

By Senator Avila

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1 A bill to be entitled
2 An act relating to drive-by shootings; providing a
3 short title; transferring, renumbering, and amending
4 s. 790.15(2) and (3), F.S., relating to the discharge
5 of firearms from vehicles; creating the offense of
6 drive-by shooting as a felony of the second degree;
7 providing criminal penalties for committing the
8 offense of drive-by shooting; amending s. 775.30,
9 F.S.; specifying that committing the offense of drive-
10 by shooting in furtherance of certain objectives is a
11 crime of terrorism; providing criminal penalties;
12 amending s. 790.15, F.S.; conforming a provision to
13 changes made by the act; amending s. 921.0022, F.S.;
14 conforming a provision to changes made by the act;
15 ranking an offense on the offense severity ranking
16 chart of the Criminal Punishment Code; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. This act may be cited as the "Laderius Clardy
22 Act."

23 Section 2. Subsections (2) and (3) of section 790.15,
24 Florida Statutes, are transferred and renumbered as section
25 790.1501, Florida Statutes, and amended, to read:

26 790.1501 Discharging firearm from vehicle.-

27 (1)(2) Any occupant of any vehicle who knowingly and
28 willfully discharges any firearm from the vehicle within 1,000
29 feet of any person commits a felony of the second degree,

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30 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

31 ~~(2)(3)~~ Any driver or owner of any vehicle, whether or not
32 the owner of the vehicle is occupying the vehicle, who knowingly
33 directs any other person to discharge any firearm from the
34 vehicle commits a felony of the third degree, punishable as
35 provided in s. 775.082, s. 775.083, or s. 775.084.

36 (3) A person who knowingly, or with reckless disregard for
37 human life, causes or attempts to cause serious bodily injury to
38 another by discharging a firearm while in or on a vehicle
39 commits the offense of drive-by shooting, a felony of the second
40 degree, punishable as provided in s. 775.082, s. 775.083, or s.
41 775.084.

42 Section 3. Subsection (2) of section 775.30, Florida
43 Statutes, is amended to read:

44 775.30 Terrorism; defined; penalties.—

45 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
46 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
47 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s.
48 790.1501, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s.
49 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s.
50 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of
51 intimidating or coercing the policy of a government, or in
52 furtherance of affecting the conduct of a government by mass
53 destruction, assassination, or kidnapping, commits the crime of
54 terrorism, a felony of the first degree, punishable as provided
55 in s. 775.082, s. 775.083, or s. 775.084.

56 Section 4. Subsection (1) of section 790.15, Florida
57 Statutes, is amended to read:

58 790.15 Discharging firearm in public or on residential

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59 property.—

60 (1) ~~Except as provided in subsection (2) or subsection (3),~~

61 Any person who knowingly discharges a firearm in any public
 62 place or on the right-of-way of any paved public road, highway,
 63 or street, who knowingly discharges any firearm over the right-
 64 of-way of any paved public road, highway, or street or over any
 65 occupied premises, or who recklessly or negligently discharges a
 66 firearm outdoors on any property used primarily as the site of a
 67 dwelling as defined in s. 776.013 or zoned exclusively for
 68 residential use commits a misdemeanor of the first degree,
 69 punishable as provided in s. 775.082 or s. 775.083. This section
 70 does not apply to a person lawfully defending life or property
 71 or performing official duties requiring the discharge of a
 72 firearm or to a person discharging a firearm on public roads or
 73 properties expressly approved for hunting by the Fish and
 74 Wildlife Conservation Commission or Florida Forest Service.

75 Section 5. Paragraphs (c) and (e) of subsection (3) of
 76 section 921.0022, Florida Statutes, are amended to read:

77 921.0022 Criminal Punishment Code; offense severity ranking
 78 chart.—

79 (3) OFFENSE SEVERITY RANKING CHART

80 (c) LEVEL 3

81

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

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316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35 (2) (b)	3rd	Felony BUI.

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92

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

93

328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

94

376.302(5) 3rd Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

95

379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

379.2431 3rd Possessing any marine turtle
(1) (e) 6. species or hatchling, or parts
thereof, or the nest of any
marine turtle species described
in the Marine Turtle Protection
Act.

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96

379.2431 3rd Soliciting to commit or
 (1) (e) 7. conspiring to commit a
 violation of the Marine Turtle
 Protection Act.

97

400.9935 (4) (a) 3rd Operating a clinic, or offering
 or (b) services requiring licensure,
 without a license.

98

400.9935 (4) (e) 3rd Filing a false license
 application or other required
 information or failing to
 report information.

99

440.1051 (3) 3rd False report of workers'
 compensation fraud or
 retaliation for making such a
 report.

100

501.001 (2) (b) 2nd Tamper with a consumer product
 or the container using
 materially false/misleading
 information.

101

624.401 (4) (a) 3rd Transacting insurance without a
 certificate of authority.

102

624.401 (4) (b) 1. 3rd Transacting insurance without a

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certificate of authority;
 premium collected less than
 \$20,000.

103

626.902 (1) (a) &
 (b)

3rd

Representing an unauthorized
 insurer.

104

697.08

3rd

Equity skimming.

105

790.1501 (2)
~~790.15 (3)~~

3rd

Person directs another to
 discharge firearm from a
 vehicle.

106

794.053

3rd

Lewd or lascivious written
 solicitation of a person 16 or
 17 years of age by a person 24
 years of age or older.

107

806.10 (1)

3rd

Maliciously injure, destroy, or
 interfere with vehicles or
 equipment used in firefighting.

108

806.10 (2)

3rd

Interferes with or assaults
 firefighter in performance of
 duty.

