

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Futch offered the following:

Amendment (with title amendment)

14 remove from the bill: Everything after the enacting clause
15
16 and insert in lieu thereof:

17 Section 1. Section 316.1935, Florida Statutes, is
18 amended to read:

19 316.1935 Fleeing or attempting to elude a law
20 enforcement officer; aggravated fleeing and eluding.--

21 (1) It is unlawful for the operator of any vehicle,
22 having knowledge that he or she has been ordered ~~directed~~ to
23 stop such vehicle by a duly authorized law enforcement
24 officer, willfully to refuse or fail to stop the vehicle in
25 compliance with such order ~~directive~~ or, having stopped in
26 knowing compliance with such order ~~the directive~~, willfully to
27 flee in an attempt to elude the officer, and a person who
28 violates this subsection shall, upon conviction, be punished
29 by imprisonment in the county jail for a period not to exceed
30 1 year, or by fine not to exceed \$1,000, or by both such fine
31 and imprisonment.

Amendment No. 01 (for drafter's use only)

1 (2) Any person who willfully flees or attempts, ~~in the~~
2 ~~course of unlawfully fleeing or attempting~~ to elude a law
3 enforcement officer in an authorized law enforcement patrol
4 vehicle with agency insignia and other jurisdictional markings
5 prominently displayed on the vehicle with siren and lights
6 activated ~~pursuant to subsection (1), having knowledge of an~~
7 ~~order to stop by a duly authorized law enforcement officer,~~
8 ~~causes the law enforcement officer to engage in a high-speed~~
9 ~~vehicle pursuit~~ commits a felony of the third degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084.

12 (3) Any person who willfully flees or attempts to
13 elude a law enforcement officer in an authorized law
14 enforcement patrol vehicle with agency insignia and other
15 jurisdictional markings prominently displayed on the vehicle
16 with siren and lights activated, and during the course of the
17 fleeing or attempted eluding drives at high speed, or in any
18 manner which demonstrates a wanton disregard for the safety of
19 persons or property commits a felony of the second degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084.

22 (4)~~(3)~~ Any person who, in the course of unlawfully
23 leaving or attempting to leave the scene of an accident in
24 violation of s. 316.027 or s. 316.061, having knowledge of an
25 order to stop by a duly authorized law enforcement officer:

26 (a) Willfully refuses or fails to stop in compliance
27 with such an order, or having stopped in knowing compliance
28 with such order, willfully flees in an attempt to elude such
29 officer; and

30 (b) As a result of such fleeing or eluding, causes
31 injury to another person or causes damage to any property

Amendment No. 01 (for drafter's use only)

1 belonging to another person
2
3 commits aggravated fleeing or eluding, a felony of the second
4 ~~third~~ degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084. The felony of aggravated fleeing or
6 eluding constitutes a separate offense for which a person may
7 be charged, in addition to the offense of unlawfully leaving
8 the scene of an accident which the person had been in the
9 course of committing or attempting to commit when the order to
10 stop was given.

11 (5)~~(4)~~ The court may revoke, for a period not to
12 exceed 1 year, the driver's license of any operator of a motor
13 vehicle convicted of a violation of subsection (1), subsection
14 (2), ~~or~~ subsection (3), or subsection (4).

15 Section 2. Paragraphs (c), (d), and (e) of subsection
16 (3) of section 921.0022, Florida Statutes, as created by
17 section 5 of chapter 97-194, Laws of Florida, are amended to
18 read:

19 921.0022 Criminal Punishment Code; offense severity
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

22

23 Florida	Felony	
24 Statute	Degree	Description
		(c) LEVEL 3
28 39.061	3rd	Escapes from juvenile facility 29 (secure detention or residential 30 commitment facility).

31

Amendment No. 01 (for drafter's use only)

1	<u>316.1935(2)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude</u>
2			<u>law enforcement officer in marked</u>
3			<u>patrol vehicle with siren and</u>
4			<u>lights activated.</u>
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	328.05(2)	3rd	Possess, sell, or counterfeit
18			fictitious, stolen, or fraudulent
19			titles or bills of sale of
20			vessels.
21	328.07(4)	3rd	Manufacture, exchange, or possess
22			vessel with counterfeit or wrong
23			ID number.
24	376.302(5)	3rd	Fraud related to reimbursement
25			for cleanup expenses under the
26			Inland Protection Trust Fund.
27	501.001(2)(b)	2nd	Tampers with a consumer product
28			or the container using materially
29			false/misleading information.
30	697.08	3rd	Equity skimming.
31			

Amendment No. 01 (for drafter's use only)

