

By Senator Berman

26-00563C-24

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1 A bill to be entitled
2 An act relating to operating vehicles and vessels
3 under the influence; amending s. 316.003, F.S.;
4 defining the term "actual physical control"; amending
5 ss. 316.193 and 327.35, F.S.; revising conditions
6 under which a person commits the offense of driving
7 under the influence or boating under the influence,
8 respectively; providing an affirmative defense;
9 revising criminal penalties; conforming provisions to
10 changes made by the act; revising a condition that
11 must be met before a person arrested for driving under
12 the influence or boating under the influence,
13 respectively, may be released from custody; defining
14 the term "impairing substance"; providing
15 construction; authorizing law enforcement witnesses to
16 give certain testimony under certain circumstances;
17 defining the term "conviction" for a specified
18 purpose; requiring the clerk of court to notify the
19 Department of Law Enforcement under certain
20 circumstances; requiring the department to maintain
21 records; creating a rebuttable presumption; amending
22 s. 316.1939, F.S.; providing that the disposition of
23 an administrative proceeding relating to a specified
24 fine does not affect certain criminal action; revising
25 a rebuttable presumption of suspended driving
26 privileges; amending s. 316.645, F.S.; making
27 technical changes; amending ss. 322.01 and 327.02,
28 F.S.; defining the term "actual physical control";
29 amending s. 327.359, F.S.; providing that the

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30 disposition of any administrative proceeding relating
31 to a specified fine or the suspension of driving
32 privileges does not affect certain criminal action;
33 providing that the disposition of certain criminal
34 action does not affect certain administrative
35 hearings; creating a rebuttable presumption; amending
36 s. 933.02, F.S.; adding specified grounds for issuance
37 of a search warrant; amending s. 948.15, F.S.;

38 revising probation guidelines for felonies in which
39 certain substances are contributing factors; amending
40 ss. 212.05, 316.1932, 316.1933, 316.303, 316.305,
41 316.306, 316.85, 322.18, 322.34, 322.61, 327.391,
42 327.53, 627.749, 655.960, and 921.0022, F.S.;

43 conforming cross-references and provisions to changes
44 made by the act; reenacting s. 947.146(3)(j), F.S.,
45 relating to the Control Release Authority, to
46 incorporate the amendments made by this act to s.
47 316.193, F.S., in a reference thereto; providing an
48 effective date.

49

50 Be It Enacted by the Legislature of the State of Florida:

51

52 Section 1. Present subsections (1) through (111) of section
53 316.003, Florida Statutes, are redesignated as subsections (2)
54 through (112), respectively, a new subsection (1) is added to
55 that section, and present subsection (64) of that section is
56 amended, to read:

57 316.003 Definitions.—The following words and phrases, when
58 used in this chapter, shall have the meanings respectively

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59 ascribed to them in this section, except where the context
60 otherwise requires:

61 (1) ACTUAL PHYSICAL CONTROL.—Being physically in or on a
62 motor vehicle and having the capability to operate the vehicle,
63 regardless of whether the vehicle is actually being operated at
64 that time.

65 (65)~~(64)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
66 provided in paragraph (90) (b) ~~(89) (b)~~, any privately owned way
67 or place used for vehicular travel by the owner and those having
68 express or implied permission from the owner, but not by other
69 persons.

70 Section 2. Present paragraphs (c) and (d) of subsection
71 (14) of section 316.193, Florida Statutes, are redesignated as
72 paragraphs (d) and (e), respectively, a new paragraph (c) is
73 added to that subsection and subsections (15) through (19) are
74 added to that section, subsections (1), (3), and (9) of that
75 section are amended, and subsection (2) of that section is
76 republished, to read:

77 316.193 Driving under the influence; penalties.—

78 (1) (a) A person commits ~~is guilty of~~ the offense of driving
79 under the influence and is subject to punishment as provided in
80 subsection (2) if the person is driving or in actual physical
81 control of a vehicle within this state and:

82 1. (a) The person is under the influence of alcoholic
83 beverages, any chemical substance set forth in s. 877.111, ~~or~~
84 any substance controlled under chapter 893, or any other
85 impairing substance, or any combination thereof, when affected
86 to the extent that the person's normal faculties are impaired;

87 2. (b) At the time of driving or while in actual physical

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88 control of the vehicle or at any time thereafter, the person has
89 a blood-alcohol level of 0.08 or more grams of alcohol per 100
90 milliliters of blood as a result of consuming alcohol before or
91 during driving; ~~or~~

92 3.~~(e)~~ At the time of driving or while in actual physical
93 control of the vehicle or at any time thereafter, the person has
94 a breath-alcohol level of 0.08 or more grams of alcohol per 210
95 liters of breath as a result of consuming alcohol before or
96 during driving; or

97 4. The person has in his or her blood any amount of a
98 chemical substance set forth in s. 877.111 or a substance
99 controlled under chapter 893, or such chemical or controlled
100 substance in any combination with alcohol as a result of
101 consuming alcohol before or during driving.

102 (b) It is an affirmative defense as to the presence of a
103 chemical or controlled substance under subparagraph (a)4. that
104 the person ingested, injected, or inhaled the substance in
105 accordance with a valid prescription issued pursuant to s.
106 893.04 by a practitioner as defined in s. 893.02, or pursuant to
107 s. 381.986, and in accordance with the practitioner's
108 directions. However, the fact that a person is or was legally
109 entitled to consume alcohol or any other chemical or controlled
110 substance, medication, drug, or other impairing substance is not
111 an affirmative defense to this section.

112 (2) (a) Except as provided in paragraph (b), subsection (3),
113 or subsection (4), any person who is convicted of a violation of
114 subsection (1) shall be punished:

115 1. By a fine of:

116 a. Not less than \$500 or more than \$1,000 for a first

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117 conviction.

118 b. Not less than \$1,000 or more than \$2,000 for a second
119 conviction; and

120 2. By imprisonment for:

121 a. Not more than 6 months for a first conviction.

122 b. Not more than 9 months for a second conviction.

123 3. For a second conviction, by mandatory placement for a
124 period of at least 1 year, at the convicted person's sole
125 expense, of an ignition interlock device approved by the
126 department in accordance with s. 316.1938 upon all vehicles that
127 are individually or jointly leased or owned and routinely
128 operated by the convicted person, when the convicted person
129 qualifies for a permanent or restricted license.

130

131 The portion of a fine imposed in excess of \$500 pursuant to sub-
132 subparagraph 1.a. and the portion of a fine imposed in excess of
133 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by
134 the clerk to the Department of Revenue for deposit into the
135 General Revenue Fund.

136 (b)1. Any person who is convicted of a third violation of
137 this section for an offense that occurs within 10 years after a
138 prior conviction for a violation of this section commits a
139 felony of the third degree, punishable as provided in s.
140 775.082, s. 775.083, or s. 775.084. In addition, the court shall
141 order the mandatory placement for a period of not less than 2
142 years, at the convicted person's sole expense, of an ignition
143 interlock device approved by the department in accordance with
144 s. 316.1938 upon all vehicles that are individually or jointly
145 leased or owned and routinely operated by the convicted person,

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146 when the convicted person qualifies for a permanent or
147 restricted license.

148 2. Any person who is convicted of a third violation of this
149 section for an offense that occurs more than 10 years after the
150 date of a prior conviction for a violation of this section shall
151 be punished by a fine of not less than \$2,000 or more than
152 \$5,000 and by imprisonment for not more than 12 months. The
153 portion of a fine imposed in excess of \$2,500 pursuant to this
154 subparagraph shall be remitted by the clerk to the Department of
155 Revenue for deposit into the General Revenue Fund. In addition,
156 the court shall order the mandatory placement for a period of at
157 least 2 years, at the convicted person's sole expense, of an
158 ignition interlock device approved by the department in
159 accordance with s. 316.1938 upon all vehicles that are
160 individually or jointly leased or owned and routinely operated
161 by the convicted person, when the convicted person qualifies for
162 a permanent or restricted license.

163 3. Any person who is convicted of a fourth or subsequent
164 violation of this section, regardless of when any prior
165 conviction for a violation of this section occurred, commits a
166 felony of the third degree, punishable as provided in s.
167 775.082, s. 775.083, or s. 775.084. However, the fine imposed
168 for such fourth or subsequent violation may be not less than
169 \$2,000. The portion of a fine imposed in excess of \$1,000
170 pursuant to this subparagraph shall be remitted by the clerk to
171 the Department of Revenue for deposit into the General Revenue
172 Fund.

