

By Senator Rossin

35-76-00

1 A bill to be entitled
2 An act relating to driving or boating under the
3 influence; amending s. 316.193, F.S.;
4 increasing the penalty imposed for a fourth or
5 subsequent conviction of driving under the
6 influence; increasing the penalties imposed for
7 driving under the influence and causing damage
8 to property valued over a specified amount;
9 increasing the penalties imposed for causing
10 serious bodily injury while driving under the
11 influence; providing that it is a first-degree
12 felony to cause the death of another while
13 driving under the influence; revising a
14 blood-alcohol or breath-alcohol level; deleting
15 provisions that impose an enhanced penalty if a
16 person has caused the death of another while
17 driving under the influence, knew or should
18 have known that the accident occurred, and
19 failed to give information and render aid;
20 providing that previous convictions for boating
21 under the influence are to be considered for
22 purposes of penalties; amending s. 327.35,
23 F.S.; revising the penalties for boating under
24 the influence; amending s. 921.0022, F.S.;
25 conforming the offense severity ranking chart
26 to include the changes made by this act in
27 felony degree for certain offenses relating to
28 driving under the influence; revising a
29 blood-alcohol or breath-alcohol level; deleting
30 the ranking of driving under the influence
31 manslaughter with a failure to render aid or

1 give information to conform with changes made
2 by this act; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 316.193, Florida Statutes, is
7 amended to read:

8 316.193 Driving under the influence; penalties.--

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

13 (a) The person is under the influence of alcoholic
14 beverages, any chemical substance set forth in s. 877.111, or
15 any substance controlled under chapter 893, when affected to
16 the extent that the person's normal faculties are impaired;

17 (b) The person has a blood-alcohol level of 0.08 or
18 more grams of alcohol per 100 milliliters of blood; or

19 (c) The person has a breath-alcohol level of 0.08 or
20 more grams of alcohol per 210 liters of breath.

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

24 1. By a fine of:

25 a. Not less than \$250 or more than \$500 for a first
26 conviction.

27 b. Not less than \$500 or more than \$1,000 for a second
28 conviction.

29 c. Not less than \$1,000 or more than \$2,500 for a
30 third conviction; and

31 2. By imprisonment for:

- 1 a. Not more than 6 months for a first conviction.
2 b. Not more than 9 months for a second conviction.
3 c. Not more than 12 months for a third conviction.
4 (b) Any person who is convicted of a fourth or
5 subsequent violation of this section is guilty of a felony of
6 the second ~~third~~ degree, punishable as provided in s. 775.082,
7 s. 775.083, or s. 775.084; however, the fine imposed for such
8 fourth or subsequent violation may be not less than \$1,000.
9 (3) Any person:
10 (a) Who is in violation of subsection (1);
11 (b) Who operates a vehicle; and
12 (c) Who, by reason of such operation, causes:
13 1. Damage to the property or person of another valued
14 at \$10,000 or less commits a misdemeanor of the first degree,
15 punishable as provided in s. 775.082 or s. 775.083.
16 2. Damage to the property of another valued in excess
17 of \$10,000 commits a felony of the third degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084.
19 ~~3.2.~~ Serious bodily injury to another, as defined in
20 s. 316.1933, commits a felony of the second ~~third~~ degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084.
23 ~~4.3.~~ The death of any human being commits DUI
24 manslaughter, ~~and commits:~~
25 ~~a.~~ a felony of the first ~~second~~ degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.
27 ~~b.~~ ~~A felony of the first degree, punishable as~~
28 ~~provided in s. 775.082, s. 775.083, or s. 775.084, if:~~
29 ~~(I) At the time of the crash, the person knew, or~~
30 ~~should have known, that the crash occurred; and~~
31

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

3 (4) Any person who is convicted of a violation of
4 subsection (1) and who has a blood-alcohol level or
5 breath-alcohol level of 0.16 ~~0.20~~ or higher, or any person who
6 is convicted of a violation of subsection (1) and who at the
7 time of the offense was accompanied in the vehicle by a person
8 under the age of 18 years, shall be punished:

9 (a) By a fine of:

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

12 2. Not less than \$1,000 or more than \$2,000 for a
13 second conviction.