1	790.15(3)	3rd	Person directs another to
2			discharge firearm from a vehicle.
3	796.05(1)	3rd	Live on earnings of a prostitute.
4	806.10(1)	3rd	Maliciously injure, destroy, or
5			interfere with vehicles or
6			equipment used in firefighting.
7	806.10(2)	3rd	Interferes with or assaults
8			firefighter in performance of
9			duty.
10	810.09(2)(c)	3rd	Trespass on property other than
11			structure or conveyance armed
12			with firearm or dangerous weapon.
13	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
14			less than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	828.12(2)	3rd	Tortures any animal with intent
23			to inflict intense pain, serious
24			physical injury, or death.
25	831.29	2nd	Possession of instruments for
26			counterfeiting drivers' licenses.
27	838.021(3)(b)	3rd	Threatens unlawful harm to public
28			servant.
29	843.19	3rd	Injure, disable, or kill police
30			dog or horse.
31	870.01(2)	3rd	Riot; inciting or encouraging.

Amendment No. 01 (for drafter's use only)

1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c), (3), or (4)
4			drugs).
5	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
6			893.03(1)(c), (2)(c), (3), or (4)
7			drugs within 200 feet of
8			university, public housing
9			facility, or public park.
10	893.13(6)(a)	3rd	Possession of any controlled
11			substance other than felony
12			possession of cannabis.
13	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
14			controlled substance by fraud,
15			forgery, misrepresentation, etc.
16	893.13(7)(a)11.	3rd	Furnish false or fraudulent
17			material information on any
18			document or record required by
19			chapter 893.
20	918.13(1)(a)	3rd	Alter, destroy, or conceal
21			investigation evidence.
22	944.47		
23	(1)(a)1.-2.	3rd	Introduce contraband to
24			correctional facility.
25	944.47(1)(c)	2nd	Possess contraband while upon the
26			grounds of a correctional
27			institution.
28			(d) LEVEL 4
29	316.1935(3) (2)	<u>2nd</u>	<u>Driving at high speed or with</u>
30		3rd	<u>wanton disregard for safety while</u>
31			fleeing or attempting to elude

Amendment No. 01 (for drafter's use only)

1			law enforcement officer <u>who is in</u>
2			<u>a marked patrol vehicle with</u>
3			<u>siren and lights activated</u>
4			resulting in high-speed pursuit.
5	784.07(2)(b)	3rd	Battery of law enforcement
6			officer, firefighter, intake
7			officer, etc.
8	784.075	3rd	Battery on detention or
9			commitment facility staff.
10	784.08(2)(c)	3rd	Battery on a person 65 years of
11			age or older.
12	784.081(3)	3rd	Battery on specified official or
13			employee.
14	784.082(3)	3rd	Battery by detained person on
15			visitor or other detainee.
16	787.03(1)	3rd	Interference with custody;
17			wrongly takes child from
18			appointed guardian.
19	787.04(2)	3rd	Take, entice, or remove child
20			beyond state limits with criminal
21			intent pending custody
22			proceedings.
23	787.04(3)	3rd	Carrying child beyond state lines
24			with criminal intent to avoid
25			producing child at custody
26			hearing or delivering to
27			designated person.
28	790.115(1)	3rd	Exhibiting firearm or weapon
29			within 1,000 feet of a school.
30	790.115(2)(b)	3rd	Possessing electric weapon or
31			device, destructive device, or

Amendment No. 01 (for drafter's use only)

1			other weapon on school property.
2	790.115(2)(c)	3rd	Possessing firearm on school
3			property.
4	810.02(4)(a)	3rd	Burglary, or attempted burglary,
5			of an unoccupied structure;
6			unarmed; no assault or battery.
7	810.02(4)(b)	3rd	Burglary, or attempted burglary,
8			of an unoccupied conveyance;
9			unarmed; no assault or battery.
10	810.06	3rd	Burglary; possession of tools.
11	810.08(2)(c)	3rd	Trespass on property, armed with
12			firearm or dangerous weapon.
13	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
14			or more but less than \$20,000.
15	812.014		
16	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
17			firearm, motor vehicle,
18			livestock, etc.
19	817.563(1)	3rd	Sell or deliver substance other
20			than controlled substance agreed
21			upon, excluding s. 893.03(5)
22			drugs.
23	828.125(1)	2nd	Kill, maim, or cause great bodily
24			harm or permanent breeding
25			disability to any registered
26			horse or cattle.
27	837.02(1)	3rd	Perjury in official proceedings.
28	837.021(1)	3rd	Make contradictory statements in
29			official proceedings.
30	843.025	3rd	Deprive law enforcement,
31			correctional, or correctional