173 (c) In addition to the penalties in paragraph (a), the
174 court may order placement, at the convicted person's sole

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175 expense, of an ignition interlock device approved by the
 176 department in accordance with s. 316.1938 for at least 6
 177 continuous months upon all vehicles that are individually or
 178 jointly leased or owned and routinely operated by the convicted
 179 person if, at the time of the offense, the person had a blood-
 180 alcohol level or breath-alcohol level of .08 or higher.

181 (3) Any person:

182 (a) Who is in violation of subsection (1);

183 (b) Who operates a vehicle; and

184 (c) Who, by reason of such operation, causes or contributes
 185 to causing:

186 1. Damage to the property or person of another commits a
 187 misdemeanor of the first degree, punishable as provided in s.
 188 775.082 or s. 775.083.

189 2. Serious bodily injury to another, as defined in s.
 190 316.1933, commits a felony of the second ~~third~~ degree,
 191 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

192 3. The death of any human being or unborn child commits DUI
 193 manslaughter, ~~and commits:~~

194 ~~a.~~ a felony of the first ~~second~~ degree, punishable as
 195 provided in s. 775.082, s. 775.083, or s. 775.084.

196 ~~b. A felony of the first degree, punishable as provided in~~
 197 ~~s. 775.082, s. 775.083, or s. 775.084, if:~~

198 ~~(I) At the time of the crash, the person knew, or should~~
 199 ~~have known, that the crash occurred; and~~

200 ~~(II) The person failed to give information and render aid~~
 201 ~~as required by s. 316.062.~~

202
 203 For purposes of this subsection, the term "unborn child" has the

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204 same meaning as provided in s. 775.021(5). A person who is
205 convicted of DUI manslaughter shall be sentenced to a mandatory
206 minimum term of imprisonment of 4 years.

207 (9) A person who is arrested for a violation of this
208 section may not be released from custody:

209 (a) Until the person is no longer under the influence of
210 alcoholic beverages, any chemical substance set forth in s.
211 877.111, ~~or~~ any substance controlled under chapter 893, or any
212 other impairing substance, or any combination thereof, and
213 affected to the extent that his or her normal faculties are
214 impaired;

215 (b) Until the person's blood-alcohol level or breath-
216 alcohol level is less than 0.05; or

217 (c) Until 8 hours have elapsed from the time the person was
218 arrested.

219 (14) As used in this chapter, the term:

220 (c) "Impairing substance" means any substance that, when
221 taken into the human body, can impair, or diminish in some
222 material respect, a person's normal faculties. Such normal
223 faculties include, but are not limited to, the ability to see,
224 hear, walk, talk, gauge distances, drive a motor vehicle, make
225 judgments, act in emergencies, and, in general, perform the many
226 mental and physical acts of daily life.

227 (15) Notwithstanding any other law and for the purposes of
228 prosecutions under this section, the law enforcement officer who
229 administers a horizontal nystagmus gaze test may give testimony
230 as a witness on the issue of a person's impairment, based on the
231 results of the horizontal gaze nystagmus test, if the officer
232 has successfully completed training on the horizontal gaze

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233 nystagmus test and if the test is given in accordance with the
234 individual's training.

235 (16) Notwithstanding any other law, a law enforcement
236 witness in a criminal prosecution under this section may give
237 testimony on the issue of impairment relating to whether a
238 person was under the influence of one or more impairing
239 substances, and the category or categories of the impairing
240 substance or substances, if the witness holds current
241 credentials as a drug recognition expert, issued by the
242 International Association of Chiefs of Police, at the time of
243 arrest.

244 (17) For the purpose of determining whether a conviction is
245 a first, second, or third or subsequent conviction for the
246 purposes of sentencing under this section, the term "conviction"
247 includes being convicted of a violation of this section, or the
248 completion of any diversion or other program that results in the
249 dismissal or change of charge for a violation of this section.
250 The term also includes being convicted of a violation of any law
251 or ordinance of another state or jurisdiction which this section
252 prohibits, or the completion of any diversion or other program
253 that results in the dismissal or change of charge for a
254 violation of such law or ordinance of another state or
255 jurisdiction which this section prohibits.

256 (18) The clerk of court shall notify the department of the
257 dismissal or change of charge for a violation of this section
258 based on the completion of any diversion or other program. The
259 department shall maintain a record of a person's completion of
260 any diversion or other program that results in a dismissal or
261 change of charge for a violation of this section.

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262 (19) There is a rebuttable presumption that a diversion or
263 other program was completed which results in the dismissal or
264 change of charge for a violation of this section as provided in
265 subsection (17) if notation or designation of such completion
266 appears in the department's records.

267 Section 3. Subsections (1), (3), and (8) of section 327.35,
268 Florida Statutes, are amended, subsections (11) through (16) are
269 added to that section, and subsection (2) of that section is
270 republished, to read:

271 327.35 Boating under the influence; penalties; "designated
272 drivers."—

273 (1) (a) A person commits ~~is guilty of~~ the offense of boating
274 under the influence and is subject to punishment as provided in
275 subsection (2) if the person is operating a vessel or in actual
276 physical control of a vessel within this state and:

277 1. (a) The person is under the influence of alcoholic
278 beverages, any chemical substance set forth in s. 877.111, ~~or~~
279 any substance controlled under chapter 893, or any other
280 impairing substance, or any combination thereof, when affected
281 to the extent that the person's normal faculties are impaired;

282 2. (b) At the time of operating the vessel or at any time
283 thereafter, the person has a blood-alcohol level of 0.08 or more
284 grams of alcohol per 100 milliliters of blood as a result of
285 consuming alcohol before or during operating; ~~or~~

286 3. (c) At the time of operating the vessel or at any time
287 thereafter, the person has a breath-alcohol level of 0.08 or
288 more grams of alcohol per 210 liters of breath as a result of
289 consuming alcohol before or during operating; or

290 4. The person has in his or her blood any amount of a

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291 chemical substance set forth in s. 877.111 or a substance
292 controlled under chapter 893, or such chemical or controlled
293 substance in any combination with alcohol as a result of
294 consuming alcohol before or during operating.

295 (b) It is an affirmative defense as to the presence of a
296 chemical or controlled substance under subparagraph (a)4. that
297 the person ingested, injected, or inhaled the substance in
298 accordance with a valid prescription issued pursuant to s.
299 893.04 by a practitioner as defined in s. 893.02, or pursuant to
300 s. 381.986, and in accordance with the practitioner's
301 directions. However, the fact that a person is or was legally
302 entitled to consume alcohol or any other chemical or controlled
303 substance, medication, drug, or other impairing substance is not
304 an affirmative defense to this section.

305 (2) (a) Except as provided in paragraph (b), subsection (3),
306 or subsection (4), any person who is convicted of a violation of
307 subsection (1) shall be punished:

308 1. By a fine of:

309 a. Not less than \$500 or more than \$1,000 for a first
310 conviction.

311 b. Not less than \$1,000 or more than \$2,000 for a second
312 conviction; and

313 2. By imprisonment for:

314 a. Not more than 6 months for a first conviction.

315 b. Not more than 9 months for a second conviction.

316

317 The portion of a fine imposed in excess of \$500 pursuant to sub-
318 subparagraph 1.a. and the portion of a fine imposed in excess of
319 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by

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320 the clerk to the Department of Revenue for deposit into the
321 General Revenue Fund.

322 (b)1. Any person who is convicted of a third violation of
323 this section for an offense that occurs within 10 years after a
324 prior conviction for a violation of this section commits a
325 felony of the third degree, punishable as provided in s.
326 775.082, s. 775.083, or s. 775.084.

327 2. Any person who is convicted of a third violation of this
328 section for an offense that occurs more than 10 years after the
329 date of a prior conviction for a violation of this section shall
330 be punished by a fine of not less than \$2,000 or more than
331 \$5,000 and by imprisonment for not more than 12 months. The
332 portion of a fine imposed in excess of \$2,500 pursuant to this
333 subparagraph shall be remitted by the clerk to the Department of
334 Revenue for deposit into the General Revenue Fund.

