for a violation of s.

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204 316.193(3)(c)2., involving serious bodily injury, a conviction
 205 of manslaughter resulting from the operation of a motor vehicle,
 206 or a conviction of vehicular homicide, the court shall revoke
 207 the driver license of the person convicted for a minimum period
 208 of 3 years. If a conviction under s. 316.193(3)(c)2., involving
 209 serious bodily injury, is also a subsequent conviction as
 210 described under paragraph (2)(a), the court shall revoke the
 211 driver license or driving privilege of the person convicted for
 212 the period applicable as provided in paragraph (2)(a) or
 213 paragraph (2)(d).

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

218 (c)~~(b)~~ If the period of revocation was not specified by the
 219 court at the time of imposing sentence or within 30 days
 220 thereafter, the department shall revoke the driver license for
 221 the minimum period applicable under paragraph (a) or paragraph
 222 (b) or, for a subsequent conviction, for the minimum period
 223 applicable under paragraph (2)(a) or paragraph (2)(d).

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

228 322.34 Driving while license suspended, revoked, canceled,
 229 or disqualified.—

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

231 (a) Without having a driver's license as required under s.
 232 322.03; or

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233 (b) While his or her driver's license or driving privilege
 234 is canceled, suspended, or revoked pursuant to s. 316.655, s.
 235 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
 236

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

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

243 921.0022 Criminal Punishment Code; offense severity ranking
 244 chart.—

245 (3) OFFENSE SEVERITY RANKING CHART

246 (e) LEVEL 5

247

Florida Statute	Felony Degree	Description
316.027 <u>(2) (a) (1) (a)</u>	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

249

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251	327.30 (5)	3rd	motor vehicle with suspended license, resulting in death or serious bodily injury.
252	379.367 (4)	3rd	Vessel accidents involving personal injury; leaving scene.
253	379.3671 (2) (c) 3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
254	381.0041 (11) (b)	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
255			Donate blood, plasma, or organs knowing HIV positive.

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256

440.10 (1) (g)

2nd

Failure to obtain workers' compensation coverage.

257

440.105 (5)

2nd

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

258

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

259

624.401 (4) (b) 2.

2nd

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

260

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

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261

790.01 (2)

3rd

Carrying a concealed
firearm.

262

790.162

2nd

Threat to throw or
discharge destructive
device.

263

790.163 (1)

2nd

False report of
deadly explosive or
weapon of mass
destruction.

264

790.221 (1)

2nd

Possession of short-
barreled shotgun or
machine gun.

265

790.23

2nd

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

266

800.04 (6) (c)

3rd

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

800.04 (7) (b)

2nd

Lewd or lascivious
exhibition; offender

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267			18 years <u>of age</u> or older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
268			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
269			
	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
270			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
271			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
272			
	812.16 (2)	3rd	Owning, operating, or

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273

conducting a chop shop.

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to \$50,000.

274

817.234 (11) (b)

2nd

Insurance fraud; property value \$20,000 or more but less than \$100,000.

275

817.2341 (1),
(2) (a) & (3) (a)

3rd

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

276

817.568 (2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of

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injury or fraud,
 \$5,000 or more or use
 of personal
 identification
 information of 10 or
 more individuals.

277

817.625 (2) (b)

2nd

Second or subsequent
 fraudulent use of
 scanning device or
 reencoder.

278

825.1025 (4)

3rd

Lewd or lascivious
 exhibition in the
 presence of an
 elderly person or
 disabled adult.

279

827.071 (4)

2nd

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

280

827.071 (5)

3rd

Possess, control, or
 intentionally view
 any photographic

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281

839.13 (2) (b)

2nd

material, motion picture, etc., which includes sexual conduct by a child.

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

282

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

283

847.0135 (5) (b)

2nd

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

284

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

285

847.0138
(2) & (3)

3rd

Transmission of material harmful to

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286

874.05 (1) (b)

2nd

minors to a minor by
electronic device or
equipment.

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

287

874.05 (2) (a)

2nd

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

288

893.13 (1) (a) 1.

2nd

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).

289

893.13 (1) (c) 2.

2nd

Sell, manufacture, or
deliver cannabis (or
other s.
893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,

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(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.

290

893.13 (1) (d) 1.

1st

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) within 1,000
 feet of university.

291

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.,

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(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.

292

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

293

893.13(4)(b)

2nd

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).

294

893.1351(1)

3rd

Ownership, lease, or

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rental for
trafficking in or
manufacturing of
controlled substance.

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296
297
298
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300
301
302
303

(f) LEVEL 6

Florida
Statute

Felony
Degree

Description

316.027 (2) (b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

316.193 (2) (b)

3rd

Felony DUI, 4th or
subsequent conviction.

499.0051 (3)

2nd

Knowing forgery of
pedigree papers.

