

ENROLLED
HB 347

2011 Legislature

1 A bill to be entitled
2 An act relating to vehicle crashes involving death;
3 providing a short title; amending s. 316.027, F.S.;
4 requiring a defendant who was arrested for leaving the
5 scene of a crash involving death be held in custody until
6 brought before a judge for admittance to bail in certain
7 circumstances; reenacting s. 921.0022(3)(g), F.S.,
8 relating to the Criminal Punishment Code, to incorporate
9 the amendments made to s. 316.027, F.S., in a reference
10 thereto; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. This act may be cited as the "Ashley Nicole
15 Valdes Act."

16 Section 2. Paragraph (b) of subsection (1) of section
17 316.027, Florida Statutes, is amended to read:

18 316.027 Crash involving death or personal injuries.—
19 (1)

20 (b) The driver of any vehicle involved in a crash
21 occurring on public or private property that results in the
22 death of any person must immediately stop the vehicle at the
23 scene of the crash, or as close thereto as possible, and must
24 remain at the scene of the crash until he or she has fulfilled
25 the requirements of s. 316.062. A person who is arrested for a
26 violation of this paragraph and who has previously been
27 convicted of a violation of s. 316.027, s. 316.061, s. 316.191,
28 or s. 316.193, or a felony violation of s. 322.34, shall be held

ENROLLED
HB 347

2011 Legislature

in custody until brought before the court for admittance to bail
in accordance with chapter 903. Any person who willfully
violates this paragraph commits a felony of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
Any person who willfully commits such a violation ~~violates this~~
~~paragraph~~ while driving under the influence as set forth in s.
316.193(1) shall be sentenced to a mandatory minimum term of
imprisonment of 2 years.

Section 3. For the purpose of incorporating the amendment
made by this act to section 316.027, Florida Statutes, in a
reference thereto, paragraph (g) of subsection (3) of section
921.0022, Florida Statutes, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity
ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

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

ENROLLED
HB 347

2011 Legislature

			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.
49	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
50	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
51	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
52	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
53	456.065(2)	3rd	Practicing a health care profession without a license.
54	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
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ENROLLED
HB 347

2011 Legislature

56	458.327(1)	3rd	Practicing medicine without a license.
57	459.013(1)	3rd	Practicing osteopathic medicine without a license.
58	460.411(1)	3rd	Practicing chiropractic medicine without a license.
59	461.012(1)	3rd	Practicing podiatric medicine without a license.
60	462.17	3rd	Practicing naturopathy without a license.
61	463.015(1)	3rd	Practicing optometry without a license.
62	464.016(1)	3rd	Practicing nursing without a license.
63	465.015(2)	3rd	Practicing pharmacy without a license.
64	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
65	467.201	3rd	Practicing midwifery without a license.
66	468.366	3rd	Delivering respiratory care services without a license.

ENROLLED
HB 347

2011 Legislature

67	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
68	483.901 (9)	3rd	Practicing medical physics without a license.
69	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
70	484.053	3rd	Dispensing hearing aids without a license.
71	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.
72	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
73	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

ENROLLED
HB 347

2011 Legislature

74	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
75	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
76	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
77	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
78	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
79	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 viable fetus by the operation of a motor vehicle in a reckless manner (vehicular

ENROLLED
HB 347

2011 Legislature

80			homicide).
81	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
82	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
83	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
84	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
85	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
86	784.048 (7)	3rd	Aggravated stalking; violation of court order.
87	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
88	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

ENROLLED
HB 347

2011 Legislature

89	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
90	784.081 (1)	1st	Aggravated battery on specified official or employee.
91	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
92	784.083 (1)	1st	Aggravated battery on code inspector.
93	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
94	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
95	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
96	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass

ENROLLED
HB 347

2011 Legislature

destruction.

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790.166(4)

2nd

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

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790.23

1st,PBL

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

99

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.

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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.

102

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.

103

ENROLLED
HB 347

2011 Legislature

104	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
105	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
106	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
107	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
108	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
109	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.
110	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
111	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

ENROLLED
HB 347

2011 Legislature

112	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
113	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
114	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
115	812.131(2)(a)	2nd	Robbery by sudden snatching.
116	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
117	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
118	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
119	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341(2)(b)	1st	Making false entries of material fact

ENROLLED
HB 347

2011 Legislature

120	& (3) (b)		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.
121	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
122	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.
123	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
124	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
125	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
126	838.015	2nd	Bribery.

ENROLLED
HB 347

2011 Legislature

127	838.016	2nd	Unlawful compensation or reward for official behavior.
128	838.021(3)(a)	2nd	Unlawful harm to a public servant.
129	838.22	2nd	Bid tampering.
130	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
131	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
132	872.06	2nd	Abuse of a dead human body.
133	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	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

ENROLLED
HB 347

2011 Legislature

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.

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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).

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

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

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

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

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

141

ENROLLED
HB 347

2011 Legislature

142	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
143	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
144	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
145	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
146	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
147	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
148	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements,

ENROLLED
HB 347

2011 Legislature

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

149

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

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

151

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

152

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

153

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

154

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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ENROLLED
HB 347

2011 Legislature

157	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
158	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
159	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
160	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
161	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
162	Section 4. This act shall take effect October 1, 2011.		