

hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Stafford offered the following:

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Amendment (with title amendment)

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On page 15, lines 14 and 15,
remove from the bill: all of said lines

14

15

16

and insert in lieu thereof:

17

Section 9. Section 782.071, Florida Statutes, is
amended to read:

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19

782.071 Vehicular homicide.--"Vehicular homicide" is
the killing of a human being by the operation of a motor
vehicle by another in a reckless manner likely to cause the
death of, or great bodily harm to, another. Vehicular homicide
is:

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(1) A felony of the second ~~third~~ degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084.

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(2) A felony of the first ~~second~~ degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084, if:

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(a) At the time of the accident, the person knew, or
should have known, that the accident occurred; and

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(b) The person failed to give information and render

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hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

1 aid as required by s. 316.062.

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3 This subsection does not require that the person knew that the
4 accident resulted in injury or death.

5 Section 10. Section 782.072, Florida Statutes, is
6 amended to read:

7 782.072 Vessel homicide.--"Vessel homicide" is the
8 killing of a human being by the operation of a vessel as
9 defined in s. 327.02 by another in a reckless manner likely to
10 cause the death of, or great bodily harm to, another. Vessel
11 homicide is:

12 (1) A felony of the second ~~third~~ degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (2) A felony of the first ~~second~~ degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084, if:

16 (a) At the time of the accident, the person knew, or
17 should have known, that the accident occurred; and

18 (b) The person failed to give information and render
19 aid as required by s. 327.30(1).

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21 This subsection does not require that the person knew that the
22 accident resulted in injury or death.

23 Section 11. Paragraphs (g) and (h) of subsection (3)
24 of section 921.0022, Florida Statutes, are amended to read:

25 921.0022 Criminal Punishment Code; offense severity
26 ranking chart.--

27 (3) OFFENSE SEVERITY RANKING CHART

28

29 Florida	Felony	
30 Statute	Degree	Description

31

hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

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2			(g) LEVEL 7
3	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
4			injury.
5	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
6			bodily injury.
7	409.920(2)	3rd	Medicaid provider fraud.
8	494.0018(2)	1st	Conviction of any violation of
9			ss. 494.001-494.0077 in which the
10			total money and property
11			unlawfully obtained exceeded
12			\$50,000 and there were five or
13			more victims.
14	782.07(1)	2nd	Killing of a human being by the
15			act, procurement, or culpable
16			negligence of another
17			(manslaughter).
18	782.071	<u>2nd</u> 3rd	Killing of human being by the
19			operation of a motor vehicle in a
20			reckless manner (vehicular
21			homicide).
22	782.072	<u>2nd</u> 3rd	Killing of a human being by the
23			operation of a vessel in a
24			reckless manner (vessel
25			homicide).
26	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
27			causing great bodily harm or
28			disfigurement.
29	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
30			weapon.
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hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

1	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
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3	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
4			
5	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
6			
7	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
8			
9	784.081(1)	1st	Aggravated battery on specified official or employee.
10			
11	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
12			
13			
14	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
15			
16			
17	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
18			
19	796.03	2nd	Procuring any person under 16 years for prostitution.
20			
21	800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
22			
23			
24	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
25			
26	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
27			
28	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
29			
30	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
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hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

1	812.014(2)(a)	1st	Property stolen, valued at
2			\$100,000 or more; property stolen
3			while causing other property
4			damage; 1st degree grand theft.
5	812.019(2)	1st	Stolen property; initiates,
6			organizes, plans, etc., the theft
7			of property and traffics in
8			stolen property.
9	812.133(2)(b)	1st	Carjacking; no firearm, deadly
10			weapon, or other weapon.
11	825.102(3)(b)	2nd	Neglecting an elderly person or
12			disabled adult causing great
13			bodily harm, disability, or
14			disfigurement.
15	825.1025(2)	2nd	Lewd or lascivious battery upon
16			an elderly person or disabled
17			adult.
18	825.103(2)(b)	2nd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$20,000 or more, but
21			less than \$100,000.
22	827.03(3)(b)	2nd	Neglect of a child causing great
23			bodily harm, disability, or
24			disfigurement.
25	827.04(4)	3rd	Impregnation of a child under 16
26			years of age by person 21 years
27			of age or older.
28	872.06	2nd	Abuse of a dead human body.
29	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
30			cocaine (or other s.
31			893.03(1)(a), (1)(b), (1)(d),

hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

1			(2)(a), or (2)(b) drugs) within
2			1,000 feet of a school.
3	893.13(4)(a)	1st	Deliver to minor cocaine (or
4			other s. 893.03(1)(a), (1)(b),
5			(1)(d), (2)(a), or (2)(b) drugs).
6	893.135(1)(a)1.	1st	Trafficking in cannabis, more
7			than 50 lbs., less than 2,000
8			lbs.
9	893.135		
10	(1)(b)1.a.	1st	Trafficking in cocaine, more than
11			28 grams, less than 200 grams.
12	893.135		
13	(1)(c)1.a.	1st	Trafficking in illegal drugs,
14			more than 4 grams, less than 14
15			grams.
16	893.135		
17	(1)(d)1.	1st	Trafficking in phencyclidine,
18			more than 28 grams, less than 200
19			grams.
20	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
21			than 200 grams, less than 5
22			kilograms.
23	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
24			than 14 grams, less than 28
25			grams.
26			(h) LEVEL 8
27	316.193		
28	(3)(c)3.a.	2nd	DUI manslaughter.
29	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
30	777.03(2)(a)	1st	Accessory after the fact, capital
31			felony.

hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.071(2)	<u>1st</u> 2nd	Committing vehicular homicide and
9			failing to render aid or give
10			information.
11	782.072(2)	<u>1st</u> 2nd	Committing vessel homicide and
12			failing to render aid or give
13			information.
14	790.161(3)	1st	Discharging a destructive device
15			which results in bodily harm or
16			property damage.
17	794.011(5)	2nd	Sexual battery, victim 12 years
18			or over, offender does not use
19			physical force likely to cause
20			serious injury.
21	806.01(1)	1st	Maliciously damage dwelling or
22			structure by fire or explosive,
23			believing person in structure.
24	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
25	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
26			or dangerous weapon.
27	810.02(2)(c)	1st	Burglary of a dwelling or
28			structure causing structural
29			damage or \$1,000 or more property
30			damage.
31	812.13(2)(b)	1st	Robbery with a weapon.

hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

1	812.135(2)	1st	Home-invasion robbery.
2	825.102(2)	2nd	Aggravated abuse of an elderly
3			person or disabled adult.
4	825.103(2)(a)	1st	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$100,000 or more.
7	827.03(2)	2nd	Aggravated child abuse.
8	860.121(2)(c)	1st	Shooting at or throwing any
9			object in path of railroad
10			vehicle resulting in great bodily
11			harm.
12	860.16	1st	Aircraft piracy.
13	893.13(1)(b)	1st	Sell or deliver in excess of 10
14			grams of any substance specified
15			in s. 893.03(1)(a) or (b).
16	893.13(2)(b)	1st	Purchase in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.13(6)(c)	1st	Possess in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.135(1)(a)2.	1st	Trafficking in cannabis, more
23			than 2,000 lbs., less than 10,000
24			lbs.
25	893.135		
26	(1)(b)1.b.	1st	Trafficking in cocaine, more than
27			200 grams, less than 400 grams.
28	893.135		
29	(1)(c)1.b.	1st	Trafficking in illegal drugs,
30			more than 14 grams, less than 28
31			grams.

hbd4233-38

Bill No. HB 4233

Amendment No. ____ (for drafter's use only)

- 1 893.135
- 2 (1)(d)1.b. 1st Trafficking in phencyclidine,
- 3 more than 200 grams, less than
- 4 400 grams.
- 5 893.135
- 6 (1)(e)1.b. 1st Trafficking in methaqualone, more
- 7 than 5 kilograms, less than 25
- 8 kilograms.
- 9 893.135
- 10 (1)(f)1.b. 1st Trafficking in amphetamine, more
- 11 than 28 grams, less than 200
- 12 grams.
- 13 895.03(1) 1st Use or invest proceeds derived
- 14 from pattern of racketeering
- 15 activity.
- 16 895.03(2) 1st Acquire or maintain through
- 17 racketeering activity any
- 18 interest in or control of any
- 19 enterprise or real property.
- 20 895.03(3) 1st Conduct or participate in any
- 21 enterprise through pattern of
- 22 racketeering activity.

23 Section 12. This act shall take effect October 1 of
24 the year in which enacted.

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Remove from the title of the bill: the entire title

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31 and insert in lieu thereof:

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occurred; amending s. 921.0022, F.S., relating
to the Criminal Punishment Code; conforming
references to changes made by the act;
providing an effective date.