

IMMIGRATION CONSEQUENCES OF SELECTED FLORIDA OFFENSES: A QUICK REFERENCE CHART¹

Disclaimer: Immigration consequences of crimes are a complex, unpredictable, and constantly changing area of law in which there are few guarantees. The analyses and suggestions offered below do not create a lawyer-client relationship and are not a substitute for the individual legal research and personalized representation that is essential to every case. Practitioners are advised to use this chart as a starting point rather than as a substitute for legal research.

OFFENSE	AGGRAVATED FELONY (AF)	CRIME INVOLVING MORAL TURPITUDE (CIMT)	RELATING TO A CONTROLLED SUBSTANCE	DOMESTIC VIOLENCE; FIREARMS; OTHER	ALTERNATE PLEAS AND PRACTICE TIPS
Chapter 316, 322 – Motor Vehicles					
§ 316.027 (1)(a) – Accidents involving personal injuries, failure to stop; leaving scene	Not an AF, even if sentenced to imprisonment for a year or more.	Probably not a CIMT.			
§ 316.027(1)(b) – Accident involving death, failure to stop; leaving scene	Same as § 316.027 (1)(a) – Accidents involving personal injuries, failure to stop; leaving scene	Same as § 316.027 (1)(a) – Accidents involving personal injuries, failure to stop; leaving scene			
§ 316.193(2)(a) – Misdemeanor DUI, 1 st & 2 nd conviction	Not an AF.	Not a CIMT.			
§ 316.193(2)(b) – Felony DUI, 3 rd & 4 th conviction	Not an AF.	Not a CIMT.			
§ 316.193(3)(c)2 – DUI resulting in serious bodily	Is an AF with a sentence of one year	Probably not be considered			Possible safe alternate plea is felony DUI.

¹ The conclusions in this chart is supported by analyses contained in a separate document entitled “Quick Reference Guide to the Basic Immigration Consequences of Select Florida Crimes,” created by the Florida Immigrant Advocacy Center.

injury	or more imprisonment?	a CMT.			
§ 316.193(3)(c)3.a – DUI manslaughter	Is an AF with a sentence of one year or more imprisonment?	Probably not a CMT.			Possible safe alternate plea is felony DUI.
§ 316.193(3)(c)3.b – DUI manslaughter; failing to render aid or give information	Same as § 316.193(3)(c)3.a – DUI manslaughter.	Same as § 316.193(3)(c)3.a – DUI manslaughter			
§ 316.1935(2) – Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated	Not an AF, even if prison term of a year or more is imposed.	Not a CMT.			
§ 316.1935(3) – Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.	Probably not an AF, even if sentence of a year or more imprisonment is imposed.	Probably not a CMT.			
§ 316.1935(4) – Aggravated fleeing or eluding	Possibly an AF as a crime of violence if a year or more imprisonment is imposed.	Probably not be considered a CMT.			Possible safe alternate plea is culpable negligence.
§ 322.34(6) – Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury	Is an AF if a year or more imprisonment is imposed.	Probably not a CMT.			Possible safe alternate plea is culpable negligence.
Chapter 777 – Attempts, Solicitation, Conspiracy					
§ 777.03 – Accessory after the fact	Is probably an AF if a sentence of a year or more	Is probably a CMT.			

	imprisonment is imposed.				
§ 777.04(1) – Criminal Attempt	Will be an AF if the underlying offense is.	Will be a CIMT if the underlying offense is.			
§ 777.04(2) – Criminal Solicitation	Is possibly an AF if the underlying crime is one.	Is possibly a CIMT if the underlying offense is.			
§ 777.04(3) – Criminal Conspiracy	Is an AF when the underlying crime is.	Is a CIMT when the underlying crime is.			
Chapter 782- Homicide					
§ 782.051 – Attempted Felony Murder	<i>Note: The statutory offense of attempted felony murder was created effective October 1, 1998. Prior to that date, attempted felony murder was prosecuted under a “common-law” theory by applying the law of attempts to the crime of felony murder which was held to be nonexistent by the Supreme Court of Florida in State v. Gray, 654 So. 2d 552 (Fla. 1995).</i>				
§ 782.051(1) & (2) – Attempted Felony Murder (Act By Perpetrator)	Possibly an AF as a crime of violence if a one-year sentence to imprisonment is imposed, especially if the underlying felony is a crime of violence.	Possibly a CIMT.			
§ 782.051(1) & (2) – Attempted Felony Murder (Injury Caused By Non-Perpetrator)	Possibly an AF as a crime of violence if a one-year sentence to imprisonment is imposed, especially if the underlying felony is a crime of violence.	Possibly a CIMT.			
§ 782.07 - Manslaughter	Probably an AF as a crime of violence if a one year sentence	Probably a CIMT.			

