

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; revising a condition that  
10          must be met before a person arrested for driving under  
11          the influence or boating under the influence,  
12          respectively, may be released from custody; defining  
13          the term "impairing substance"; authorizing law  
14          enforcement witnesses to give certain testimony under  
15          certain circumstances; revising conditions that  
16          constitute a conviction; requiring the clerk of court  
17          to notify the Department of Law Enforcement when such  
18          conditions have been met; requiring the department to  
19          maintain records; creating a rebuttable presumption;  
20          amending s. 316.1939, F.S.; providing that the  
21          disposition of an administrative proceeding relating  
22          to a specified fine does not affect certain criminal  
23          action; revising a rebuttable presumption of suspended  
24          driving privileges; amending s. 316.645, F.S.; making  
25          technical changes; amending ss. 322.01 and 327.02,

26 F.S.; defining the term "actual physical control";  
 27 amending s. 327.359, F.S.; providing that the  
 28 disposition of any administrative proceeding relating  
 29 to a specified fine or the suspension of driving  
 30 privileges does not affect certain criminal action;  
 31 providing that the disposition of certain criminal  
 32 action does not affect certain administrative  
 33 proceedings; creating a rebuttable presumption;  
 34 amending s. 933.02, F.S.; adding specified grounds for  
 35 issuance of a search warrant; amending s. 948.15,  
 36 F.S.; revising probation guidelines for felonies in  
 37 which certain substances are contributing factors;  
 38 amending ss. 212.05, 316.1932, 316.1933, 316.303,  
 39 316.305, 316.306, 316.85, 322.18, 322.34, 322.61,  
 40 327.391, 327.53, 627.749, and 655.960, F.S.;  
 41 conforming cross-references; amending s. 921.0022,  
 42 F.S.; conforming provisions to changes made by the  
 43 act; providing an effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Subsections (1) through (111) of section  
 48 316.003, Florida Statutes, are renumbered as subsections (2)  
 49 through (112), respectively, present subsection (64) is amended,  
 50 and a new subsection (1) is added to that section, to read:

51           316.003 Definitions.—The following words and phrases, when  
 52 used in this chapter, shall have the meanings respectively  
 53 ascribed to them in this section, except where the context  
 54 otherwise requires:

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

59           ~~(65) (64)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 60 provided in paragraph (90) (b) ~~(89) (b)~~, any privately owned way  
 61 or place used for vehicular travel by the owner and those having  
 62 express or implied permission from the owner, but not by other  
 63 persons.

64           Section 2. Paragraphs (c) and (d) of subsection (14) of  
 65 section 316.193, Florida Statutes, are redesignated as  
 66 paragraphs (d) and (e), respectively, a new paragraph (c) is  
 67 added to that subsection, subsection (1), paragraph (c) of  
 68 subsection (3), and paragraph (a) of subsection (9) are amended,  
 69 subsections (15) through (19) are added to that section, and  
 70 subsection (2) of that section is republished, to read:

71           316.193 Driving under the influence; penalties.—

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

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

81 2.(b) At the time of driving or while in actual physical  
 82 control of the vehicle or at any time thereafter, the person has  
 83 a blood-alcohol level of 0.08 or more grams of alcohol per 100  
 84 milliliters of blood as a result of consuming alcohol before or  
 85 during driving; ~~or~~

86 3.(e) At the time of driving or while in actual physical  
 87 control of the vehicle or at any time thereafter, the person has  
 88 a breath-alcohol level of 0.08 or more grams of alcohol per 210  
 89 liters of breath as a result of consuming alcohol before or  
 90 during driving; or

91 4. The person has in his or her blood any amount of a  
 92 chemical substance set forth in s. 877.111 or a substance  
 93 controlled under chapter 893, or such chemical or controlled  
 94 substance in any combination with alcohol as a result of  
 95 consuming alcohol before or during driving.

96 (b) It is an affirmative defense as to the presence of a  
 97 chemical or controlled substance under subparagraph (a)4. that  
 98 the person ingested, injected, or inhaled the substance in  
 99 accordance with a valid prescription issued pursuant to s.  
 100 893.04 by a practitioner as defined in s. 893.02, or pursuant to

101 s. 381.986, and in accordance with the practitioner's  
102 directions. However, the fact that a person is or was legally  
103 entitled to consume alcohol or any other chemical or controlled  
104 substance, medication, drug, or other impairing substance is not  
105 an affirmative defense to this section.

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

109 1. By a fine of:

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

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

114 2. By imprisonment for:

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

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

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

124

125 The portion of a fine imposed in excess of \$500 pursuant to sub-

126 subparagraph 1.a. and the portion of a fine imposed in excess of  
127 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by  
128 the clerk to the Department of Revenue for deposit into the  
129 General Revenue Fund.

130 (b)1. Any person who is convicted of a third violation of  
131 this section for an offense that occurs within 10 years after a  
132 prior conviction for a violation of this section commits a  
133 felony of the third degree, punishable as provided in s.  
134 775.082, s. 775.083, or s. 775.084. In addition, the court shall  
135 order the mandatory placement for a period of not less than 2  
136 years, at the convicted person's sole expense, of an ignition  
137 interlock device approved by the department in accordance with  
138 s. 316.1938 upon all vehicles that are individually or jointly  
139 leased or owned and routinely operated by the convicted person,  
140 when the convicted person qualifies for a permanent or  
141 restricted license.

142 2. Any person who is convicted of a third violation of  
143 this section for an offense that occurs more than 10 years after  
144 the date of a prior conviction for a violation of this section  
145 shall be punished by a fine of not less than \$2,000 or more than  
146 \$5,000 and by imprisonment for not more than 12 months. The  
147 portion of a fine imposed in excess of \$2,500 pursuant to this  
148 subparagraph shall be remitted by the clerk to the Department of  
149 Revenue for deposit into the General Revenue Fund. In addition,  
150 the court shall order the mandatory placement for a period of at

151 | least 2 years, at the convicted person's sole expense, of an  
152 | ignition interlock device approved by the department in  
153 | accordance with s. 316.1938 upon all vehicles that are  
154 | individually or jointly leased or owned and routinely operated  
155 | by the convicted person, when the convicted person qualifies for  
156 | a permanent or restricted license.

157 |         3. Any person who is convicted of a fourth or subsequent  
158 | violation of this section, regardless of when any prior  
159 | conviction for a violation of this section occurred, commits a  
160 | felony of the third degree, punishable as provided in s.  
161 | 775.082, s. 775.083, or s. 775.084. However, the fine imposed  
162 | for such fourth or subsequent violation may be not less than  
163 | \$2,000. The portion of a fine imposed in excess of \$1,000  
164 | pursuant to this subparagraph shall be remitted by the clerk to  
165 | the Department of Revenue for deposit into the General Revenue  
166 | Fund.

