

By Senator Berman

26-00563C-24

20241172\_\_

1                                   A bill to be entitled  
2       An act relating to operating vehicles and vessels  
3       under the influence; amending s. 316.003, F.S.;  
4       defining the term "actual physical control"; amending  
5       ss. 316.193 and 327.35, F.S.; revising conditions  
6       under which a person commits the offense of driving  
7       under the influence or boating under the influence,  
8       respectively; providing an affirmative defense;  
9       revising criminal penalties; conforming provisions to  
10      changes made by the act; revising a condition that  
11      must be met before a person arrested for driving under  
12      the influence or boating under the influence,  
13      respectively, may be released from custody; defining  
14      the term "impairing substance"; providing  
15      construction; authorizing law enforcement witnesses to  
16      give certain testimony under certain circumstances;  
17      defining the term "conviction" for a specified  
18      purpose; requiring the clerk of court to notify the  
19      Department of Law Enforcement under certain  
20      circumstances; requiring the department to maintain  
21      records; creating a rebuttable presumption; amending  
22      s. 316.1939, F.S.; providing that the disposition of  
23      an administrative proceeding relating to a specified  
24      fine does not affect certain criminal action; revising  
25      a rebuttable presumption of suspended driving  
26      privileges; amending s. 316.645, F.S.; making  
27      technical changes; amending ss. 322.01 and 327.02,  
28      F.S.; defining the term "actual physical control";  
29      amending s. 327.359, F.S.; providing that the

26-00563C-24

20241172\_\_

30 disposition of any administrative proceeding relating  
31 to a specified fine or the suspension of driving  
32 privileges does not affect certain criminal action;  
33 providing that the disposition of certain criminal  
34 action does not affect certain administrative  
35 hearings; creating a rebuttable presumption; amending  
36 s. 933.02, F.S.; adding specified grounds for issuance  
37 of a search warrant; amending s. 948.15, F.S.;

38 revising probation guidelines for felonies in which  
39 certain substances are contributing factors; amending  
40 ss. 212.05, 316.1932, 316.1933, 316.303, 316.305,  
41 316.306, 316.85, 322.18, 322.34, 322.61, 327.391,  
42 327.53, 627.749, 655.960, and 921.0022, F.S.;

43 conforming cross-references and provisions to changes  
44 made by the act; reenacting s. 947.146(3)(j), F.S.,  
45 relating to the Control Release Authority, to  
46 incorporate the amendments made by this act to s.  
47 316.193, F.S., in a reference thereto; providing an  
48 effective date.

49

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

51

52 Section 1. Present subsections (1) through (111) of section  
53 316.003, Florida Statutes, are redesignated as subsections (2)  
54 through (112), respectively, a new subsection (1) is added to  
55 that section, and present subsection (64) of that section is  
56 amended, to read:

57 316.003 Definitions.—The following words and phrases, when  
58 used in this chapter, shall have the meanings respectively

26-00563C-24

20241172\_\_

59 ascribed to them in this section, except where the context  
60 otherwise requires:

61 (1) ACTUAL PHYSICAL CONTROL.—Being physically in or on a  
62 motor vehicle and having the capability to operate the vehicle,  
63 regardless of whether the vehicle is actually being operated at  
64 that time.

65 (65) ~~(64)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
66 provided in paragraph (90) (b) ~~(89) (b)~~, any privately owned way  
67 or place used for vehicular travel by the owner and those having  
68 express or implied permission from the owner, but not by other  
69 persons.

70 Section 2. Present paragraphs (c) and (d) of subsection  
71 (14) of section 316.193, Florida Statutes, are redesignated as  
72 paragraphs (d) and (e), respectively, a new paragraph (c) is  
73 added to that subsection and subsections (15) through (19) are  
74 added to that section, subsections (1), (3), and (9) of that  
75 section are amended, and subsection (2) of that section is  
76 republished, to read:

77 316.193 Driving under the influence; penalties.—

78 (1) (a) A person commits ~~is guilty of~~ the offense of driving  
79 under the influence and is subject to punishment as provided in  
80 subsection (2) if the person is driving or in actual physical  
81 control of a vehicle within this state and:

82 1. ~~(a)~~ The person is under the influence of alcoholic  
83 beverages, any chemical substance set forth in s. 877.111, ~~or~~  
84 any substance controlled under chapter 893, or any other  
85 impairing substance, or any combination thereof, when affected  
86 to the extent that the person's normal faculties are impaired;

87 2. ~~(b)~~ At the time of driving or while in actual physical

26-00563C-24

20241172\_\_

88 control of the vehicle or at any time thereafter, the person has  
89 a blood-alcohol level of 0.08 or more grams of alcohol per 100  
90 milliliters of blood as a result of consuming alcohol before or  
91 during driving; ~~or~~

92 3.~~(e)~~ At the time of driving or while in actual physical  
93 control of the vehicle or at any time thereafter, the person has  
94 a breath-alcohol level of 0.08 or more grams of alcohol per 210  
95 liters of breath as a result of consuming alcohol before or  
96 during driving; or

97 4. The person has in his or her blood any amount of a  
98 chemical substance set forth in s. 877.111 or a substance  
99 controlled under chapter 893, or such chemical or controlled  
100 substance in any combination with alcohol as a result of  
101 consuming alcohol before or during driving.

102 (b) It is an affirmative defense as to the presence of a  
103 chemical or controlled substance under subparagraph (a)4. that  
104 the person ingested, injected, or inhaled the substance in  
105 accordance with a valid prescription issued pursuant to s.  
106 893.04 by a practitioner as defined in s. 893.02, or pursuant to  
107 s. 381.986, and in accordance with the practitioner's  
108 directions. However, the fact that a person is or was legally  
109 entitled to consume alcohol or any other chemical or controlled  
110 substance, medication, drug, or other impairing substance is not  
111 an affirmative defense to this section.

112 (2) (a) Except as provided in paragraph (b), subsection (3),  
113 or subsection (4), any person who is convicted of a violation of  
114 subsection (1) shall be punished:

115 1. By a fine of:

116 a. Not less than \$500 or more than \$1,000 for a first

26-00563C-24

20241172\_\_

117 conviction.

118       b. Not less than \$1,000 or more than \$2,000 for a second  
119 conviction; and

120       2. By imprisonment for:

121       a. Not more than 6 months for a first conviction.

122       b. Not more than 9 months for a second conviction.

123       3. For a second conviction, by mandatory placement for a  
124 period of at least 1 year, at the convicted person's sole  
125 expense, of an ignition interlock device approved by the  
126 department in accordance with s. 316.1938 upon all vehicles that  
127 are individually or jointly leased or owned and routinely  
128 operated by the convicted person, when the convicted person  
129 qualifies for a permanent or restricted license.

130

131 The portion of a fine imposed in excess of \$500 pursuant to sub-  
132 subparagraph 1.a. and the portion of a fine imposed in excess of  
133 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by  
134 the clerk to the Department of Revenue for deposit into the  
135 General Revenue Fund.

136       (b)1. Any person who is convicted of a third violation of  
137 this section for an offense that occurs within 10 years after a  
138 prior conviction for a violation of this section commits a  
139 felony of the third degree, punishable as provided in s.  
140 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
141 order the mandatory placement for a period of not less than 2  
142 years, at the convicted person's sole expense, of an ignition  
143 interlock device approved by the department in accordance with  
144 s. 316.1938 upon all vehicles that are individually or jointly  
145 leased or owned and routinely operated by the convicted person,

26-00563C-24

20241172\_\_

146 when the convicted person qualifies for a permanent or  
147 restricted license.

148       2. Any person who is convicted of a third violation of this  
149 section for an offense that occurs more than 10 years after the  
150 date of a prior conviction for a violation of this section shall  
151 be punished by a fine of not less than \$2,000 or more than  
152 \$5,000 and by imprisonment for not more than 12 months. The  
153 portion of a fine imposed in excess of \$2,500 pursuant to this  
154 subparagraph shall be remitted by the clerk to the Department of  
155 Revenue for deposit into the General Revenue Fund. In addition,  
156 the court shall order the mandatory placement for a period of at  
157 least 2 years, at the convicted person's sole expense, of an  
158 ignition interlock device approved by the department in  
159 accordance with s. 316.1938 upon all vehicles that are  
160 individually or jointly leased or owned and routinely operated  
161 by the convicted person, when the convicted person qualifies for  
162 a permanent or restricted license.

163       3. Any person who is convicted of a fourth or subsequent  
164 violation of this section, regardless of when any prior  
165 conviction for a violation of this section occurred, commits a  
166 felony of the third degree, punishable as provided in s.  
167 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
168 for such fourth or subsequent violation may be not less than  
169 \$2,000. The portion of a fine imposed in excess of \$1,000  
170 pursuant to this subparagraph shall be remitted by the clerk to  
171 the Department of Revenue for deposit into the General Revenue  
172 Fund.