335 3. Any person who is convicted of a fourth or subsequent
336 violation of this section, regardless of when any prior
337 conviction for a violation of this section occurred, commits a
338 felony of the third degree, punishable as provided in s.
339 775.082, s. 775.083, or s. 775.084.

340
341 However, the fine imposed for such fourth or subsequent
342 violation may not be less than \$2,000. The portion of such fine
343 imposed in excess of \$1,000 shall be remitted by the clerk to
344 the Department of Revenue for deposit into the General Revenue
345 Fund.

346 (3) Any person:

347 (a) Who is in violation of subsection (1);

348 (b) Who operates a vessel; and

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349 (c) Who, by reason of such operation, causes or contributes
350 to causing:

351 1. Damage to the property or person of another commits a
352 misdemeanor of the first degree, punishable as provided in s.
353 775.082 or s. 775.083.

354 2. Serious bodily injury to another, as defined in s.
355 327.353, commits a felony of the second ~~third~~ degree, punishable
356 as provided in s. 775.082, s. 775.083, or s. 775.084.

357 3. The death of any human being commits BUI manslaughter,
358 ~~and commits:~~

359 ~~a.~~ a felony of the first ~~second~~ degree, punishable as
360 provided in s. 775.082, s. 775.083, or s. 775.084.

361 ~~b. A felony of the first degree, punishable as provided in~~
362 ~~s. 775.082, s. 775.083, or s. 775.084, if:~~

363 ~~(I) At the time of the accident, the person knew, or should~~
364 ~~have known, that the accident occurred; and~~

365 ~~(II) The person failed to give information and render aid~~
366 ~~as required by s. 327.30.~~

367
368 ~~This sub-subparagraph does not require that the person knew that~~
369 ~~the accident resulted in injury or death.~~

370 (8) A person who is arrested for a violation of this
371 section may not be released from custody:

372 (a) Until the person is no longer under the influence of
373 alcoholic beverages, any chemical substance set forth in s.
374 877.111, ~~or~~ any substance controlled under chapter 893, or any
375 other impairing substance, or any combination thereof, and
376 affected to the extent that his or her normal faculties are
377 impaired;

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378 (b) Until the person's blood-alcohol level or breath-
379 alcohol level is less than 0.05; or

380 (c) Until 8 hours have elapsed from the time the person was
381 arrested.

382 (11) As used in this section, the term "impairing
383 substance" means any substance that, when taken into the human
384 body, can impair, or diminish in some material respect, a
385 person's normal faculties. Such normal faculties include, but
386 are not limited to, the ability to see, hear, walk, talk, gauge
387 distances, drive a motor vehicle, operate a boating vessel, make
388 judgments, act in emergencies, and, in general, perform the many
389 mental and physical acts of daily life.

390 (12) Notwithstanding any other law and for the purpose of
391 prosecutions under this section, the law enforcement officer who
392 administers a horizontal nystagmus gaze test may give testimony
393 as a witness on the issue of a person's impairment based on the
394 results of such test if the officer has successfully completed
395 training on such test and if such test is given in accordance
396 with his or her training.

397 (13) Notwithstanding any other law, a law enforcement
398 witness in a criminal prosecution under this section may give
399 expert testimony on the issue of impairment relating to whether
400 a person was under the influence of one or more impairing
401 substances, and the category or categories of the impairing
402 substance or substances, if the witness holds current
403 credentials as a drug recognition expert, issued by the
404 International Association of Chiefs of Police, at the time of
405 arrest.

406 (14) For the purpose of determining whether a conviction is

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407 a first, second, or third or subsequent conviction for the
408 purposes of sentencing under this section, the term "conviction"
409 includes being convicted of a violation of this section, or the
410 completion of any diversion or other program that results in the
411 dismissal or change of charge for a violation of this section.
412 The term also includes being convicted of a violation of any law
413 or ordinance of another state or jurisdiction which this section
414 prohibits, or the completion of any diversion or other program
415 that results in the dismissal or change of charge for a
416 violation of such law or ordinance of another state or
417 jurisdiction which this section prohibits.

418 (15) The clerk of court shall notify the Department of Law
419 Enforcement of the dismissal or change of charge for a violation
420 of this section based on the completion of any diversion or
421 other program. The department shall maintain a record of a
422 person's completion of any diversion or other program that
423 results in a dismissal or change of charge for a violation of
424 this section.

425 (16) There is a rebuttable presumption that a diversion or
426 other program was completed that results in the dismissal or
427 change of charge for a violation of this section as provided in
428 subsection (14) if notation or designation of such appears in
429 the Department of Law Enforcement's records.

430 Section 4. Subsections (2) and (3) of section 316.1939,
431 Florida Statutes, are amended to read:

432 316.1939 Refusal to submit to testing; penalties.—

433 (2) The disposition of any administrative proceeding that
434 relates to the suspension of a person's driving privilege or a
435 fine under s. 327.35215 does not affect a criminal action under

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436 this section.

437 (3) The disposition of a criminal action under this section
438 does not affect any administrative proceeding that relates to
439 the suspension of a person's driving privilege. The department's
440 records showing that a person's license or driving privilege has
441 been previously suspended, or the person has previously been
442 fined under s. 327.35215, for a prior refusal to submit to a
443 lawful test of his or her breath, urine, or blood shall be
444 admissible and shall create a rebuttable presumption of such
445 suspension or fine.

446 Section 5. Section 316.645, Florida Statutes, is amended to
447 read:

448 316.645 Arrest authority of officer at scene of a traffic
449 crash.—A police officer who makes any ~~an~~ investigation at the
450 scene of a traffic crash may arrest any driver of a vehicle
451 involved in the crash when, based upon any personal
452 investigation, the officer has reasonable and probable grounds
453 to believe that the person has committed any offense under the
454 provisions of this chapter, chapter 320, or chapter 322 in
455 connection with the crash.

456 Section 6. Present subsections (1) through (48) of section
457 322.01, Florida Statutes, are redesignated as subsections (2)
458 through (49), respectively, and a new subsection (1) is added to
459 that section, to read:

460 322.01 Definitions.—As used in this chapter:

461 (1) "Actual physical control" means being physically in or
462 on a motor vehicle and having the capability to operate the
463 vehicle, regardless of whether the vehicle is actually being
464 operated at that time.

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465 Section 7. Present subsections (1) through (48) of section
466 327.02, Florida Statutes, are redesignated as subsections (2)
467 through (49), respectively, and a new subsection (1) is added to
468 that section, to read:

469 327.02 Definitions.—As used in this chapter and in chapter
470 328, unless the context clearly requires a different meaning,
471 the term:

472 (1) "Actual physical control" means being physically in or
473 on a vessel and having the capability to operate the vessel,
474 regardless of whether the vessel is actually being operated at
475 that time.

476 Section 8. Section 327.359, Florida Statutes, is amended to
477 read:

478 327.359 Refusal to submit to testing; penalties.—

479 (1) A person who has refused to submit to a chemical or
480 physical test of his or her breath or urine, as described in s.
481 327.352, and who has been previously fined under s. 327.35215 or
482 has previously had his or her driver license suspended for
483 refusal to submit to a lawful test of his or her breath, urine,
484 or blood, and:

485 (a)~~(1)~~ Who the arresting law enforcement officer had
486 probable cause to believe was operating or in actual physical
487 control of a vessel in this state while under the influence of
488 alcoholic beverages, chemical substances, or controlled
489 substances;

490 (b)~~(2)~~ Who was placed under lawful arrest for a violation
491 of s. 327.35 unless such test was requested pursuant to s.
492 327.352 (1) (c);

493 (c)~~(3)~~ Who was informed that if he or she refused to submit

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494 to such test, he or she is subject to a fine of \$500;

495 (d)~~(4)~~ Who was informed that a refusal to submit to a
496 lawful test of his or her breath or urine, if he or she has been
497 previously fined under s. 327.35215 or has previously had his or
498 her driver license suspended for refusal to submit to a lawful
499 test of his or her breath, urine, or blood, is a misdemeanor of
500 the first degree, punishable as provided in s. 775.082 or s.
501 775.083; and

502 (e)~~(5)~~ Who, after having been so informed, refused to
503 submit to any such test when requested to do so by a law
504 enforcement officer or correctional officer commits a
505 misdemeanor of the first degree, punishable as provided in s.
506 775.082 or s. 775.083.