	to imprisonment or more is imposed.				
§ 782.07(2) – Aggravated Manslaughter of an Elderly Person or Disabled Adult	Same as Aggravated Manslaughter of a Child, § 782.07(3)				
§ 782.07(3) – Aggravated Manslaughter of a Child	Probably an AF with a sentence of a year or more imprisonment.	Probably a CIMT.		May fall within the DV ground of deportation.	Possible safe alternate plea is child neglect without great bodily harm.
Chapter 784 – Assault, Battery, Culpable Negligence					
§ 784.011 – Assault	Not an AF.	Not a CIMT.		May fall within the DV ground of deportation.	
§ 784.021 – Aggravated Assault	Probably an AF if a year or more imprisonment is imposed.	Is probably a CIMT.		Same DV analysis as for § 784.011. If the “deadly weapon” used was a firearm, could also be considered a firearm offense.	Try to have record of conviction free of any reference to a firearm, or keep deadly weapon used ambiguous.
§ 784.03 – Battery; felony battery	Probably an AF, if a years’ imprisonment is imposed.	Not a CIMT.		Same DV analysis as § 784.011.	
§ 784.041 – Felony Battery	Is probably an AF if a prison sentence of one year or more is imposed.	May be a CIMT.		Same DV analysis as § 784.011.	Possible safe alternate plea is battery.
§ 784.045 – Aggravated Battery	Is probably an AF if a prison sentence of one year or more is imposed.	Is probably a CIMT.		Same DV analysis as § 784.011.	Possible safe alternate plea is battery.
§ 784.045(1)(a)(2) – Aggravated Battery – Deadly Weapon	Is probably an AF definition, if a year or more imprisonment is imposed.	Is probably a CIMT.		Same DV analysis as § 784.011. If the “deadly weapon” used was a firearm, will likely also be	Possible safe alternate plea is battery.

				considered a firearm offense and subject the person to deportation.	
§ 784.045(1)(b) – Aggravated Battery – Pregnant Woman	Is probably an AF, if a one year prison sentence or more is imposed.	Is probably a CIMT.		Same DV analysis as § 784.011.	Possible safe alternate plea is battery.
§ 784.047 – Violating Protection Injunction	Not an AF.	Probably not a CIMT.		Falls within the DV ground of deportation if it occurred after September 30, 1996.	
§ 784.048(2) – Stalking	Probably not an AF, even if a sentence of one year imprisonment or more is imposed.	Possibly a CIMT.		Falls within the DV ground of deportation if occurring after September 30, 1996.	
§ 784.048(3) – Aggravated Stalking – Credible Threat	Probably an AF, if a sentence of one year or more imprisonment is imposed.	Probably a CIMT.		Will make a noncitizen subject to deportation under the DV ground of deportation if occurring after September 30, 1996.	
§ 784.048(4) – Aggravated Stalking – Violation of Protective Order	Probably not an AF.	Is possibly a CIMT.		Will make a noncitizen subject to deportation under the DV ground of deportation if occurring after September 30, 1996.	
§ 784.048(5) – Aggravated Stalking – Victim Under 16	Same as for § 784.048(2).				
§ 784.05(1) – Culpable Negligence – Exposure to	Probably not a crime of violence AF, even	Probably not a CIMT.			

Injury	if a one year sentence to imprisonment is imposed.				
§ 784.05(2) – Culpable Negligence – Actual Personal Injury	Same as for § 784.05(1).				
§ 784.05(3) – Culpable Negligence – Leaving Loaded Firearm Accessible to Minor	Same as for § 784.05(1).			Will be considered a firearm offense within the meaning of the firearm ground of deportation.	Possible safe alternate plea is culpable negligence.
§ 784.07 – Assaults on a LEO, Firefighter, & Other Specified Officers	Same as for assault.	Possibly a CIMT.			
§ 784.07 – Aggravated Assault on a LEO, Firefighter, or Other Specified Officer	Same as for assault.	Same as for aggravated assault.		If the record of conviction shows that the deadly weapon was a firearm, the offense will be considered a firearm offense within the meaning of the firearm ground of deportation.	
§ 784.07 – Battery on a LEO, Firefighter, or Other Specified Officer	Same as for battery.	Possibly a CIMT.		Firearm enhancement is not an element of the offense. It should not convert this offense into a firearm offense under the firearm ground of deportation.	
§ 784.07 – Aggravated	Same as for	Is a CIMT.			