173       (c) In addition to the penalties in paragraph (a), the  
174 court may order placement, at the convicted person's sole

26-00563C-24

20241172\_\_

175 expense, of an ignition interlock device approved by the  
176 department in accordance with s. 316.1938 for at least 6  
177 continuous months upon all vehicles that are individually or  
178 jointly leased or owned and routinely operated by the convicted  
179 person if, at the time of the offense, the person had a blood-  
180 alcohol level or breath-alcohol level of .08 or higher.

181 (3) Any person:

182 (a) Who is in violation of subsection (1);

183 (b) Who operates a vehicle; and

184 (c) Who, by reason of such operation, causes or contributes  
185 to causing:

186 1. Damage to the property or person of another commits a  
187 misdemeanor of the first degree, punishable as provided in s.  
188 775.082 or s. 775.083.

189 2. Serious bodily injury to another, as defined in s.  
190 316.1933, commits a felony of the second ~~third~~ degree,  
191 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

192 3. The death of any human being or unborn child commits DUI  
193 manslaughter, ~~and commits:~~

194 ~~a.~~ a felony of the first ~~second~~ degree, punishable as  
195 provided in s. 775.082, s. 775.083, or s. 775.084.

196 ~~b. A felony of the first degree, punishable as provided in~~  
197 ~~s. 775.082, s. 775.083, or s. 775.084, if:~~

198 ~~(I) At the time of the crash, the person knew, or should~~  
199 ~~have known, that the crash occurred; and~~

200 ~~(II) The person failed to give information and render aid~~  
201 ~~as required by s. 316.062.~~

202

203 For purposes of this subsection, the term "unborn child" has the

26-00563C-24

20241172\_\_

204 same meaning as provided in s. 775.021(5). A person who is  
205 convicted of DUI manslaughter shall be sentenced to a mandatory  
206 minimum term of imprisonment of 4 years.

207 (9) A person who is arrested for a violation of this  
208 section may not be released from custody:

209 (a) Until the person is no longer under the influence of  
210 alcoholic beverages, any chemical substance set forth in s.  
211 877.111, ~~or~~ any substance controlled under chapter 893, or any  
212 other impairing substance, or any combination thereof, and  
213 affected to the extent that his or her normal faculties are  
214 impaired;

215 (b) Until the person's blood-alcohol level or breath-  
216 alcohol level is less than 0.05; or

217 (c) Until 8 hours have elapsed from the time the person was  
218 arrested.

219 (14) As used in this chapter, the term:

220 (c) "Impairing substance" means any substance that, when  
221 taken into the human body, can impair, or diminish in some  
222 material respect, a person's normal faculties. Such normal  
223 faculties include, but are not limited to, the ability to see,  
224 hear, walk, talk, gauge distances, drive a motor vehicle, make  
225 judgments, act in emergencies, and, in general, perform the many  
226 mental and physical acts of daily life.

227 (15) Notwithstanding any other law and for the purposes of  
228 prosecutions under this section, the law enforcement officer who  
229 administers a horizontal nystagmus gaze test may give testimony  
230 as a witness on the issue of a person's impairment, based on the  
231 results of the horizontal gaze nystagmus test, if the officer  
232 has successfully completed training on the horizontal gaze

26-00563C-24

20241172\_\_

233 nystagmus test and if the test is given in accordance with the  
234 individual's training.

235 (16) Notwithstanding any other law, a law enforcement  
236 witness in a criminal prosecution under this section may give  
237 testimony on the issue of impairment relating to whether a  
238 person was under the influence of one or more impairing  
239 substances, and the category or categories of the impairing  
240 substance or substances, if the witness holds current  
241 credentials as a drug recognition expert, issued by the  
242 International Association of Chiefs of Police, at the time of  
243 arrest.

244 (17) For the purpose of determining whether a conviction is  
245 a first, second, or third or subsequent conviction for the  
246 purposes of sentencing under this section, the term "conviction"  
247 includes being convicted of a violation of this section, or the  
248 completion of any diversion or other program that results in the  
249 dismissal or change of charge for a violation of this section.  
250 The term also includes being convicted of a violation of any law  
251 or ordinance of another state or jurisdiction which this section  
252 prohibits, or the completion of any diversion or other program  
253 that results in the dismissal or change of charge for a  
254 violation of such law or ordinance of another state or  
255 jurisdiction which this section prohibits.

256 (18) The clerk of court shall notify the department of the  
257 dismissal or change of charge for a violation of this section  
258 based on the completion of any diversion or other program. The  
259 department shall maintain a record of a person's completion of  
260 any diversion or other program that results in a dismissal or  
261 change of charge for a violation of this section.

26-00563C-24

20241172\_\_

262       (19) There is a rebuttable presumption that a diversion or  
 263 other program was completed which results in the dismissal or  
 264 change of charge for a violation of this section as provided in  
 265 subsection (17) if notation or designation of such completion  
 266 appears in the department's records.

267       Section 3. Subsections (1), (3), and (8) of section 327.35,  
 268 Florida Statutes, are amended, subsections (11) through (16) are  
 269 added to that section, and subsection (2) of that section is  
 270 republished, to read:

271       327.35 Boating under the influence; penalties; "designated  
 272 drivers."—

273       (1) (a) A person commits ~~is guilty of~~ the offense of boating  
 274 under the influence and is subject to punishment as provided in  
 275 subsection (2) if the person is operating a vessel or in actual  
 276 physical control of a vessel within this state and:

277       1. (a) The person is under the influence of alcoholic  
 278 beverages, any chemical substance set forth in s. 877.111, ~~or~~  
 279 any substance controlled under chapter 893, or any other  
 280 impairing substance, or any combination thereof, when affected  
 281 to the extent that the person's normal faculties are impaired;

282       2. (b) At the time of operating the vessel or at any time  
 283 thereafter, the person has a blood-alcohol level of 0.08 or more  
 284 grams of alcohol per 100 milliliters of blood as a result of  
 285 consuming alcohol before or during operating; ~~or~~

286       3. (c) At the time of operating the vessel or at any time  
 287 thereafter, the person has a breath-alcohol level of 0.08 or  
 288 more grams of alcohol per 210 liters of breath as a result of  
 289 consuming alcohol before or during operating; or

290       4. The person has in his or her blood any amount of a

26-00563C-24

20241172\_\_

291 chemical substance set forth in s. 877.111 or a substance  
292 controlled under chapter 893, or such chemical or controlled  
293 substance in any combination with alcohol as a result of  
294 consuming alcohol before or during operating.

295 (b) It is an affirmative defense as to the presence of a  
296 chemical or controlled substance under subparagraph (a)4. that  
297 the person ingested, injected, or inhaled the substance in  
298 accordance with a valid prescription issued pursuant to s.  
299 893.04 by a practitioner as defined in s. 893.02, or pursuant to  
300 s. 381.986, and in accordance with the practitioner's  
301 directions. However, the fact that a person is or was legally  
302 entitled to consume alcohol or any other chemical or controlled  
303 substance, medication, drug, or other impairing substance is not  
304 an affirmative defense to this section.

305 (2) (a) Except as provided in paragraph (b), subsection (3),  
306 or subsection (4), any person who is convicted of a violation of  
307 subsection (1) shall be punished:

308 1. By a fine of:

309 a. Not less than \$500 or more than \$1,000 for a first  
310 conviction.

311 b. Not less than \$1,000 or more than \$2,000 for a second  
312 conviction; and

313 2. By imprisonment for:

314 a. Not more than 6 months for a first conviction.

315 b. Not more than 9 months for a second conviction.

316

317 The portion of a fine imposed in excess of \$500 pursuant to sub-  
318 subparagraph 1.a. and the portion of a fine imposed in excess of  
319 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by

26-00563C-24

20241172\_\_

320 the clerk to the Department of Revenue for deposit into the  
321 General Revenue Fund.

322 (b)1. Any person who is convicted of a third violation of  
323 this section for an offense that occurs within 10 years after a  
324 prior conviction for a violation of this section commits a  
325 felony of the third degree, punishable as provided in s.  
326 775.082, s. 775.083, or s. 775.084.

327 2. Any person who is convicted of a third violation of this  
328 section for an offense that occurs more than 10 years after the  
329 date of a prior conviction for a violation of this section shall  
330 be punished by a fine of not less than \$2,000 or more than  
331 \$5,000 and by imprisonment for not more than 12 months. The  
332 portion of a fine imposed in excess of \$2,500 pursuant to this  
333 subparagraph shall be remitted by the clerk to the Department of  
334 Revenue for deposit into the General Revenue Fund.

335 3. Any person who is convicted of a fourth or subsequent  
336 violation of this section, regardless of when any prior  
337 conviction for a violation of this section occurred, commits a  
338 felony of the third degree, punishable as provided in s.  
339 775.082, s. 775.083, or s. 775.084.

340  
341 However, the fine imposed for such fourth or subsequent  
342 violation may not be less than \$2,000. The portion of such fine  
343 imposed in excess of \$1,000 shall be remitted by the clerk to  
344 the Department of Revenue for deposit into the General Revenue  
345 Fund.