507 (2) The disposition of any administrative proceeding that
508 relates to a fine under s. 327.35215 or to the suspension of a
509 person's driving privilege does not affect a criminal action
510 under this section.

511 (3) The disposition of a criminal action under this section
512 does not affect any administrative proceeding that relates to
513 the suspension of a person's driving privilege. The Department
514 of Highway Safety and Motor Vehicles' records showing that a
515 person has previously been fined under s. 327.35215, or that a
516 person's license or driving privilege has been previously
517 suspended, for a prior refusal to submit to a lawful test of his
518 or her breath, urine, or blood is admissible and creates a
519 rebuttable presumption of such suspension.

520 Section 9. Section 933.02, Florida Statutes, is amended to
521 read:

522 933.02 Grounds for issuance of search warrant.—Upon proper

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523 affidavits being made, a search warrant may be issued under the
524 provisions of this chapter upon any of the following grounds:

525 (1) When the property shall have been stolen or embezzled
526 in violation of law;

527 (2) When any property shall have been used:

528 (a) As a means to commit any crime;

529 (b) In connection with gambling, gambling implements and
530 appliances; or

531 (c) In violation of s. 847.011 or other laws in reference
532 to obscene prints and literature;

533 (3) When any property constitutes evidence relevant to
534 proving that a felony has been committed;

535 (4) When any property is being held or possessed:

536 (a) In violation of any of the laws prohibiting the
537 manufacture, sale, and transportation of intoxicating liquors;

538 (b) In violation of the fish and game laws;

539 (c) In violation of the laws relative to food and drug; or

540 (d) In violation of the laws relative to citrus disease
541 pursuant to s. 581.184; ~~or~~

542 (5) When the laws in relation to cruelty to animals, as
543 provided in chapter 828, have been or are violated in any
544 particular building or place; or

545 (6) When a sample of the blood of a person constitutes
546 evidence relevant to proving that a violation of s. 316.193 or
547 s. 327.35 has been committed.

548
549 This section also applies to any papers or documents used as a
550 means of or in aid of the commission of any offense against the
551 laws of the state.

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552 Section 10. Subsection (1) of section 948.15, Florida
553 Statutes, is amended to read:

554 948.15 Misdemeanor probation services.—

555 (1) A defendant found guilty of a misdemeanor who is placed
556 on probation shall be under supervision not to exceed 6 months
557 unless otherwise specified by the court. Probation supervision
558 services for a defendant found guilty of a misdemeanor for
559 possession of a controlled substance or drug paraphernalia under
560 chapter 893 may be provided by a licensed substance abuse
561 education and intervention program, which may provide substance
562 abuse education and intervention as well as any other terms and
563 conditions of probation. In relation to any offense other than a
564 felony in which the use of alcohol, any chemical substance set
565 forth in s. 877.111, any substance controlled under chapter 893,
566 or any impairing substance as defined in s. 316.193(14)(c) or s.
567 327.35(11) is a contributing ~~significant~~ factor, the period of
568 probation may be up to 1 year.

569 Section 11. Paragraph (c) of subsection (1) of section
570 212.05, Florida Statutes, is amended to read:

571 212.05 Sales, storage, use tax.—It is hereby declared to be
572 the legislative intent that every person is exercising a taxable
573 privilege who engages in the business of selling tangible
574 personal property at retail in this state, including the
575 business of making or facilitating remote sales; who rents or
576 furnishes any of the things or services taxable under this
577 chapter; or who stores for use or consumption in this state any
578 item or article of tangible personal property as defined herein
579 and who leases or rents such property within the state.

580 (1) For the exercise of such privilege, a tax is levied on

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581 each taxable transaction or incident, which tax is due and
582 payable as follows:

583 (c) At the rate of 6 percent of the gross proceeds derived
584 from the lease or rental of tangible personal property, as
585 defined herein; however, the following special provisions apply
586 to the lease or rental of motor vehicles and to peer-to-peer
587 car-sharing programs:

588 1. When a motor vehicle is leased or rented by a motor
589 vehicle rental company or through a peer-to-peer car-sharing
590 program as those terms are defined in s. 212.0606(1) for a
591 period of less than 12 months:

592 a. If the motor vehicle is rented in Florida, the entire
593 amount of such rental is taxable, even if the vehicle is dropped
594 off in another state.

595 b. If the motor vehicle is rented in another state and
596 dropped off in Florida, the rental is exempt from Florida tax.

597 c. If the motor vehicle is rented through a peer-to-peer
598 car-sharing program, the peer-to-peer car-sharing program shall
599 collect and remit the applicable tax due in connection with the
600 rental.

601 2. Except as provided in subparagraph 3., for the lease or
602 rental of a motor vehicle for a period of not less than 12
603 months, sales tax is due on the lease or rental payments if the
604 vehicle is registered in this state; provided, however, that no
605 tax shall be due if the taxpayer documents use of the motor
606 vehicle outside this state and tax is being paid on the lease or
607 rental payments in another state.

608 3. The tax imposed by this chapter does not apply to the
609 lease or rental of a commercial motor vehicle as defined in s.

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610 316.003(15)(a) ~~s. 316.003(14)(a)~~ to one lessee or rentee for a
611 period of not less than 12 months when tax was paid on the
612 purchase price of such vehicle by the lessor. To the extent tax
613 was paid with respect to the purchase of such vehicle in another
614 state, territory of the United States, or the District of
615 Columbia, the Florida tax payable shall be reduced in accordance
616 with s. 212.06(7). This subparagraph shall only be available
617 when the lease or rental of such property is an established
618 business or part of an established business or the same is
619 incidental or germane to such business.

620 Section 12. Paragraph (f) of subsection (1) of section
621 316.1932, Florida Statutes, is amended to read:

622 316.1932 Tests for alcohol, chemical substances, or
623 controlled substances; implied consent; refusal.-

624 (1)

625 (f)1. The tests determining the weight of alcohol in the
626 defendant's blood or breath shall be administered at the request
627 of a law enforcement officer substantially in accordance with
628 rules of the Department of Law Enforcement. Such rules must
629 specify precisely the test or tests that are approved by the
630 Department of Law Enforcement for reliability of result and ease
631 of administration, and must provide an approved method of
632 administration which must be followed in all such tests given
633 under this section. However, the failure of a law enforcement
634 officer to request the withdrawal of blood does not affect the
635 admissibility of a test of blood withdrawn for medical purposes.

636 2.a. Only a physician, certified paramedic, registered
637 nurse, licensed practical nurse, other personnel authorized by a
638 hospital to draw blood, or duly licensed clinical laboratory

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639 director, supervisor, technologist, or technician, acting at the
640 request of a law enforcement officer, may withdraw blood for the
641 purpose of determining its alcoholic content or the presence of
642 chemical substances or controlled substances therein. However,
643 the failure of a law enforcement officer to request the
644 withdrawal of blood does not affect the admissibility of a test
645 of blood withdrawn for medical purposes.

646 b. Notwithstanding any provision of law pertaining to the
647 confidentiality of hospital records or other medical records, if
648 a health care provider, who is providing medical care in a
649 health care facility to a person injured in a motor vehicle
650 crash, becomes aware, as a result of any blood test performed in
651 the course of that medical treatment, that the person's blood-
652 alcohol level meets or exceeds the blood-alcohol level specified
653 in s. 316.193(1)(a)2. ~~s. 316.193(1)(b)~~, the health care provider
654 may notify any law enforcement officer or law enforcement
655 agency. Any such notice must be given within a reasonable time
656 after the health care provider receives the test result. Any
657 such notice shall be used only for the purpose of providing the
658 law enforcement officer with reasonable cause to request the
659 withdrawal of a blood sample pursuant to this section.

660 c. The notice must ~~shall~~ consist only of the name of the
661 person being treated, the name of the person who drew the blood,
662 the blood-alcohol level indicated by the test, and the date and
663 time of the administration of the test.

664 d. Nothing contained in s. 395.3025(4), s. 456.057, or any
665 applicable practice act affects the authority to provide notice
666 under this section, and the health care provider is not
667 considered to have breached any duty owed to the person under s.

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668 395.3025(4), s. 456.057, or any applicable practice act by
669 providing notice or failing to provide notice. It is ~~shall~~ not
670 be a breach of any ethical, moral, or legal duty for a health
671 care provider to provide notice or fail to provide notice.