167 |         (c) In addition to the penalties in paragraph (a), the  
168 | court may order placement, at the convicted person's sole  
169 | expense, of an ignition interlock device approved by the  
170 | department in accordance with s. 316.1938 for at least 6  
171 | continuous months upon all vehicles that are individually or  
172 | jointly leased or owned and routinely operated by the convicted  
173 | person if, at the time of the offense, the person had a blood-  
174 | alcohol level or breath-alcohol level of .08 or higher.

175 |         (3) Any person:

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

178 1. Damage to the property or person of another commits a  
 179 misdemeanor of the first degree, punishable as provided in s.  
 180 775.082 or s. 775.083.

181 2. Serious bodily injury to another, as defined in s.  
 182 316.1933, commits a felony of the second ~~third~~ degree,  
 183 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

184 3. The death of any human being or unborn child commits  
 185 DUI manslaughter, and commits:

186 a. A felony of the first ~~second~~ degree, punishable as  
 187 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

194

195 For purposes of this subsection, the term "unborn child" has the  
 196 same meaning as provided in s. 775.021(5). A person who is  
 197 convicted of DUI manslaughter shall be sentenced to a mandatory  
 198 minimum term of imprisonment of 4 years.

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



201 (a) Until the person is no longer under the influence of  
 202 alcoholic beverages, any chemical substance set forth in s.  
 203 877.111, ~~or~~ any substance controlled under chapter 893, or any  
 204 other impairing substance, or any combination thereof, and  
 205 affected to the extent that his or her normal faculties are  
 206 impaired;

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

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

215 (15) Notwithstanding any other law and for the purposes of  
 216 prosecutions under this section, the law enforcement officer who  
 217 administers a horizontal nystagmus gaze test may give testimony  
 218 as a witness on the issue of a person's impairment, based on the  
 219 results of the horizontal gaze nystagmus test, if the officer  
 220 has successfully completed training on the horizontal gaze  
 221 nystagmus test and if the test is given in accordance with the  
 222 individual's training.

223 (16) Notwithstanding any other law, a law enforcement  
 224 witness in a criminal prosecution under this section may give  
 225 testimony on the issue of impairment relating to whether a

226 person was under the influence of one or more impairing  
227 substances, and the category or categories of the impairing  
228 substance or substances, if the witness held current credentials  
229 as a drug recognition expert, issued by the International  
230 Association of Chiefs of Police, at the time of arrest.

231 (17) For the purpose of determining whether a conviction  
232 is a first, second, or third or subsequent conviction for the  
233 purposes of sentencing under this section, the term "conviction"  
234 includes being convicted of a violation of this section, or the  
235 completion of any diversion or other program that results in the  
236 dismissal or change of charge for a violation of this section.  
237 The term also includes being convicted of a violation of any law  
238 or ordinance of another state or jurisdiction which this section  
239 prohibits, or the completion of any diversion or other program  
240 that results in the dismissal or change of charge for a  
241 violation of such law or ordinance of another state or  
242 jurisdiction which this section prohibits.

243 (18) The clerk of court shall notify the Department of Law  
244 Enforcement of the dismissal or change of charge for a violation  
245 of this section based on the completion of any diversion or  
246 other program. The Department of Law Enforcement shall maintain  
247 a record of a person's completion of any diversion or other  
248 program that results in a dismissal or change of charge for a  
249 violation of this section.

250 (19) There is a rebuttable presumption that a diversion or

251 other program was completed which results in the dismissal or  
 252 change of charge for a violation of this section as provided in  
 253 subsection (17) if notation or designation of such appears in  
 254 the Department of Law Enforcement's records.

255 Section 3. Subsection (1), paragraph (c) of subsection  
 256 (3), and paragraph (a) of subsection (8) of section 327.35,  
 257 Florida Statutes, are amended, subsections (11) through (16) are  
 258 added to that section, and subsection (2) of that section is  
 259 republished, to read:

260 327.35 Boating under the influence; penalties; "designated  
 261 drivers."-

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

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

271 ~~2.(b)~~ At the time of operating or while in actual physical  
 272 control of the vessel or at any time thereafter, the person has  
 273 a blood-alcohol level of 0.08 or more grams of alcohol per 100  
 274 milliliters of blood as a result of consuming alcohol before or  
 275 during operating; ~~or~~

276 3.~~(e)~~ At the time of operating or while in actual physical  
 277 control of the vessel or at any time thereafter, the person has  
 278 a breath-alcohol level of 0.08 or more grams of alcohol per 210  
 279 liters of breath as a result of consuming alcohol before or  
 280 during operating; or

281 4. The person has in his or her blood any amount of a  
 282 chemical substance set forth in s. 877.111 or a substance  
 283 controlled under chapter 893, or such chemical or controlled  
 284 substance in any combination with alcohol as a result of  
 285 consuming alcohol before or during operating.

286 (b) It is an affirmative defense as to the presence of a  
 287 chemical or controlled substance under subparagraph (a)4. that  
 288 the person ingested, injected, or inhaled the substance in  
 289 accordance with a valid prescription issued pursuant to s.  
 290 893.04 by a practitioner as defined in s. 893.02, or pursuant to  
 291 s. 381.986, and in accordance with the practitioner's  
 292 directions. However, the fact that a person is or was legally  
 293 entitled to consume alcohol or any other chemical or controlled  
 294 substance, medication, drug, or other impairing substance is not  
 295 an affirmative defense to this section.

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

- 299 1. By a fine of:  
 300 a. Not less than \$500 or more than \$1,000 for a first

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301 conviction.

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

304 2. By imprisonment for:

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

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

307

308 The portion of a fine imposed in excess of \$500 pursuant to sub-  
309 subparagraph 1.a. and the portion of a fine imposed in excess of  
310 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by  
311 the clerk to the Department of Revenue for deposit into the  
312 General Revenue Fund.

313 (b)1. Any person who is convicted of a third violation of  
314 this section for an offense that occurs within 10 years after a  
315 prior conviction for a violation of this section commits a  
316 felony of the third degree, punishable as provided in s.  
317 775.082, s. 775.083, or s. 775.084.

318 2. Any person who is convicted of a third violation of  
319 this section for an offense that occurs more than 10 years after  
320 the date of a prior conviction for a violation of this section  
321 shall be punished by a fine of not less than \$2,000 or more than  
322 \$5,000 and by imprisonment for not more than 12 months. The  
323 portion of a fine imposed in excess of \$2,500 pursuant to this  
324 subparagraph shall be remitted by the clerk to the Department of  
325 Revenue for deposit into the General Revenue Fund.

