

By the Committees on Justice Appropriations; Criminal Justice; and Senators Baker, Smith, Posey, Crist, Bennett and Atwater

604-2163-06

1 A bill to be entitled

2 An act relating to vehicle crashes; creating

3 the "Justin McWilliams 'Justice For Justin'

4 Act"; amending s. 316.027, F.S.; requiring the

5 driver of a vehicle involved in a crash

6 occurring on public or private property that

7 results in injury of a person to immediately

8 stop the vehicle and remain at the scene;

9 providing an exception for a crash within a

10 closed-course motorsport facility; providing

11 that failure to stop the vehicle and remain at

12 the scene by the driver of a vehicle involved

13 in a crash occurring on public or private

14 property which results in the death of a person

15 is a first-degree felony; providing penalties;

16 amending s. 921.0022, F.S.; revising felony

17 classification in the Criminal Punishment Code

18 offense severity ranking chart for specified

19 violations; providing an effective date.

20

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

22

23 Section 1. This act may be cited as the "Justin

24 McWilliams 'Justice For Justin' Act."

25 Section 2. Subsection (1) of section 316.027, Florida

26 Statutes, is amended to read:

27 316.027 Crash involving death or personal injuries.--

28 (1)(a) The driver of any vehicle involved in a crash

29 occurring on public or private property, except within a

30 closed-course motorsport facility as defined in s. 549.09(1),

31 which results ~~resulting~~ in injury of any person must

1 immediately stop the vehicle at the scene of the crash, or as
2 close thereto as possible, and must remain at the scene of the
3 crash until he or she has fulfilled the requirements of s.
4 316.062. Any person who willfully violates this paragraph
5 ~~commits is guilty~~ of a felony of the third degree, punishable
6 as provided in s. 775.082, s. 775.083, or s. 775.084.

7 (b) The driver of any vehicle involved in a crash
8 occurring on public or private property which results
9 ~~resulting~~ in the death of any person must immediately stop the
10 vehicle at the scene of the crash, or as close thereto as
11 possible, and must remain at the scene of the crash until he
12 or she has fulfilled the requirements of s. 316.062. Any
13 person who willfully violates this paragraph commits is guilty
14 ~~of~~ a felony of the first ~~second~~ degree, punishable as provided
15 in s. 775.082, s. 775.083, or s. 775.084.

16 Section 3. Paragraph (g) of subsection (3) of section
17 921.0022, Florida Statutes, is amended to read:

18 921.0022 Criminal Punishment Code; offense severity
19 ranking chart.--

20 (3) OFFENSE SEVERITY RANKING CHART

22 Florida	Felony	
23 Statute	Degree	Description
		(g) LEVEL 7
27 316.027(1)(b)	<u>1st</u> 2nd	Accident involving death, failure 28 to stop; leaving scene.
29 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 30 injury.

1	316.1935(3)(b)	1st	Causing serious bodily injury or
2			death to another person; driving
3			at high speed or with wanton
4			disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a patrol vehicle with siren and
8			lights activated.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	775.21(10)(a)	3rd	Sexual predator; failure to
14			register; failure to renew
15			driver's license or
16			identification card; other
17			registration violations.
18	775.21(10)(b)	3rd	Sexual predator working where
19			children regularly congregate.
20	775.21(10)(g)	3rd	Failure to report or providing
21			false information about a sexual
22			predator; harbor or conceal a
23			sexual predator.
24	782.051(3)	2nd	Attempted felony murder of a
25			person by a person other than the
26			perpetrator or the perpetrator of
27			an attempted felony.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.048(7)	3rd	Aggravated stalking; violation of
19			court order.
20	784.07(2)(d)	1st	Aggravated battery on law
21			enforcement officer.
22	784.074(1)(a)	1st	Aggravated battery on sexually
23			violent predators facility staff.
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	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
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1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)1.	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
14			less than \$50,000, grand theft in
15			2nd degree.
16	812.014(2)(b)3.	2nd	Property stolen, emergency
17			medical equipment; 2nd degree
18			grand theft.
19	812.0145(2)(a)	1st	Theft from person 65 years of age
20			or older; \$50,000 or more.
21	812.019(2)	1st	Stolen property; initiates,
22			organizes, plans, etc., the theft
23			of property and traffics in
24			stolen property.
25	812.131(2)(a)	2nd	Robbery by sudden snatching.
26	812.133(2)(b)	1st	Carjacking; no firearm, deadly
27			weapon, or other weapon.
28	817.234(8)(a)	2nd	Solicitation of motor vehicle
29			accident victims with intent to
30			defraud.
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1	817.234(9)	2nd	Organizing, planning, or
2			participating in an intentional
3			motor vehicle collision.
4	817.234(11)(c)	1st	Insurance fraud; property value
5			\$100,000 or more.
6	817.2341(2)(b)&		
7	(3)(b)	1st	Making false entries of material
8			fact or false statements
9			regarding property values
10			relating to the solvency of an
11			insuring entity which are a
12			significant cause of the
13			insolvency of that entity.
14	825.102(3)(b)	2nd	Neglecting an elderly person or
15			disabled adult causing great
16			bodily harm, disability, or
17			disfigurement.
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(3)	3rd	Impregnation of a child under 16
26			years of age by person 21 years
27			of age or older.
28	837.05(2)	3rd	Giving false information about
29			alleged capital felony to a law
30			enforcement officer.
31	838.015	2nd	Bribery.