346 (3) Any person:

347 (a) Who is in violation of subsection (1);

348 (b) Who operates a vessel; and

26-00563C-24

20241172\_\_

349 (c) Who, by reason of such operation, causes or contributes  
350 to causing:

351 1. Damage to the property or person of another commits a  
352 misdemeanor of the first degree, punishable as provided in s.  
353 775.082 or s. 775.083.

354 2. Serious bodily injury to another, as defined in s.  
355 327.353, commits a felony of the second ~~third~~ degree, punishable  
356 as provided in s. 775.082, s. 775.083, or s. 775.084.

357 3. The death of any human being commits BUI manslaughter,  
358 ~~and commits:~~

359 ~~a.~~ a felony of the first ~~second~~ degree, punishable as  
360 provided in s. 775.082, s. 775.083, or s. 775.084.

361 ~~b. A felony of the first degree, punishable as provided in~~  
362 ~~s. 775.082, s. 775.083, or s. 775.084, if:~~

363 ~~(I) At the time of the accident, the person knew, or should~~  
364 ~~have known, that the accident occurred; and~~

365 ~~(II) The person failed to give information and render aid~~  
366 ~~as required by s. 327.30.~~

367  
368 ~~This sub-subparagraph does not require that the person knew that~~  
369 ~~the accident resulted in injury or death.~~

370 (8) A person who is arrested for a violation of this  
371 section may not be released from custody:

372 (a) Until the person is no longer under the influence of  
373 alcoholic beverages, any chemical substance set forth in s.  
374 877.111, ~~or~~ any substance controlled under chapter 893, or any  
375 other impairing substance, or any combination thereof, and  
376 affected to the extent that his or her normal faculties are  
377 impaired;

26-00563C-24

20241172\_\_

378 (b) Until the person's blood-alcohol level or breath-  
379 alcohol level is less than 0.05; or

380 (c) Until 8 hours have elapsed from the time the person was  
381 arrested.

382 (11) As used in this section, the term "impairing  
383 substance" means any substance that, when taken into the human  
384 body, can impair, or diminish in some material respect, a  
385 person's normal faculties. Such normal faculties include, but  
386 are not limited to, the ability to see, hear, walk, talk, gauge  
387 distances, drive a motor vehicle, operate a boating vessel, make  
388 judgments, act in emergencies, and, in general, perform the many  
389 mental and physical acts of daily life.

390 (12) Notwithstanding any other law and for the purpose of  
391 prosecutions under this section, the law enforcement officer who  
392 administers a horizontal nystagmus gaze test may give testimony  
393 as a witness on the issue of a person's impairment based on the  
394 results of such test if the officer has successfully completed  
395 training on such test and if such test is given in accordance  
396 with his or her training.

397 (13) Notwithstanding any other law, a law enforcement  
398 witness in a criminal prosecution under this section may give  
399 expert testimony on the issue of impairment relating to whether  
400 a person was under the influence of one or more impairing  
401 substances, and the category or categories of the impairing  
402 substance or substances, if the witness holds current  
403 credentials as a drug recognition expert, issued by the  
404 International Association of Chiefs of Police, at the time of  
405 arrest.

406 (14) For the purpose of determining whether a conviction is

26-00563C-24

20241172\_\_

407 a first, second, or third or subsequent conviction for the  
408 purposes of sentencing under this section, the term "conviction"  
409 includes being convicted of a violation of this section, or the  
410 completion of any diversion or other program that results in the  
411 dismissal or change of charge for a violation of this section.  
412 The term also includes being convicted of a violation of any law  
413 or ordinance of another state or jurisdiction which this section  
414 prohibits, or the completion of any diversion or other program  
415 that results in the dismissal or change of charge for a  
416 violation of such law or ordinance of another state or  
417 jurisdiction which this section prohibits.

418 (15) The clerk of court shall notify the Department of Law  
419 Enforcement of the dismissal or change of charge for a violation  
420 of this section based on the completion of any diversion or  
421 other program. The department shall maintain a record of a  
422 person's completion of any diversion or other program that  
423 results in a dismissal or change of charge for a violation of  
424 this section.

425 (16) There is a rebuttable presumption that a diversion or  
426 other program was completed that results in the dismissal or  
427 change of charge for a violation of this section as provided in  
428 subsection (14) if notation or designation of such appears in  
429 the Department of Law Enforcement's records.

430 Section 4. Subsections (2) and (3) of section 316.1939,  
431 Florida Statutes, are amended to read:

432 316.1939 Refusal to submit to testing; penalties.—

433 (2) The disposition of any administrative proceeding that  
434 relates to the suspension of a person's driving privilege or a  
435 fine under s. 327.35215 does not affect a criminal action under

26-00563C-24

20241172\_\_

436 this section.

437 (3) The disposition of a criminal action under this section  
438 does not affect any administrative proceeding that relates to  
439 the suspension of a person's driving privilege. The department's  
440 records showing that a person's license or driving privilege has  
441 been previously suspended, or the person has previously been  
442 fined under s. 327.35215, for a prior refusal to submit to a  
443 lawful test of his or her breath, urine, or blood shall be  
444 admissible and shall create a rebuttable presumption of such  
445 suspension or fine.

446 Section 5. Section 316.645, Florida Statutes, is amended to  
447 read:

448 316.645 Arrest authority of officer at scene of a traffic  
449 crash.—A police officer who makes any ~~an~~ investigation at the  
450 scene of a traffic crash may arrest any driver of a vehicle  
451 involved in the crash when, based upon any personal  
452 investigation, the officer has reasonable and probable grounds  
453 to believe that the person has committed any offense under the  
454 provisions of this chapter, chapter 320, or chapter 322 in  
455 connection with the crash.

456 Section 6. Present subsections (1) through (48) of section  
457 322.01, Florida Statutes, are redesignated as subsections (2)  
458 through (49), respectively, and a new subsection (1) is added to  
459 that section, to read:

460 322.01 Definitions.—As used in this chapter:

461 (1) "Actual physical control" means being physically in or  
462 on a motor vehicle and having the capability to operate the  
463 vehicle, regardless of whether the vehicle is actually being  
464 operated at that time.

26-00563C-24

20241172\_\_

465 Section 7. Present subsections (1) through (48) of section  
466 327.02, Florida Statutes, are redesignated as subsections (2)  
467 through (49), respectively, and a new subsection (1) is added to  
468 that section, to read:

469 327.02 Definitions.—As used in this chapter and in chapter  
470 328, unless the context clearly requires a different meaning,  
471 the term:

472 (1) "Actual physical control" means being physically in or  
473 on a vessel and having the capability to operate the vessel,  
474 regardless of whether the vessel is actually being operated at  
475 that time.

476 Section 8. Section 327.359, Florida Statutes, is amended to  
477 read:

478 327.359 Refusal to submit to testing; penalties.—

479 (1) A person who has refused to submit to a chemical or  
480 physical test of his or her breath or urine, as described in s.  
481 327.352, and who has been previously fined under s. 327.35215 or  
482 has previously had his or her driver license suspended for  
483 refusal to submit to a lawful test of his or her breath, urine,  
484 or blood, and:

485 (a)~~(1)~~ Who the arresting law enforcement officer had  
486 probable cause to believe was operating or in actual physical  
487 control of a vessel in this state while under the influence of  
488 alcoholic beverages, chemical substances, or controlled  
489 substances;

490 (b)~~(2)~~ Who was placed under lawful arrest for a violation  
491 of s. 327.35 unless such test was requested pursuant to s.  
492 327.352 (1) (c);

493 (c)~~(3)~~ Who was informed that if he or she refused to submit

26-00563C-24

20241172\_\_

494 to such test, he or she is subject to a fine of \$500;

495 (d)~~(4)~~ Who was informed that a refusal to submit to a  
496 lawful test of his or her breath or urine, if he or she has been  
497 previously fined under s. 327.35215 or has previously had his or  
498 her driver license suspended for refusal to submit to a lawful  
499 test of his or her breath, urine, or blood, is a misdemeanor of  
500 the first degree, punishable as provided in s. 775.082 or s.  
501 775.083; and

502 (e)~~(5)~~ Who, after having been so informed, refused to  
503 submit to any such test when requested to do so by a law  
504 enforcement officer or correctional officer commits a  
505 misdemeanor of the first degree, punishable as provided in s.  
506 775.082 or s. 775.083.

507 (2) The disposition of any administrative proceeding that  
508 relates to a fine under s. 327.35215 or to the suspension of a  
509 person's driving privilege does not affect a criminal action  
510 under this section.

511 (3) The disposition of a criminal action under this section  
512 does not affect any administrative proceeding that relates to  
513 the suspension of a person's driving privilege. The Department  
514 of Highway Safety and Motor Vehicles' records showing that a  
515 person has previously been fined under s. 327.35215, or that a  
516 person's license or driving privilege has been previously  
517 suspended, for a prior refusal to submit to a lawful test of his  
518 or her breath, urine, or blood is admissible and creates a  
519 rebuttable presumption of such suspension.