14 3. Not less than \$2,000 or more than \$5,000 for a
15 third conviction.

16 (b) By imprisonment for:

17 1. Not more than 9 months for a first conviction.

18 2. Not more than 12 months for a second conviction.

19 3. Not more than 12 months for a third conviction.

20
21 For the purposes of this subsection, any conviction for a
22 violation of s. 327.35, only the instant offense is required
23 to be a violation of subsection (1) by a person who has a
24 blood-alcohol level or breath-alcohol level of 0.16 ~~0.20~~ or
25 higher.

26 (5) The court shall place all offenders convicted of
27 violating this section on monthly reporting probation and
28 shall require completion of a substance abuse course conducted
29 by a DUI program licensed by the department under s. 322.292,
30 which must include a psychosocial evaluation of the offender.
31 If the DUI program refers the offender to an authorized

1 substance abuse treatment provider for substance abuse
2 treatment, in addition to any sentence or fine imposed under
3 this section, completion of all such education, evaluation,
4 and treatment is a condition of reporting probation. The
5 offender shall assume reasonable costs for such education,
6 evaluation, and treatment. The referral to treatment resulting
7 from a psychosocial evaluation shall not be waived without a
8 supporting independent psychosocial evaluation conducted by an
9 authorized substance abuse treatment provider appointed by the
10 court, which shall have access to the DUI program's
11 psychosocial evaluation before the independent psychosocial
12 evaluation is conducted. The court shall review the results
13 and recommendations of both evaluations before determining the
14 request for waiver. The offender shall bear the full cost of
15 this procedure. The term "substance abuse" means the abuse of
16 alcohol or any substance named or described in Schedules I
17 through V of s. 893.03. If an offender referred to treatment
18 under this subsection fails to report for or complete such
19 treatment or fails to complete the DUI program substance abuse
20 education course and evaluation, the DUI program shall notify
21 the court and the department of the failure. Upon receipt of
22 the notice, the department shall cancel the offender's driving
23 privilege, notwithstanding the terms of the court order or any
24 suspension or revocation of the driving privilege. The
25 department may temporarily reinstate the driving privilege on
26 a restricted basis upon verification from the DUI program that
27 the offender is currently participating in treatment and the
28 DUI education course and evaluation requirement has been
29 completed. If the DUI program notifies the department of the
30 second failure to complete treatment, the department shall
31 reinstate the driving privilege only after notice of

1 completion of treatment from the DUI program. The
2 organization that conducts the substance abuse education and
3 evaluation may not provide required substance abuse treatment
4 unless a waiver has been granted to that organization by the
5 department. A waiver may be granted only if the department
6 determines, in accordance with its rules, that the service
7 provider that conducts the substance abuse education and
8 evaluation is the most appropriate service provider and is
9 licensed under chapter 397 or is exempt from such licensure. A
10 statistical referral report shall be submitted quarterly to
11 the department by each organization authorized to provide
12 services under this section.

13 (6) With respect to any person convicted of a
14 violation of subsection (1), regardless of any penalty imposed
15 pursuant to subsection (2), subsection (3), or subsection (4):

16 (a) For the first conviction, the court shall place
17 the defendant on probation for a period not to exceed 1 year
18 and, as a condition of such probation, shall order the
19 defendant to participate in public service or a community work
20 project for a minimum of 50 hours; or the court may order
21 instead, that any defendant pay an additional fine of \$10 for
22 each hour of public service or community work otherwise
23 required, if, after consideration of the residence or location
24 of the defendant at the time public service or community work
25 is required, payment of the fine is in the best interests of
26 the state. However, the total period of probation and
27 incarceration may not exceed 1 year. The court must also, as a
28 condition of probation, order the impoundment or
29 immobilization of the vehicle that was operated by or in the
30 actual control of the defendant or any one vehicle registered
31 in the defendant's name at the time of impoundment or

1 immobilization, for a period of 10 days or for the unexpired
2 term of any lease or rental agreement that expires within 10
3 days. The impoundment or immobilization must not occur
4 concurrently with the incarceration of the defendant. The
5 impoundment or immobilization order may be dismissed in
6 accordance with paragraph (e), paragraph (f), or paragraph
7 (g).

