

Bill No. HB 4233

Amendment No. \_\_\_\_

Senate

CHAMBER ACTION

House

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Senator Grant moved the following amendment:

**Senate Amendment (with title amendment)**

On page 15, between lines 13 and 14,

insert:

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

782.071 Vehicular homicide.--"Vehicular homicide" is the killing of a human being, or the killing of a viable fetus by any injury to the mother caused 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:

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

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

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

(b) The person failed to give information and render

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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 (3) For purposes of this section, a fetus is viable if  
6 there is a reasonable degree of medical probability that it is  
7 capable of life outside the womb.

8 (4) A right of action for civil damages shall exist  
9 under s. 768.19, under all circumstances, for all deaths  
10 described in this section.

11 Section 10. Paragraph (g) of subsection (3) of section  
12 921.0022, Florida Statutes, is amended, and paragraph (h) of  
13 subsection (3) of that section is reenacted, to read:

14 921.0022 Criminal Punishment Code; offense severity  
15 ranking chart.--

16 (3) OFFENSE SEVERITY RANKING CHART

17

18 Florida	Felony	
19 Statute	Degree	Description

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		(g) LEVEL 7
23 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 24 injury.

25 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious 26 bodily injury.
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27 409.920(2)	3rd	Medicaid provider fraud.
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28 494.0018(2)	1st	Conviction of any violation of 29 ss. 494.001-494.0077 in which the 30 total money and property 31 unlawfully obtained exceeded
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1			\$50,000 and there were five or
2			more victims.
3	782.07(1)	2nd	Killing of a human being by the
4			act, procurement, or culpable
5			negligence of another
6			(manslaughter).
7	782.071	3rd	Killing of human being <u>or viable</u>
8			<u>fetus</u> by the operation of a motor
9			vehicle in a reckless manner
10			(vehicular homicide).
11	782.072	3rd	Killing of a human being by the
12			operation of a vessel in a
13			reckless manner (vessel
14			homicide).
15	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
16			causing great bodily harm or
17			disfigurement.
18	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
19			weapon.
20	784.045(1)(b)	2nd	Aggravated battery; perpetrator
21			aware victim pregnant.
22	784.048(4)	3rd	Aggravated stalking; violation of
23			injunction or court order.
24	784.07(2)(d)	1st	Aggravated battery on law
25			enforcement officer.
26	784.08(2)(a)	1st	Aggravated battery on a person 65
27			years of age or older.
28	784.081(1)	1st	Aggravated battery on specified
29			official or employee.
30	784.082(1)	1st	Aggravated battery by detained
31			person on visitor or other

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1			detainee.
2	790.07(4)	1st	Specified weapons violation
3			subsequent to previous conviction
4			of s. 790.07(1) or (2).
5	790.16(1)	1st	Discharge of a machine gun under
6			specified circumstances.
7	796.03	2nd	Procuring any person under 16
8			years for prostitution.
9	800.04	2nd	Handle, fondle, or assault child
10			under 16 years in lewd,
11			lascivious, or indecent manner.
12	806.01(2)	2nd	Maliciously damage structure by
13			fire or explosive.
14	810.02(3)(a)	2nd	Burglary of occupied dwelling;
15			unarmed; no assault or battery.
16	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
17			unarmed; no assault or battery.
18	810.02(3)(d)	2nd	Burglary of occupied conveyance;
19			unarmed; no assault or battery.
20	812.014(2)(a)	1st	Property stolen, valued at
21			\$100,000 or more; property stolen
22			while causing other property
23			damage; 1st degree grand theft.
24	812.019(2)	1st	Stolen property; initiates,
25			organizes, plans, etc., the theft
26			of property and traffics in
27			stolen property.
28	812.133(2)(b)	1st	Carjacking; no firearm, deadly
29			weapon, or other weapon.
30	825.102(3)(b)	2nd	Neglecting an elderly person or
31			disabled adult causing great