520 Section 9. Section 933.02, Florida Statutes, is amended to  
521 read:

522 933.02 Grounds for issuance of search warrant.—Upon proper

26-00563C-24

20241172\_\_

523 affidavits being made, a search warrant may be issued under the  
524 provisions of this chapter upon any of the following grounds:

525 (1) When the property shall have been stolen or embezzled  
526 in violation of law;

527 (2) When any property shall have been used:

528 (a) As a means to commit any crime;

529 (b) In connection with gambling, gambling implements and  
530 appliances; or

531 (c) In violation of s. 847.011 or other laws in reference  
532 to obscene prints and literature;

533 (3) When any property constitutes evidence relevant to  
534 proving that a felony has been committed;

535 (4) When any property is being held or possessed:

536 (a) In violation of any of the laws prohibiting the  
537 manufacture, sale, and transportation of intoxicating liquors;

538 (b) In violation of the fish and game laws;

539 (c) In violation of the laws relative to food and drug; or

540 (d) In violation of the laws relative to citrus disease  
541 pursuant to s. 581.184; ~~or~~

542 (5) When the laws in relation to cruelty to animals, as  
543 provided in chapter 828, have been or are violated in any  
544 particular building or place; or

545 (6) When a sample of the blood of a person constitutes  
546 evidence relevant to proving that a violation of s. 316.193 or  
547 s. 327.35 has been committed.

548  
549 This section also applies to any papers or documents used as a  
550 means of or in aid of the commission of any offense against the  
551 laws of the state.

26-00563C-24

20241172\_\_

552 Section 10. Subsection (1) of section 948.15, Florida  
553 Statutes, is amended to read:

554 948.15 Misdemeanor probation services.—

555 (1) A defendant found guilty of a misdemeanor who is placed  
556 on probation shall be under supervision not to exceed 6 months  
557 unless otherwise specified by the court. Probation supervision  
558 services for a defendant found guilty of a misdemeanor for  
559 possession of a controlled substance or drug paraphernalia under  
560 chapter 893 may be provided by a licensed substance abuse  
561 education and intervention program, which may provide substance  
562 abuse education and intervention as well as any other terms and  
563 conditions of probation. In relation to any offense other than a  
564 felony in which the use of alcohol, any chemical substance set  
565 forth in s. 877.111, any substance controlled under chapter 893,  
566 or any impairing substance as defined in s. 316.193(14)(c) or s.  
567 327.35(11) is a contributing ~~significant~~ factor, the period of  
568 probation may be up to 1 year.

569 Section 11. Paragraph (c) of subsection (1) of section  
570 212.05, Florida Statutes, is amended to read:

571 212.05 Sales, storage, use tax.—It is hereby declared to be  
572 the legislative intent that every person is exercising a taxable  
573 privilege who engages in the business of selling tangible  
574 personal property at retail in this state, including the  
575 business of making or facilitating remote sales; who rents or  
576 furnishes any of the things or services taxable under this  
577 chapter; or who stores for use or consumption in this state any  
578 item or article of tangible personal property as defined herein  
579 and who leases or rents such property within the state.

580 (1) For the exercise of such privilege, a tax is levied on

26-00563C-24

20241172\_\_

581 each taxable transaction or incident, which tax is due and  
582 payable as follows:

583 (c) At the rate of 6 percent of the gross proceeds derived  
584 from the lease or rental of tangible personal property, as  
585 defined herein; however, the following special provisions apply  
586 to the lease or rental of motor vehicles and to peer-to-peer  
587 car-sharing programs:

588 1. When a motor vehicle is leased or rented by a motor  
589 vehicle rental company or through a peer-to-peer car-sharing  
590 program as those terms are defined in s. 212.0606(1) for a  
591 period of less than 12 months:

592 a. If the motor vehicle is rented in Florida, the entire  
593 amount of such rental is taxable, even if the vehicle is dropped  
594 off in another state.

595 b. If the motor vehicle is rented in another state and  
596 dropped off in Florida, the rental is exempt from Florida tax.

597 c. If the motor vehicle is rented through a peer-to-peer  
598 car-sharing program, the peer-to-peer car-sharing program shall  
599 collect and remit the applicable tax due in connection with the  
600 rental.

601 2. Except as provided in subparagraph 3., for the lease or  
602 rental of a motor vehicle for a period of not less than 12  
603 months, sales tax is due on the lease or rental payments if the  
604 vehicle is registered in this state; provided, however, that no  
605 tax shall be due if the taxpayer documents use of the motor  
606 vehicle outside this state and tax is being paid on the lease or  
607 rental payments in another state.

608 3. The tax imposed by this chapter does not apply to the  
609 lease or rental of a commercial motor vehicle as defined in s.

26-00563C-24

20241172\_\_

610 316.003(15)(a) ~~s. 316.003(14)(a)~~ to one lessee or rentee for a  
611 period of not less than 12 months when tax was paid on the  
612 purchase price of such vehicle by the lessor. To the extent tax  
613 was paid with respect to the purchase of such vehicle in another  
614 state, territory of the United States, or the District of  
615 Columbia, the Florida tax payable shall be reduced in accordance  
616 with s. 212.06(7). This subparagraph shall only be available  
617 when the lease or rental of such property is an established  
618 business or part of an established business or the same is  
619 incidental or germane to such business.

620 Section 12. Paragraph (f) of subsection (1) of section  
621 316.1932, Florida Statutes, is amended to read:

622 316.1932 Tests for alcohol, chemical substances, or  
623 controlled substances; implied consent; refusal.-

624 (1)

625 (f)1. The tests determining the weight of alcohol in the  
626 defendant's blood or breath shall be administered at the request  
627 of a law enforcement officer substantially in accordance with  
628 rules of the Department of Law Enforcement. Such rules must  
629 specify precisely the test or tests that are approved by the  
630 Department of Law Enforcement for reliability of result and ease  
631 of administration, and must provide an approved method of  
632 administration which must be followed in all such tests given  
633 under this section. However, the failure of a law enforcement  
634 officer to request the withdrawal of blood does not affect the  
635 admissibility of a test of blood withdrawn for medical purposes.

636 2.a. Only a physician, certified paramedic, registered  
637 nurse, licensed practical nurse, other personnel authorized by a  
638 hospital to draw blood, or duly licensed clinical laboratory

26-00563C-24

20241172\_\_

639 director, supervisor, technologist, or technician, acting at the  
640 request of a law enforcement officer, may withdraw blood for the  
641 purpose of determining its alcoholic content or the presence of  
642 chemical substances or controlled substances therein. However,  
643 the failure of a law enforcement officer to request the  
644 withdrawal of blood does not affect the admissibility of a test  
645 of blood withdrawn for medical purposes.

646 b. Notwithstanding any provision of law pertaining to the  
647 confidentiality of hospital records or other medical records, if  
648 a health care provider, who is providing medical care in a  
649 health care facility to a person injured in a motor vehicle  
650 crash, becomes aware, as a result of any blood test performed in  
651 the course of that medical treatment, that the person's blood-  
652 alcohol level meets or exceeds the blood-alcohol level specified  
653 in s. 316.193(1)(a)2. ~~s. 316.193(1)(b)~~, the health care provider  
654 may notify any law enforcement officer or law enforcement  
655 agency. Any such notice must be given within a reasonable time  
656 after the health care provider receives the test result. Any  
657 such notice shall be used only for the purpose of providing the  
658 law enforcement officer with reasonable cause to request the  
659 withdrawal of a blood sample pursuant to this section.

660 c. The notice must ~~shall~~ consist only of the name of the  
661 person being treated, the name of the person who drew the blood,  
662 the blood-alcohol level indicated by the test, and the date and  
663 time of the administration of the test.

664 d. Nothing contained in s. 395.3025(4), s. 456.057, or any  
665 applicable practice act affects the authority to provide notice  
666 under this section, and the health care provider is not  
667 considered to have breached any duty owed to the person under s.

26-00563C-24

20241172\_\_

668 395.3025(4), s. 456.057, or any applicable practice act by  
669 providing notice or failing to provide notice. It is ~~shall~~ not  
670 be a breach of any ethical, moral, or legal duty for a health  
671 care provider to provide notice or fail to provide notice.

672 e. A civil, criminal, or administrative action may not be  
673 brought against any person or health care provider participating  
674 in good faith in the provision of notice or failure to provide  
675 notice as provided in this section. Any person or health care  
676 provider participating in the provision of notice or failure to  
677 provide notice as provided in this section shall be immune from  
678 any civil or criminal liability and from any professional  
679 disciplinary action with respect to the provision of notice or  
680 failure to provide notice under this section. Any such  
681 participant has the same immunity with respect to participating  
682 in any judicial proceedings resulting from the notice or failure  
683 to provide notice.