8 (b) For the second conviction for an offense that
9 occurs within a period of 5 years after the date of a prior
10 conviction for violation of this section, the court shall
11 order imprisonment for not less than 10 days. The court must
12 also, as a condition of probation, order the impoundment or
13 immobilization of the vehicle that was operated by or in the
14 actual control of the defendant or any one vehicle registered
15 in the defendant's name at the time of impoundment or
16 immobilization, for a period of 30 days or for the unexpired
17 term of any lease or rental agreement that expires within 30
18 days. The impoundment or immobilization must not occur
19 concurrently with the incarceration of the defendant. The
20 impoundment or immobilization order may be dismissed in
21 accordance with paragraph (e), paragraph (f), or paragraph
22 (g). At least 48 hours of confinement must be consecutive.

23 (c) For the third or subsequent conviction for an
24 offense that occurs within a period of 10 years after the date
25 of a prior conviction for violation of this section, the court
26 shall order imprisonment for not less than 30 days. The court
27 must also, as a condition of probation, order the impoundment
28 or immobilization of the vehicle that was operated by or in
29 the actual control of the defendant or any one vehicle
30 registered in the defendant's name at the time of impoundment
31 or immobilization, for a period of 90 days or for the

1 unexpired term of any lease or rental agreement that expires
2 within 90 days. The impoundment or immobilization must not
3 occur concurrently with the incarceration of the defendant.
4 The impoundment or immobilization order may be dismissed in
5 accordance with paragraph (e), paragraph (f), or paragraph
6 (g). At least 48 hours of confinement must be consecutive.

7 (d) The court must at the time of sentencing the
8 defendant issue an order for the impoundment or immobilization
9 of a vehicle. Within 7 business days after the date that the
10 court issues the order of impoundment or immobilization, the
11 clerk of the court must send notice by certified mail, return
12 receipt requested, to the registered owner of each vehicle, if
13 the registered owner is a person other than the defendant, and
14 to each person of record claiming a lien against the vehicle.

15 (e) A person who owns but was not operating the
16 vehicle when the offense occurred may submit to the court a
17 police report indicating that the vehicle was stolen at the
18 time of the offense or documentation of having purchased the
19 vehicle after the offense was committed from an entity other
20 than the defendant or the defendant's agent. If the court
21 finds that the vehicle was stolen or that the sale was not
22 made to circumvent the order and allow the defendant continued
23 access to the vehicle, the order must be dismissed and the
24 owner of the vehicle will incur no costs. If the court denies
25 the request to dismiss the order of impoundment or
26 immobilization, the petitioner may request an evidentiary
27 hearing.

28 (f) A person who owns but was not operating the
29 vehicle when the offense occurred, and whose vehicle was
30 stolen or who purchased the vehicle after the offense was
31 committed directly from the defendant or the defendant's

1 agent, may request an evidentiary hearing to determine whether
2 the impoundment or immobilization should occur. If the court
3 finds that either the vehicle was stolen or the purchase was
4 made without knowledge of the offense, that the purchaser had
5 no relationship to the defendant other than through the
6 transaction, and that such purchase would not circumvent the
7 order and allow the defendant continued access to the vehicle,
8 the order must be dismissed and the owner of the vehicle will
9 incur no costs.

10 (g) The court shall also dismiss the order of
11 impoundment or immobilization of the vehicle if the court
12 finds that the family of the owner of the vehicle has no other
13 private means of transportation.

14 (h) All costs and fees for the impoundment or
15 immobilization, including the cost of notification, must be
16 paid by the owner of the vehicle or, if the vehicle is leased
17 or rented, by the person leasing or renting the vehicle,
18 unless the impoundment or immobilization order is dismissed.
19 All provisions of s. 713.78 shall apply.