326           3. Any person who is convicted of a fourth or subsequent  
 327 violation of this section, regardless of when any prior  
 328 conviction for a violation of this section occurred, commits a  
 329 felony of the third degree, punishable as provided in s.  
 330 775.082, s. 775.083, or s. 775.084.

331  
 332 However, the fine imposed for such fourth or subsequent  
 333 violation may not be less than \$2,000. The portion of such fine  
 334 imposed in excess of \$1,000 shall be remitted by the clerk to  
 335 the Department of Revenue for deposit into the General Revenue  
 336 Fund.

337           (3) Any person:

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

340           1. Damage to the property or person of another commits a  
 341 misdemeanor of the first degree, punishable as provided in s.  
 342 775.082 or s. 775.083.

343           2. Serious bodily injury to another, as defined in s.  
 344 327.353, commits a felony of the second ~~third~~ degree, punishable  
 345 as provided in s. 775.082, s. 775.083, or s. 775.084.

346           3. The death of any human being commits BUI manslaughter,  
 347 and commits:

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

350           ~~b. A felony of the first degree, punishable as provided in~~

351 ~~s. 775.082, s. 775.083, or s. 775.084, if:~~

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

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

356  
 357 ~~This sub-subparagraph does not require that the person knew that~~  
 358 ~~the accident resulted in injury or death.~~

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

361 (a) Until the person is no longer under the influence of  
 362 alcoholic beverages, any chemical substance set forth in s.  
 363 877.111, ~~or~~ any substance controlled under chapter 893, or any  
 364 other impairing substance, or any combination thereof, and  
 365 affected to the extent that his or her normal faculties are  
 366 impaired;

367 (11) As used in this section, the term "impairing  
 368 substance" means any substance that, when taken into the human  
 369 body, can impair, or diminish in some material respect, a  
 370 person's normal faculties. Such normal faculties include, but  
 371 are not limited to, the ability to see, hear, walk, talk, gauge  
 372 distances, drive a motor vehicle, make judgments, act in  
 373 emergencies, and, in general, perform the many mental and  
 374 physical acts of daily life.

375 (12) Notwithstanding any other law and for the purpose of

376 prosecutions under this section, the law enforcement officer who  
377 administers a horizontal nystagmus gaze test may give testimony  
378 as a witness on the issue of a person's impairment based on the  
379 results of such test if the officer has successfully completed  
380 training on such test and if such test is given in accordance  
381 with his or her training.

382 (13) Notwithstanding any other law, a law enforcement  
383 witness in a criminal prosecution under this section may give  
384 expert testimony on the issue of impairment relating to whether  
385 a person was under the influence of one or more impairing  
386 substances, and the category or categories of the impairing  
387 substance or substances, if the witness held current credentials  
388 as a drug recognition expert, issued by the International  
389 Association of Chiefs of Police, at the time of arrest.

390 (14) For the purpose of determining whether a conviction  
391 is a first, second, or third or subsequent conviction for the  
392 purposes of sentencing under this section, the term "conviction"  
393 includes being convicted of a violation of this section, or the  
394 completion of any diversion or other program that results in the  
395 dismissal or change of charge for a violation of this section.  
396 The term also includes being convicted of a violation of any law  
397 or ordinance of another state or jurisdiction which this section  
398 prohibits, or the completion of any diversion or other program  
399 that results in the dismissal or change of charge for a  
400 violation of such law or ordinance of another state or



401 jurisdiction which this section prohibits.

402 (15) The clerk of court shall notify the Department of Law  
 403 Enforcement of the dismissal or change of charge for a violation  
 404 of this section based on the completion of any diversion or  
 405 other program. The Department of Law Enforcement shall maintain  
 406 a record of a person's completion of any diversion or other  
 407 program that results in a dismissal or change of charge for a  
 408 violation of this section.

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

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

416 316.1939 Refusal to submit to testing; penalties.—

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

421 (3) The disposition of a criminal action under this  
 422 section does not affect any administrative proceeding that  
 423 relates to the suspension of a person's driving privilege. The  
 424 department's records showing that a person's license or driving  
 425 privilege has been previously suspended, or the person has

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426 previously been fined under s. 327.35215, for a prior refusal to  
427 submit to a lawful test of his or her breath, urine, or blood  
428 shall be admissible and shall create a rebuttable presumption of  
429 such suspension or fine.

430 Section 5. Section 316.645, Florida Statutes, is amended  
431 to read:

432 316.645 Arrest authority of officer at scene of a traffic  
433 crash.—A police officer who makes any ~~an~~ investigation at the  
434 scene of a traffic crash may arrest any driver of a vehicle  
435 involved in the crash when, based upon any personal  
436 investigation, the officer has reasonable and probable grounds  
437 to believe that the person has committed any offense under the  
438 provisions of this chapter, chapter 320, or chapter 322 in  
439 connection with the crash.

440 Section 6. Subsections (1) through (48) of section 322.01,  
441 Florida Statutes, are renumbered as subsections (2) through  
442 (49), respectively, and a new subsection (1) is added to that  
443 section to read:

444 322.01 Definitions.—As used in this chapter:

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

449 Section 7. Subsections (1) through (48) of section 327.02,  
450 Florida Statutes, are renumbered as subsections (2) through

451 (49), respectively, and a new subsection (1) is added to that  
 452 section to read:

453 327.02 Definitions.—As used in this chapter and in chapter  
 454 328, unless the context clearly requires a different meaning,  
 455 the term:

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

460 Section 8. Section 327.359, Florida Statutes, is amended  
 461 to read:

462 327.359 Refusal to submit to testing; penalties.—

463 (1) A person who has refused to submit to a chemical or  
 464 physical test of his or her breath or urine, as described in s.  
 465 327.352, and who has been previously fined under s. 327.35215 or  
 466 has previously had his or her driver license suspended for  
 467 refusal to submit to a lawful test of his or her breath, urine,  
 468 or blood, and:

469 (a)~~(1)~~ Who the arresting law enforcement officer had  
 470 probable cause to believe was operating or in actual physical  
 471 control of a vessel in this state while under the influence of  
 472 alcoholic beverages, chemical substances, or controlled  
 473 substances;

474 (b)~~(2)~~ Who was placed under lawful arrest for a violation  
 475 of s. 327.35 unless such test was requested pursuant to s.