499.0051 (4)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

499.0051 (5)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

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304	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
305	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
306	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
307	784.041	3rd	Felony battery; domestic battery by strangulation.
308	784.048 (3)	3rd	Aggravated stalking; credible threat.
309	784.048 (5)	3rd	Aggravated stalking of person under 16.
310	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
311	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
	784.08 (2) (b)	2nd	Aggravated assault on a

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person 65 years of age
or older.

312

784.081 (2)

2nd

Aggravated assault on
specified official or
employee.

313

784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

314

784.083 (2)

2nd

Aggravated assault on
code inspector.

315

787.02 (2)

3rd

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

316

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

317

790.161 (2)

2nd

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

318

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790.164 (1)

2nd

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

319

790.19

2nd

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

320

794.011 (8) (a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

321

794.05 (1)

2nd

Unlawful sexual activity with specified minor.

322

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.

323

800.04 (6) (b)

2nd

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

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324

806.031 (2) 2nd Arson resulting in great
bodily harm to
firefighter or any other
person.

325

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

326

810.145 (8) (b) 2nd Video voyeurism; certain
minor victims; 2nd or
subsequent offense.

327

812.014 (2) (b) 1. 2nd Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

328

812.014 (6) 2nd Theft; property stolen
\$3,000 or more;
coordination of others.

329

812.015 (9) (a) 2nd Retail theft; property
stolen \$300 or more;
second or subsequent
conviction.

330

812.015 (9) (b) 2nd Retail theft; property

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stolen \$3,000 or more;
coordination of others.

331

812.13(2)(c)

2nd

Robbery, no firearm or
other weapon (strong-arm
robbery).

332

817.4821(5)

2nd

Possess cloning
paraphernalia with
intent to create cloned
cellular telephones.

333

825.102(1)

3rd

Abuse of an elderly
person or disabled
adult.

334

825.102(3)(c)

3rd

Neglect of an elderly
person or disabled
adult.

335

825.1025(3)

3rd

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

336

825.103(2)(c)

3rd

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

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827.03 (2) (c)	3rd	Abuse of a child.
827.03 (2) (d)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.

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345

847.0135 (2) 3rd Facilitates sexual
conduct of or with a
minor or the visual
depiction of such
conduct.

346

914.23 2nd Retaliation against a
witness, victim, or
informant, with bodily
injury.

347

944.35 (3) (a) 2. 3rd Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on an
inmate or offender on
community supervision,
resulting in great
bodily harm.

348

944.40 2nd Escapes.

349

944.46 3rd Harboring, concealing,
aiding escaped
prisoners.

350

944.47 (1) (a) 5. 2nd Introduction of
contraband (firearm,

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weapon, or explosive)
into correctional
facility.

351

951.22 (1)

3rd

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

352

353 (g) LEVEL 7

354

Florida
Statute

Felony
Degree

Description

355

316.027 (2) (c) ~~(1) (b)~~

1st

Accident involving
death, failure to stop;
leaving scene.

356

316.193 (3) (c) 2.

3rd

DUI resulting in
serious bodily injury.

357

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

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is in a patrol vehicle
with siren and lights
activated.

358

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in
serious bodily injury.

359

402.319 (2)

2nd

Misrepresentation and
negligence or
intentional act
resulting in great
bodily harm, permanent
disfiguration,
permanent disability,
or death.

360

409.920
(2) (b) 1.a.

3rd

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

361

409.920
(2) (b) 1.b.

2nd

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

362

456.065 (2)

3rd

Practicing a health
care profession without
a license.

363

456.065 (2)

2nd

Practicing a health

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

364

458.327 (1)

3rd

Practicing medicine
without a license.

365

459.013 (1)

3rd

Practicing osteopathic
medicine without a
license.

366

460.411 (1)

3rd

Practicing chiropractic
medicine without a
license.

367

461.012 (1)

3rd

Practicing podiatric
medicine without a
license.

368

462.17

3rd

Practicing naturopathy
without a license.

369

463.015 (1)

3rd

Practicing optometry
without a license.

370

464.016 (1)

3rd

Practicing nursing
without a license.

371

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372
373
374
375
376
377
378
379

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
care services without a
license.

483.828 (1)

3rd

Practicing as clinical
laboratory personnel
without a license.

483.901 (9)

3rd

Practicing medical
physics without a
license.

484.013 (1) (c)

3rd

Preparing or dispensing
optical devices without
a prescription.

484.053

3rd

Dispensing hearing aids
without a license.

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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.

380

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.

381

560.125 (5) (a)

3rd

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

382

655.50 (10) (b) 1.

3rd

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

383

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775.21(10)(a)

3rd

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

384

775.21(10)(b)

3rd

Sexual predator working
where children
regularly congregate.

385

775.21(10)(g)

3rd

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

386

782.051(3)

2nd

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

387

782.07(1)

2nd

Killing of a human
being by the act,
procurement, or

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culpable negligence of
another (manslaughter).

388

782.071

2nd

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

389

782.072

2nd

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

390

784.045 (1) (a) 1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

391

784.045 (1) (a) 2.