20 (i) The person who owns a vehicle that is impounded or
21 immobilized under this paragraph, or a person who has a lien
22 of record against such a vehicle and who has not requested a
23 review of the impoundment pursuant to paragraph (e), paragraph
24 (f), or paragraph (g), may, within 10 days after the date that
25 person has knowledge of the location of the vehicle, file a
26 complaint in the county in which the owner resides to
27 determine whether the vehicle was wrongfully taken or withheld
28 from the owner or lienholder. Upon the filing of a complaint,
29 the owner or lienholder may have the vehicle released by
30 posting with the court a bond or other adequate security equal
31 to the amount of the costs and fees for impoundment or

1 immobilization, including towing or storage, to ensure the
2 payment of such costs and fees if the owner or lienholder does
3 not prevail. When the bond is posted and the fee is paid as
4 set forth in s. 28.24, the clerk of the court shall issue a
5 certificate releasing the vehicle. At the time of release,
6 after reasonable inspection, the owner or lienholder must give
7 a receipt to the towing or storage company indicating any loss
8 or damage to the vehicle or to the contents of the vehicle.

9 (j) A defendant, in the court's discretion, may be
10 required to serve all or any portion of a term of imprisonment
11 to which the defendant has been sentenced pursuant to this
12 section in a residential alcoholism treatment program or a
13 residential drug abuse treatment program. Any time spent in
14 such a program must be credited by the court toward the term
15 of imprisonment.

16
17 For the purposes of this section, any conviction for a
18 violation of s. 327.35; a previous conviction for the
19 violation of former s. 316.1931, former s. 327.351, former s.
20 860.01, or former s. 316.028; or a previous conviction outside
21 this state for driving or boating under the influence, driving
22 or boating while intoxicated, driving or boating with an
23 unlawful blood-alcohol level, driving or boating with an
24 unlawful breath-alcohol level, or any other similar
25 alcohol-related or drug-related traffic or boating offense, is
26 also considered a previous conviction for violation of this
27 section. However, in satisfaction of the fine imposed pursuant
28 to this section, the court may, upon a finding that the
29 defendant is financially unable to pay either all or part of
30 the fine, order that the defendant participate for a specified
31 additional period of time in public service or a community

1 work project in lieu of payment of that portion of the fine
2 which the court determines the defendant is unable to pay. In
3 determining such additional sentence, the court shall consider
4 the amount of the unpaid portion of the fine and the
5 reasonable value of the services to be ordered; however, the
6 court may not compute the reasonable value of services at a
7 rate less than the federal minimum wage at the time of
8 sentencing.

9 (7) A conviction under this section does not bar any
10 civil suit for damages against the person so convicted.

11 (8) At the arraignment, or in conjunction with any
12 notice of arraignment provided by the clerk of the court, the
13 clerk shall provide any person charged with a violation of
14 this section with notice that upon conviction the court shall
15 suspend or revoke the offender's driver's license and that the
16 offender should make arrangements for transportation at any
17 proceeding in which the court may take such action. Failure
18 to provide such notice does not affect the court's suspension
19 or revocation of the offender's driver's license.

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

22 (a) Until the person is no longer under the influence
23 of alcoholic beverages, any chemical substance set forth in s.
24 877.111, or any substance controlled under chapter 893 and
25 affected to the extent that his or her normal faculties are
26 impaired;

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

29 (c) Until 8 hours have elapsed from the time the
30 person was arrested.

31

1 (10) The rulings of the Department of Highway Safety
2 and Motor Vehicles under s. 322.2615 shall not be considered
3 in any trial for a violation of this section. Testimony or
4 evidence from the administrative proceedings or any written
5 statement submitted by a person in his or her request for
6 administrative review is inadmissible into evidence or for any
7 other purpose in any criminal proceeding, unless timely
8 disclosed in criminal discovery pursuant to Rule 3.220,
9 Florida Rules of Criminal Procedure.

10 Section 2. Subsections (1), (2), (3), and (4) of
11 section 327.35, Florida Statutes, are amended to read:

12 327.35 Boating under the influence; penalties;
13 "designated drivers".--

14 (1) A person commits ~~is guilty of~~ the offense of
15 boating under the influence and is subject to punishment as
16 provided in subsection (2) if the person is operating a vessel
17 within this state and:

18 (a) The person is under the influence of alcoholic
19 beverages, any chemical substance set forth in s. 877.111, or
20 any substance controlled under chapter 893, when affected to
21 the extent that the person's normal faculties are impaired;

22 (b) The person has a blood-alcohol level of 0.08 or
23 more grams of alcohol per 100 milliliters of blood; or

24 (c) The person has a breath-alcohol level of 0.08 or
25 more grams of alcohol per 210 liters of breath.