684 3. The person tested may, at his or her own expense, have a  
685 physician, registered nurse, other personnel authorized by a  
686 hospital to draw blood, or duly licensed clinical laboratory  
687 director, supervisor, technologist, or technician, or other  
688 person of his or her own choosing administer an independent test  
689 in addition to the test administered at the direction of the law  
690 enforcement officer for the purpose of determining the amount of  
691 alcohol in the person's blood or breath or the presence of  
692 chemical substances or controlled substances at the time  
693 alleged, as shown by chemical analysis of his or her blood or  
694 urine, or by chemical or physical test of his or her breath. The  
695 failure or inability to obtain an independent test by a person  
696 does not preclude the admissibility in evidence of the test

26-00563C-24

20241172\_\_

697 taken at the direction of the law enforcement officer. The law  
698 enforcement officer shall not interfere with the person's  
699 opportunity to obtain the independent test and shall provide the  
700 person with timely telephone access to secure the test, but the  
701 burden is on the person to arrange and secure the test at the  
702 person's own expense.

703 4. Upon the request of the person tested, full information  
704 concerning the results of the test taken at the direction of the  
705 law enforcement officer shall be made available to the person or  
706 his or her attorney. Full information is limited to the  
707 following:

708 a. The type of test administered and the procedures  
709 followed.

710 b. The time of the collection of the blood or breath sample  
711 analyzed.

712 c. The numerical results of the test indicating the alcohol  
713 content of the blood and breath.

714 d. The type and status of any permit issued by the  
715 Department of Law Enforcement which was held by the person who  
716 performed the test.

717 e. If the test was administered by means of a breath  
718 testing instrument, the date of performance of the most recent  
719 required inspection of such instrument.

720  
721 Full information does not include manuals, schematics, or  
722 software of the instrument used to test the person or any other  
723 material that is not in the actual possession of the state.

724 Additionally, full information does not include information in  
725 the possession of the manufacturer of the test instrument.

26-00563C-24

20241172\_\_

726           5. A hospital, clinical laboratory, medical clinic, or  
727 similar medical institution or physician, certified paramedic,  
728 registered nurse, licensed practical nurse, other personnel  
729 authorized by a hospital to draw blood, or duly licensed  
730 clinical laboratory director, supervisor, technologist, or  
731 technician, or other person assisting a law enforcement officer  
732 does not incur any civil or criminal liability as a result of  
733 the withdrawal or analysis of a blood or urine specimen, or the  
734 chemical or physical test of a person's breath pursuant to  
735 accepted medical standards when requested by a law enforcement  
736 officer, regardless of whether or not the subject resisted  
737 administration of the test.

738           Section 13. Paragraph (a) of subsection (2) of section  
739 316.1933, Florida Statutes, is amended to read:

740           316.1933 Blood test for impairment or intoxication in cases  
741 of death or serious bodily injury; right to use reasonable  
742 force.—

743           (2) (a) Only a physician, certified paramedic, registered  
744 nurse, licensed practical nurse, other personnel authorized by a  
745 hospital to draw blood, or duly licensed clinical laboratory  
746 director, supervisor, technologist, or technician, acting at the  
747 request of a law enforcement officer, may withdraw blood for the  
748 purpose of determining the alcoholic content thereof or the  
749 presence of chemical substances or controlled substances  
750 therein. However, the failure of a law enforcement officer to  
751 request the withdrawal of blood does ~~shall~~ not affect the  
752 admissibility of a test of blood withdrawn for medical purposes.

753           1. Notwithstanding any provision of law pertaining to the  
754 confidentiality of hospital records or other medical records, if

26-00563C-24

20241172\_\_

755 a health care provider, who is providing medical care in a  
756 health care facility to a person injured in a motor vehicle  
757 crash, becomes aware, as a result of any blood test performed in  
758 the course of that medical treatment, that the person's blood-  
759 alcohol level meets or exceeds the blood-alcohol level specified  
760 in s. 316.193(1)(a)2. ~~s. 316.193(1)(b)~~, the health care provider  
761 may notify any law enforcement officer or law enforcement  
762 agency. Any such notice must be given within a reasonable time  
763 after the health care provider receives the test result. Any  
764 such notice shall be used only for the purpose of providing the  
765 law enforcement officer with reasonable cause to request the  
766 withdrawal of a blood sample pursuant to this section.

767 2. The notice must ~~shall~~ consist only of the name of the  
768 person being treated, the name of the person who drew the blood,  
769 the blood-alcohol level indicated by the test, and the date and  
770 time of the administration of the test.

771 3. Nothing contained in s. 395.3025(4), s. 456.057, or any  
772 applicable practice act affects the authority to provide notice  
773 under this section, and the health care provider is not  
774 considered to have breached any duty owed to the person under s.  
775 395.3025(4), s. 456.057, or any applicable practice act by  
776 providing notice or failing to provide notice. It is ~~shall~~ not  
777 ~~be~~ a breach of any ethical, moral, or legal duty for a health  
778 care provider to provide notice or fail to provide notice.

779 4. A civil, criminal, or administrative action may not be  
780 brought against any person or health care provider participating  
781 in good faith in the provision of notice or failure to provide  
782 notice as provided in this section. Any person or health care  
783 provider participating in the provision of notice or failure to

26-00563C-24

20241172\_\_

784 provide notice as provided in this section shall be immune from  
785 any civil or criminal liability and from any professional  
786 disciplinary action with respect to the provision of notice or  
787 failure to provide notice under this section. Any such  
788 participant has the same immunity with respect to participating  
789 in any judicial proceedings resulting from the notice or failure  
790 to provide notice.

791 Section 14. Subsection (3) of section 316.303, Florida  
792 Statutes, is amended to read:

793 316.303 Television receivers.—

794 (3) This section does not prohibit the use of an electronic  
795 display used in conjunction with a vehicle navigation system; an  
796 electronic display used by an operator of an autonomous vehicle,  
797 as defined in s. 316.003(4) ~~s. 316.003(3)~~; or an electronic  
798 display used by an operator of a vehicle equipped and operating  
799 with driver-assistive truck platooning technology, as defined in  
800 s. 316.003.

801 Section 15. Paragraph (b) of subsection (3) of section  
802 316.305, Florida Statutes, is amended to read:

803 316.305 Wireless communications devices; prohibition.—

804 (3)

805 (b) Paragraph (a) does not apply to a motor vehicle  
806 operator who is:

807 1. Performing official duties as an operator of an  
808 authorized emergency vehicle as defined in s. 322.01, a law  
809 enforcement or fire service professional, or an emergency  
810 medical services professional.

811 2. Reporting an emergency or criminal or suspicious  
812 activity to law enforcement authorities.

26-00563C-24

20241172\_\_

- 813 3. Receiving messages that are:
- 814 a. Related to the operation or navigation of the motor
- 815 vehicle;
- 816 b. Safety-related information, including emergency,
- 817 traffic, or weather alerts;
- 818 c. Data used primarily by the motor vehicle; or
- 819 d. Radio broadcasts.
- 820 4. Using a device or system for navigation purposes.
- 821 5. Conducting wireless interpersonal communication that
- 822 does not require manual entry of multiple letters, numbers, or
- 823 symbols, except to activate, deactivate, or initiate a feature
- 824 or function.
- 825 6. Conducting wireless interpersonal communication that
- 826 does not require reading text messages, except to activate,
- 827 deactivate, or initiate a feature or function.
- 828 7. Operating an autonomous vehicle, as defined in s.
- 829 316.003(4) ~~s. 316.003(3)~~, with the automated driving system
- 830 engaged.

831 Section 16. Paragraph (a) of subsection (3) of section

832 316.306, Florida Statutes, is amended to read:

833 316.306 School and work zones; prohibition on the use of a

834 wireless communications device in a handheld manner.-

835 (3)(a)1. A person may not operate a motor vehicle while

836 using a wireless communications device in a handheld manner in a

837 designated school crossing, school zone, or work zone area as

838 defined in s. 316.003(112) ~~s. 316.003(111)~~. This subparagraph

839 shall only be applicable to work zone areas if construction

840 personnel are present or are operating equipment on the road or

841 immediately adjacent to the work zone area. For the purposes of

26-00563C-24

20241172\_\_

842 this paragraph, a motor vehicle that is stationary is not being  
843 operated and is not subject to the prohibition in this  
844 paragraph.

845 2. Effective January 1, 2020, a law enforcement officer may  
846 stop motor vehicles and issue citations to persons who are  
847 driving while using a wireless communications device in a  
848 handheld manner in violation of subparagraph 1.

849 Section 17. Subsections (1) and (5) of section 316.85,  
850 Florida Statutes, are amended to read:

851 316.85 Autonomous vehicles; operation; compliance with  
852 traffic and motor vehicle laws; testing.—

853 (1) Notwithstanding any other law, a licensed human  
854 operator is not required to operate a fully autonomous vehicle  
855 as defined in s. 316.003(4) ~~s. 316.003(3)~~.

856 (5) Notwithstanding any other provision of this chapter, an  
857 autonomous vehicle or a fully autonomous vehicle equipped with a  
858 teleoperation system may operate without a human operator  
859 physically present in the vehicle when the teleoperation system  
860 is engaged. A vehicle that is subject to this subsection must  
861 meet the requirements of s. 319.145 and is considered a vehicle  
862 that meets the definition provided in s. 316.003(4)(c) ~~s.~~  
863 ~~316.003(3)(c)~~ for the purposes of ss. 316.062(5), 316.063(4),  
864 316.065(5), 316.1975(3), and 316.303(1).