109

810.09 (2) (c)

3rd

Trespass on property other than
 structure or conveyance armed
 with firearm or dangerous

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weapon.

110

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

111

812.0145 (2) (c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

112

812.015 (8) (b) 3rd Retail theft with intent to sell; conspires with others.

113

812.081 (2) 3rd Theft of a trade secret.

114

815.04 (4) (b) 2nd Computer offense devised to defraud or obtain property.

115

817.034 (4) (a) 3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

116

817.233 3rd Burning to defraud insurer.

117

817.234 3rd Unlawful solicitation of persons involved in motor vehicle accidents.
(8) (b) & (c)

118

817.234 (11) (a) 3rd Insurance fraud; property value

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less than \$20,000.

119

817.236 3rd Filing a false motor vehicle insurance application.

120

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

121

817.413(2) 3rd Sale of used goods of \$1,000 or more as new.

122

817.49(2)(b)1. 3rd Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.

123

831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

124

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

125

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126

836.13(2) 3rd Person who promotes an altered sexual depiction of an identifiable person without consent.

127

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

128

860.15(3) 3rd Overcharging for repairs and parts.

129

870.01(2) 3rd Riot.

130

870.01(4) 3rd Inciting a riot.

131

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).

893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

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132

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

133

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

134

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

135

893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

136

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

137

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled

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substance.

138

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

139

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

140

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

141

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

142

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a

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patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

143

918.13(1) 3rd Tampering with or fabricating physical evidence.

144

944.47 3rd Introduce contraband to (1) (a) 1. & 2. correctional facility.

145

944.47(1) (c) 2nd Possess contraband while upon the grounds of a correctional institution.

146

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

147

(e) LEVEL 5

148

149

Florida	Felony	Description
Statute	Degree	

150

316.027(2) (a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop;

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leaving scene.

151

316.1935 (4) (a) 2nd Aggravated fleeing or eluding.

152

316.80 (2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

153

322.34 (6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

154

327.30 (5) 3rd Vessel accidents involving
personal injury; leaving scene.

155

379.365 (2) (c) 1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,
forging, counterfeiting, or
reproducing stone crab trap
tags; possession of forged,
counterfeit, or imitation stone

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crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

156

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

157

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

158

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

159

440.10 (1) (g)

2nd

Failure to obtain workers' compensation coverage.

160

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

161

440.381 (2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

162

624.401 (4) (b) 2.

2nd

Transacting insurance without a

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certificate or authority;
 premium collected \$20,000 or
 more but less than \$100,000.

163

626.902 (1) (c) 2nd Representing an unauthorized
 insurer; repeat offender.

164

790.01 (3) 3rd Unlawful carrying of a
 concealed firearm.

165

790.1501 (3) 2nd Drive-by shooting.

166

790.162 2nd Threat to throw or discharge
 destructive device.

167

790.163 (1) 2nd False report of bomb,
 explosive, weapon of mass
 destruction, or use of firearms
 in violent manner.

168

790.221 (1) 2nd Possession of short-barreled
 shotgun or machine gun.

169

790.23 2nd Felons in possession of
 firearms, ammunition, or
 electronic weapons or devices.

170

796.05 (1) 2nd Live on earnings of a
 prostitute; 1st offense.

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171

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

172

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

173

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

174

812.0145 (2) (b) 2nd Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

175

812.015 3rd Retail theft; property stolen
(8) (a) & (c) - is valued at \$750 or more and
(e) one or more specified acts.

176

812.015 (8) (f) 3rd Retail theft; multiple thefts
within specified period.

177

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

178

812.081 (3) 2nd Trafficking in trade secrets.

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179

812.131(2)(b) 3rd Robbery by sudden snatching.

180

812.16(2) 3rd Owning, operating, or
conducting a chop shop.

181

817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

182

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

183

817.2341(1), 3rd Filing false financial
(2)(a) & (3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

184

817.568(2)(b) 2nd Fraudulent use of personal
identification information;
value of benefit, services
received, payment avoided, or
amount of injury or fraud,
\$5,000 or more or use of
personal identification
information of 10 or more
persons.

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- 817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
- 817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
- 825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
- 827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
- 827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
- 828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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192

836.14 (4) 2nd Person who willfully promotes
for financial gain a sexually
explicit image of an
identifiable person without
consent.

193

839.13 (2) (b) 2nd Falsifying records of an
individual in the care and
custody of a state agency
involving great bodily harm or
death.

194

843.01 (1) 3rd Resist officer with violence to
person; resist arrest with
violence.

195

847.0135 (5) (b) 2nd Lewd or lascivious exhibition
using computer; offender 18
years or older.

196

847.0137
(2) & (3) 3rd Transmission of pornography by
electronic device or equipment.

197

847.0138
(2) & (3) 3rd Transmission of material
harmful to minors to a minor by
electronic device or equipment.

874.05 (1) (b) 2nd Encouraging or recruiting
another to join a criminal

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gang; second or subsequent offense.

198

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

199

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

200

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

201

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

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(2) (a), (2) (b), or (2) (c) 5.
 drugs) within 1,000 feet of
 university.

202

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
 cannabis or other drug
 prohibited under s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)6.,
 (2)(c)7., (2)(c)8., (2)(c)9.,
 (2)(c)10., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

203

893.13(1)(f)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 or (2)(a), (2)(b), or (2)(c) 5.
 drugs) within 1,000 feet of
 public housing facility.

204

893.13(4)(b) 2nd Use or hire of minor; deliver
 to minor other controlled
 substance.

205

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

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Section 6. This act shall take effect October 1, 2024.