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476 327.352 (1) (c);

477 ~~(c)(3)~~ Who was informed that if he or she refused to  
478 submit to such test, he or she is subject to a fine of \$500;

479 ~~(d)(4)~~ Who was informed that a refusal to submit to a  
480 lawful test of his or her breath or urine, if he or she has been  
481 previously fined under s. 327.35215 or has previously had his or  
482 her driver license suspended for refusal to submit to a lawful  
483 test of his or her breath, urine, or blood, is a misdemeanor of  
484 the first degree, punishable as provided in s. 775.082 or s.  
485 775.083; and

486 ~~(e)(5)~~ Who, after having been so informed, refused to  
487 submit to any such test when requested to do so by a law  
488 enforcement officer or correctional officer

489  
490 commits a misdemeanor of the first degree, punishable as  
491 provided in s. 775.082 or s. 775.083.

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

496 (3) The disposition of a criminal action under this  
497 section does not affect any administrative proceeding that  
498 relates to the suspension of a person's driving privilege. The  
499 Department of Highway Safety and Motor Vehicles records showing  
500 that a person has previously been fined under s. 327.35215, or

501 that a person's license or driving privilege has been previously  
 502 suspended, for a prior refusal to submit to a lawful test of his  
 503 or her breath, urine, or blood is admissible and creates a  
 504 rebuttable presumption of such suspension.

505 Section 9. Section 933.02, Florida Statutes, is amended to  
 506 read:

507 933.02 Grounds for issuance of search warrant.—Upon proper  
 508 affidavits being made, a search warrant may be issued under ~~the~~  
 509 ~~provisions of~~ this chapter upon any of the following grounds:

510 (1) When the property has ~~shall have~~ been stolen or  
 511 embezzled in violation of law;

512 (2) When any property has ~~shall have~~ been used:

513 (a) As a means to commit a ~~any~~ crime;

514 (b) In connection with gambling or ~~7~~ gambling implements  
 515 and appliances; or

516 (c) In violation of s. 847.011 or other laws relating ~~in~~  
 517 ~~reference~~ to obscene prints and literature;

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

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

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

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

524 (c) In violation of the laws relating ~~relative~~ to food and  
 525 drug; or

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526 (d) In violation of the laws relating ~~relative~~ to citrus  
 527 disease pursuant to s. 581.184; ~~or~~

528 (5) When the laws relating ~~in relation~~ to cruelty to  
 529 animals, as provided in chapter 828, have been ~~or are~~ violated  
 530 in any particular building or place; or

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

534  
 535 This section also applies to any papers or documents used as a  
 536 means of or in aid of the commission of any offense against the  
 537 laws of the state.

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

540 948.15 Misdemeanor probation services.—

541 (1) A defendant found guilty of a misdemeanor who is  
 542 placed on probation shall be under supervision not to exceed 6  
 543 months unless otherwise specified by the court. Probation  
 544 supervision services for a defendant found guilty of a  
 545 misdemeanor for possession of a controlled substance or drug  
 546 paraphernalia under chapter 893 may be provided by a licensed  
 547 substance abuse education and intervention program, which may  
 548 provide substance abuse education and intervention as well as  
 549 any other terms and conditions of probation. In relation to any  
 550 offense other than a felony in which the use of alcohol, any

551 chemical substance set forth in s. 877.111, any substance  
 552 controlled under chapter 893, or any impairing substance as  
 553 defined in s. 316.193(14) (c) or s. 327.35(11) is a contributing  
 554 ~~significant~~ factor, the period of probation may be up to 1 year.

555 Section 11. Paragraph (c) of subsection (1) of section  
 556 212.05, Florida Statutes, is amended to read:

557 212.05 Sales, storage, use tax.—It is hereby declared to  
 558 be the legislative intent that every person is exercising a  
 559 taxable privilege who engages in the business of selling  
 560 tangible personal property at retail in this state, including  
 561 the business of making or facilitating remote sales; who rents  
 562 or furnishes any of the things or services taxable under this  
 563 chapter; or who stores for use or consumption in this state any  
 564 item or article of tangible personal property as defined herein  
 565 and who leases or rents such property within the state.

566 (1) For the exercise of such privilege, a tax is levied on  
 567 each taxable transaction or incident, which tax is due and  
 568 payable as follows:

569 (c) At the rate of 6 percent of the gross proceeds derived  
 570 from the lease or rental of tangible personal property, as  
 571 defined herein; however, the following special provisions apply  
 572 to the lease or rental of motor vehicles and to peer-to-peer  
 573 car-sharing programs:

574 1. When a motor vehicle is leased or rented by a motor  
 575 vehicle rental company or through a peer-to-peer car-sharing

576 program as those terms are defined in s. 212.0606(1) for a  
 577 period of less than 12 months:

578 a. If the motor vehicle is rented in Florida, the entire  
 579 amount of such rental is taxable, even if the vehicle is dropped  
 580 off in another state.

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

583 c. If the motor vehicle is rented through a peer-to-peer  
 584 car-sharing program, the peer-to-peer car-sharing program shall  
 585 collect and remit the applicable tax due in connection with the  
 586 rental.

587 2. Except as provided in subparagraph 3., for the lease or  
 588 rental of a motor vehicle for a period of not less than 12  
 589 months, sales tax is due on the lease or rental payments if the  
 590 vehicle is registered in this state; provided, however, that no  
 591 tax shall be due if the taxpayer documents use of the motor  
 592 vehicle outside this state and tax is being paid on the lease or  
 593 rental payments in another state.

594 3. The tax imposed by this chapter does not apply to the  
 595 lease or rental of a commercial motor vehicle as defined in s.  
 596 316.003(15)(a) ~~s. 316.003(14)(a)~~ to one lessee or rentee for a  
 597 period of not less than 12 months when tax was paid on the  
 598 purchase price of such vehicle by the lessor. To the extent tax  
 599 was paid with respect to the purchase of such vehicle in another  
 600 state, territory of the United States, or the District of



601 Columbia, the Florida tax payable shall be reduced in accordance  
 602 with s. 212.06(7). This subparagraph shall only be available  
 603 when the lease or rental of such property is an established  
 604 business or part of an established business or the same is  
 605 incidental or germane to such business.

606 Section 12. Paragraph (f) of subsection (1) of section  
 607 316.1932, Florida Statutes, is amended to read:

608 316.1932 Tests for alcohol, chemical substances, or  
 609 controlled substances; implied consent; refusal.—

610 (1)

611 (f)1. The tests determining the weight of alcohol in the  
 612 defendant's blood or breath shall be administered at the request  
 613 of a law enforcement officer substantially in accordance with  
 614 rules of the Department of Law Enforcement. Such rules must  
 615 specify precisely the test or tests that are approved by the  
 616 Department of Law Enforcement for reliability of result and ease  
 617 of administration, and must provide an approved method of  
 618 administration which must be followed in all such tests given  
 619 under this section. However, the failure of a law enforcement  
 620 officer to request the withdrawal of blood does not affect the  
 621 admissibility of a test of blood withdrawn for medical purposes.

