

By the Committee on Transportation and Representatives
Horan, Fasano and Heyman

1 A bill to be entitled
2 An act relating to offenses by driver of
3 vehicle in accident involving death or personal
4 injury; amending s. 316.027, F.S.; redefining
5 the offense of unlawful failure to stop or
6 remain at the scene of such accident; providing
7 circumstances under which a person who knew or
8 should have known the accident occurred commits
9 such offense, regardless of whether the person
10 knew at the time of the accident that injury or
11 death resulted; reenacting s. 921.0022(3)(e)
12 and (f), F.S., relating to the Criminal
13 Punishment Code offense severity ranking chart,
14 to incorporate said amendment in references;
15 amending s. 775.089, F.S., relating to
16 restitution; providing that the court may order
17 a person who commits such offense to make
18 restitution for certain damages or loss related
19 to, or occurring directly or indirectly as a
20 result of, the underlying accident resulting in
21 injury or death; amending s. 921.0021, F.S.;
22 redefining the term "victim injury," for
23 purposes of sentencing a person who commits
24 such offense, to include physical injury or
25 death suffered by a person as a direct or
26 indirect result of the underlying accident;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (1) of section 316.027, Florida
2 Statutes, is amended to read:

3 316.027 Accidents involving death or personal
4 injuries.--

5 (1)(a) The driver of any vehicle:

6 1. Who is involved in an accident resulting in injury
7 of any person; and

8 2. Who, at the time of the accident, knew or should
9 have known that the accident occurred

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11 must immediately stop the vehicle at the scene of the
12 accident, or as close thereto as possible, and must remain at
13 the scene of the accident until he or she has fulfilled the
14 requirements of s. 316.062. Any person who willfully violates
15 this paragraph commits ~~is guilty of~~ a felony of the third
16 degree, punishable as provided in s. 775.082, s. 775.083, or
17 s. 775.084. This paragraph does not require that the person
18 knew at the time of the accident that the accident resulted in
19 injury.

20 (b) The driver of any vehicle:

21 1. Who is involved in an accident resulting in the
22 death of any person; and

23 2. Who, at the time of the accident, knew or should
24 have known that the accident occurred

25
26 must immediately stop the vehicle at the scene of the
27 accident, or as close thereto as possible, and must remain at
28 the scene of the accident until he or she has fulfilled the
29 requirements of s. 316.062. Any person who willfully violates
30 this paragraph commits ~~is guilty of~~ a felony of the second
31 degree, punishable as provided in s. 775.082, s. 775.083, or

1 s. 775.084. This paragraph does not require that the person
2 knew at the time of the accident that the accident resulted in
3 death.

4 (2) The department shall revoke the driver's license
5 of the person so convicted.

6 Section 2. For the purpose of incorporating the
7 amendment to s. 316.027, Florida Statutes, in references
8 thereto, paragraphs (e) and (f) of subsection (3) of section
9 921.0022, Florida Statutes, are reenacted to read:

10 921.0022 Criminal Punishment Code; offense severity
11 ranking chart.--

12 (3) OFFENSE SEVERITY RANKING CHART

14 Florida	Felony	
15 Statute	Degree	Description
		(e) LEVEL 5
18 316.027(1)(a)	3rd	Accidents involving personal 19 injuries, failure to stop; 20 leaving scene.
21 316.1935(3)	3rd	Aggravated fleeing or eluding.
22 322.34(3)	3rd	Careless operation of motor 23 vehicle with suspended license, 24 resulting in death or serious 25 bodily injury.
26 327.30(5)	3rd	Vessel accidents involving 27 personal injury; leaving scene.
28 381.0041(11)(b)	3rd	Donate blood, plasma, or organs 29 knowing HIV positive.
30 790.01(2)	3rd	Carrying a concealed firearm.

1	790.162	2nd	Threat to throw or discharge
2			destructive device.
3	790.163	2nd	False report of deadly explosive.
4	790.165(2)	3rd	Manufacture, sell, possess, or
5			deliver hoax bomb.
6	790.221(1)	2nd	Possession of short-barreled
7			shotgun or machine gun.
8	790.23	2nd	Felons in possession of firearms
9			or electronic weapons or devices.
10	806.111(1)	3rd	Possess, manufacture, or dispense
11			fire bomb with intent to damage
12			any structure or property.
13	812.019(1)	2nd	Stolen property; dealing in or
14			trafficking in.
15	812.16(2)	3rd	Owning, operating, or conducting
16			a chop shop.
17	817.034(4)(a)2.	2nd	Communications fraud, value
18			\$20,000 to \$50,000.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	843.01	3rd	Resist officer with violence to
27			person; resist arrest with
28			violence.
29	874.05(2)	2nd	Encouraging or recruiting another
30			to join a criminal street gang;
31			second or subsequent offense.

1	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d),
4			(2)(a), or (2)(b) drugs).
5	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
6			cannabis (or other s.
7			893.03(1)(c), (2)(c), (3), or (4)
8			drugs) within 1,000 feet of a
9			school.
10	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other s.
12			893.03(1)(a), (1)(b), (1)(d),
13			(2)(a), or (2)(b) drugs) within
14			200 feet of university, public
15			housing facility, or public park.
16	893.13(4)(b)	2nd	Deliver to minor cannabis (or
17			other s. 893.03(1)(c), (2)(c),
18			(3), or (4) drugs).
19			(f) LEVEL 6
20	316.027(1)(b)	2nd	Accident involving death, failure
21			to stop; leaving scene.
22	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
23			conviction.
24	775.0875(1)	3rd	Taking firearm from law
25			enforcement officer.
26	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
27			without intent to kill.
28	784.021(1)(b)	3rd	Aggravated assault; intent to
29			commit felony.
30	784.048(3)	3rd	Aggravated stalking; credible
31			threat.