865 Section 18. Paragraphs (e) and (f) of subsection (2) of  
866 section 322.18, Florida Statutes, are amended to read:

867 322.18 Original applications, licenses, and renewals;  
868 expiration of licenses; delinquent licenses.—

869 (2) Each applicant who is entitled to the issuance of a  
870 driver license, as provided in this section, shall be issued a

26-00563C-24

20241172\_\_

871 driver license, as follows:

872 (e) Notwithstanding any other provision of this chapter, an  
873 applicant applying for an original or renewal issuance of a  
874 commercial driver license as defined in s. 322.01(8) ~~s.~~  
875 ~~322.01(7)~~, with a hazardous-materials endorsement, pursuant to  
876 s. 322.57(1)(e), shall be issued a driver license that expires  
877 at midnight on the licensee's birthday that next occurs 4 years  
878 after the month of expiration of the license being issued or  
879 renewed.

880 (f) Notwithstanding any other provision of this chapter, an  
881 applicant applying for an original issuance of a commercial  
882 driver license as defined in s. 322.01(8) ~~s. 322.01(7)~~ shall be  
883 issued a driver license that expires at midnight 8 years after  
884 the licensee's last birthday prior to issuance of the license.

885 Section 19. Subsection (2) of section 322.34, Florida  
886 Statutes, is amended to read:

887 322.34 Driving while license suspended, revoked, canceled,  
888 or disqualified.—

889 (2) Any person whose driver license or driving privilege  
890 has been canceled, suspended, or revoked as provided by law, or  
891 who does not have a driver license or driving privilege but is  
892 under suspension or revocation equivalent status as defined in  
893 s. 322.01(43) ~~s. 322.01(42)~~, except persons defined in s.  
894 322.264, who, knowing of such cancellation, suspension,  
895 revocation, or suspension or revocation equivalent status,  
896 drives any motor vehicle upon the highways of this state while  
897 such license or privilege is canceled, suspended, or revoked, or  
898 while under suspension or revocation equivalent status, commits:

899 (a) A misdemeanor of the second degree, punishable as

26-00563C-24

20241172\_\_

900 provided in s. 775.082 or s. 775.083.

901 (b)1. A misdemeanor of the first degree, punishable as  
902 provided in s. 775.082 or s. 775.083, upon a second or  
903 subsequent conviction, except as provided in paragraph (c).

904 2. A person convicted of a third or subsequent conviction,  
905 except as provided in paragraph (c), must serve a minimum of 10  
906 days in jail.

907 (c) A felony of the third degree, punishable as provided in  
908 s. 775.082, s. 775.083, or s. 775.084, upon a third or  
909 subsequent conviction if the current violation of this section  
910 or the most recent prior violation of the section is related to  
911 driving while license canceled, suspended, revoked, or  
912 suspension or revocation equivalent status resulting from a  
913 violation of:

914 1. Driving under the influence;

915 2. Refusal to submit to a urine, breath-alcohol, or blood  
916 alcohol test;

917 3. A traffic offense causing death or serious bodily  
918 injury; or

919 4. Fleeing or eluding.

920  
921 The element of knowledge is satisfied if the person has been  
922 previously cited as provided in subsection (1); or the person  
923 admits to knowledge of the cancellation, suspension, or  
924 revocation, or suspension or revocation equivalent status; or  
925 the person received notice as provided in subsection (4). There  
926 shall be a rebuttable presumption that the knowledge requirement  
927 is satisfied if a judgment or order as provided in subsection  
928 (4) appears in the department's records for any case except for

26-00563C-24

20241172\_\_

929 one involving a suspension by the department for failure to pay  
930 a traffic fine or for a financial responsibility violation.

931 Section 20. Subsection (4) of section 322.61, Florida  
932 Statutes, is amended to read:

933 322.61 Disqualification from operating a commercial motor  
934 vehicle.—

935 (4) Any person who is transporting hazardous materials as  
936 defined in s. 322.01(25) ~~s. 322.01(24)~~ shall, upon conviction of  
937 an offense specified in subsection (3), be disqualified from  
938 operating a commercial motor vehicle for a period of 3 years.  
939 The penalty provided in this subsection shall be in addition to  
940 any other applicable penalty.

941 Section 21. Subsection (1) of section 327.391, Florida  
942 Statutes, is amended to read:

943 327.391 Airboats regulated.—

944 (1) The exhaust of every internal combustion engine used on  
945 any airboat operated on the waters of this state shall be  
946 provided with an automotive-style factory muffler, underwater  
947 exhaust, or other manufactured device capable of adequately  
948 muffling the sound of the exhaust of the engine as described in  
949 s. 327.02(32) ~~s. 327.02(31)~~. The use of cutouts or flex pipe as  
950 the sole source of muffling is prohibited, except as provided in  
951 subsection (4). A person who violates this subsection commits a  
952 noncriminal infraction, punishable as provided in s. 327.73(1).

953 Section 22. Subsection (8) of section 327.53, Florida  
954 Statutes, is amended to read:

955 327.53 Marine sanitation.—

956 (8) The owner or operator of a live-aboard vessel as  
957 defined in s. 327.02(24) ~~s. 327.02(23)~~, or a houseboat as

26-00563C-24

20241172\_\_

958 defined in s. 327.02(18) ~~s. 327.02(17)~~, that is equipped with a  
959 marine sanitation device must maintain a record of the date of  
960 each pumpout of the marine sanitation device and the location of  
961 the pumpout station or waste reception facility. Each record  
962 must be maintained for 1 year after the date of the pumpout.  
963 This subsection does not apply to marine compost toilets that  
964 process and manage human waste using marine compost toilet  
965 technologies that comply with United States Coast Guard  
966 requirements.

967 Section 23. Paragraphs (b) and (c) of subsection (1) of  
968 section 627.749, Florida Statutes, are amended to read:

969 627.749 Autonomous vehicles; insurance requirements.—

970 (1) DEFINITIONS.—As used in this section, the term:

971 (b) "Autonomous vehicle" has the same meaning as provided  
972 in s. 316.003(4) ~~s. 316.003(3)~~.

973 (c) "Fully autonomous vehicle" has the same meaning as  
974 provided in s. 316.003(4) ~~s. 316.003(3)~~.

975 Section 24. Subsection (1) of section 655.960, Florida  
976 Statutes, is amended to read:

977 655.960 Definitions; ss. 655.960-655.965.—As used in this  
978 section and ss. 655.961-655.965, unless the context otherwise  
979 requires:

980 (1) "Access area" means any paved walkway or sidewalk which  
981 is within 50 feet of any automated teller machine. The term does  
982 not include any street or highway open to the use of the public,  
983 as defined in s. 316.003(90)(a) or (b) ~~s. 316.003(89)(a) or (b)~~,  
984 including any adjacent sidewalk, as defined in s. 316.003.

985 Section 25. Paragraphs (g), (h), and (i) of subsection (3)  
986 of section 921.0022, Florida Statutes, are amended to read:

26-00563C-24

20241172\_\_

987 921.0022 Criminal Punishment Code; offense severity ranking  
 988 chart.—

989 (3) OFFENSE SEVERITY RANKING CHART

990 (g) LEVEL 7

991

Florida	Felony	
Statute	Degree	Description

992

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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993

316.193 (3) (c) 2.	<u>2nd</u> <del>3rd</del>	DUI resulting in serious bodily injury.
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994

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.
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995

327.35 (3) (c) 2.	<u>2nd</u> <del>3rd</del>	Vessel BUI resulting in serious bodily injury.
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996

26-00563C-24

20241172\_\_

997	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
998	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
999	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1000	456.065 (2)	3rd	Practicing a health care profession without a license.
1001	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1002	458.327 (1)	3rd	Practicing medicine without a license.
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.

26-00563C-24

20241172\_\_

1003  
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460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory

26-00563C-24

20241172\_\_

1012

care services without a license.

483.828 (1)

3rd

Practicing as clinical laboratory personnel without a license.

1013

483.901 (7)

3rd

Practicing medical physics without a license.

1014

484.013 (1) (c)

3rd

Preparing or dispensing optical devices without a prescription.

1015

484.053

3rd

Dispensing hearing aids without a license.

1016

494.0018 (2)

1st

Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

1017

560.123 (8) (b) 1.

3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money

26-00563C-24

20241172\_\_

1018

560.125 (5) (a)

3rd

services business.

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

1019

655.50 (10) (b) 1.

3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

1020

775.21 (10) (a)

3rd

Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

1021

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

1022

775.21 (10) (g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

26-00563C-24

20241172\_\_

1023  
1024  
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1028

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

782.07 (1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

782.071

2nd

Killing of a human being or unborn child 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 vessel in a reckless manner (vessel homicide).

784.045 (1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

26-00563C-24 20241172\_\_

1029	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1030	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1031	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1032	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1033	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1034	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1035	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1036	784.081 (1)	1st	Aggravated battery on specified official or employee.