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

29 1. By a fine of:

30 a. Not less than \$250 or more than \$500 for a first
31 conviction.

1 b. Not less than \$500 or more than \$1,000 for a second
2 conviction.

3 c. Not less than \$1,000 or more than \$2,500 for a
4 third conviction; and

5 2. By imprisonment for:

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

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

8 c. Not more than 12 months for a third conviction.

9 (b) Any person who is convicted of a fourth or
10 subsequent violation of this section is guilty of a felony of
11 the second ~~third~~ degree, punishable as provided in s. 775.082,
12 s. 775.083, or s. 775.084; however, the fine imposed for such
13 fourth or subsequent violation may not be less than \$1,000.

14 (3) Any person:

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

16 (b) Who operates a vessel; and

17 (c) Who, by reason of such operation, causes:

18 1. Damage to the property or person of another valued
19 at \$10,000 or less commits a misdemeanor of the first degree,
20 punishable as provided in s. 775.082 or s. 775.083.

21 2. Damage to the property of another valued in excess
22 of \$10,000 commits a felony of the third degree, punishable as
23 provided in s. 775.082, s. 775.083, or s. 775.084.

24 ~~3.2.~~ Serious bodily injury to another, as defined in
25 s. 316.1933, commits a felony of the second ~~third~~ degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 ~~4.3.~~ The death of any human being commits BUI
29 manslaughter, ~~and commits:~~

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

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

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

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

7
8 This sub-subparagraph does not require that the person knew
9 that the accident resulted in injury or death.

10 (4) Any person who is convicted of a violation of
11 subsection (1) and who has a blood-alcohol level or
12 breath-alcohol level of 0.16 ~~0.20~~ or higher, or any person who
13 is convicted of a violation of subsection (1) and who at the
14 time of the offense was accompanied in the vessel by a person
15 under the age of 18 years, shall be punished:

16 (a) By a fine of:

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

19 2. Not less than \$1,000 or more than \$2,000 for a
20 second conviction.

21 3. Not less than \$2,000 or more than \$5,000 for a
22 third conviction.

23 (b) By imprisonment for:

24 1. Not more than 9 months for a first conviction.

25 2. Not more than 12 months for a second conviction.

26 3. Not more than 12 months for a third conviction.

27
28 For the purposes of this subsection, only the instant offense
29 is required to be a violation of subsection (1) by a person
30 who has a blood-alcohol level or breath-alcohol level of 0.16
31 ~~0.20~~ or higher.

1 Section 3. Paragraphs (f), (g), (h), and (i) of
2 subsection (3) of section 921.0022, Florida Statutes, are
3 amended to read:

4 921.0022 Criminal Punishment Code; offense severity
5 ranking chart.--

6 (3) OFFENSE SEVERITY RANKING CHART

7	8 Florida	9 Statute	10 Felony	11 Degree	12 Description
13					(f) LEVEL 6
14		316.027(1)(b)		2nd	Accident involving death, failure to stop; leaving scene.
15		316.193(2)(b)		<u>2nd</u> 3rd	Felony DUI, 4th or subsequent conviction.
16		775.0875(1)		3rd	Taking firearm from law enforcement officer.
17		775.21(10)		3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
18		784.021(1)(a)		3rd	Aggravated assault; deadly weapon without intent to kill.
19		784.021(1)(b)		3rd	Aggravated assault; intent to commit felony.
20		784.041		3rd	Felony battery.
21		784.048(3)		3rd	Aggravated stalking; credible threat.
22		784.048(5)		3rd	Aggravated stalking of person under 16.

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	784.083(2)	2nd	Aggravated assault on code
11			inspector.
12	787.02(2)	3rd	False imprisonment; restraining
13			with purpose other than those in
14			s. 787.01.
15	790.115(2)(d)	2nd	Discharging firearm or weapon on
16			school property.
17	790.161(2)	2nd	Make, possess, or throw
18			destructive device with intent to
19			do bodily harm or damage
20			property.
21	790.164(1)	2nd	False report of deadly explosive
22			or act of arson or violence to
23			state property.
24	790.19	2nd	Shooting or throwing deadly
25			missiles into dwellings, vessels,
26			or vehicles.
27	794.011(8)(a)	3rd	Solicitation of minor to
28			participate in sexual activity by
29			custodial adult.
30	794.05(1)	2nd	Unlawful sexual activity with
31			specified minor.

