

8.9 CULPABLE NEGLIGENCE

§ 784.05, Fla. Stat.

To prove the crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant)

Give 1a or 1b as applicable.

a. exposed (victim) to personal injury.

b. inflicted actual personal injury on (victim).

2. [He] [She] did so through culpable negligence.

Give only if 1a is read to the jury.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing a grossly careless disregard for the safety and welfare of the public. The negligent act or omission must have been committed with an utter disregard for the safety of another.

Lesser Included Offense

CULPABLE NEGLIGENCE — 784.05(2)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Culpable negligence		784.05(1)	8.9
	None		

Comment

This instruction was adopted in 1981 and amended in 1985 [477 So. 2d 985], and on June 12, 2026.