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1			bodily harm, disability, or
2			disfigurement.
3	825.1025(2)	2nd	Lewd or lascivious battery upon
4			an elderly person or disabled
5			adult.
6	825.103(2)(b)	2nd	Exploiting an elderly person or
7			disabled adult and property is
8			valued at \$20,000 or more, but
9			less than \$100,000.
10	827.03(3)(b)	2nd	Neglect of a child causing great
11			bodily harm, disability, or
12			disfigurement.
13	827.04(4)	3rd	Impregnation of a child under 16
14			years of age by person 21 years
15			of age or older.
16	872.06	2nd	Abuse of a dead human body.
17	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other s.
19			893.03(1)(a), (1)(b), (1)(d),
20			(2)(a), or (2)(b) drugs) within
21			1,000 feet of a school.
22	893.13(4)(a)	1st	Deliver to minor cocaine (or
23			other s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), or (2)(b) drugs).
25	893.135(1)(a)1.	1st	Trafficking in cannabis, more
26			than 50 lbs., less than 2,000
27			lbs.
28	893.135		
29	(1)(b)1.a.	1st	Trafficking in cocaine, more than
30			28 grams, less than 200 grams.
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1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15			(h) LEVEL 8
16	316.193		
17	(3)(c)3.a.	2nd	DUI manslaughter.
18	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
19	777.03(2)(a)	1st	Accessory after the fact, capital
20			felony.
21	782.04(4)	2nd	Killing of human without design
22			when engaged in act or attempt of
23			any felony other than arson,
24			sexual battery, robbery,
25			burglary, kidnapping, aircraft
26			piracy, or unlawfully discharging
27			bomb.
28	782.071(2)	2nd	Committing vehicular homicide and
29			failing to render aid or give
30			information.
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1	782.072(2)	2nd	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	806.01(1)	1st	Maliciously damage dwelling or
12			structure by fire or explosive,
13			believing person in structure.
14	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
15	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
16			or dangerous weapon.
17	810.02(2)(c)	1st	Burglary of a dwelling or
18			structure causing structural
19			damage or \$1,000 or more property
20			damage.
21	812.13(2)(b)	1st	Robbery with a weapon.
22	812.135(2)	1st	Home-invasion robbery.
23	825.102(2)	2nd	Aggravated abuse of an elderly
24			person or disabled adult.
25	825.103(2)(a)	1st	Exploiting an elderly person or
26			disabled adult and property is
27			valued at \$100,000 or more.
28	827.03(2)	2nd	Aggravated child abuse.
29	860.121(2)(c)	1st	Shooting at or throwing any
30			object in path of railroad
31			vehicle resulting in great bodily

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1			harm.
2	860.16	1st	Aircraft piracy.
3	893.13(1)(b)	1st	Sell or deliver in excess of 10
4			grams of any substance specified
5			in s. 893.03(1)(a) or (b).
6	893.13(2)(b)	1st	Purchase in excess of 10 grams of
7			any substance specified in s.
8			893.03(1)(a) or (b).
9	893.13(6)(c)	1st	Possess in excess of 10 grams of
10			any substance specified in s.
11			893.03(1)(a) or (b).
12	893.135(1)(a)2.	1st	Trafficking in cannabis, more
13			than 2,000 lbs., less than 10,000
14			lbs.
15	893.135		
16	(1)(b)1.b.	1st	Trafficking in cocaine, more than
17			200 grams, less than 400 grams.
18	893.135		
19	(1)(c)1.b.	1st	Trafficking in illegal drugs,
20			more than 14 grams, less than 28
21			grams.
22	893.135		
23	(1)(d)1.b.	1st	Trafficking in phencyclidine,
24			more than 200 grams, less than
25			400 grams.
26	893.135		
27	(1)(e)1.b.	1st	Trafficking in methaqualone, more
28			than 5 kilograms, less than 25
29			kilograms.
30	893.135		
31	(1)(f)1.b.	1st	Trafficking in amphetamine, more

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1 than 28 grams, less than 200  
2 grams.  
3 895.03(1) 1st Use or invest proceeds derived  
4 from pattern of racketeering  
5 activity.  
6 895.03(2) 1st Acquire or maintain through  
7 racketeering activity any  
8 interest in or control of any  
9 enterprise or real property.  
10 895.03(3) 1st Conduct or participate in any  
11 enterprise through pattern of  
12 racketeering activity.

13 Section 11. For the purpose of incorporating the  
14 amendment made by this act to section 782.071, Florida  
15 Statutes, in a reference thereto, paragraph (b) of subsection  
16 (3) of section 960.03, Florida Statutes, is reenacted to read:  
17 960.03 Definitions.--As used in ss. 960.01-960.28,  
18 unless the context otherwise requires, the term:

19 (b) A violation of s. 316.193, s. 316.027(1), or s.  
20 782.071(2), which results in physical injury or death;  
21 however, no other act involving the operation of a motor  
22 vehicle, boat, or aircraft which results in injury or death  
23 shall constitute a crime for the purpose of this chapter  
24 unless the injury or death was intentionally inflicted through  
25 the use of such vehicle, boat, or aircraft or unless such  
26 vehicle, boat, or aircraft is an implement of a crime to which  
27 this act applies.

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29 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3           On page 1, line 24, after the semicolon

4

5 insert:

6           amending s. 782.071, F.S.; redefining the  
7           offense of "vehicular homicide" to include the  
8           killing of a viable fetus by any injury to the  
9           mother caused by the operation of a motor  
10          vehicle by another; providing penalties;  
11          specifying when a fetus is viable; providing a  
12          right of action for civil damages; reenacting  
13          ss. 921.0012(3)(h) and 960.03(3), F.S.,  
14          relating to the offense severity ranking chart  
15          and the definition of "crime" with respect to  
16          the Florida Crimes Compensation Act,  
17          respectively, to incorporate said amendment in  
18          references; amending s. 921.0012, F.S.,  
19          relating to the offense severity ranking chart,  
20          to conform terminology;

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