672 e. A civil, criminal, or administrative action may not be
673 brought against any person or health care provider participating
674 in good faith in the provision of notice or failure to provide
675 notice as provided in this section. Any person or health care
676 provider participating in the provision of notice or failure to
677 provide notice as provided in this section shall be immune from
678 any civil or criminal liability and from any professional
679 disciplinary action with respect to the provision of notice or
680 failure to provide notice under this section. Any such
681 participant has the same immunity with respect to participating
682 in any judicial proceedings resulting from the notice or failure
683 to provide notice.

684 3. The person tested may, at his or her own expense, have a
685 physician, registered nurse, other personnel authorized by a
686 hospital to draw blood, or duly licensed clinical laboratory
687 director, supervisor, technologist, or technician, or other
688 person of his or her own choosing administer an independent test
689 in addition to the test administered at the direction of the law
690 enforcement officer for the purpose of determining the amount of
691 alcohol in the person's blood or breath or the presence of
692 chemical substances or controlled substances at the time
693 alleged, as shown by chemical analysis of his or her blood or
694 urine, or by chemical or physical test of his or her breath. The
695 failure or inability to obtain an independent test by a person
696 does not preclude the admissibility in evidence of the test

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697 taken at the direction of the law enforcement officer. The law
698 enforcement officer shall not interfere with the person's
699 opportunity to obtain the independent test and shall provide the
700 person with timely telephone access to secure the test, but the
701 burden is on the person to arrange and secure the test at the
702 person's own expense.

703 4. Upon the request of the person tested, full information
704 concerning the results of the test taken at the direction of the
705 law enforcement officer shall be made available to the person or
706 his or her attorney. Full information is limited to the
707 following:

708 a. The type of test administered and the procedures
709 followed.

710 b. The time of the collection of the blood or breath sample
711 analyzed.

712 c. The numerical results of the test indicating the alcohol
713 content of the blood and breath.

714 d. The type and status of any permit issued by the
715 Department of Law Enforcement which was held by the person who
716 performed the test.

717 e. If the test was administered by means of a breath
718 testing instrument, the date of performance of the most recent
719 required inspection of such instrument.

720
721 Full information does not include manuals, schematics, or
722 software of the instrument used to test the person or any other
723 material that is not in the actual possession of the state.

724 Additionally, full information does not include information in
725 the possession of the manufacturer of the test instrument.

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726 5. A hospital, clinical laboratory, medical clinic, or
727 similar medical institution or physician, certified paramedic,
728 registered nurse, licensed practical nurse, other personnel
729 authorized by a hospital to draw blood, or duly licensed
730 clinical laboratory director, supervisor, technologist, or
731 technician, or other person assisting a law enforcement officer
732 does not incur any civil or criminal liability as a result of
733 the withdrawal or analysis of a blood or urine specimen, or the
734 chemical or physical test of a person's breath pursuant to
735 accepted medical standards when requested by a law enforcement
736 officer, regardless of whether or not the subject resisted
737 administration of the test.

738 Section 13. Paragraph (a) of subsection (2) of section
739 316.1933, Florida Statutes, is amended to read:

740 316.1933 Blood test for impairment or intoxication in cases
741 of death or serious bodily injury; right to use reasonable
742 force.—

743 (2) (a) Only a physician, certified paramedic, registered
744 nurse, licensed practical nurse, other personnel authorized by a
745 hospital to draw blood, or duly licensed clinical laboratory
746 director, supervisor, technologist, or technician, acting at the
747 request of a law enforcement officer, may withdraw blood for the
748 purpose of determining the alcoholic content thereof or the
749 presence of chemical substances or controlled substances
750 therein. However, the failure of a law enforcement officer to
751 request the withdrawal of blood does ~~shall~~ not affect the
752 admissibility of a test of blood withdrawn for medical purposes.

753 1. Notwithstanding any provision of law pertaining to the
754 confidentiality of hospital records or other medical records, if

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755 a health care provider, who is providing medical care in a
756 health care facility to a person injured in a motor vehicle
757 crash, becomes aware, as a result of any blood test performed in
758 the course of that medical treatment, that the person's blood-
759 alcohol level meets or exceeds the blood-alcohol level specified
760 in s. 316.193(1)(a)2. ~~s. 316.193(1)(b)~~, the health care provider
761 may notify any law enforcement officer or law enforcement
762 agency. Any such notice must be given within a reasonable time
763 after the health care provider receives the test result. Any
764 such notice shall be used only for the purpose of providing the
765 law enforcement officer with reasonable cause to request the
766 withdrawal of a blood sample pursuant to this section.

767 2. The notice must ~~shall~~ consist only of the name of the
768 person being treated, the name of the person who drew the blood,
769 the blood-alcohol level indicated by the test, and the date and
770 time of the administration of the test.

771 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
772 applicable practice act affects the authority to provide notice
773 under this section, and the health care provider is not
774 considered to have breached any duty owed to the person under s.
775 395.3025(4), s. 456.057, or any applicable practice act by
776 providing notice or failing to provide notice. It is ~~shall~~ not
777 ~~be~~ a breach of any ethical, moral, or legal duty for a health
778 care provider to provide notice or fail to provide notice.

779 4. A civil, criminal, or administrative action may not be
780 brought against any person or health care provider participating
781 in good faith in the provision of notice or failure to provide
782 notice as provided in this section. Any person or health care
783 provider participating in the provision of notice or failure to

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784 provide notice as provided in this section shall be immune from
785 any civil or criminal liability and from any professional
786 disciplinary action with respect to the provision of notice or
787 failure to provide notice under this section. Any such
788 participant has the same immunity with respect to participating
789 in any judicial proceedings resulting from the notice or failure
790 to provide notice.

791 Section 14. Subsection (3) of section 316.303, Florida
792 Statutes, is amended to read:

793 316.303 Television receivers.—

794 (3) This section does not prohibit the use of an electronic
795 display used in conjunction with a vehicle navigation system; an
796 electronic display used by an operator of an autonomous vehicle,
797 as defined in s. 316.003(4) ~~s. 316.003(3)~~; or an electronic
798 display used by an operator of a vehicle equipped and operating
799 with driver-assistive truck platooning technology, as defined in
800 s. 316.003.

801 Section 15. Paragraph (b) of subsection (3) of section
802 316.305, Florida Statutes, is amended to read:

803 316.305 Wireless communications devices; prohibition.—

804 (3)

805 (b) Paragraph (a) does not apply to a motor vehicle
806 operator who is:

807 1. Performing official duties as an operator of an
808 authorized emergency vehicle as defined in s. 322.01, a law
809 enforcement or fire service professional, or an emergency
810 medical services professional.

811 2. Reporting an emergency or criminal or suspicious
812 activity to law enforcement authorities.

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- 813 3. Receiving messages that are:
- 814 a. Related to the operation or navigation of the motor
- 815 vehicle;
- 816 b. Safety-related information, including emergency,
- 817 traffic, or weather alerts;
- 818 c. Data used primarily by the motor vehicle; or
- 819 d. Radio broadcasts.
- 820 4. Using a device or system for navigation purposes.
- 821 5. Conducting wireless interpersonal communication that
- 822 does not require manual entry of multiple letters, numbers, or
- 823 symbols, except to activate, deactivate, or initiate a feature
- 824 or function.
- 825 6. Conducting wireless interpersonal communication that
- 826 does not require reading text messages, except to activate,
- 827 deactivate, or initiate a feature or function.
- 828 7. Operating an autonomous vehicle, as defined in s.
- 829 316.003(4) ~~s. 316.003(3)~~, with the automated driving system
- 830 engaged.

831 Section 16. Paragraph (a) of subsection (3) of section

832 316.306, Florida Statutes, is amended to read:

833 316.306 School and work zones; prohibition on the use of a

834 wireless communications device in a handheld manner.-

835 (3)(a)1. A person may not operate a motor vehicle while

836 using a wireless communications device in a handheld manner in a

837 designated school crossing, school zone, or work zone area as

838 defined in s. 316.003(112) ~~s. 316.003(111)~~. This subparagraph

839 shall only be applicable to work zone areas if construction

840 personnel are present or are operating equipment on the road or

841 immediately adjacent to the work zone area. For the purposes of

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842 this paragraph, a motor vehicle that is stationary is not being
843 operated and is not subject to the prohibition in this
844 paragraph.

