

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1378

INTRODUCER: Senator Arrington

SUBJECT: Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			CJ	
3.			RC	

I. Summary:

SB 1378 requires a court to order a driver who is convicted of leaving the scene of a crash that resulted in damage to a vehicle or other property which is driven or attended by any person to make restitution to the vehicle or property owner for any damage caused by the driver's vehicle.

The bill does not appear to have a fiscal impact on state or local government. The bill may have an indeterminate positive fiscal impact on the private sector by requiring a court to order a driver who is convicted for unlawfully leaving the scene of a crash to make restitution for any damage that he or she caused to another person's vehicle or other property. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2025.

II. Present Situation:

Duty to Give Information and Render Aid

Section 316.062, F.S., outlines a driver's duties to give information and render aid if he or she is involved in a crash resulting in personal injury, death, or property damage, including but not limited to:

- Giving his or her name, address, and the registration number of the vehicle he or she is driving to any person injured in such crash, or to the driver or occupant of or person attending any vehicle or other property damaged in the crash, or to any police officer at the scene of the crash or who is investigating the crash;
- Exhibiting his or her license or permit to drive, upon request and if available, to any such person or police officer specified above; and

- Rendering reasonable assistance to any injured person, including carrying such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or upon the injured person's request.

Crashes Involving Damage to Vehicle or Other Property

Under s. 316.061(1), F.S., the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

A person who violates s. 316.061(1), F.S., by leaving the scene of a crash involving damage to a vehicle or property which is attended by another person commits a second degree misdemeanor,¹ and must pay an additional fine of \$5, which is deposited in the Emergency Medical Services Trust Fund, which is used to improve and expand prehospital emergency medical services.²

Under s. 316.063(1), F.S., the driver of any vehicle which collides with, or is involved in a crash with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, must immediately stop and either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or must securely attach in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and must notify the nearest office of a duly authorized police authority.

A person who violates s. 316.063(1), F.S., by leaving the scene of a collision or crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, commits a second degree misdemeanor.

Crash Involving Death or Personal Injuries

Under s. 316.027(2), F.S., the driver of a vehicle involved in a crash occurring on public or private property which results in death or personal injury to another person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

¹ A second degree misdemeanor is punishable by up to six months in county jail and a \$500 fine. *See* .s. 775.082 and 775.083, F.S.

² Section 401.113, F.S.

A person who violates s. 316.027(2), F.S., by leaving the scene of a crash involving death or personal injuries commits a:

- Third degree felony,³ if the crash results in injury to a person other than serious bodily injury.⁴
- Second degree felony,⁵ if the crash results in serious bodily injury to a person.⁶
- First degree felony,⁷ if the crash results in the death of a person and must be sentenced to a four year mandatory minimum term of imprisonment.⁸

Notwithstanding the general requirements for restitution under s. 775.089(1)(a), F.S., the court must order a person who violates s. 316.027(2), F.S., to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution.^{9,10} The Legislature added the restitution requirement to s. 316.027, F.S., in 2007.¹¹

Restitution

Unless a court finds clear and compelling reasons not to order restitution, s. 775.089(1)(a), F.S., requires a court to order a defendant to make restitution to a victim for damage or loss:

- Caused directly or indirectly by the defendant's offense; and
- Related to the defendant's criminal episode.

The Florida Supreme Court has interpreted s. 775.089(1)(a), F.S., to require any damage for which restitution is ordered to bear a significant relationship to, and be directly or indirectly caused by, the convicted offense.¹²

III. Effect of Proposed Changes:

The bill amends s. 316.061(1), F.S., requiring a court to order the driver of any vehicle who is convicted of leaving the scene of a crash that resulted in damage to a vehicle or other property which is driven or attended by any person to make restitution to the owner of such vehicle or other property for any damage that was caused by the driver's vehicle.

The bill takes effect October 1, 2025.

³ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁴ Section 316.027(2)(a), F.S.

⁵ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁶ Section 316.207(2)(b), F.S.

⁷ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁸ Section 316.027(2)(c), F.S.

⁹ Section 316.207(2)(d), F.S.

¹⁰ The court must also order payment to the Crimes Compensation Trust Fund (CCTF) under chapter 960, which covers expenses such as physical and mental health care and other compensable costs. Section 316.027(2), F.S., is the only leaving the scene offense that qualifies as a "crime" under s. 960.03(3)(b), F.S., and thus is the only leaving the scene offense for which a victim is eligible to receive an award from the CCTF and for which a court may order the defendant to pay restitution to the CCTF.

¹¹ Chapter 2007-211, Laws of Fla.

¹² *See, e.g., Glaubius v. State*, 688 So. 2d 913, 915 (Fla. 1997) (*citing State v. Williams*, *infra* note 12).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Case Law Related to Leaving the Scene Offenses and Restitution

While a court is specifically required to order restitution for a leaving the scene violation that involves death or personal injury under s. 316.027(2), F.S., unless it finds a clear and compelling reason not to, neither s. 316.061, F.S., related to a crash involving damage to an *attended* vehicle or property, nor s. 316.063, F.S., related to a crash involving damage to an *unattended* vehicle or property, require a court to order restitution for a violation.

Prior to the Legislature enacting the requirement for a court to order restitution for a violation of s. 316.027, F.S., in 2007, the Florida Supreme Court had previously invalidated orders of restitution in leaving the scene offenses involving death and personal injury for lacking the required causation element. For example, the Florida Supreme Court had previously held that an order requiring a defendant to pay restitution after she was convicted of leaving the scene of an accident resulting in personal injury was improper because the damages arising from the accident were not caused by the act of *leaving the scene* of the accident, and therefore bore no relationship to the crime for which the defendant was convicted.¹³

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹³ *State v. Williams*, 520 So. 2d 276 (Fla. 1988). See also *Schuetz v. State*, 822 So.2d 1275, 1279 (Fla. 2002) (outlining cases about causation and restitution).

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector by requiring a driver who is convicted for unlawfully leaving the scene of a crash to make restitution for any damage that he or she caused to another person's vehicle or other property.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.061 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.