26-00563C-24

20241172\_\_

1037	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1038	784.083 (1)	1st	Aggravated battery on code inspector.
1039	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
1040	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1041	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1042	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax

26-00563C-24

20241172\_\_

1043

790.165 (3)

2nd

bomb.

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

1044

790.166 (3)

2nd

Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

1045

790.166 (4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

1046

790.23

1st, PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

1047

794.08 (4)

3rd

Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a

26-00563C-24

20241172\_\_

1048			victim younger than 18 years of age.
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
1049			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1050			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1051			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1052			
	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction

26-00563C-24

20241172\_\_

1053

for specified sex offense.

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

1054

810.02 (3) (a)

2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

1055

810.02 (3) (b)

2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

1056

810.02 (3) (d)

2nd

Burglary of occupied conveyance; unarmed; no assault or battery.

1057

810.02 (3) (e)

2nd

Burglary of authorized emergency vehicle.

1058

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.



26-00563C-24

20241172\_\_

1065

812.131 (2) (a) 2nd Robbery by sudden snatching.

1066

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

1067

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

1068

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

1069

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

1070

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

1071

817.2341 1st Making false entries of (2) (b) & (3) (b) material fact or false statements regarding property values relating to the solvency of an

26-00563C-24

20241172\_\_

1072

insuring entity which are  
a significant cause of the  
insolvency of that entity.

817.418 (2) (a)

3rd

Offering for sale or  
advertising personal  
protective equipment with  
intent to defraud.

1073

817.504 (1) (a)

3rd

Offering or advertising a  
vaccine with intent to  
defraud.

1074

817.535 (2) (a)

3rd

Filing false lien or other  
unauthorized document.

1075

817.611 (2) (b)

2nd

Traffic in or possess 15  
to 49 counterfeit credit  
cards or related  
documents.

1076

825.102 (3) (b)

2nd

Neglecting an elderly  
person or disabled adult  
causing great bodily harm,  
disability, or  
disfigurement.

1077

825.103 (3) (b)

2nd

Exploiting an elderly  
person or disabled adult

26-00563C-24

20241172\_\_

			and property is valued at \$10,000 or more, but less than \$50,000.
1078	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1079	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1080	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1081	838.015	2nd	Bribery.
1082	838.016	2nd	Unlawful compensation or reward for official behavior.
1083	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1084	838.22	2nd	Bid tampering.

26-00563C-24

20241172\_\_

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1092

843.0855 (2)	3rd	Impersonation of a public officer or employee.
843.0855 (3)	3rd	Unlawful simulation of legal process.
843.0855 (4)	3rd	Intimidation of a public officer or employee.
847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st, PBL	Knowingly initiates, organizes, plans,

26-00563C-24

20241172\_\_

1093

893.13(1)(c)1.

1st

finances, directs,  
manages, or supervises  
criminal gang-related  
activity.

1094

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

1095

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

26-00563C-24

20241172\_\_

1096	893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1097	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1098	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1099	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1100	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1101	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1102	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
	893.135	1st	Trafficking in oxycodone,

26-00563C-24

20241172\_\_

1103	(1) (c) 3.b.		14 grams or more, less than 25 grams.
1104	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
1105	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
1106	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
1107	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1108	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1109	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

26-00563C-24

20241172\_\_

1110	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
1111	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1112	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1113	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1114	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1115	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

26-00563C-24

20241172\_\_

1116

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

1117

896.104 (4) (a) 1.

3rd

Structuring transactions  
to evade reporting or  
registration requirements,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

1118

943.0435 (4) (c)

2nd

Sexual offender vacating  
permanent residence;  
failure to comply with  
reporting requirements.

1119

943.0435 (8)

2nd

Sexual offender; remains  
in state after indicating  
intent to leave; failure  
to comply with reporting  
requirements.

1120

943.0435 (9) (a)

3rd

Sexual offender; failure  
to comply with reporting  
requirements.

943.0435 (13)

3rd

Failure to report or  
providing false

26-00563C-24

20241172\_\_

1121

information about a sexual offender; harbor or conceal a sexual offender.

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1122

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

1123

944.607 (10) (a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

1124

944.607 (12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1125

944.607 (13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification;

26-00563C-24

20241172\_\_

1126

providing false  
registration information.

985.4815(10)

3rd

Sexual offender; failure  
to submit to the taking of  
a digitized photograph.

1127

985.4815(12)

3rd

Failure to report or  
providing false  
information about a sexual  
offender; harbor or  
conceal a sexual offender.

1128

985.4815(13)

3rd

Sexual offender; failure  
to report and reregister;  
failure to respond to  
address verification;  
providing false  
registration information.

1129

1130

(h) LEVEL 8

1131

Florida

Felony

Statute

Degree

Description

1132

316.193

1st ~~2nd~~

DUI manslaughter.

(3) (c) 3.

~~316.193~~

~~(3) (c) 3.a.~~

26-00563C-24

20241172\_\_

1133

316.1935 (4) (b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.

1134

327.35 (3) (c) 3. 1st ~~2nd~~ Vessel BUI manslaughter.

1135

499.0051 (6) 1st Knowing trafficking in contraband prescription drugs.

1136

499.0051 (7) 1st Knowing forgery of prescription labels or prescription drug labels.

1137

560.123 (8) (b) 2. 2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

1138

560.125 (5) (b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than

26-00563C-24

20241172\_\_

1139

655.50(10)(b)2.

2nd

\$100,000.

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

1140

777.03(2)(a)

1st

Accessory after the fact, capital felony.

1141

782.04(4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

1142

782.051(2)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated

26-00563C-24

20241172\_\_

in s. 782.04(3).

1143

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

1144

782.072(2)

1st

Committing vessel homicide and failing to render aid or give information.

1145

787.06(3)(a)1.

1st

Human trafficking for labor and services of a child.

1146

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity of an adult.

1147

787.06(3)(c)2.

1st

Human trafficking using coercion for labor and services of an unauthorized alien adult.

1148

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of

26-00563C-24

20241172\_\_

1149

787.06(3)(f)2.

1st

a child from outside  
Florida to within the  
state.

1150

790.161(3)

1st

Human trafficking using  
coercion for commercial  
sexual activity by the  
transfer or transport of  
any adult from outside  
Florida to within the  
state.

Discharging a destructive  
device which results in  
bodily harm or property  
damage.

1151

794.011(5)(a)

1st

Sexual battery; victim 12  
years of age or older but  
younger than 18 years;  
offender 18 years or  
older; offender does not  
use physical force likely  
to cause serious injury.

1152

794.011(5)(b)

2nd

Sexual battery; victim  
and offender 18 years of  
age or older; offender  
does not use physical

26-00563C-24

20241172\_\_

1153

force likely to cause serious injury.

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

1154

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

1155

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

1156

800.04 (4) (b)

2nd

Lewd or lascivious battery.

1157

800.04 (4) (c)

1st

Lewd or lascivious battery; offender 18

26-00563C-24

20241172\_\_

1158	806.01 (1)	1st	years of age or older; prior conviction for specified sex offense.
1159	810.02 (2) (a)	1st, PBL	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1160	810.02 (2) (b)	1st, PBL	Burglary with assault or battery.
1161	810.02 (2) (c)	1st	Burglary; armed with explosives or dangerous weapon.
1162	812.014 (2) (a) 2.	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1163	812.13 (2) (b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
			Robbery with a weapon.

26-00563C-24

20241172\_\_

1164

812.135 (2) (c) 1st Home-invasion robbery, no  
firearm, deadly weapon,  
or other weapon.

1165

817.418 (2) (b) 2nd Offering for sale or  
advertising personal  
protective equipment with  
intent to defraud; second  
or subsequent offense.

1166

817.504 (1) (b) 2nd Offering or advertising a  
vaccine with intent to  
defraud; second or  
subsequent offense.

1167

817.505 (4) (c) 1st Patient brokering; 20 or  
more patients.

1168

817.535 (2) (b) 2nd Filing false lien or  
other unauthorized  
document; second or  
subsequent offense.

1169

817.535 (3) (a) 2nd Filing false lien or  
other unauthorized  
document; property owner  
is a public officer or  
employee.



26-00563C-24 20241172\_\_

1176 825.1025 (2) 2nd Lewd or lascivious  
battery upon an elderly  
person or disabled adult.

1177 825.103 (3) (a) 1st Exploiting an elderly  
person or disabled adult  
and property is valued at  
\$50,000 or more.

1178 837.02 (2) 2nd Perjury in official  
proceedings relating to  
prosecution of a capital  
felony.

1179 837.021 (2) 2nd Making contradictory  
statements in official  
proceedings relating to  
prosecution of a capital  
felony.

1180 860.121 (2) (c) 1st Shooting at or throwing  
any object in path of  
railroad vehicle  
resulting in great bodily  
harm.

1181 860.16 1st Aircraft piracy.

