

HB 59

2014

29 Florida Statutes, to read:

30 775.021 Rules of construction.—

31 (5) Whoever commits an act that violates a provision of
32 this code or commits a criminal offense defined by another
33 statute and thereby causes the death of, or bodily injury to, an
34 unborn child commits a separate offense if the provision or
35 statute does not otherwise specifically provide a separate
36 offense for such death or injury to an unborn child.

37 (a) Except as otherwise provided in this subsection, the
38 punishment for a separate offense under this subsection is the
39 same as the punishment provided under this code or other statute
40 for that conduct had the injury or death occurred to the mother
41 of the unborn child.

42 (b) An offense under this subsection does not require
43 proof that the person engaging in the conduct:

44 1. Had knowledge or should have had knowledge that the
45 victim of the underlying offense was pregnant; or

46 2. Intended to cause the death of, or bodily injury to,
47 the unborn child.

48 (c) Notwithstanding any other provision of law, the death
49 penalty may not be imposed for an offense under this subsection.

50 (d) This subsection does not permit the prosecution:

51 1. Of any person for conduct relating to an abortion for
52 which the consent of the pregnant woman, or a person authorized
53 by law to act on her behalf, has been obtained or for which such
54 consent is implied by law;

55 2. Of a person for providing medical treatment of the
56 pregnant woman or her unborn child; or

57 3. Of a woman with respect to her unborn child.
 58 (e) As used in this subsection, the term "unborn child"
 59 means a member of the species homo sapiens, at any stage of
 60 development, who is carried in the womb.

61 Section 3. Paragraph (c) of subsection (3) of section
 62 316.193, Florida Statutes, is amended to read:

63 316.193 Driving under the influence; penalties.—

64 (3) Any person:

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

67 1. Damage to the property or person of another commits a
 68 misdemeanor of the first degree, punishable as provided in s.
 69 775.082 or s. 775.083.

70 2. Serious bodily injury to another, as defined in s.
 71 316.1933, commits a felony of the third degree, punishable as
 72 provided in s. 775.082, s. 775.083, or s. 775.084.

73 3. The death of any human being or unborn ~~quick~~ child
 74 commits DUI manslaughter, and commits:

75 a. A felony of the second degree, punishable as provided
 76 in s. 775.082, s. 775.083, or s. 775.084.

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

79 (I) At the time of the crash, the person knew, or should
 80 have known, that the crash occurred; and

81 (II) The person failed to give information and render aid
 82 as required by s. 316.062.

83
 84 For purposes of this subsection, the ~~definition of the term~~

85 "unborn ~~quick~~ child" has the same meaning as provided in s.
 86 775.021(5) ~~shall be determined in accordance with the definition~~
 87 ~~of viable fetus as set forth in s. 782.071.~~ A person who is
 88 convicted of DUI manslaughter shall be sentenced to a mandatory
 89 minimum term of imprisonment of 4 years.

90 Section 4. Paragraph (g) of subsection (2) of section
 91 435.04, Florida Statutes, is amended to read:

92 435.04 Level 2 screening standards.—

93 (2) The security background investigations under this
 94 section must ensure that no persons subject to the provisions of
 95 this section have been arrested for and are awaiting final
 96 disposition of, have been found guilty of, regardless of
 97 adjudication, or entered a plea of nolo contendere or guilty to,
 98 or have been adjudicated delinquent and the record has not been
 99 sealed or expunged for, any offense prohibited under any of the
 100 following provisions of state law or similar law of another
 101 jurisdiction:

102 (g) Section 782.09, relating to killing of an unborn ~~quick~~
 103 child by injury to the mother.

104 Section 5. Section 782.071, Florida Statutes, is amended
 105 to read:

106 782.071 Vehicular homicide.—"Vehicular homicide" is the
 107 killing of a human being, or the killing of an unborn child ~~a~~
 108 ~~viable fetus~~ by any injury to the mother, caused by the
 109 operation of a motor vehicle by another in a reckless manner
 110 likely to cause the death of, or great bodily harm to, another.

111 (1) Vehicular homicide is:

112 (a) A felony of the second degree, punishable as provided

113 | in s. 775.082, s. 775.083, or s. 775.084.

114 | (b) A felony of the first degree, punishable as provided
115 | in s. 775.082, s. 775.083, or s. 775.084, if:

116 | 1. At the time of the accident, the person knew, or should
117 | have known, that the accident occurred; and

118 | 2. The person failed to give information and render aid as
119 | required by s. 316.062.

120 |

121 | This paragraph does not require that the person knew that the
122 | accident resulted in injury or death.

123 | (2) For purposes of this section, the term "unborn child"
124 | has the same meaning as provided in s. 775.021(5) a fetus is
125 | ~~viable when it becomes capable of meaningful life outside the~~
126 | ~~womb through standard medical measures.~~

127 | (3) A right of action for civil damages shall exist under
128 | s. 768.19, under all circumstances, for all deaths described in
129 | this section.

130 | (4) In addition to any other punishment, the court may
131 | order the person to serve 120 community service hours in a
132 | trauma center or hospital that regularly receives victims of
133 | vehicle accidents, under the supervision of a registered nurse,
134 | an emergency room physician, or an emergency medical technician
135 | pursuant to a voluntary community service program operated by
136 | the trauma center or hospital.

137 | Section 6. Section 782.09, Florida Statutes, is amended to
138 | read:

139 | 782.09 Killing of unborn ~~quick~~ child by injury to mother.—

140 | (1) The unlawful killing of an unborn ~~quick~~ child, by any

141 injury to the mother of such child which would be murder if it
 142 resulted in the death of such mother, shall be deemed murder in
 143 the same degree as that which would have been committed against
 144 the mother. Any person, other than the mother, who unlawfully
 145 kills an unborn ~~quick~~ child by any injury to the mother:

146 (a) Which would be murder in the first degree constituting
 147 a capital felony if it resulted in the mother's death commits
 148 murder in the first degree constituting a capital felony,
 149 punishable as provided in s. 775.082.

