

11.16 DANGEROUS SEXUAL FELONY OFFENDER

§ 794.0115, Fla. Stat.

(For crimes committed on or after July 1, 2003.)

If you find (defendant) guilty of (felony, as identified by section 794.0115(2), Fla. Stat.) you must then determine whether the State has further proved beyond a reasonable doubt:

- 1. (Defendant) was 18 years of age or older at the time of the commission of the offense.**
and

Give as applicable.

- 2. (Defendant)**
 - a. caused serious personal injury to (victim) as a result of the commission of the offense.**
 - b. used or threatened to use a deadly weapon during the commission of the offense.**
 - c. victimized more than one person during the course of the criminal episode applicable to the offense.**

Definitions. Give as applicable.

“Serious personal injury” means great bodily harm or pain, permanent disability, or permanent disfigurement.

A “deadly weapon” is any object that will likely cause death or great bodily harm if used or threatened to be used in the ordinary and usual manner contemplated by its design and construction.

Give if applicable.

An object not designed to inflict bodily harm may nonetheless be a “deadly weapon” if it was used or threatened to be used in a manner likely to cause death or great bodily harm.

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.

Comments

A special instruction will be necessary in cases where the deadly weapon was an animal or a substance or something that is not commonly referred to as an “object.”

This instruction was adopted in 2008 [980 So. 2d 1054] and amended on April 3, 2020.