622 2.a. Only a physician, certified paramedic, registered  
 623 nurse, licensed practical nurse, other personnel authorized by a  
 624 hospital to draw blood, or duly licensed clinical laboratory  
 625 director, supervisor, technologist, or technician, acting at the

626 request of a law enforcement officer, may withdraw blood for the  
627 purpose of determining its alcoholic content or the presence of  
628 chemical substances or controlled substances therein. However,  
629 the failure of a law enforcement officer to request the  
630 withdrawal of blood does not affect the admissibility of a test  
631 of blood withdrawn for medical purposes.

632 b. Notwithstanding any provision of law pertaining to the  
633 confidentiality of hospital records or other medical records, if  
634 a health care provider, who is providing medical care in a  
635 health care facility to a person injured in a motor vehicle  
636 crash, becomes aware, as a result of any blood test performed in  
637 the course of that medical treatment, that the person's blood-  
638 alcohol level meets or exceeds the blood-alcohol level specified  
639 in s. 316.193(1)(a)2. ~~s. 316.193(1)(b)~~, the health care provider  
640 may notify any law enforcement officer or law enforcement  
641 agency. Any such notice must be given within a reasonable time  
642 after the health care provider receives the test result. Any  
643 such notice shall be used only for the purpose of providing the  
644 law enforcement officer with reasonable cause to request the  
645 withdrawal of a blood sample pursuant to this section.

646 c. The notice must ~~shall~~ consist only of the name of the  
647 person being treated, the name of the person who drew the blood,  
648 the blood-alcohol level indicated by the test, and the date and  
649 time of the administration of the test.

650 d. Nothing contained in s. 395.3025(4), s. 456.057, or any

651 applicable practice act affects the authority to provide notice  
652 under this section, and the health care provider is not  
653 considered to have breached any duty owed to the person under s.  
654 395.3025(4), s. 456.057, or any applicable practice act by  
655 providing notice or failing to provide notice. It is ~~shall~~ not  
656 ~~be~~ a breach of any ethical, moral, or legal duty for a health  
657 care provider to provide notice or fail to provide notice.

658 e. A civil, criminal, or administrative action may not be  
659 brought against any person or health care provider participating  
660 in good faith in the provision of notice or failure to provide  
661 notice as provided in this section. Any person or health care  
662 provider participating in the provision of notice or failure to  
663 provide notice as provided in this section shall be immune from  
664 any civil or criminal liability and from any professional  
665 disciplinary action with respect to the provision of notice or  
666 failure to provide notice under this section. Any such  
667 participant has the same immunity with respect to participating  
668 in any judicial proceedings resulting from the notice or failure  
669 to provide notice.

670 3. The person tested may, at his or her own expense, have  
671 a physician, registered nurse, other personnel authorized by a  
672 hospital to draw blood, or duly licensed clinical laboratory  
673 director, supervisor, technologist, or technician, or other  
674 person of his or her own choosing administer an independent test  
675 in addition to the test administered at the direction of the law

676 enforcement officer for the purpose of determining the amount of  
677 alcohol in the person's blood or breath or the presence of  
678 chemical substances or controlled substances at the time  
679 alleged, as shown by chemical analysis of his or her blood or  
680 urine, or by chemical or physical test of his or her breath. The  
681 failure or inability to obtain an independent test by a person  
682 does not preclude the admissibility in evidence of the test  
683 taken at the direction of the law enforcement officer. The law  
684 enforcement officer shall not interfere with the person's  
685 opportunity to obtain the independent test and shall provide the  
686 person with timely telephone access to secure the test, but the  
687 burden is on the person to arrange and secure the test at the  
688 person's own expense.

689 4. Upon the request of the person tested, full information  
690 concerning the results of the test taken at the direction of the  
691 law enforcement officer shall be made available to the person or  
692 his or her attorney. Full information is limited to the  
693 following:

694 a. The type of test administered and the procedures  
695 followed.

696 b. The time of the collection of the blood or breath  
697 sample analyzed.

698 c. The numerical results of the test indicating the  
699 alcohol content of the blood and breath.

700 d. The type and status of any permit issued by the

701 Department of Law Enforcement which was held by the person who  
702 performed the test.

703 e. If the test was administered by means of a breath  
704 testing instrument, the date of performance of the most recent  
705 required inspection of such instrument.

706  
707 Full information does not include manuals, schematics, or  
708 software of the instrument used to test the person or any other  
709 material that is not in the actual possession of the state.  
710 Additionally, full information does not include information in  
711 the possession of the manufacturer of the test instrument.

712 5. A hospital, clinical laboratory, medical clinic, or  
713 similar medical institution or physician, certified paramedic,  
714 registered nurse, licensed practical nurse, other personnel  
715 authorized by a hospital to draw blood, or duly licensed  
716 clinical laboratory director, supervisor, technologist, or  
717 technician, or other person assisting a law enforcement officer  
718 does not incur any civil or criminal liability as a result of  
719 the withdrawal or analysis of a blood or urine specimen, or the  
720 chemical or physical test of a person's breath pursuant to  
721 accepted medical standards when requested by a law enforcement  
722 officer, regardless of whether or not the subject resisted  
723 administration of the test.

724 Section 13. Paragraph (a) of subsection (2) of section  
725 316.1933, Florida Statutes, is amended to read:

726           316.1933 Blood test for impairment or intoxication in  
 727 cases of death or serious bodily injury; right to use reasonable  
 728 force.-

729           (2)(a) Only a physician, certified paramedic, registered  
 730 nurse, licensed practical nurse, other personnel authorized by a  
 731 hospital to draw blood, or duly licensed clinical laboratory  
 732 director, supervisor, technologist, or technician, acting at the  
 733 request of a law enforcement officer, may withdraw blood for the  
 734 purpose of determining the alcoholic content thereof or the  
 735 presence of chemical substances or controlled substances  
 736 therein. However, the failure of a law enforcement officer to  
 737 request the withdrawal of blood does ~~shall~~ not affect the  
 738 admissibility of a test of blood withdrawn for medical purposes.

