

28.4(a) LEAVING THE SCENE OF A CRASH INVOLVING ONLY DAMAGE TO AN ATTENDED VEHICLE OR ATTENDED PROPERTY

§ 316.061(1), Fla. Stat.

To prove the crime of Leaving the Scene of a Crash Involving Only Damage to an Attended Vehicle or Attended Property, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **was the driver of a vehicle involved in a crash.**
2. **The crash resulted only in damage to a vehicle or other property.**
3. **The [vehicle] [other property] was [driven] [attended] by** (name of person).
4. (Defendant) **failed to stop at the scene of the crash or as close to the crash as possible and remain there until [he] [she] had given identifying information to** (name of person in element #3) **[and to any police officer at the scene of the crash or who is investigating the crash].**

Gaulden v. State, 195 So. 3d 1123 (Fla. 2016); *State v. Elder*, 975 So.2d 481 (Fla. 2d DCA 2007).

For the defendant to be “involved in a crash,” a vehicle, though not necessarily the defendant’s vehicle, must collide with another vehicle, person, or object.

Give if applicable. State v. Elder, 975 So.2d 481 (Fla. 2d DCA 2007).

“Involved” means to draw in as a participant, to implicate, to relate closely, to connect, to have an effect on, to concern directly, or to affect.

§ 316.062(1), Fla. Stat.

“Identifying information” means the name, address, vehicle registration number, and if available and requested, the exhibition of the defendant’s license or permit to drive.

§ 316.003, Fla. Stat. *Some of these terms have their own statutory definitions, which should be given if necessary.*

“Vehicle” means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway[, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks].

Lesser Included Offense

LEAVING THE SCENE OF A CRASH INVOLVING ONLY DAMAGE TO AN ATTENDED VEHICLE OR ATTENDED PROPERTY—316.061(1)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

As of August 2025, there was no case law directly addressing the issue of whether the State must prove the defendant knew, or should have known, of either the crash or the property damage. *Compare State v. Dorsett*, 158 So. 3d 557 (Fla. 2015), and *Mancuso v. State*, 652 So. 2d 370 (Fla. 1995), dealing with § 316.027, Fla. Stat., which, unlike § 316.061, Fla. Stat., contains an explicit willfulness requirement.

As of October 1, 2025, a driver convicted of violating § 316.061, Fla. Stat., who caused or otherwise contributed to the crash, may be ordered to pay restitution to the owner of a vehicle or other property damaged in the crash for any damage that was caused by the crash. As of October 1, 2025, it was undetermined if a jury finding on causation and an adjudication of guilt are required for restitution to be ordered.

This instruction was adopted in 2013 [131 So. 3d 720] and amended in 2018 [236 So. 3d 244], 2019 [262 So. 3d 59], on October 2, 2020, on April 1, 2022, on December 15, 2023, and on September 5, 2025.