845 2. Effective January 1, 2020, a law enforcement officer may
846 stop motor vehicles and issue citations to persons who are
847 driving while using a wireless communications device in a
848 handheld manner in violation of subparagraph 1.

849 Section 17. Subsections (1) and (5) of section 316.85,
850 Florida Statutes, are amended to read:

851 316.85 Autonomous vehicles; operation; compliance with
852 traffic and motor vehicle laws; testing.—

853 (1) Notwithstanding any other law, a licensed human
854 operator is not required to operate a fully autonomous vehicle
855 as defined in s. 316.003(4) ~~s. 316.003(3)~~.

856 (5) Notwithstanding any other provision of this chapter, an
857 autonomous vehicle or a fully autonomous vehicle equipped with a
858 teleoperation system may operate without a human operator
859 physically present in the vehicle when the teleoperation system
860 is engaged. A vehicle that is subject to this subsection must
861 meet the requirements of s. 319.145 and is considered a vehicle
862 that meets the definition provided in s. 316.003(4)(c) ~~s.~~
863 ~~316.003(3)(c)~~ for the purposes of ss. 316.062(5), 316.063(4),
864 316.065(5), 316.1975(3), and 316.303(1).

865 Section 18. Paragraphs (e) and (f) of subsection (2) of
866 section 322.18, Florida Statutes, are amended to read:

867 322.18 Original applications, licenses, and renewals;
868 expiration of licenses; delinquent licenses.—

869 (2) Each applicant who is entitled to the issuance of a
870 driver license, as provided in this section, shall be issued a

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871 driver license, as follows:

872 (e) Notwithstanding any other provision of this chapter, an
873 applicant applying for an original or renewal issuance of a
874 commercial driver license as defined in s. 322.01(8) ~~s.~~
875 ~~322.01(7)~~, with a hazardous-materials endorsement, pursuant to
876 s. 322.57(1)(e), shall be issued a driver license that expires
877 at midnight on the licensee's birthday that next occurs 4 years
878 after the month of expiration of the license being issued or
879 renewed.

880 (f) Notwithstanding any other provision of this chapter, an
881 applicant applying for an original issuance of a commercial
882 driver license as defined in s. 322.01(8) ~~s. 322.01(7)~~ shall be
883 issued a driver license that expires at midnight 8 years after
884 the licensee's last birthday prior to issuance of the license.

885 Section 19. Subsection (2) of section 322.34, Florida
886 Statutes, is amended to read:

887 322.34 Driving while license suspended, revoked, canceled,
888 or disqualified.—

889 (2) Any person whose driver license or driving privilege
890 has been canceled, suspended, or revoked as provided by law, or
891 who does not have a driver license or driving privilege but is
892 under suspension or revocation equivalent status as defined in
893 s. 322.01(43) ~~s. 322.01(42)~~, except persons defined in s.
894 322.264, who, knowing of such cancellation, suspension,
895 revocation, or suspension or revocation equivalent status,
896 drives any motor vehicle upon the highways of this state while
897 such license or privilege is canceled, suspended, or revoked, or
898 while under suspension or revocation equivalent status, commits:

899 (a) A misdemeanor of the second degree, punishable as

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900 provided in s. 775.082 or s. 775.083.

901 (b)1. A misdemeanor of the first degree, punishable as
902 provided in s. 775.082 or s. 775.083, upon a second or
903 subsequent conviction, except as provided in paragraph (c).

904 2. A person convicted of a third or subsequent conviction,
905 except as provided in paragraph (c), must serve a minimum of 10
906 days in jail.

907 (c) A felony of the third degree, punishable as provided in
908 s. 775.082, s. 775.083, or s. 775.084, upon a third or
909 subsequent conviction if the current violation of this section
910 or the most recent prior violation of the section is related to
911 driving while license canceled, suspended, revoked, or
912 suspension or revocation equivalent status resulting from a
913 violation of:

914 1. Driving under the influence;

915 2. Refusal to submit to a urine, breath-alcohol, or blood
916 alcohol test;

917 3. A traffic offense causing death or serious bodily
918 injury; or

919 4. Fleeing or eluding.

920
921 The element of knowledge is satisfied if the person has been
922 previously cited as provided in subsection (1); or the person
923 admits to knowledge of the cancellation, suspension, or
924 revocation, or suspension or revocation equivalent status; or
925 the person received notice as provided in subsection (4). There
926 shall be a rebuttable presumption that the knowledge requirement
927 is satisfied if a judgment or order as provided in subsection
928 (4) appears in the department's records for any case except for

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929 one involving a suspension by the department for failure to pay
930 a traffic fine or for a financial responsibility violation.

931 Section 20. Subsection (4) of section 322.61, Florida
932 Statutes, is amended to read:

933 322.61 Disqualification from operating a commercial motor
934 vehicle.—

935 (4) Any person who is transporting hazardous materials as
936 defined in s. 322.01(25) ~~s. 322.01(24)~~ shall, upon conviction of
937 an offense specified in subsection (3), be disqualified from
938 operating a commercial motor vehicle for a period of 3 years.
939 The penalty provided in this subsection shall be in addition to
940 any other applicable penalty.

941 Section 21. Subsection (1) of section 327.391, Florida
942 Statutes, is amended to read:

943 327.391 Airboats regulated.—

944 (1) The exhaust of every internal combustion engine used on
945 any airboat operated on the waters of this state shall be
946 provided with an automotive-style factory muffler, underwater
947 exhaust, or other manufactured device capable of adequately
948 muffling the sound of the exhaust of the engine as described in
949 s. 327.02(32) ~~s. 327.02(31)~~. The use of cutouts or flex pipe as
950 the sole source of muffling is prohibited, except as provided in
951 subsection (4). A person who violates this subsection commits a
952 noncriminal infraction, punishable as provided in s. 327.73(1).

953 Section 22. Subsection (8) of section 327.53, Florida
954 Statutes, is amended to read:

955 327.53 Marine sanitation.—

956 (8) The owner or operator of a live-aboard vessel as
957 defined in s. 327.02(24) ~~s. 327.02(23)~~, or a houseboat as

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958 defined in s. 327.02(18) ~~s. 327.02(17)~~, that is equipped with a
959 marine sanitation device must maintain a record of the date of
960 each pumpout of the marine sanitation device and the location of
961 the pumpout station or waste reception facility. Each record
962 must be maintained for 1 year after the date of the pumpout.
963 This subsection does not apply to marine compost toilets that
964 process and manage human waste using marine compost toilet
965 technologies that comply with United States Coast Guard
966 requirements.

967 Section 23. Paragraphs (b) and (c) of subsection (1) of
968 section 627.749, Florida Statutes, are amended to read:

969 627.749 Autonomous vehicles; insurance requirements.—

970 (1) DEFINITIONS.—As used in this section, the term:

971 (b) "Autonomous vehicle" has the same meaning as provided
972 in s. 316.003(4) ~~s. 316.003(3)~~.

973 (c) "Fully autonomous vehicle" has the same meaning as
974 provided in s. 316.003(4) ~~s. 316.003(3)~~.

975 Section 24. Subsection (1) of section 655.960, Florida
976 Statutes, is amended to read:

977 655.960 Definitions; ss. 655.960-655.965.—As used in this
978 section and ss. 655.961-655.965, unless the context otherwise
979 requires:

980 (1) "Access area" means any paved walkway or sidewalk which
981 is within 50 feet of any automated teller machine. The term does
982 not include any street or highway open to the use of the public,
983 as defined in s. 316.003(90)(a) or (b) ~~s. 316.003(89)(a) or (b)~~,
984 including any adjacent sidewalk, as defined in s. 316.003.

985 Section 25. Paragraphs (g), (h), and (i) of subsection (3)
986 of section 921.0022, Florida Statutes, are amended to read:

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987 921.0022 Criminal Punishment Code; offense severity ranking
 988 chart.—

989 (3) OFFENSE SEVERITY RANKING CHART

990 (g) LEVEL 7

991

Florida	Felony	
Statute	Degree	Description

992

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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993

316.193 (3) (c) 2.	<u>2nd</u> 3rd	DUI resulting in serious bodily injury.
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994

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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995

327.35 (3) (c) 2.	<u>2nd</u> 3rd	Vessel BUI resulting in serious bodily injury.
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997	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
998	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
999	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1000	456.065 (2)	3rd	Practicing a health care profession without a license.
1001	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1002	458.327 (1)	3rd	Practicing medicine without a license.
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.