739           1. Notwithstanding any provision of law pertaining to the  
 740 confidentiality of hospital records or other medical records, if  
 741 a health care provider, who is providing medical care in a  
 742 health care facility to a person injured in a motor vehicle  
 743 crash, becomes aware, as a result of any blood test performed in  
 744 the course of that medical treatment, that the person's blood-  
 745 alcohol level meets or exceeds the blood-alcohol level specified  
 746 in s. 316.193(1)(a)2. ~~s. 316.193(1)(b)~~, the health care provider  
 747 may notify any law enforcement officer or law enforcement  
 748 agency. Any such notice must be given within a reasonable time  
 749 after the health care provider receives the test result. Any  
 750 such notice shall be used only for the purpose of providing the

751 law enforcement officer with reasonable cause to request the  
752 withdrawal of a blood sample pursuant to this section.

753 2. The notice must ~~shall~~ consist only of the name of the  
754 person being treated, the name of the person who drew the blood,  
755 the blood-alcohol level indicated by the test, and the date and  
756 time of the administration of the test.

757 3. Nothing contained in s. 395.3025(4), s. 456.057, or any  
758 applicable practice act affects the authority to provide notice  
759 under this section, and the health care provider is not  
760 considered to have breached any duty owed to the person under s.  
761 395.3025(4), s. 456.057, or any applicable practice act by  
762 providing notice or failing to provide notice. It is ~~shall~~ not  
763 ~~be~~ a breach of any ethical, moral, or legal duty for a health  
764 care provider to provide notice or fail to provide notice.

765 4. A civil, criminal, or administrative action may not be  
766 brought against any person or health care provider participating  
767 in good faith in the provision of notice or failure to provide  
768 notice as provided in this section. Any person or health care  
769 provider participating in the provision of notice or failure to  
770 provide notice as provided in this section shall be immune from  
771 any civil or criminal liability and from any professional  
772 disciplinary action with respect to the provision of notice or  
773 failure to provide notice under this section. Any such  
774 participant has the same immunity with respect to participating  
775 in any judicial proceedings resulting from the notice or failure

776 | to provide notice.

777 |       Section 14. Subsection (3) of section 316.303, Florida  
778 | Statutes, is amended to read:

779 |       316.303 Television receivers.—

780 |       (3) This section does not prohibit the use of an  
781 | electronic display used in conjunction with a vehicle navigation  
782 | system; an electronic display used by an operator of an  
783 | autonomous vehicle, as defined in s. 316.003(4) ~~s. 316.003(3)~~;  
784 | or an electronic display used by an operator of a vehicle  
785 | equipped and operating with driver-assistive truck platooning  
786 | technology, as defined in s. 316.003.

787 |       Section 15. Paragraph (b) of subsection (3) of section  
788 | 316.305, Florida Statutes, is amended to read:

789 |       316.305 Wireless communications devices; prohibition.—

790 |       (3)

791 |       (b) Paragraph (a) does not apply to a motor vehicle  
792 | operator who is:

793 |       1. Performing official duties as an operator of an  
794 | authorized emergency vehicle as defined in s. 322.01, a law  
795 | enforcement or fire service professional, or an emergency  
796 | medical services professional.

797 |       2. Reporting an emergency or criminal or suspicious  
798 | activity to law enforcement authorities.

799 |       3. Receiving messages that are:

800 |       a. Related to the operation or navigation of the motor



801 vehicle;

802       b. Safety-related information, including emergency,

803 traffic, or weather alerts;

804       c. Data used primarily by the motor vehicle; or

805       d. Radio broadcasts.

806       4. Using a device or system for navigation purposes.

807       5. Conducting wireless interpersonal communication that

808 does not require manual entry of multiple letters, numbers, or

809 symbols, except to activate, deactivate, or initiate a feature

810 or function.

811       6. Conducting wireless interpersonal communication that

812 does not require reading text messages, except to activate,

813 deactivate, or initiate a feature or function.

814       7. Operating an autonomous vehicle, as defined in s.

815 316.003(4) ~~s. 316.003(3)~~, with the automated driving system

816 engaged.

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

818 316.306, Florida Statutes, is amended to read:

819       316.306 School and work zones; prohibition on the use of a

820 wireless communications device in a handheld manner.—

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

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

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

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

825 shall only be applicable to work zone areas if construction

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826 personnel are present or are operating equipment on the road or  
827 immediately adjacent to the work zone area. For the purposes of  
828 this paragraph, a motor vehicle that is stationary is not being  
829 operated and is not subject to the prohibition in this  
830 paragraph.

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

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

837 316.85 Autonomous vehicles; operation; compliance with  
838 traffic and motor vehicle laws; testing.—

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

842 (5) Notwithstanding any other provision of this chapter,  
843 an autonomous vehicle or a fully autonomous vehicle equipped  
844 with a teleoperation system may operate without a human operator  
845 physically present in the vehicle when the teleoperation system  
846 is engaged. A vehicle that is subject to this subsection must  
847 meet the requirements of s. 319.145 and is considered a vehicle  
848 that meets the definition provided in s. 316.003(4)(c) ~~s.~~  
849 ~~316.003(3)(c)~~ for the purposes of ss. 316.062(5), 316.063(4),  
850 316.065(5), 316.1975(3), and 316.303(1).

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

853 322.18 Original applications, licenses, and renewals;  
 854 expiration of licenses; delinquent licenses.—

855 (2) Each applicant who is entitled to the issuance of a  
 856 driver license, as provided in this section, shall be issued a  
 857 driver license, as follows:

858 (e) Notwithstanding any other provision of this chapter,  
 859 an applicant applying for an original or renewal issuance of a  
 860 commercial driver license as defined in s. 322.01(8) ~~s.~~  
 861 ~~322.01(7)~~, with a hazardous-materials endorsement, pursuant to  
 862 s. 322.57(1)(e), shall be issued a driver license that expires  
 863 at midnight on the licensee's birthday that next occurs 4 years  
 864 after the month of expiration of the license being issued or  
 865 renewed.

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

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

873 322.34 Driving while license suspended, revoked, canceled,  
 874 or disqualified.—

875 (2) Any person whose driver license or driving privilege

876 has been canceled, suspended, or revoked as provided by law, or  
877 who does not have a driver license or driving privilege but is  
878 under suspension or revocation equivalent status as defined in  
879 s. 322.01(43) ~~s. 322.01(42)~~, except persons defined in s.  
880 322.264, who, knowing of such cancellation, suspension,  
881 revocation, or suspension or revocation equivalent status,  
882 drives any motor vehicle upon the highways of this state while  
883 such license or privilege is canceled, suspended, or revoked, or  
884 while under suspension or revocation equivalent status, commits:

885 (a) A misdemeanor of the second degree, punishable as  
886 provided in s. 775.082 or s. 775.083.

