

1 provided in subsection (2) if the person is driving or in
2 actual physical control of a vehicle within this state and:
3 (a) The person is under the influence of alcoholic
4 beverages, any chemical substance set forth in s. 877.111, or
5 any substance controlled under chapter 893, when affected to
6 the extent that the person's normal faculties are impaired;
7 (b) The person has a blood-alcohol level of 0.08 or
8 more grams of alcohol per 100 milliliters of blood; or
9 (c) The person has a breath-alcohol level of 0.08 or
10 more grams of alcohol per 210 liters of breath.
11 (3) Any person:
12 (a) Who is in violation of subsection (1);
13 (b) Who operates a vehicle; and
14 (c) Who, by reason of such operation, causes or
15 contributes to causing:
16 1. Damage to the property or person of another commits
17 a misdemeanor of the first degree, punishable as provided in
18 s. 775.082 or s. 775.083.
19 2. Serious bodily injury to another, as defined in s.
20 316.1933, commits a felony of the third degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.
22 3. The death of any human being or unborn quick child
23 commits DUI manslaughter, and commits:
24 a. A felony of the second degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.
26 b. A felony of the first degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084, if:
28 (I) At the time of the crash, the person knew, or
29 should have known, that the crash occurred; and
30 (II) The person failed to give information and render
31 aid as required by s. 316.062.

1
2 For purposes of this paragraph, any person who violates
3 subsection (1) creates a rebuttable presumption that he or she
4 caused or contributed to causing damage to the person or
5 property of another, serious bodily injury to another, or
6 death to another human being or unborn quick child.
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8 For purposes of this subsection, the definition of the term
9 "unborn quick child" shall be determined in accordance with
10 the definition of viable fetus as set forth in s. 782.071.

11 Section 3. Section 782.071, Florida Statutes, is
12 amended to read:

13 782.071 Vehicular homicide.--"Vehicular homicide" is
14 the killing of a human being, or the killing of a viable fetus
15 by any injury to the mother, caused by the operation of a
16 motor vehicle by another in a reckless manner likely to cause
17 the death of, or great bodily harm to, another.

18 (1) Vehicular homicide is:

19 (a) A felony of the second degree, punishable as
20 provided in s. 775.082, s. 775.083, or s. 775.084.

21 (b) A felony of the first degree, punishable as
22 provided in s. 775.082, s. 775.083, or s. 775.084, if:

23 1. At the time of the accident, the person knew, or
24 should have known, that the accident occurred; and

25 2. The person failed to give information and render
26 aid as required by s. 316.062.

27
28 This paragraph does not require that the person knew that the
29 accident resulted in injury or death.
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1 (2) For purposes of this section, a fetus is viable
2 when it becomes capable of meaningful life outside the womb
3 through standard medical measures.

4 (3) For purposes of this section, any person who
5 violates s. 316.193(1) creates a rebuttable presumption that
6 he or she operated a motor vehicle in a reckless manner likely
7 to cause death or great bodily harm to a human being.

8 ~~(4)(3)~~ 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 ~~(5)(4)~~ In addition to any other punishment, the court
12 may order the person to serve 120 community service hours in a
13 trauma center or hospital that regularly receives victims of
14 vehicle accidents, under the supervision of a registered
15 nurse, an emergency room physician, or an emergency medical
16 technician pursuant to a voluntary community service program
17 operated by the trauma center or hospital.

18 Section 4. This act shall take effect July 1, 2006.

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 2468

- 23 - Provides the short title of "Jillian's Law."
24 - Clarifies the damage must be to a person or property of
25 another.
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