1	838.016	2nd	Unlawful compensation or reward
2			for official behavior.
3	838.021(3)(a)	2nd	Unlawful harm to a public
4			servant.
5	838.22	2nd	Bid tampering.
6	847.0135(3)	3rd	Solicitation of a child, via a
7			computer service, to commit an
8			unlawful sex act.
9	872.06	2nd	Abuse of a dead human body.
10	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), (2)(b), or
14			(2)(c)4.) within 1,000 feet of a
15			child care facility, school, or
16			state, county, or municipal park
17			or publicly owned recreational
18			facility or community center.
19	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
20			cocaine or other drug prohibited
21			under s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), (2)(b), or
23			(2)(c)4., within 1,000 feet of
24			property used for religious
25			services or a specified business
26			site.
27	893.13(4)(a)	1st	Deliver to minor cocaine (or
28			other s. 893.03(1)(a), (1)(b),
29			(1)(d), (2)(a), (2)(b), or
30			(2)(c)4. drugs).
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1	893.135(1)(a)1.	1st	Trafficking in cannabis, more
2			than 25 lbs., less than 2,000
3			lbs.
4	893.135		
5	(1)(b)1.a.	1st	Trafficking in cocaine, more than
6			28 grams, less than 200 grams.
7	893.135		
8	(1)(c)1.a.	1st	Trafficking in illegal drugs,
9			more than 4 grams, less than 14
10			grams.
11	893.135		
12	(1)(d)1.	1st	Trafficking in phencyclidine,
13			more than 28 grams, less than 200
14			grams.
15	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
16			than 200 grams, less than 5
17			kilograms.
18	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
19			than 14 grams, less than 28
20			grams.
21	893.135		
22	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135		
26	(1)(h)1.a.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			1 kilogram or more, less than 5
29			kilograms.
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1	893.135		
2	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
3			kilogram or more, less than 5
4			kilograms.
5	893.135		
6	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
7			10 grams or more, less than 200
8			grams.
9	896.101(5)(a)	3rd	Money laundering, financial
10			transactions exceeding \$300 but
11			less than \$20,000.
12	896.104(4)(a)1.	3rd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	943.0435(4)(c)	2nd	Sexual offender vacating
18			permanent residence; failure to
19			comply with reporting
20			requirements.
21	943.0435(8)	2nd	Sexual offender; remains in state
22			after indicating intent to leave;
23			failure to comply with reporting
24			requirements.
25	943.0435(9)(a)	3rd	Sexual offender; failure to
26			comply with reporting
27			requirements.
28	943.0435(13)	3rd	Failure to report or providing
29			false information about a sexual
30			offender; harbor or conceal a
31			sexual offender.

1 943.0435(14) 3rd Sexual offender; failure to
2 report and reregister; failure to
3 respond to address verification.
4 944.607(9) 3rd Sexual offender; failure to
5 comply with reporting
6 requirements.
7 944.607(10)(a) 3rd Sexual offender; failure to
8 submit to the taking of a
9 digitized photograph.
10 944.607(12) 3rd Failure to report or providing
11 false information about a sexual
12 offender; harbor or conceal a
13 sexual offender.
14 944.607(13) 3rd Sexual offender; failure to
15 report and reregister; failure to
16 respond to address verification.

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS for Senate Bill 276

22 Deletes the provision that allows the board of directors of a
23 homeowners association, by a majority vote, to elect to have
24 local law enforcement agencies enforce state traffic laws on
25 private roads that are controlled by the association. Also,
26 exempts closed-course motorsport facilities from the
27 provisions of this law.
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