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

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

893 (c) A felony of the third degree, punishable as provided  
894 in s. 775.082, s. 775.083, or s. 775.084, upon a third or  
895 subsequent conviction if the current violation of this section  
896 or the most recent prior violation of the section is related to  
897 driving while license canceled, suspended, revoked, or  
898 suspension or revocation equivalent status resulting from a  
899 violation of:

900 1. Driving under the influence;

901           2. Refusal to submit to a urine, breath-alcohol, or blood  
902 alcohol test;

903           3. A traffic offense causing death or serious bodily  
904 injury; or

905           4. Fleeing or eluding.  
906

907 The element of knowledge is satisfied if the person has been  
908 previously cited as provided in subsection (1); or the person  
909 admits to knowledge of the cancellation, suspension, or  
910 revocation, or suspension or revocation equivalent status; or  
911 the person received notice as provided in subsection (4). There  
912 shall be a rebuttable presumption that the knowledge requirement  
913 is satisfied if a judgment or order as provided in subsection  
914 (4) appears in the department's records for any case except for  
915 one involving a suspension by the department for failure to pay  
916 a traffic fine or for a financial responsibility violation.

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

919           322.61 Disqualification from operating a commercial motor  
920 vehicle.—

921           (4) Any person who is transporting hazardous materials as  
922 defined in s. 322.01(25) ~~s. 322.01(24)~~ shall, upon conviction of  
923 an offense specified in subsection (3), be disqualified from  
924 operating a commercial motor vehicle for a period of 3 years.

925 The penalty provided in this subsection shall be in addition to

926 any other applicable penalty.

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

929 327.391 Airboats regulated.—

930 (1) The exhaust of every internal combustion engine used  
 931 on any airboat operated on the waters of this state shall be  
 932 provided with an automotive-style factory muffler, underwater  
 933 exhaust, or other manufactured device capable of adequately  
 934 muffling the sound of the exhaust of the engine as described in  
 935 s. 327.02(32) ~~s. 327.02(31)~~. The use of cutouts or flex pipe as  
 936 the sole source of muffling is prohibited, except as provided in  
 937 subsection (4). A person who violates this subsection commits a  
 938 noncriminal infraction, punishable as provided in s. 327.73(1).

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

941 327.53 Marine sanitation.—

942 (8) The owner or operator of a live-aboard vessel as  
 943 defined in s. 327.02(24) ~~s. 327.02(23)~~, or a houseboat as  
 944 defined in s. 327.02(18) ~~s. 327.02(17)~~, that is equipped with a  
 945 marine sanitation device must maintain a record of the date of  
 946 each pumpout of the marine sanitation device and the location of  
 947 the pumpout station or waste reception facility. Each record  
 948 must be maintained for 1 year after the date of the pumpout.  
 949 This subsection does not apply to marine compost toilets that  
 950 process and manage human waste using marine compost toilet

951 technologies that comply with United States Coast Guard  
 952 requirements.

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

955 627.749 Autonomous vehicles; insurance requirements.—

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

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

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

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

963 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 964 section and ss. 655.961-655.965, unless the context otherwise  
 965 requires:

966 (1) "Access area" means any paved walkway or sidewalk  
 967 which is within 50 feet of any automated teller machine. The  
 968 term does not include any street or highway open to the use of  
 969 the public, as defined in s. 316.003(90) (a) or (b) ~~s.~~  
 970 ~~316.003(89) (a) or (b)~~, including any adjacent sidewalk, as  
 971 defined in s. 316.003.

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

974 921.0022 Criminal Punishment Code; offense severity  
 975 ranking chart.—

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976	(3) OFFENSE SEVERITY RANKING CHART		
977	(g) LEVEL 7		
978	Florida	Felony	
979	Statute	Degree	Description
979	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
980	316.193 (3) (c) 2.	<u>2nd</u> <del>3rd</del>	DUI resulting in serious bodily injury.
981	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.
982	327.35 (3) (c) 2.	<u>2nd</u> <del>3rd</del>	Vessel BUI resulting in serious bodily injury.
983	402.319 (2)	2nd	Misrepresentation and



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negligence or intentional act  
 resulting in great bodily harm,  
 permanent disfiguration,  
 permanent disability, or death.

984

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

985

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

986

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

987

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

988

458.327 (1) 3rd Practicing medicine without a  
 license.

989

459.013 (1) 3rd Practicing osteopathic medicine  
 without a license.

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990	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
991	461.012 (1)	3rd	Practicing podiatric medicine without a license.
992	462.17	3rd	Practicing naturopathy without a license.
993	463.015 (1)	3rd	Practicing optometry without a license.
994	464.016 (1)	3rd	Practicing nursing without a license.
995	465.015 (2)	3rd	Practicing pharmacy without a license.
996	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
997	467.201	3rd	Practicing midwifery without a license.
998			

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999	468.366	3rd	Delivering respiratory care services without a license.
1000	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1001	483.901 (7)	3rd	Practicing medical physics without a license.
1002	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1003	484.053	3rd	Dispensing hearing aids without a license.
1004	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.
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding

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1005			\$300 but less than \$20,000 by a money services business.
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1006			
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1007			
	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1008			
	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
1009			
	775.21 (10) (g)	3rd	Failure to report or providing false information about a

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1010	782.051 (3)	2nd	sexual predator; harbor or conceal a sexual predator.
1011	782.07(1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1012	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1013	782.072	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1014			Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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1015	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1016	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1017	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1018	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1019	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1020	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1021	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.

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1022	784.081(1)	1st	Aggravated battery on specified official or employee.
1023	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1024	784.083(1)	1st	Aggravated battery on code inspector.
1025	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1026	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.
1027	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

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1028	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1029	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1030	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1031	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1032	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1033	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided



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1034			for in s. 874.04.
	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.
1035			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1036			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1037			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1038			
	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.

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1039	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 for specified sex offense.
1040	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
1041	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1042	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1043	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1044	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
1045			

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1046	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.
1047	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1048	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1049	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1050	812.014 (2) (f)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.

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1051	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1052	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1053	812.131(2)(a)	2nd	Robbery by sudden snatching.
1054	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1055	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
1056	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1057	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234(11)(c)	1st	Insurance fraud; property value

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1058			\$100,000 or more.
	817.2341	1st	Making false entries of
	(2) (b) &		material fact or false
	(3) (b)		statements regarding property
			values relating to the solvency
			of an insuring entity which are
			a significant cause of the
			insolvency of that entity.
1059			
	817.418 (2) (a)	3rd	Offering for sale or
			advertising personal protective
			equipment with intent to
			defraud.
1060			
	817.504 (1) (a)	3rd	Offering or advertising a
			vaccine with intent to defraud.
1061			
	817.535 (2) (a)	3rd	Filing false lien or other
			unauthorized document.
1062			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49
			counterfeit credit cards or
			related documents.
1063			

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1064	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1065	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1066	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1067	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1068	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1069	838.015	2nd	Bribery.
	838.016	2nd	Unlawful compensation or reward

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1070			for official behavior.
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1071			
	838.22	2nd	Bid tampering.
1072			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1073			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
1074			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1075			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1076			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1077			
	872.06	2nd	Abuse of a dead human body.
1078			

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1079	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1080	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1081	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)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.
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s.



