

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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BILL #: [CS/HB 479](#)

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

SPONSOR(S): Daley

COMPANION BILL: [CS/SB 1378](#) (Arrington)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 107 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY

Effect of the Bill:

The bill authorizes a court to order a driver who is convicted for leaving the scene of a crash that resulted in damage to an attended vehicle or other property to make restitution to the vehicle or property owner for any damage caused by the driver's vehicle, when such driver caused or otherwise contributed to the crash.

Fiscal or Economic Impact:

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

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ANALYSIS

EFFECT OF THE BILL:

The bill authorizes a court to order the driver of any vehicle who is convicted for [leaving the scene of a crash](#) that resulted in damage to an attended vehicle or other property to make [restitution](#) to the owner of such vehicle or other property for any damage that was caused by the driver's vehicle, when such driver caused or otherwise contributed to the crash. (Section [1](#))

The bill was approved by the Governor on April 29, 2025, ch. 2025-14, L.O.F., and will become effective on October 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

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;

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- 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 misdemeanor¹ and must pay \$5 to the Emergency Medical Services Trust Fund, which is used to improve and expand prehospital emergency medical services.

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.

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,² if the crash results in injury to a person other than serious bodily injury.³
- Second degree felony,⁴ if the crash results in serious bodily injury to a person.⁵
- First degree felony,⁶ if the crash results in the death of a person, and must be sentenced to a four year mandatory minimum term of imprisonment.⁷

Restitution Requirement

¹ A second degree misdemeanor is punishable by up to six months in county jail and a \$500 fine. [Ss. 775.082 and 775.083, F.S.](#)

² A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

³ [S. 316.027\(2\)\(a\), F.S.](#)

⁴ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

⁵ [S. 316.027\(2\)\(b\), F.S.](#)

⁶ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.](#)

⁷ [S. 316.027\(2\)\(c\), F.S.](#)

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.^{8,9} The Legislature added the restitution requirement to [s. 316.027, F.S.](#), in 2007.¹⁰

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 (FSC) has interpreted this statute 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.¹¹

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 FSC 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 FSC 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.¹²

⁸ [S. 316.027\(2\)\(d\), F.S.](#)

⁹ 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.

¹⁰ Ch. 2007-211, Laws of Fla.

¹¹ See, e.g., *Glaubius v. State*, 688 So. 2d 913, 915 (Fla. 1997) (citing *State v. Williams*, *infra* note 12).

¹² *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).