Battery on a LEO, Firefighter, or Other Specified Officer – Harm/Disability/Disfigurement	aggravated battery.				
§ 784.07 – Aggravated Battery on a LEO, Firefighter, or Other Specified Officer – Deadly Weapon	Same as for Aggravated battery with a deadly weapon.				
§ 784.08 – Assault on the Elderly	Same as for § 784.021 – Aggravated Assault.	Is possibly a CIMT.			
§ 784.08 – Aggravated Assault on a Person 65 Years of Age or Older	Same as for § 784.021 – Aggravated Assault.				
§ 784.08 – Battery on a Person 65 Years of Age or Older	Same as for § 784.08 – Aggravated Assault on a Person 65 Years of Age or Older.				
§ 784.08 – Aggravated Battery on a Person 65 Years of Age or Older – Harm/Disability/Disfigurement	Same as for § 784.045(1)(a)(1) – Aggravated battery with a deadly weapon.		Same as for § 784.045(1)(a)(1) – Aggravated battery with a deadly weapon.		
§ 784.08 – Aggravated Battery on a Person 65 Years of Age or Older – Deadly Weapon	Same as for § 784.045(1)(a)(1).				
Chapter 787 – Kidnapping, False Imprisonment					
§ 787.01 – Kidnapping	Probably an AF as a crime of violence if a sentence of a year or more is imposed.	Probably a CIMT.			Possible safe alternate plea is battery or underlying offense that is neither a CIMT or AF.
§ 787.02 – False Imprisonment	Same as for § 787.01, Kidnapping.				

Chapter 800 – Lewdness; Indecent Exposure					
§ 800.04 – Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age	Is an AF, regardless of the sentence.	Is a CIMT.			Possible safe alternate plea is battery.
Chapter 806 – Arson and Criminal Mischief					
§ 806.01(1) – Arson – First Degree	Probably an AF, if a sentence of a year or more imprisonment is imposed.	Is probably a CIMT.			Possible safe alternate plea is criminal mischief.
§ 806.01(2) – Arson	Same as for § 806.01(1) – Arson.				Possible safe alternate plea is criminal mischief.
§ 806.013 – Criminal Mischief	Is not an AF, even if a year of imprisonment is imposed.	Probably not a CIMT.			
Chapter 810 – Burglary and Trespass					
§ 810.02 – Burglary	Is possibly an AF.	Is a CIMT if the underlying offense is a CIMT.			A safe alternate plea would be trespass. The burglary analysis is complicated.
§ 810.06 – Possession of burglary tools	Is possibly an AF.	Is a CIMT if the underlying offense is a CIMT.			
§ 810.08 – Trespass in structure or conveyance	Not an AF.	Not a CIMT.		If the record of conviction is clear that a weapon was used and it was a firearm, then the crime could trigger the firearm ground of deportation.	
§ 810.09 – Trespass on property other than structure or conveyance	Same as for § 810.08.				

Chapter 812 – Theft, Robbery, and Related Crimes

§ 812.014 – Theft	An AF, if a year or more imprisonment is imposed.	Probably a CIMT.			For CIMT analysis, the record of conviction should show that the taking was temporary or be ambiguous as to whether it was permanent or temporary.
§ 812.019 – Dealing in Stolen Property	Is an AF if the defendant receives a sentence to imprisonment of a year or more.	Is possibly a CIMT.			
§ 812.019(2) – Dealing in Stolen Property (Organizing)	Same as for § 812.019 – Dealing in Stolen Property	Is a CIMT.			
§ 812.13 – Robbery	Is an AF if the sentence received is a year or longer of imprisonment.	Is a CIMT.			
§ 812.133 – Carjacking	Is an AF if the sentence received is a year or longer of imprisonment.	Is a CIMT.			Possible safe alternate plea is assault, battery. Safer (but not safe) plea is theft.

Chapter 827 – Child Abuse					
§ 827.03(1) – Child Abuse	Is possibly a crime of violence AF if the sentence received is a year or more imprisonment.	Is possibly a CIMT.		Could trigger DV ground of deportation depending on who the victim is.	Possible safe alternate plea is child neglect without great bodily harm.
§ 827.03(2) – Aggravated Child Abuse	Is probably an AF if the term of imprisonment is a year or longer.	Is a CIMT.		Could trigger DV ground of deportation depending on who the victim is.	Possible safe alternate plea is child neglect without great bodily harm.
§ 827.03(3)(b) – Child Neglect (Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)	If the defendant is sentenced to a year or more imprisonment, is possibly an AF.	Probably a CIMT.		Could trigger DV ground of deportation depending on who the victim is.	Possible safe alternate plea is child neglect without great bodily harm.
§ 827.03(3)(a) – Child Neglect (Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)	Is probably not a crime of violence AF, even if a sentence of a year or more imprisonment is imposed.	Is probably not a CIMT.		Could trigger DV ground of deportation depending on who the victim is.	
§ 827.04(1)(a) – Contributing to the Delinquency of a Minor (By Act)	Not an AF even if the defendant receives a sentence of one year imprisonment.	Is probably not a CIMT unless the record of conviction refers to lewd and/or lascivious act.			