1	800.04(5)(d)	3rd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			less than 18 years.
5	800.04(6)(b)	2nd	Lewd or lascivious conduct;
6			offender 18 years of age or
7			older.
8	806.031(2)	2nd	Arson resulting in great bodily
9			harm to firefighter or any other
10			person.
11	810.02(3)(c)	2nd	Burglary of occupied structure;
12			unarmed; no assault or battery.
13	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
14			but less than \$100,000, grand
15			theft in 2nd degree.
16	812.13(2)(c)	2nd	Robbery, no firearm or other
17			weapon (strong-arm robbery).
18	817.034(4)(a)1.	1st	Communications fraud, value
19			greater than \$50,000.
20	817.4821(5)	2nd	Possess cloning paraphernalia
21			with intent to create cloned
22			cellular telephones.
23	825.102(1)	3rd	Abuse of an elderly person or
24			disabled adult.
25	825.102(3)(c)	3rd	Neglect of an elderly person or
26			disabled adult.
27	825.1025(3)	3rd	Lewd or lascivious molestation of
28			an elderly person or disabled
29			adult.
30			
31			

1	825.103(2)(c)	3rd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at less than \$20,000.
4	827.03(1)	3rd	Abuse of a child.
5	827.03(3)(c)	3rd	Neglect of a child.
6	827.071(2)&(3)	2nd	Use or induce a child in a sexual
7			performance, or promote or direct
8			such performance.
9	836.05	2nd	Threats; extortion.
10	836.10	2nd	Written threats to kill or do
11			bodily injury.
12	843.12	3rd	Aids or assists person to escape.
13	847.0135(3)	3rd	Solicitation of a child, via a
14			computer service, to commit an
15			unlawful sex act.
16	914.23	2nd	Retaliation against a witness,
17			victim, or informant, with bodily
18			injury.
19	943.0435(9)	3rd	Sex offenders; failure to comply
20			with reporting requirements.
21	944.35(3)(a)2.	3rd	Committing malicious battery upon
22			or inflicting cruel or inhuman
23			treatment on an inmate or
24			offender on community
25			supervision, resulting in great
26			bodily harm.
27	944.40	2nd	Escapes.
28	944.46	3rd	Harboring, concealing, aiding
29			escaped prisoners.
30			
31			