1	784.07(2)(c)	2nd	Aggravated assault on law
2			enforcement officer.
3	784.08(2)(b)	2nd	Aggravated assault on a person 65
4			years of age or older.
5	784.081(2)	2nd	Aggravated assault on specified
6			official or employee.
7	784.082(2)	2nd	Aggravated assault by detained
8			person on visitor or other
9			detainee.
10	787.02(2)	3rd	False imprisonment; restraining
11			with purpose other than those in
12			s. 787.01.
13	790.115(2)(d)	2nd	Discharging firearm or weapon on
14			school property.
15	790.161(2)	2nd	Make, possess, or throw
16			destructive device with intent to
17			do bodily harm or damage
18			property.
19	790.164(1)	2nd	False report of deadly explosive
20			or act of arson or violence to
21			state property.
22	790.19	2nd	Shooting or throwing deadly
23			missiles into dwellings, vessels,
24			or vehicles.
25	794.011(8)(a)	3rd	Solicitation of minor to
26			participate in sexual activity by
27			custodial adult.
28	794.05(1)	2nd	Unlawful sexual activity with
29			specified minor.
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1	806.031(2)	2nd	Arson resulting in great bodily
2			harm to firefighter or any other
3			person.
4	810.02(3)(c)	2nd	Burglary of occupied structure;
5			unarmed; no assault or battery.
6	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
7			but less than \$100,000, grand
8			theft in 2nd degree.
9	812.13(2)(c)	2nd	Robbery, no firearm or other
10			weapon (strong-arm robbery).
11	817.034(4)(a)1.	1st	Communications fraud, value
12			greater than \$50,000.
13	817.4821(5)	2nd	Possess cloning paraphernalia
14			with intent to create cloned
15			cellular telephones.
16	825.102(1)	3rd	Abuse of an elderly person or
17			disabled adult.
18	825.102(3)(c)	3rd	Neglect of an elderly person or
19			disabled adult.
20	825.1025(3)	3rd	Lewd or lascivious molestation of
21			an elderly person or disabled
22			adult.
23	825.103(2)(c)	3rd	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$100 or more, but less
26			than \$20,000.
27	827.03(1)	3rd	Abuse of a child.
28	827.03(3)(c)	3rd	Neglect of a child.
29	827.071(2)&(3)	2nd	Use or induce a child in a sexual
30			performance, or promote or direct
31			such performance.

1	836.05	2nd	Threats; extortion.
2	836.10	2nd	Written threats to kill or do
3			bodily injury.
4	843.12	3rd	Aids or assists person to escape.
5	914.23	2nd	Retaliation against a witness,
6			victim, or informant, with bodily
7			injury.
8	944.35(3)(a)2.	3rd	Committing malicious battery upon
9			or inflicting cruel or inhuman
10			treatment on an inmate or
11			offender on community
12			supervision, resulting in great
13			bodily harm.
14	944.40	2nd	Escapes.
15	944.46	3rd	Harboring, concealing, aiding
16			escaped prisoners.
17	944.47(1)(a)5.	2nd	Introduction of contraband
18			(firearm, weapon, or explosive)
19			into correctional facility.
20	951.22(1)	3rd	Intoxicating drug, firearm, or
21			weapon introduced into county
22			facility.

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24 Section 3. Paragraph (a) of subsection (1) of section
25 775.089, Florida Statutes, is amended to read:

26 775.089 Restitution.--

27 (1)(a) In addition to any punishment, the court shall
28 order the defendant to make restitution to the victim for:

29 1. Damage or loss caused directly or indirectly by the
30 defendant's offense; ~~and~~

31

1 2. Damage or loss related to the defendant's criminal
2 episode; ~~and~~;

3 3. If the defendant's offense was a violation of s.
4 316.027(1), damage or loss related to, or occurring directly
5 or indirectly as a result of, the underlying accident
6 resulting in injury or death of any person,

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8 unless it finds clear and compelling reasons not to order such
9 restitution. Restitution may be monetary or nonmonetary
10 restitution. The court shall make the payment of restitution a
11 condition of probation in accordance with s. 948.03. An order
12 requiring the defendant to make restitution to a victim does
13 not remove or diminish the requirement that the court order
14 payment to the Crimes Compensation Trust Fund pursuant to
15 chapter 960. Payment of an award by the Crimes Compensation
16 Trust Fund shall create an order of restitution to the Crimes
17 Compensation Trust Fund, unless specifically waived in
18 accordance with subparagraph (b)1.

19 Section 4. Paragraph (a) of subsection (7) of section
20 921.0021, Florida Statutes, is amended to read:

21 921.0021 Definitions.--As used in this chapter, the
22 term:

23 (7)(a) "Victim injury" means the physical injury or
24 death suffered by a person as a direct result of the primary
25 offense, or any additional offense, for which an offender is
26 convicted and which is pending before the court for sentencing
27 at the time of the primary offense. However, if the primary
28 offense or additional offense is a violation of s. 316.027(1),
29 the term "victim injury" includes the physical injury or death
30 suffered by a person as a direct or indirect result of the
31 underlying accident.

1 Section 5. This act shall take effect October 1 of the
2 year in which enacted.
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