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1082	893.13(4) (a)	1st	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.
1083	893.13(4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1084	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1085	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1086	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

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1087	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1088	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1089	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1090	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
1091	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
1092	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.

1093

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1094	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1095	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1096	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1097	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1098	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1099	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.

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1100	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1101	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1102	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1103	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1104	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting

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1105			requirements.
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1106			
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
1107			
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1108			
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1109			
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.

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1110	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1111	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1112	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1113	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1114	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1115			

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1116	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1117	(h) LEVEL 8		
1118			
1119	Florida Statute	Felony Degree	Description
	<u>316.193(3)(c)3.</u>	<u>1st</u> <del>2nd</del>	DUI manslaughter.
	<del>316.193</del>		
	<del>—(3)(c)3.a.</del>		
1120	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1121			
1122	327.35(3)(c)3.	<u>1st</u> <del>2nd</del>	<del>Vessel</del> BUI manslaughter.
	499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
1123	499.0051(7)	1st	Knowing forgery of prescription

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1124	560.123 (8) (b) 2.	2nd	labels or prescription drug labels. Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
1125	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
1126	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
1127	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
1128	782.04 (4)	2nd	Killing of human without design



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			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.
1129	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
1130	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
1131	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
1132	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
1133			

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1134	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
1135	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
1136	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
1137	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
1138	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.

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1139	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.
1140	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
1141	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.
	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.

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1142	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1143	800.04(4)(b)	2nd	Lewd or lascivious battery.
1144	800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
1145	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1146	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
1147	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1148	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural

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			damage or \$1,000 or more property damage.
1149	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1150	812.13 (2) (b)	1st	Robbery with a weapon.
1151	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1152	817.418 (2) (b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.
1153	817.504 (1) (b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
1154	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.

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1155	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
1156	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
1157	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
1158	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
1159	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.

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1160	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
1161	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1162	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1163	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
1164	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
1165	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1166			

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1167	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1168	860.16	1st	Aircraft piracy.
1169	893.13(1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1170	893.13(2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1171	893.13(6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1172	893.135(1) (a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
	893.135	1st	Trafficking in cocaine, more



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1173	(1) (b) 1.b.		than 200 grams, less than 400 grams.
	893.135	1st	Trafficking in illegal drugs,
	(1) (c) 1.b.		more than 14 grams, less than 28 grams.
1174			
	893.135	1st	Trafficking in hydrocodone, 100
	(1) (c) 2.c.		grams or more, less than 300 grams.
1175			
	893.135	1st	Trafficking in oxycodone, 25
	(1) (c) 3.c.		grams or more, less than 100 grams.
1176			
	893.135	1st	Trafficking in fentanyl, 14
	(1) (c) 4.b. (II)		grams or more, less than 28 grams.
1177			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.b.		200 grams or more, less than 400 grams.
1178			
	893.135	1st	Trafficking in methaqualone, 5
	(1) (e) 1.b.		kilograms or more, less than 25

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1179			kilograms.
	893.135	1st	Trafficking in amphetamine, 28
	(1) (f) 1.b.		grams or more, less than 200
			grams.
1180			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28
			grams.
1181			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5
			kilograms or more, less than 10
			kilograms.
1182			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than
			10 kilograms.
1183			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than
			400 grams.
1184			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.c.		cannabinoids, 1,000 grams or

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1185			more, less than 30 kilograms.
	893.135	1st	Trafficking in n-benzyl
	(1) (n)2.b.		phenethylamines, 100 grams or
			more, less than 200 grams.
1186			
	893.1351(3)	1st	Possession of a place used to
			manufacture controlled
			substance when minor is present
			or resides there.
1187			
	895.03(1)	1st	Use or invest proceeds derived
			from pattern of racketeering
			activity.
1188			
	895.03(2)	1st	Acquire or maintain through
			racketeering activity any
			interest in or control of any
			enterprise or real property.
1189			
	895.03(3)	1st	Conduct or participate in any
			enterprise through pattern of
			racketeering activity.
1190			
	896.101(5)(b)	2nd	Money laundering, financial

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1191			transactions totaling or exceeding \$20,000, but less than \$100,000.
1192	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
1193	(i) LEVEL 9		
1194	Florida Statute	Felony Degree	Description
1195	<u>316.193 (3) (c) 3.</u> <del>316.193</del> <del>(3) (c) 3.b.</del>	1st	DUI manslaughter; <del>failing to render aid or give information.</del>
1196	<u>327.35 (3) (c) 3.</u> <del>327.35</del> <del>(3) (c) 3.b.</del>	1st	BUI manslaughter; <del>failing to render aid or give information.</del>
1197	409.920	1st	Medicaid provider fraud;

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1198	(2) (b) 1.c.		\$50,000 or more.
	499.0051(8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1199			
	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1200			
	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1201			
	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1202			
	775.0844	1st	Aggravated white collar crime.
1203			
	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

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1204	782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
1205	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1206	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1207	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1208	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.

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1209	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1210	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.
1211	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
1212	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
1213	787.06(3)(f)1.	1st, PBL	Human trafficking for commercial sexual activity by

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1214			the transfer or transport of any child from outside Florida to within the state.
	790.161	1st	Attempted capital destructive device offense.
1215			
	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1216			
	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1217			
	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1218			
	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.



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1219	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
1220	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
1221	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
1222	794.011 (8) (b)	1st, PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1223	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.

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1224	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1225	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
1226	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1227	812.135(2)(b)	1st	Home-invasion robbery with weapon.
1228	817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
1229	817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
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1231	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.
1232	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.
1233	827.03 (2) (a)	1st	Aggravated child abuse.
1234	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1235	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
	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.
1236	893.135	1st	Attempted capital trafficking offense.
1237	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1238	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1239	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1240	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
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1242	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
1243	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
1244	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
1245	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
1246	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
1247	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1248	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
	893.135	1st	Trafficking in Phenethylamines,

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1249	(1) (k) 2.c.		400 grams or more.
1250	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
1251	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
1252	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
1253	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
1254	Section 26. This act shall take effect July 1, 2024.		