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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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1012	483.828 (1)	3rd	care services without a license.
1013	483.901 (7)	3rd	Practicing as clinical laboratory personnel without a license.
1014	484.013 (1) (c)	3rd	Practicing medical physics without a license.
1015	484.053	3rd	Preparing or dispensing optical devices without a prescription.
1016	494.0018 (2)	1st	Dispensing hearing aids without a license.
1017	560.123 (8) (b) 1.	3rd	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
			Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money

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1018

560.125 (5) (a)

3rd

services business.

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

1019

655.50 (10) (b) 1.

3rd

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

1020

775.21 (10) (a)

3rd

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

1021

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

1022

775.21 (10) (g)

3rd

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

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1023
1024
1025
1026
1027
1028

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 unborn child 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.

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1029	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1030	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1031	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1032	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1033	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1034	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1035	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1036	784.081 (1)	1st	Aggravated battery on specified official or employee.

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1037	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1038	784.083 (1)	1st	Aggravated battery on code inspector.
1039	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
1040	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1041	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1042	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax

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1043

790.165 (3)

2nd

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

1044

790.166 (3)

2nd

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

1045

790.166 (4)

2nd

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

1046

790.23

1st, PBL

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

1047

794.08 (4)

3rd

Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a

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1048			victim younger than 18 years of age.
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1049			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1050			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1051			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1052			
	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction

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20241172__

1053

for specified sex offense.

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

1054

810.02 (3) (a)

2nd

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

1055

810.02 (3) (b)

2nd

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

1056

810.02 (3) (d)

2nd

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

1057

810.02 (3) (e)

2nd

Burglary of authorized emergency vehicle.

1058

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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1065

812.131 (2) (a) 2nd Robbery by sudden snatching.

1066

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

1067

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

1068

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

1069

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

1070

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

1071

817.2341 1st Making false entries of (2) (b) & (3) (b) material fact or false statements regarding property values relating to the solvency of an

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1072

insuring entity which are
a significant cause of the
insolvency of that entity.

817.418 (2) (a)

3rd

Offering for sale or
advertising personal
protective equipment with
intent to defraud.

1073

817.504 (1) (a)

3rd

Offering or advertising a
vaccine with intent to
defraud.

1074

817.535 (2) (a)

3rd

Filing false lien or other
unauthorized document.

1075

817.611 (2) (b)

2nd

Traffic in or possess 15
to 49 counterfeit credit
cards or related
documents.

1076

825.102 (3) (b)

2nd

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

1077

825.103 (3) (b)

2nd

Exploiting an elderly
person or disabled adult

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1078

and property is valued at \$10,000 or more, but less than \$50,000.

827.03 (2) (b)

2nd

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

1079

827.04 (3)

3rd

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

1080

837.05 (2)

3rd

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

1081

838.015

2nd

Bribery.

1082

838.016

2nd

Unlawful compensation or reward for official behavior.

1083

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

1084

838.22

2nd

Bid tampering.

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1085
1086
1087
1088
1089
1090
1091
1092

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 minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st, PBL	Knowingly initiates, organizes, plans,

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1093

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)5.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or publicly
owned recreational
facility or community
center.

1094

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)5., within 1,000
feet of property used for
religious services or a
specified business site.

1095

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1096	893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1097	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1098	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1099	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1100	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1101	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1102	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
	893.135	1st	Trafficking in oxycodone,

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1103	(1) (c) 3.b.		14 grams or more, less than 25 grams.
1104	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
1105	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
1106	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
1107	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1108	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1109	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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1110	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
1111	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1112	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1113	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1114	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1115	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

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1116

896.101 (5) (a)

3rd

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

1117

896.104 (4) (a) 1.

3rd

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

1118

943.0435 (4) (c)

2nd

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

1119

943.0435 (8)

2nd

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

1120

943.0435 (9) (a)

3rd

Sexual offender; failure
to comply with reporting
requirements.

943.0435 (13)

3rd

Failure to report or
providing false

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1121

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; providing false registration information.

1122

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

1123

944.607 (10) (a)

3rd

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

1124

944.607 (12)

3rd

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

1125

944.607 (13)

3rd

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

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1126

985.4815(10)

3rd

providing false
registration information.

1127

985.4815(12)

3rd

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

1128

985.4815(13)

3rd

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

1129

1130

(h) LEVEL 8

1131

Florida

Felony

Statute

Degree

Description

1132

316.193

1st ~~2nd~~

DUI manslaughter.

(3) (c) 3.

~~316.193~~

~~(3) (c) 3.a.~~

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1133

316.1935 (4) (b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.

1134

327.35 (3) (c) 3. 1st ~~2nd~~ Vessel BUI manslaughter.

1135

499.0051 (6) 1st Knowing trafficking in contraband prescription drugs.

1136

499.0051 (7) 1st Knowing forgery of prescription labels or prescription drug labels.

1137

560.123 (8) (b) 2. 2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

1138

560.125 (5) (b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than

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1139

655.50 (10) (b) 2.

2nd

\$100,000.

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

1140

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

1141

782.04 (4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

1142

782.051 (2)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated

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in s. 782.04(3).

1143

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

1144

782.072(2)

1st

Committing vessel homicide and failing to render aid or give information.

1145

787.06(3)(a)1.

1st

Human trafficking for labor and services of a child.

1146

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity of an adult.

1147

787.06(3)(c)2.

1st

Human trafficking using coercion for labor and services of an unauthorized alien adult.

1148

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of

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1149

787.06(3)(f)2.

1st

a child from outside
Florida to within the
state.

1150

790.161(3)

1st

Human trafficking using
coercion for commercial
sexual activity by the
transfer or transport of
any adult from outside
Florida to within the
state.

Discharging a destructive
device which results in
bodily harm or property
damage.

1151

794.011(5)(a)

1st

Sexual battery; victim 12
years of age or older but
younger than 18 years;
offender 18 years or
older; offender does not
use physical force likely
to cause serious injury.

1152

794.011(5)(b)

2nd

Sexual battery; victim
and offender 18 years of
age or older; offender
does not use physical

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1153

force likely to cause serious injury.

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

1154

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

1155

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

1156

800.04 (4) (b)

2nd

Lewd or lascivious battery.

1157

800.04 (4) (c)

1st

Lewd or lascivious battery; offender 18

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1158	806.01 (1)	1st	years of age or older; prior conviction for specified sex offense.
1159	810.02 (2) (a)	1st, PBL	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1160	810.02 (2) (b)	1st, PBL	Burglary with assault or battery.
1161	810.02 (2) (c)	1st	Burglary; armed with explosives or dangerous weapon.
1162	812.014 (2) (a) 2.	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1163	812.13 (2) (b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
			Robbery with a weapon.

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1164

812.135 (2) (c) 1st Home-invasion robbery, no
firearm, deadly weapon,
or other weapon.

1165

817.418 (2) (b) 2nd Offering for sale or
advertising personal
protective equipment with
intent to defraud; second
or subsequent offense.

1166

817.504 (1) (b) 2nd Offering or advertising a
vaccine with intent to
defraud; second or
subsequent offense.

1167

817.505 (4) (c) 1st Patient brokering; 20 or
more patients.

1168

817.535 (2) (b) 2nd Filing false lien or
other unauthorized
document; second or
subsequent offense.

1169

817.535 (3) (a) 2nd Filing false lien or
other unauthorized
document; property owner
is a public officer or
employee.

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1170

817.535 (4) (a) 1.

2nd

Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

1171

817.535 (5) (a)

2nd

Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

1172

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

1173

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

1174

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

1175

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1176 825.1025 (2) 2nd Lewd or lascivious
battery upon an elderly
person or disabled adult.

1177 825.103 (3) (a) 1st Exploiting an elderly
person or disabled adult
and property is valued at
\$50,000 or more.

1178 837.02 (2) 2nd Perjury in official
proceedings relating to
prosecution of a capital
felony.

1179 837.021 (2) 2nd Making contradictory
statements in official
proceedings relating to
prosecution of a capital
felony.