1	944.47(1)(a)5.	2nd	Introduction of contraband
2			(firearm, weapon, or explosive)
3			into correctional facility.
4	951.22(1)	3rd	Intoxicating drug, firearm, or
5			weapon introduced into county
6			facility.
7			(g) LEVEL 7
8	<u>316.193(3)(c)3.</u>	<u>2nd</u>	
9	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
10			injury.
11	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
12			bodily injury.
13	402.319(2)	2nd	Misrepresentation and negligence
14			or intentional act resulting in
15			great bodily harm, permanent
16			disfiguration, permanent
17			disability, or death.
18	409.920(2)	3rd	Medicaid provider fraud.
19	494.0018(2)	1st	Conviction of any violation of
20			ss. 494.001-494.0077 in which the
21			total money and property
22			unlawfully obtained exceeded
23			\$50,000 and there were five or
24			more victims.
25	782.051(3)	2nd	Attempted felony murder of a
26			person by a person other than the
27			perpetrator or the perpetrator of
28			an attempted felony.
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1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	796.03	2nd	Procuring any person under 16
9			years for prostitution.
10	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
11			victim less than 12 years of age;
12			offender less than 18 years.
13	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
14			victim 12 years of age or older
15			but less than 16 years; offender
16			18 years or older.
17	806.01(2)	2nd	Maliciously damage structure by
18			fire or explosive.
19	810.02(3)(a)	2nd	Burglary of occupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
22			unarmed; no assault or battery.
23	810.02(3)(d)	2nd	Burglary of occupied conveyance;
24			unarmed; no assault or battery.
25	812.014(2)(a)	1st	Property stolen, valued at
26			\$100,000 or more; property stolen
27			while causing other property
28			damage; 1st degree grand theft.
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1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	825.102(3)(b)	2nd	Neglecting an elderly person or
9			disabled adult causing great
10			bodily harm, disability, or
11			disfigurement.
12	825.1025(2)	2nd	Lewd or lascivious battery upon
13			an elderly person or disabled
14			adult.
15	825.103(2)(b)	2nd	Exploiting an elderly person or
16			disabled adult and property is
17			valued at \$20,000 or more, but
18			less than \$100,000.
19	827.03(3)(b)	2nd	Neglect of a child causing great
20			bodily harm, disability, or
21			disfigurement.
22	827.04(3)	3rd	Impregnation of a child under 16
23			years of age by person 21 years
24			of age or older.
25	837.05(2)	3rd	Giving false information about
26			alleged capital felony to a law
27			enforcement officer.
28	872.06	2nd	Abuse of a dead human body.
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1	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), or (2)(b)) within
5			1,000 feet of a child care
6			facility or school.
7	893.13(1)(e)	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), or (2)(b), within
11			1,000 feet of property used for
12			religious services or a specified
13			business site.
14	893.13(4)(a)	1st	Deliver to minor cocaine (or
15			other s. 893.03(1)(a), (1)(b),
16			(1)(d), (2)(a), or (2)(b) drugs).
17	893.135(1)(a)1.	1st	Trafficking in cannabis, more
18			than 50 lbs., less than 2,000
19			lbs.
20	893.135		
21	(1)(b)1.a.	1st	Trafficking in cocaine, more than
22			28 grams, less than 200 grams.
23	893.135		
24	(1)(c)1.a.	1st	Trafficking in illegal drugs,
25			more than 4 grams, less than 14
26			grams.
27	893.135		
28	(1)(d)1.	1st	Trafficking in phencyclidine,
29			more than 28 grams, less than 200
30			grams.
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1	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
2			than 200 grams, less than 5
3			kilograms.
4	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
5			than 14 grams, less than 28
6			grams.
7	893.135		
8	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
9			grams or more, less than 14
10			grams.
11			(h) LEVEL 8
12	<u>316.193(3)(c)4.</u>	<u>1st</u>	
13	316.193		
14	(3)(c)3.a.	2nd	DUI manslaughter.
15	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
16	777.03(2)(a)	1st	Accessory after the fact, capital
17			felony.
18	782.04(4)	2nd	Killing of human without design
19			when engaged in act or attempt of
20			any felony other than arson,
21			sexual battery, robbery,
22			burglary, kidnapping, aircraft
23			piracy, or unlawfully discharging
24			bomb.
25	782.051(2)	1st	Attempted felony murder while
26			perpetrating or attempting to
27			perpetrate a felony not
28			enumerated in s. 782.04(3).
29	782.071(2)	1st	Committing vehicular homicide and
30			failing to render aid or give
31			information.

1	782.072(2)	1st	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	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	825.102(2)	2nd	Aggravated abuse of an elderly
25			person or disabled adult.
26	825.103(2)(a)	1st	Exploiting an elderly person or
27			disabled adult and property is
28			valued at \$100,000 or more.
29	837.02(2)	2nd	Perjury in official proceedings
30			relating to prosecution of a
31			capital felony.

1	837.021(2)	2nd	Making contradictory statements
2			in official proceedings relating
3			to prosecution of a capital
4			felony.
5	860.121(2)(c)	1st	Shooting at or throwing any
6			object in path of railroad
7			vehicle resulting in great bodily
8			harm.
9	860.16	1st	Aircraft piracy.
10	893.13(1)(b)	1st	Sell or deliver in excess of 10
11			grams of any substance specified
12			in s. 893.03(1)(a) or (b).
13	893.13(2)(b)	1st	Purchase in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.13(6)(c)	1st	Possess in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.135(1)(a)2.	1st	Trafficking in cannabis, more
20			than 2,000 lbs., less than 10,000
21			lbs.
22	893.135		
23	(1)(b)1.b.	1st	Trafficking in cocaine, more than
24			200 grams, less than 400 grams.
25	893.135		
26	(1)(c)1.b.	1st	Trafficking in illegal drugs,
27			more than 14 grams, less than 28
28			grams.
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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	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	895.03(1)	1st	Use or invest proceeds derived
18			from pattern of racketeering
19			activity.
20	895.03(2)	1st	Acquire or maintain through
21			racketeering activity any
22			interest in or control of any
23			enterprise or real property.
24	895.03(3)	1st	Conduct or participate in any
25			enterprise through pattern of
26			racketeering activity.
27			(i) LEVEL 9
28	316.193		
29	(3)(c)3.b.	1st	DUI manslaughter; failing to
30			render aid or give information.
31			