893.13 (1) (b) 1st Sell or deliver in excess

26-00563C-24

20241172\_\_

1182	893.13(2)(b)	1st	of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1183	893.13(6)(c)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1184	893.135(1)(a)2.	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1185	893.135 (1)(b)1.b.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1186	893.135 (1)(c)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1187	893.135 (1)(c)2.c.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
			Trafficking in hydrocodone, 100 grams or

26-00563C-24

20241172\_\_

			more, less than 300 grams.
1188	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
1189	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
1190	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
1191	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
1192	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
1193	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28

26-00563C-24

20241172\_\_

1194

893.135  
(1) (h) 1.b.

1st

grams.  
Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

1195

893.135  
(1) (j) 1.b.

1st

Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

1196

893.135  
(1) (k) 2.b.

1st

Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

1197

893.135  
(1) (m) 2.c.

1st

Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.

1198

893.135  
(1) (n) 2.b.

1st

Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.

1199

893.1351 (3)

1st

Possession of a place

26-00563C-24

20241172\_\_

1200	895.03 (1)	1st	used to manufacture controlled substance when minor is present or resides there.
1201	895.03 (2)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1202	895.03 (3)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1203	896.101 (5) (b)	2nd	Conduct or participate in any enterprise through pattern of racketeering activity.
1204	896.104 (4) (a) 2.	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
			Structuring transactions to evade reporting or

26-00563C-24

20241172\_\_

registration  
 requirements, financial  
 transactions totaling or  
 exceeding \$20,000 but  
 less than \$100,000.

1205  
 1206  
 1207  
 1208  
 1209  
 1210  
 1211  
 1212

(i) LEVEL 9

Florida  
 Statute

Felony  
 Degree

Description

~~316.193~~  
~~(3)(c)3.b.~~

~~1st~~

~~DUI manslaughter; failing  
 to render aid or give  
 information.~~

~~327.35~~  
~~(3)(c)3.b.~~

~~1st~~

~~BUI manslaughter; failing  
 to render aid or give  
 information.~~

409.920  
 (2)(b)1.c.

1st

Medicaid provider fraud;  
 \$50,000 or more.

499.0051(8)

1st

Knowing sale or purchase  
 of contraband  
 prescription drugs  
 resulting in great bodily  
 harm.

560.123(8)(b)3.

1st

Failure to report

26-00563C-24

20241172\_\_

1213	560.125 (5) (c)	1st	<p>currency or payment instruments totaling or exceeding \$100,000 by money transmitter.</p>
1214	655.50 (10) (b) 3.	1st	<p>Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.</p>
1215	775.0844	1st	<p>Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.</p>
1216	782.04 (1)	1st	<p>Aggravated white collar crime.</p>
1217	782.04 (3)	1st, PBL	<p>Attempt, conspire, or solicit to commit premeditated murder.</p>
			<p>Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated</p>

26-00563C-24

20241172\_\_

1218	782.051 (1)	1st	<p>fleeing or eluding with serious bodily injury or death, and other specified felonies.</p>
1219	782.07 (2)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</p>
1220	787.01 (1) (a) 1.	1st, PBL	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
1221	787.01 (1) (a) 2.	1st, PBL	<p>Kidnapping; hold for ransom or reward or as a shield or hostage.</p>
1222	787.01 (1) (a) 4.	1st, PBL	<p>Kidnapping with intent to commit or facilitate commission of any felony.</p>
1223			<p>Kidnapping with intent to interfere with performance of any governmental or political function.</p>

26-00563C-24 20241172\_\_

1224 787.02 (3) (a) 1st,PBL False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

1225 787.06 (3) (c) 1. 1st Human trafficking for labor and services of an unauthorized alien child.

1226 787.06 (3) (d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

1227 787.06 (3) (f) 1. 1st,PBL Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.

1228 790.161 1st Attempted capital destructive device offense.

26-00563C-24

20241172\_\_

	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1229	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1230	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1231	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
1232	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
1233	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12

26-00563C-24

20241172\_\_

1234

794.011 (4) (d)

1st, PBL

years of age or older;  
offender younger than 18  
years.

1235

794.011 (8) (b)

1st, PBL

Sexual battery, certain  
circumstances; victim 12  
years of age or older;  
prior conviction for  
specified sex offenses.

1236

794.08 (2)

1st

Sexual battery; engage in  
sexual conduct with minor  
12 to 18 years by person  
in familial or custodial  
authority.

1237

800.04 (5) (b)

Life

Female genital  
mutilation; victim  
younger than 18 years of  
age.

1238

812.13 (2) (a)

1st, PBL

Lewd or lascivious  
molestation; victim less  
than 12 years; offender  
18 years or older.

1239

Robbery with firearm or  
other deadly weapon.

26-00563C-24

20241172\_\_

1240

812.133 (2) (a)

1st, PBL

Carjacking; firearm or other deadly weapon.

1241

812.135 (2) (b)

1st

Home-invasion robbery with weapon.

1242

817.535 (3) (b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

1243

817.535 (4) (a) 2.

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

1244

817.535 (5) (b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

26-00563C-24

20241172\_\_

817.568 (7)

2nd,  
PBL

Fraudulent use of  
personal identification  
information of an  
individual under the age  
of 18 by his or her  
parent, legal guardian,  
or person exercising  
custodial authority.

1245

827.03 (2) (a)

1st

Aggravated child abuse.

1246

847.0145 (1)

1st

Selling, or otherwise  
transferring custody or  
control, of a minor.

1247

847.0145 (2)

1st

Purchasing, or otherwise  
obtaining custody or  
control, of a minor.

1248

859.01

1st

Poisoning or introducing  
bacteria, radioactive  
materials, viruses, or  
chemical compounds into  
food, drink, medicine, or  
water with intent to kill  
or injure another person.

1249

893.135

1st

Attempted capital  
trafficking offense.

26-00563C-24

20241172\_\_

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893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.

26-00563C-24

20241172\_\_

1258  
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893.135  
(1) (e) 1.c.

1st

Trafficking in  
methaqualone, 25  
kilograms or more.

893.135  
(1) (f) 1.c.

1st

Trafficking in  
amphetamine, 200 grams or  
more.

893.135  
(1) (h) 1.c.

1st

Trafficking in gamma-  
hydroxybutyric acid  
(GHB), 10 kilograms or  
more.

893.135  
(1) (j) 1.c.

1st

Trafficking in 1,4-  
Butanediol, 10 kilograms  
or more.

893.135  
(1) (k) 2.c.

1st

Trafficking in  
Phenethylamines, 400  
grams or more.

893.135  
(1) (m) 2.d.

1st

Trafficking in synthetic  
cannabinoids, 30  
kilograms or more.

893.135  
(1) (n) 2.c.

1st

Trafficking in n-benzyl  
phenethylamines, 200  
grams or more.

26-00563C-24 20241172\_\_

896.101(5)(c) 1st Money laundering,  
financial instruments  
totaling or exceeding  
\$100,000.

1265

896.104(4)(a)3. 1st Structuring transactions  
to evade reporting or  
registration  
requirements, financial  
transactions totaling or  
exceeding \$100,000.

1266

1267 Section 26. For the purpose of incorporating the amendment  
 1268 made by this act to section 316.193, Florida Statutes, in a  
 1269 reference thereto, paragraph (j) of subsection (3) of section  
 1270 947.146, Florida Statutes, is reenacted to read:

1271 947.146 Control Release Authority.—

1272 (3) Within 120 days prior to the date the state  
 1273 correctional system is projected pursuant to s. 216.136 to  
 1274 exceed 99 percent of total capacity, the authority shall  
 1275 determine eligibility for and establish a control release date  
 1276 for an appropriate number of parole ineligible inmates committed  
 1277 to the department and incarcerated within the state who have  
 1278 been determined by the authority to be eligible for  
 1279 discretionary early release pursuant to this section. In  
 1280 establishing control release dates, it is the intent of the  
 1281 Legislature that the authority prioritize consideration of  
 1282 eligible inmates closest to their tentative release date. The  
 1283 authority shall rely upon commitment data on the offender

26-00563C-24

20241172\_\_

1284 information system maintained by the department to initially  
1285 identify inmates who are to be reviewed for control release  
1286 consideration. The authority may use a method of objective risk  
1287 assessment in determining if an eligible inmate should be  
1288 released. Such assessment shall be a part of the department's  
1289 management information system. However, the authority shall have  
1290 sole responsibility for determining control release eligibility,  
1291 establishing a control release date, and effectuating the  
1292 release of a sufficient number of inmates to maintain the inmate  
1293 population between 99 percent and 100 percent of total capacity.  
1294 Inmates who are ineligible for control release are inmates who  
1295 are parole eligible or inmates who:

1296 (j) Are convicted, or have been previously convicted, of  
1297 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or  
1298 have been sentenced at any time, as a habitual offender for such  
1299 offense, or have been sentenced at any time in another  
1300 jurisdiction as a habitual offender for such offense;

1301  
1302 In making control release eligibility determinations under this  
1303 subsection, the authority may rely on any document leading to or  
1304 generated during the course of the criminal proceedings,  
1305 including, but not limited to, any presentence or postsentence  
1306 investigation or any information contained in arrest reports  
1307 relating to circumstances of the offense.

1308 Section 27. This act shall take effect July 1, 2024.