1180 860.121 (2) (c) 1st Shooting at or throwing
any object in path of
railroad vehicle
resulting in great bodily
harm.

1181 860.16 1st Aircraft piracy.

893.13 (1) (b) 1st Sell or deliver in excess

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			of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1182	893.13(2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1183	893.13(6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1184	893.135(1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1185	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1186	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1187	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 100 grams or

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1188

893.135
(1) (c) 3.c.

1st

more, less than 300
grams.

1189

893.135
(1) (c) 4.b. (II)

1st

Trafficking in fentanyl,
14 grams or more, less
than 28 grams.

1190

893.135
(1) (d) 1.b.

1st

Trafficking in
phencyclidine, 200 grams
or more, less than 400
grams.

1191

893.135
(1) (e) 1.b.

1st

Trafficking in
methaqualone, 5 kilograms
or more, less than 25
kilograms.

1192

893.135
(1) (f) 1.b.

1st

Trafficking in
amphetamine, 28 grams or
more, less than 200
grams.

1193

893.135
(1) (g) 1.b.

1st

Trafficking in
flunitrazepam, 14 grams
or more, less than 28

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1194

893.135
(1) (h) 1.b.

1st

grams.
Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

1195

893.135
(1) (j) 1.b.

1st

Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

1196

893.135
(1) (k) 2.b.

1st

Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

1197

893.135
(1) (m) 2.c.

1st

Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.

1198

893.135
(1) (n) 2.b.

1st

Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.

1199

893.1351 (3)

1st

Possession of a place

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1200	895.03 (1)	1st	used to manufacture controlled substance when minor is present or resides there.
1201	895.03 (2)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1202	895.03 (3)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1203	896.101 (5) (b)	2nd	Conduct or participate in any enterprise through pattern of racketeering activity.
1204	896.104 (4) (a) 2.	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
			Structuring transactions to evade reporting or

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registration
 requirements, financial
 transactions totaling or
 exceeding \$20,000 but
 less than \$100,000.

1205
 1206
 1207
 1208
 1209
 1210
 1211
 1212

(i) LEVEL 9

Florida
 Statute

Felony
 Degree

Description

~~316.193~~
~~(3)(c)3.b.~~

~~1st~~

~~DUI manslaughter; failing
 to render aid or give
 information.~~

~~327.35~~
~~(3)(c)3.b.~~

~~1st~~

~~BUI manslaughter; failing
 to render aid or give
 information.~~

409.920
 (2)(b)1.c.

1st

Medicaid provider fraud;
 \$50,000 or more.

499.0051(8)

1st

Knowing sale or purchase
 of contraband
 prescription drugs
 resulting in great bodily
 harm.

560.123(8)(b)3.

1st

Failure to report

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1213	560.125 (5) (c)	1st	<p>currency or payment instruments totaling or exceeding \$100,000 by money transmitter.</p>
1214	655.50 (10) (b) 3.	1st	<p>Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.</p>
1215	775.0844	1st	<p>Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.</p>
1216	782.04 (1)	1st	<p>Aggravated white collar crime.</p>
1217	782.04 (3)	1st, PBL	<p>Attempt, conspire, or solicit to commit premeditated murder.</p>
			<p>Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated</p>

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1218	782.051 (1)	1st	<p>fleeing or eluding with serious bodily injury or death, and other specified felonies.</p>
1219	782.07 (2)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</p>
1220	787.01 (1) (a) 1.	1st, PBL	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
1221	787.01 (1) (a) 2.	1st, PBL	<p>Kidnapping; hold for ransom or reward or as a shield or hostage.</p>
1222	787.01 (1) (a) 4.	1st, PBL	<p>Kidnapping with intent to commit or facilitate commission of any felony.</p>
1223			<p>Kidnapping with intent to interfere with performance of any governmental or political function.</p>

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1224 787.02 (3) (a) 1st,PBL False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

1225 787.06 (3) (c) 1. 1st Human trafficking for labor and services of an unauthorized alien child.

1226 787.06 (3) (d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

1227 787.06 (3) (f) 1. 1st,PBL Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.

1228 790.161 1st Attempted capital destructive device offense.

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	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1229	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1230	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1231	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
1232	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
1233	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12

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1234

794.011 (4) (d)

1st, PBL

years of age or older;
offender younger than 18
years.

1235

794.011 (8) (b)

1st, PBL

Sexual battery, certain
circumstances; victim 12
years of age or older;
prior conviction for
specified sex offenses.

1236

794.08 (2)

1st

Sexual battery; engage in
sexual conduct with minor
12 to 18 years by person
in familial or custodial
authority.

1237

800.04 (5) (b)

Life

Female genital
mutilation; victim
younger than 18 years of
age.

1238

812.13 (2) (a)

1st, PBL

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

1239

Robbery with firearm or
other deadly weapon.

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1240

812.133 (2) (a)

1st, PBL

Carjacking; firearm or other deadly weapon.

1241

812.135 (2) (b)

1st

Home-invasion robbery with weapon.

1242

817.535 (3) (b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

1243

817.535 (4) (a) 2.

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

1244

817.535 (5) (b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

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817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1245		
827.03 (2) (a)	1st	Aggravated child abuse.
1246		
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1247		
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1248		
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1249		
893.135	1st	Attempted capital trafficking offense.

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893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.

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1258

893.135
(1) (e) 1.c.

1st

Trafficking in
methaqualone, 25
kilograms or more.

1259

893.135
(1) (f) 1.c.

1st

Trafficking in
amphetamine, 200 grams or
more.

1260

893.135
(1) (h) 1.c.

1st

Trafficking in gamma-
hydroxybutyric acid
(GHB), 10 kilograms or
more.

1261

893.135
(1) (j) 1.c.

1st

Trafficking in 1,4-
Butanediol, 10 kilograms
or more.

1262

893.135
(1) (k) 2.c.

1st

Trafficking in
Phenethylamines, 400
grams or more.

1263

893.135
(1) (m) 2.d.

1st

Trafficking in synthetic
cannabinoids, 30
kilograms or more.

1264

893.135
(1) (n) 2.c.

1st

Trafficking in n-benzyl
phenethylamines, 200
grams or more.

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896.101(5)(c) 1st Money laundering,
financial instruments
totaling or exceeding
\$100,000.

1265

896.104(4)(a)3. 1st Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$100,000.

1266

1267 Section 26. For the purpose of incorporating the amendment
 1268 made by this act to section 316.193, Florida Statutes, in a
 1269 reference thereto, paragraph (j) of subsection (3) of section
 1270 947.146, Florida Statutes, is reenacted to read:

1271 947.146 Control Release Authority.—

1272 (3) Within 120 days prior to the date the state
 1273 correctional system is projected pursuant to s. 216.136 to
 1274 exceed 99 percent of total capacity, the authority shall
 1275 determine eligibility for and establish a control release date
 1276 for an appropriate number of parole ineligible inmates committed
 1277 to the department and incarcerated within the state who have
 1278 been determined by the authority to be eligible for
 1279 discretionary early release pursuant to this section. In
 1280 establishing control release dates, it is the intent of the
 1281 Legislature that the authority prioritize consideration of
 1282 eligible inmates closest to their tentative release date. The
 1283 authority shall rely upon commitment data on the offender

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1284 information system maintained by the department to initially
1285 identify inmates who are to be reviewed for control release
1286 consideration. The authority may use a method of objective risk
1287 assessment in determining if an eligible inmate should be
1288 released. Such assessment shall be a part of the department's
1289 management information system. However, the authority shall have
1290 sole responsibility for determining control release eligibility,
1291 establishing a control release date, and effectuating the
1292 release of a sufficient number of inmates to maintain the inmate
1293 population between 99 percent and 100 percent of total capacity.
1294 Inmates who are ineligible for control release are inmates who
1295 are parole eligible or inmates who:

1296 (j) Are convicted, or have been previously convicted, of
1297 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or
1298 have been sentenced at any time, as a habitual offender for such
1299 offense, or have been sentenced at any time in another
1300 jurisdiction as a habitual offender for such offense;

1301
1302 In making control release eligibility determinations under this
1303 subsection, the authority may rely on any document leading to or
1304 generated during the course of the criminal proceedings,
1305 including, but not limited to, any presentence or postsentence
1306 investigation or any information contained in arrest reports
1307 relating to circumstances of the offense.

1308 Section 27. This act shall take effect July 1, 2024.