1	782.04(1)	1st	Attempt, conspire, or solicit to
2			commit premeditated murder.
3	782.04(3)	1st,PBL	Accomplice to murder in
4			connection with arson, sexual
5			battery, robbery, burglary, and
6			other specified felonies.
7	782.051(1)	1st	Attempted felony murder while
8			perpetrating or attempting to
9			perpetrate a felony enumerated in
10			s. 782.04(3).
11	782.07(2)	1st	Aggravated manslaughter of an
12			elderly person or disabled adult.
13	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
14			reward or as a shield or hostage.
15	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
16			or facilitate commission of any
17			felony.
18	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
19			interfere with performance of any
20			governmental or political
21			function.
22	787.02(3)(a)	1st	False imprisonment; child under
23			age 13; perpetrator also commits
24			aggravated child abuse, sexual
25			battery, or lewd or lascivious
26			battery, molestation, conduct, or
27			exhibition.
28	790.161	1st	Attempted capital destructive
29			device offense.
30	794.011(2)	1st	Attempted sexual battery; victim
31			less than 12 years of age.

1	794.011(2)	Life	Sexual battery; offender younger
2			than 18 years and commits sexual
3			battery on a person less than 12
4			years.
5	794.011(4)	1st	Sexual battery; victim 12 years
6			or older, certain circumstances.
7	794.011(8)(b)	1st	Sexual battery; engage in sexual
8			conduct with minor 12 to 18 years
9			by person in familial or
10			custodial authority.
11	800.04(5)(b)	1st	Lewd or lascivious molestation;
12			victim less than 12 years;
13			offender 18 years or older.
14	812.13(2)(a)	1st,PBL	Robbery with firearm or other
15			deadly weapon.
16	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
17			deadly weapon.
18	827.03(2)	1st	Aggravated child abuse.
19	847.0145(1)	1st	Selling, or otherwise
20			transferring custody or control,
21			of a minor.
22	847.0145(2)	1st	Purchasing, or otherwise
23			obtaining custody or control, of
24			a minor.
25	859.01	1st	Poisoning food, drink, medicine,
26			or water with intent to kill or
27			injure another person.
28	893.135	1st	Attempted capital trafficking
29			offense.
30	893.135(1)(a)3.	1st	Trafficking in cannabis, more
31			than 10,000 lbs.

- 1 893.135
2 (1)(b)1.c. 1st Trafficking in cocaine, more than
3 400 grams, less than 150
4 kilograms.
5 893.135
6 (1)(c)1.c. 1st Trafficking in illegal drugs,
7 more than 28 grams, less than 30
8 kilograms.
9 893.135
10 (1)(d)1.c. 1st Trafficking in phencyclidine,
11 more than 400 grams.
12 893.135
13 (1)(e)1.c. 1st Trafficking in methaqualone, more
14 than 25 kilograms.
15 893.135
16 (1)(f)1.c. 1st Trafficking in amphetamine, more
17 than 200 grams.

18
19 Section 4. This act shall take effect October 1, 2000.
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21 *****

22 SENATE SUMMARY

23 Increases the penalty for a fourth or subsequent offense
24 of driving or boating under the influence to that of a
25 second-degree felony. Increases the penalty for damage to
26 property to a third-degree felony when the property is
27 valued at more than \$10,000. Increases the penalty for
28 certain DUI manslaughter and BUI manslaughter offenses to
29 a first-degree felony. Increases the penalty for causing
30 serious bodily injury to a second-degree felony. Lowers
31 the blood-alcohol level that will invoke enhanced
penalties from 0.20 to 0.16. Provides that convictions of
BUI offenses will be considered as convictions of DUI
offenses for purposes of determining repeat-offender
status.