§ 827.04(1)(a) – Contributing to the Delinquency of a Minor (By Inducement)	Same as § 827.04(1)(a), Contributing to the Delinquency of a Minor (By Act)	Same as § 827.04(1)(a), Contributing to the Delinquency of a Minor (By Act)			
Chapter 831 – Forgery and Counterfeiting					
§ 831.01 – Forgery	Is probably an AF if either the loss to the victim is at least \$10,000 (as a fraud offense) or if the sentence is to a year or more imprisonment (as a theft or forgery offense).	Is possibly a CIMT.			
§ 831.07 – Forging Bank Bills, Checks, Drafts, or Promissory Notes	Same as for forgery.				
§ 831.08 – Possessing 10 or More Forged Notes, Bills, Checks, or Drafts	Same as for forgery.				
§ 831.09 - Uttering Forged Notes, Bills, Checks, Drafts, or Promissory Notes	Same as for forgery.				

§ 831.31 – Counterfeit Controlled Substance; Sale Manufacture, Delivery, or Possession with Intent to Sell, Manufacture, or Deliver	Is probably an AF, if a felony under state law.	Is possibly a CIMT.	Probably falls within the controlled substance grounds of deportation and inadmissibility.		If given the choice, it is better to plead guilty to this crime rather than a “real” controlled substance felony, as there are some arguments that this crime is neither an AF, CIMT, or a deportable/inadmissible offense.
Chapter 832 – Violations Involving Checks and Drafts					
§ 832.05(2) – Worthless Check	Not an AF.	Not a CIMT.			
Chapter 893 – Drug Abuse Prevention and Control					
§ 893.13(6)(a) & (6)(c) – Possession of Cannabis (20 grams or less)	Is not an AF.	Probably not a CIMT.	Simple possession of less than 30 grams of cannabis does not make a person subject to deportation, but makes him or her inadmissible to the United States.		
§ 893.13(6)(a) – Possession of Cannabis (more than 20 grams)	It is an AF as a drug trafficking crime.	Same as for possession of cannabis under 20 grams.	Simple possession of less than 30 grams of cannabis makes a person both deportable from and inadmissible to the United States.		
§ 893.13(6)(a) – Possession of any Controlled Substance other than Felony Possession of Cannabis	Same as for § 893.13(6)(a) – Possession of Cannabis (more than 20 grams).				
§ 893.13(3) – Delivery without Consideration of Cannabis (20 grams or less)	Is not an AF.	Is probably a CIMT.	Delivery of cannabis without consideration (not over 20 grams) makes a person both deportable and inadmissible.		

§893.13(1)(a)1 – Sell, manufacture, or deliver cocaine (or other drugs)	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(a)2 – Sell, manufacture, or deliver cannabis (or other drugs)	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(c)1 – Sell, manufacture, or deliver cocaine (or other drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(c)2 – Sell, manufacture, or deliver cannabis (or other drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(d)1 – Sell, manufacture, or deliver cocaine (or other drugs) within 1,000 feet of a university	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(e)1 – Sell, manufacture, or deliver cocaine (or other drugs) within 1,000 feet of a property used for religious services or a specified business site	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		

§ 893.13(1)(e)2 - Sell, manufacture, or deliver cannabis (or other drugs) within 1,000 feet of a property used for religious services or a specified business site	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(f)1 – Sell, manufacture, or deliver cocaine (or other drugs) within 1,000 feet of public housing facility	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(1)(f)2 – Sell, manufacture, or deliver drugs within 1,000 feet of public housing facility	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(2)(a)2 – Purchase of cannabis	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(4)(a) – Deliver to minor cocaine (or other drugs)	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.13(4)(b) – Deliver to minor cannabis (or other drugs)	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(a)1 – Trafficking in cannabis, more than 25 lbs, less the 2,000 lbs.	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(b)1.a – Trafficking in cocaine, more than 28 lbs, less than 200 lbs.	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		

§ 893.135(1)(c)1.a – Trafficking in illegal drugs, more than 4 grams, less than 14 grams	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(e)1 – Trafficking in methaqualone, more than 200 grams, less than 5 kilograms	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(f)1 – Trafficking in amphetamine, more than 14 grams, less than 28 grams	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(g)1.a – Trafficking in flunitrazepam, 4 grams or more, less than 14 grams	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(h)1.a – Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilo or more, less than 5 kilos	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(j)1.a – Trafficking in 1, 4- Butanediol, 1 kilo or more, less than 5 kilos	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.135(1)(k)2.a – Trafficking in Phenethylamines, 10 grams or more, less than 200 grams	Is an AF.	Probably CIMT.	Crime makes a person both deportable from and inadmissible to the United States.		
§ 893.147(1) – Use or possession of drug paraphernalia	Not an AF.	Not CIMT.	Possibly falls within the controlled substance grounds of deportation and inadmissibility.		