

1 A bill to be entitled
 2 An act relating to vehicle crashes; creating the "Justin
 3 McWilliams 'Justice For Justin' Act"; amending s. 316.027,
 4 F.S.; requiring the driver of a vehicle involved in a
 5 crash occurring on public or private property that results
 6 in injury of a person to immediately stop the vehicle and
 7 remain at the scene; providing that failure to stop the
 8 vehicle and remain at the scene by the driver of a vehicle
 9 involved in a crash occurring on public or private
 10 property that results in the death of a person is a first
 11 degree felony; providing penalties; amending s. 921.0022,
 12 F.S.; revising felony classification in the Criminal
 13 Punishment Code offense severity ranking chart for
 14 specified violations; providing an exception for
 15 motorsports events; providing an effective date.

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

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 19 Section 1. This act may be cited as the "Justin McWilliams
 20 Act".

21 Section 2. Subsection (1) of section 316.027, Florida
 22 Statutes, is amended, and subsection (5) is added to that
 23 section, to read:

24 316.027 Crash involving death or personal injuries.--

25 (1) (a) The driver of any vehicle involved in a crash
 26 occurring on public or private property that results ~~resulting~~
 27 in injury of any person must immediately stop the vehicle at the
 28 scene of the crash, or as close thereto as possible, and must

29 remain at the scene of the crash until he or she has fulfilled
 30 the requirements of s. 316.062. Any person who willfully
 31 violates this paragraph commits ~~is guilty of~~ a felony of the
 32 third degree, punishable as provided in s. 775.082, s. 775.083,
 33 or s. 775.084.

34 (b) The driver of any vehicle involved in a crash
 35 occurring on public or private property that results ~~resulting~~
 36 in the death of any person must immediately stop the vehicle at
 37 the scene of the crash, or as close thereto as possible, and
 38 must remain at the scene of the crash until he or she has
 39 fulfilled the requirements of s. 316.062. Any person who
 40 willfully violates this paragraph commits ~~is guilty of~~ a felony
 41 of the first ~~second~~ degree, punishable as provided in s.
 42 775.082, s. 775.083, or s. 775.084.

43 (5) This section does not apply to crashes occurring
 44 during a motorsports event, as defined in s. 549.10(1), or at a
 45 closed-course motorsport facility, as defined in s. 549.09(1).

46 Section 3. Paragraph (g) of subsection (3) of section
 47 921.0022, Florida Statutes, is amended to read:

48 921.0022 Criminal Punishment Code; offense severity
 49 ranking chart.--

50 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	
		(g) LEVEL 7

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53	316.027 (1) (b)	<u>1st</u> 2nd	Accident involving death, failure to stop; leaving scene.
54	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
55	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.
56	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.

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57	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
58	409.920 (2)	3rd	Medicaid provider fraud.
59	456.065 (2)	3rd	Practicing a health care profession without a license.
60	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
61	458.327 (1)	3rd	Practicing medicine without a license.

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62	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
63	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
64	461.012 (1)	3rd	Practicing podiatric medicine without a license.
65	462.17	3rd	Practicing naturopathy without a license.
66	463.015 (1)	3rd	Practicing optometry without a license.
67	464.016 (1)	3rd	Practicing nursing without a license.
68	465.015 (2)	3rd	Practicing pharmacy without a license.
	466.026 (1)	3rd	Practicing dentistry

69			or dental hygiene without a license.
	467.201	3rd	Practicing midwifery without a license.
70			Delivering respiratory care services without a license.
	468.366	3rd	
71			Practicing as clinical laboratory personnel without a license.
	483.828 (1)	3rd	
72			Practicing medical physics without a license.
	483.901 (9)	3rd	
73			Preparing or dispensing optical devices without a prescription.
	484.013 (1) (c)	3rd	
74			Dispensing hearing aids without a
	484.053	3rd	

75	494.0018 (2)	1st	license.
76	560.123 (8) (b) 1.	3rd	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
77	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
78			Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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79	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
80	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
81	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
82	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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83	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
84	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
85	782.071	2nd	Killing of human being or viable fetus 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

86	784.045 (1) (a) 1.	2nd	vessel in a reckless manner (vessel homicide).
87	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
88	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
89	784.048 (4)	3rd	Aggravated battery; perpetrator aware victim pregnant.
90	784.048 (7)	3rd	Aggravated stalking; violation of injunction or court order.
91	784.07 (2) (d)	1st	Aggravated battery

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92	784.074 (1) (a)	1st	on law enforcement officer.
93	784.08 (2) (a)	1st	Aggravated battery on sexually violent predators facility staff.
94	784.081 (1)	1st	Aggravated battery on a person 65 years of age or older.
95	784.082 (1)	1st	Aggravated battery on specified official or employee.
96	784.083 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
97	790.07 (4)	1st	Aggravated battery on code inspector. Specified weapons violation subsequent

98	790.16 (1)	1st	to previous conviction of s. 790.07(1) or (2). Discharge of a machine gun under specified circumstances.
99	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
100	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
101	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
102	790.166 (4)	2nd	Possessing,

103	796.03	2nd	displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
104	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
105	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
106	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
			Maliciously damage structure by fire or

107	810.02 (3) (a)	2nd	explosive. Burglary of occupied dwelling; unarmed; no assault or battery.
108	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
109	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
110	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
111	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less

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112	812.014 (2) (b) 3.	2nd	than \$50,000, grand theft in 2nd degree.
113	812.0145 (2) (a)	1st	Property stolen, emergency medical equipment; 2nd degree grand theft.
114	812.019 (2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
115	812.131 (2) (a)	2nd	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
116	812.133 (2) (b)	1st	Robbery by sudden snatching.
			Carjacking; no firearm, deadly weapon, or other

117	817.234 (8) (a)	2nd	weapon.
118	817.234 (9)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
119	817.234 (11) (c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
120	817.2341 (2) (b) & (3) (b)	1st	Insurance fraud; property value \$100,000 or more.
			Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of

121	825.102 (3) (b)	2nd	the insolvency of that entity.
122	825.103 (2) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
123	827.03 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
124	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
			Impregnation of a child under 16 years of age by person 21 years of age or

125	837.05 (2)	3rd	older. Giving false information about alleged capital felony to a law enforcement officer.
126	838.015	2nd	Bribery.
127	838.016	2nd	Unlawful compensation or reward for official behavior.
128	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
129	838.22	2nd	Bid tampering.
130	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
131	872.06	2nd	Abuse of a dead

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893.13 (1) (c) 1. 1st

human body.

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

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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) 4., within

134	893.13 (4) (a)	1st	1,000 feet of property used for religious services or a specified business site.
135	893.135 (1) (a) 1.	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4. drugs).
136	893.135 (1) (b) 1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
137	893.135 (1) (c) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
138			Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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139	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
140	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
141	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
142	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
143	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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144	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
145	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
146	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
147	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

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148	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
149	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
150	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
151	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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152	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
153	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
154	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
155	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607 (13)	3rd	Sexual offender; failure to report

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and reregister;
failure to respond
to address
verification.

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Section 4. This act shall take effect October 1, 2006.