2nd

Aggravated battery;
using deadly weapon.

392

784.045 (1) (b)

2nd

Aggravated battery;
perpetrator aware
victim pregnant.

393

784.048 (4)

3rd

Aggravated stalking;

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violation of injunction
or court order.

394

784.048 (7)

3rd

Aggravated stalking;
violation of court
order.

395

784.07 (2) (d)

1st

Aggravated battery on
law enforcement
officer.

396

784.074 (1) (a)

1st

Aggravated battery on
sexually violent
predators facility
staff.

397

784.08 (2) (a)

1st

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

398

784.081 (1)

1st

Aggravated battery on
specified official or
employee.

399

784.082 (1)

1st

Aggravated battery by
detained person on
visitor or other
detainee.

400

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784.083 (1)	1st	Aggravated battery on code inspector.	401
787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.	402
787.06 (3) (e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.	403
790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	404
790.16 (1)	1st	Discharge of a machine gun under specified circumstances.	405
790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	406
790.165 (3)	2nd	Possessing, displaying,	

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

407

790.166 (3)

2nd

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

408

790.166 (4)

2nd

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

409

790.23

1st, PBL

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

410

794.08 (4)

3rd

Female genital
mutilation; consent by
a parent, guardian, or

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a person in custodial authority to a victim younger than 18 years of age.

411

796.03

2nd

Procuring any person under 16 years of age for prostitution.

412

800.04 (5) (c) 1.

2nd

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

413

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.

414

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

415

810.02 (3) (a)

2nd

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

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416

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

417

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

418

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

419

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.

420

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

421

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree

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grand theft.

422

812.014 (2) (b) 4.

2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

423

812.0145 (2) (a)

1st

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

424

812.019 (2)

1st

Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

425

812.131 (2) (a)

2nd

Robbery by sudden snatching.

426

812.133 (2) (b)

1st

Carjacking; no firearm, deadly weapon, or other weapon.

427

817.034 (4) (a) 1.

1st

Communications fraud, value greater than \$50,000.

428

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429

817.234 (8) (a)

2nd

Solicitation of motor vehicle accident victims with intent to defraud.

430

817.234 (9)

2nd

Organizing, planning, or participating in an intentional motor vehicle collision.

431

817.234 (11) (c)

1st

Insurance fraud; property value \$100,000 or more.

432

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.

433

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

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825.102 (3) (b)

2nd

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

434

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.

435

827.03 (2) (b)

2nd

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

436

827.04 (3)

3rd

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

437

837.05 (2)

3rd

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

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438
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446

838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021 (3) (a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855 (2)	3rd	Impersonation of a public officer or employee.
843.0855 (3)	3rd	Unlawful simulation of legal process.
843.0855 (4)	3rd	Intimidation of a public officer or employee.
847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135 (4)	2nd	Traveling to meet a

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minor to commit an
unlawful sex act.

447

872.06

2nd

Abuse of a dead human
body.

448

874.05 (2) (b)

1st

Encouraging or
recruiting person under
13 to join a criminal
gang; second or
subsequent offense.

449

874.10

1st,PBL

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

450

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

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park or publicly owned recreational facility or community center.

451

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.

452

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).

453

893.135(1)(a)1.

1st

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

454

893.135
(1)(b)1.a.

1st

Trafficking in cocaine, more than 28 grams,

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less than 200 grams.

455

893.135
(1) (c) 1.a.

1st

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

456

893.135 (1) (d) 1.

1st

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

457

893.135 (1) (e) 1.

1st

Trafficking in
methaqualone, more than
200 grams, less than 5
kilograms.

458

893.135 (1) (f) 1.

1st

Trafficking in
amphetamine, more than
14 grams, less than 28
grams.

459

893.135
(1) (g) 1.a.

1st

Trafficking in
flunitrazepam, 4 grams
or more, less than 14
grams.

460

893.135
(1) (h) 1.a.

1st

Trafficking in gamma-
hydroxybutyric acid

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(GHB), 1 kilogram or more, less than 5 kilograms.

461

893.135
(1) (j) 1.a.

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

462

893.135
(1) (k) 2.a.

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

463

893.1351 (2)

2nd

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

464

896.101 (5) (a)

3rd

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

465

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial

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

466

943.0435 (4) (c)

2nd

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

467

943.0435 (8)

2nd

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

468

943.0435 (9) (a)

3rd

Sexual offender;
failure to comply with
reporting requirements.

469

943.0435 (13)

3rd

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

470

943.0435 (14)

3rd

Sexual offender;

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

471

944.607(9)

3rd

Sexual offender;
failure to comply with
reporting requirements.

472

944.607(10)(a)

3rd

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

473

944.607(12)

3rd

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

474

944.607(13)

3rd

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

475

985.4815(10)

3rd

Sexual offender;
failure to submit to

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the taking of a
digitized photograph.

476

985.4815(12)

3rd

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

477

985.4815(13)

3rd

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

478

479

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