Amendment No. 01 (for drafter's use only)

1			probation officer of means of
2			protection or communication.
3	843.15(1)(a)	3rd	Failure to appear while on bail
4			for felony (bond estreature or
5			bond jumping).
6	874.05(1)	3rd	Encouraging or recruiting another
7			to join a criminal street gang.
8	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
9			893.03(1)(a), (b), or (d), or
10			(2)(a) or (b) drugs).
11	914.14(2)	3rd	Witnesses accepting bribes.
12	914.22(1)	3rd	Force, threaten, etc., witness,
13			victim, or informant.
14	914.23(2)	3rd	Retaliation against a witness,
15			victim, or informant, no bodily
16			injury.
17	918.12	3rd	Tampering with jurors.
18			(e) LEVEL 5
19	316.027(1)(a)	3rd	Accidents involving personal
20			injuries, failure to stop;
21			leaving scene.
22	316.1935(4) (3)	<u>2nd</u>	Aggravated fleeing or eluding.
23		3rd	
24	322.34(3)	3rd	Careless operation of motor
25			vehicle with suspended license,
26			resulting in death or serious
27			bodily injury.
28	327.30(5)	3rd	Vessel accidents involving
29			personal injury; leaving scene.
30	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
31			knowing HIV positive.

Amendment No. 01 (for drafter's use only)

1	790.01(2)	3rd	Carrying a concealed firearm.
2	790.162	2nd	Threat to throw or discharge
3			destructive device.
4	790.163	2nd	False report of deadly explosive.
5	790.165(2)	3rd	Manufacture, sell, possess, or
6			deliver hoax bomb.
7	790.221(1)	2nd	Possession of short-barreled
8			shotgun or machine gun.
9	790.23	2nd	Felons in possession of firearms
10			or electronic weapons or devices.
11	806.111(1)	3rd	Possess, manufacture, or dispense
12			fire bomb with intent to damage
13			any structure or property.
14	812.019(1)	2nd	Stolen property; dealing in or
15			trafficking in.
16	812.16(2)	3rd	Owning, operating, or conducting
17			a chop shop.
18	817.034(4)(a)2.	2nd	Communications fraud, value
19			\$20,000 to \$50,000.
20	825.1025(4)	3rd	Lewd or lascivious exhibition in
21			the presence of an elderly person
22			or disabled adult.
23	827.071(4)	2nd	Possess with intent to promote
24			any photographic material, motion
25			picture, etc., which includes
26			sexual conduct by a child.
27	843.01	3rd	Resist officer with violence to
28			person; resist arrest with
29			violence.
30	874.05(2)	2nd	Encouraging or recruiting another
31			to join a criminal street gang;

Amendment No. 01 (for drafter's use only)

- 1 second or subsequent offense.
2 893.13(1)(a)1. 2nd Sell, manufacture, or deliver
3 cocaine (or other s.
4 893.03(1)(a), (1)(b), (1)(d),
5 (2)(a), or (2)(b) drugs).
6 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
7 cannabis (or other s.
8 893.03(1)(c), (2)(c), (3), or (4)
9 drugs) within 1,000 feet of a
10 school.
11 893.13(1)(d)1. 1st Sell, manufacture, or deliver
12 cocaine (or other s.
13 893.03(1)(a), (1)(b), (1)(d),
14 (2)(a), or (2)(b) drugs) within
15 200 feet of university, public
16 housing facility, or public park.
17 893.13(4)(b) 2nd Deliver to minor cannabis (or
18 other s. 893.03(1)(c), (2)(c),
19 (3), or (4) drugs).

20 Section 3. This act shall take effect October 1, 1998.

21
22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 remove from the bill: entire title

26
27 and insert in lieu thereof:

28 An act relating to violations of traffic law; amending
29 s. 316.1935, F.S.; providing that it is a third-degree felony
30 for a person to willfully flee or attempt to elude a law
31 enforcement officer in a marked patrol vehicle; providing

Amendment No. 01 (for drafter's use only)

1 that, it is a second-degree felony for a person to drive at
2 high speed, or in any manner demonstrating a wanton disregard
3 for the safety of persons or property, during the course of
4 willfully fleeing or attempting to elude a law enforcement
5 officer in a marked patrol vehicle; providing that the offense
6 of aggravated fleeing or eluding a law enforcement officer is
7 a second-degree felony; amending s. 921.0022, F.S., relating
8 to the offense severity ranking chart of the Criminal
9 Punishment Code; revising the ranking of such offenses to
10 conform to changes made by the act; providing an effective
11 date.

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