150 (b) Which would be murder in the second degree if it
 151 resulted in the mother's death commits murder in the second
 152 degree, a felony of the first degree, punishable as provided in
 153 s. 775.082, s. 775.083, or s. 775.084.

154 (c) Which would be murder in the third degree if it
 155 resulted in the mother's death commits murder in the third
 156 degree, a felony of the second degree, punishable as provided in
 157 s. 775.082, s. 775.083, or s. 775.084.

158 (2) The unlawful killing of an unborn ~~quick~~ child by any
 159 injury to the mother of such child which would be manslaughter
 160 if it resulted in the death of such mother shall be deemed
 161 manslaughter. A person who unlawfully kills an unborn ~~quick~~
 162 child by any injury to the mother which would be manslaughter if
 163 it resulted in the mother's death commits manslaughter, a felony
 164 of the second degree, punishable as provided in s. 775.082, s.
 165 775.083, or s. 775.084.

166 (3) The death of the mother resulting from the same act or
 167 criminal episode that caused the death of the unborn ~~quick~~ child
 168 does not bar prosecution under this section.

169 (4) This section does not authorize the prosecution of any
 170 person in connection with a termination of pregnancy pursuant to
 171 chapter 390.

172 (5) For purposes of this section, the ~~definition of the~~
 173 term "unborn ~~quick~~ child" has the same meaning as provided in s.
 174 775.021(5) ~~shall be determined in accordance with the definition~~
 175 ~~of viable fetus as set forth in s. 782.071.~~

176 Section 7. Paragraph (g) of subsection (3) of section
 177 921.0022, Florida Statutes, is amended to read:

178 921.0022 Criminal Punishment Code; offense severity
 179 ranking chart.—

180 (3) OFFENSE SEVERITY RANKING CHART

181 (g) LEVEL 7

182

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to

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elude law enforcement officer
 who is in a patrol vehicle with
 siren and lights activated.

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

187

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

188

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

189

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

190

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

191

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

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193	458.327 (1)	3rd	Practicing medicine without a license.
194	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
195	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
196	461.012 (1)	3rd	Practicing podiatric medicine without a license.
197	462.17	3rd	Practicing naturopathy without a license.
198	463.015 (1)	3rd	Practicing optometry without a license.
199	464.016 (1)	3rd	Practicing nursing without a license.
200	465.015 (2)	3rd	Practicing pharmacy without a license.
201	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
	467.201	3rd	Practicing midwifery without a

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license.

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468.366 3rd Delivering respiratory care services without a license.

203

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

204

483.901 (9) 3rd Practicing medical physics without a license.

205

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

206

484.053 3rd Dispensing hearing aids without a license.

207

494.0018 (2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

208

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a

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money services business.

209

560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

210

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

211

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

212

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

213

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

214

782.051 (3) 2nd Attempted felony murder of a

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

215

782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

216

782.071 2nd Killing of a human being or
unborn child ~~viable fetus~~ by
the operation of a motor
vehicle in a reckless manner
(vehicular homicide).

217

782.072 2nd Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

218

784.045(1)(a)1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

219

784.045(1)(a)2. 2nd Aggravated battery; using
deadly weapon.

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221	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
222	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
223	784.048 (7)	3rd	Aggravated stalking; violation of court order.
224	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
225	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
226	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
227	784.081 (1)	1st	Aggravated battery on specified official or employee.
228	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
	784.083 (1)	1st	Aggravated battery on code inspector.

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229	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.
230	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
231	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
232	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
233	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
234	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
235	790.166(3)	2nd	Possessing, selling, using, or

attempting to use a hoax weapon
of mass destruction.

236

790.166(4)

2nd

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

237

790.23

1st, PBL

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

238

794.08(4)

3rd

Female genital mutilation;
consent by a parent, guardian,
or a person in custodial
authority to a victim younger
than 18 years of age.

239

796.03

2nd

Procuring any person under 16
years for prostitution.

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800.04(5)(c)1.

2nd

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

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242	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
243	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
244	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
245	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
246	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
247	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
247	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

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grand theft.

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812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

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812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

250

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

251

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

252

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

253

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

254

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

255

817.034 (4) (a) 1. 1st Communications fraud, value

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greater than \$50,000.

256

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

257

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

258

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

259

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

260

817.535 (2) (a) 3rd Filing false lien or other
unauthorized document.

261

825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

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262	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
263	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
264	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
265	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
266	838.015	2nd	Bribery.
267	838.016	2nd	Unlawful compensation or reward for official behavior.
268	838.021(3)(a)	2nd	Unlawful harm to a public servant.
269	838.22	2nd	Bid tampering.
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271	843.0855 (2)	3rd	Impersonation of a public officer or employee.
272	843.0855 (3)	3rd	Unlawful simulation of legal process.
273	843.0855 (4)	3rd	Intimidation of a public officer or employee.
274	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
275	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
276	872.06	2nd	Abuse of a dead human body.
277	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
278	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

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893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

281

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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

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lbs.

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

283

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

284

893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

285

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

286

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

287

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

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893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1

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kilogram or more, less than 5 kilograms.

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893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

291

893.1351 (2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

292

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

293

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

294

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

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requirements.

295

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

296

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

297

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

298

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

299

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

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

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301 944.607(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

302 944.607(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

303 985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

304 985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

305 985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

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307 Section 8. This act shall take effect October 1, 2014.