

By Senator Garcia

40-00552-11

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1 A bill to be entitled

2 An act relating to vehicle crashes involving death;  
3 providing a short title; amending s. 316.027, F.S.;  
4 requiring a defendant who was arrested for leaving the  
5 scene of a crash involving death be held in custody  
6 until brought before a judge for admittance to bail in  
7 certain circumstances; reenacting s. 921.0022(3)(g),  
8 F.S., relating to the Criminal Punishment Code, to  
9 incorporate the amendments made to s. 316.027, F.S.,  
10 in a reference thereto; providing an effective date.

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

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14 Section 1. This act may be cited as the "Ashley Nicole  
15 Valdes Act."

16 Section 2. Paragraph (b) of subsection (1) of section  
17 316.027, Florida Statutes, is amended to read:

18 316.027 Crash involving death or personal injuries.—

19 (1)

20 (b) The driver of any vehicle involved in a crash occurring  
21 on public or private property that results in the death of any  
22 person must immediately stop the vehicle at the scene of the  
23 crash, or as close thereto as possible, and must remain at the  
24 scene of the crash until he or she has fulfilled the  
25 requirements of s. 316.062. A person who is arrested for a  
26 violation of this paragraph and who has previously been  
27 convicted of a violation of s. 316.027, s. 316.061, s. 316.191,  
28 or s. 316.193, or a felony violation of s. 322.34, shall be held  
29 in custody until brought before the court for admittance to bail

40-00552-11

2011514\_\_

30 in accordance with chapter 903. Any person who willfully  
 31 violates this paragraph commits a felony of the first degree,  
 32 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 33 Any person who willfully commits such a violation ~~violates this~~  
 34 ~~paragraph~~ while driving under the influence as set forth in s.  
 35 316.193(1) shall be sentenced to a mandatory minimum term of  
 36 imprisonment of 2 years.

37 Section 3. For the purpose of incorporating the amendment  
 38 made by this act to section 316.027, Florida Statutes, in a  
 39 reference thereto, paragraph (g) of subsection (3) of section  
 40 921.0022, Florida Statutes, is reenacted to read:

41 921.0022 Criminal Punishment Code; offense severity ranking  
 42 chart.—

43 (3) OFFENSE SEVERITY RANKING CHART

44 (g) LEVEL 7

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Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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

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40-00552-11

2011514\_\_

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a patrol vehicle with siren and lights activated.

327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

409.920 3rd Medicaid provider fraud; \$10,000 or less.  
(2)(b)1.a.

409.920 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.  
(2)(b)1.b.

456.065(2) 3rd Practicing a health care profession without a license.

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

458.327(1) 3rd Practicing medicine without a license.

459.013(1) 3rd Practicing osteopathic medicine without a license.

	40-00552-11		2011514
58	460.411(1)	3rd	Practicing chiropractic medicine without a license.
59	461.012(1)	3rd	Practicing podiatric medicine without a license.
60	462.17	3rd	Practicing naturopathy without a license.
61	463.015(1)	3rd	Practicing optometry without a license.
62	464.016(1)	3rd	Practicing nursing without a license.
63	465.015(2)	3rd	Practicing pharmacy without a license.
64	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
65	467.201	3rd	Practicing midwifery without a license.
66	468.366	3rd	Delivering respiratory care services without a license.
67	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
68	483.901(9)	3rd	Practicing medical physics without a license.

	40-00552-11		2011514__
69	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
70	484.053	3rd	Dispensing hearing aids without a license.
71	494.0018(2)	1st	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.
72	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
73	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
74	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

40-00552-11

2011514\_\_

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75	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
76	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
77	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
78	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
79	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
80	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
81	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
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40-00552-11 2011514\_\_

83	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
84	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
85	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
86	784.048 (7)	3rd	Aggravated stalking; violation of court order.
87	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
88	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
89	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
90	784.081 (1)	1st	Aggravated battery on specified official or employee.
91	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
92	784.083 (1)	1st	Aggravated battery on code inspector.

	40-00552-11		2011514__
93	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
94	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
95	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
96	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
97	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
98	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
99	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in





40-00552-11

2011514\_\_

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- 812.014(2)(a)1.      1st      Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
- 812.014(2)(b)2.      2nd      Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014(2)(b)3.      2nd      Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014(2)(b)4.      2nd      Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145(2)(a)      1st      Theft from person 65 years of age or older; \$50,000 or more.
- 812.019(2)      1st      Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131(2)(a)      2nd      Robbery by sudden snatching.
- 812.133(2)(b)      1st      Carjacking; no firearm, deadly weapon, or other weapon.

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117	40-00552-11 817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
118	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
119	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
120	817.2341 (2) (b) & (3) (b)	1st	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 the insolvency of that entity.
121	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
122	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
123	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years

40-00552-11

2011514\_\_

of age by person 21 years of age or older.

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837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

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838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward for official behavior.

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838.021(3)(a) 2nd Unlawful harm to a public servant.

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838.22 2nd Bid tampering.

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847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

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847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

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872.06 2nd Abuse of a dead human body.

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874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

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40-00552-11

2011514

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893.13(1)(c)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 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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 1,000 feet of property used for religious services or a specified business site.

893.13(4)(a)              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).

893.135(1)(a)1.           1st    Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

893.135(1)(b)1.a.           1st    Trafficking in cocaine, more than 28 grams, less than 200 grams.

893.135(1)(c)1.a.           1st    Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

	40-00552-11		2011514__
140	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
141	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
142	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
143	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
144	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
145	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
146	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
147	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less

40-00552-11

2011514\_\_

than \$20,000.

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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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943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

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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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943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

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944.607 (9) 3rd Sexual offender; failure to comply with reporting requirements.

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40-00552-11 2011514

156 944.607(10)(a) 3rd Sexual offender; failure to submit to  
the taking of a digitized photograph.

157 944.607(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

158 944.607(13) 3rd Sexual offender; failure to report and  
reregister; failure to respond to  
address verification.

159 985.4815(10) 3rd Sexual offender; failure to submit to  
the taking of a digitized photograph.

160 985.4815(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

161 985.4815(13) 3rd Sexual offender; failure to report and  
reregister; failure to respond to  
address verification.

162 Section 4. This act shall take effect October 1, 2011.