

By the Committee on Law Enforcement & Public Safety and
Representative Futch

1 A bill to be entitled
2 An act relating to the offenses of fleeing or
3 attempting to elude a law enforcement officer;
4 amending s. 316.1935, F.S.; revising the
5 elements or penalties for such offenses;
6 providing that it is a third-degree felony for
7 the operator of a vehicle to fail to stop the
8 vehicle when so directed by a law enforcement
9 officer or to attempt to elude such officer;
10 providing penalties, including enhanced
11 penalties for habitual offenders or career
12 criminals; providing that it is a second-degree
13 felony for a person to drive at high speed, or
14 in any manner demonstrating a wanton disregard
15 for the safety of persons or property, during
16 the course of willfully fleeing or attempting
17 to elude a law enforcement officer in a marked
18 patrol vehicle with agency insignia displayed
19 and with sirens and lights activated; providing
20 penalties; providing that the offense of
21 aggravated fleeing or eluding a law enforcement
22 officer is a second-degree felony; providing
23 penalties; amending s. 921.0022, F.S., relating
24 to the offense severity ranking chart of the
25 Criminal Punishment Code; providing for or
26 revising the ranking of such offenses to
27 conform to changes made by the act; providing
28 an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 316.1935, Florida Statutes, is
2 amended to read:

3 316.1935 Fleeing or attempting to elude a law
4 enforcement officer; aggravated fleeing and eluding.--

5 (1) It is unlawful for the operator of any vehicle,
6 having knowledge that he or she has been directed to stop such
7 vehicle by a duly authorized law enforcement officer,
8 willfully to refuse or fail to stop the vehicle in compliance
9 with such directive or, having stopped in knowing compliance
10 with the directive, willfully to flee in an attempt to elude
11 the officer, ~~and~~ A person who violates this subsection
12 commits a felony of the third degree, punishable as provided
13 in s. 775.082, s. 775.083, or s. 775.084 shall, upon
14 ~~conviction, be punished by imprisonment in the county jail for~~
15 ~~a period not to exceed 1 year, or by fine not to exceed~~
16 ~~\$1,000, or by both such fine and imprisonment.~~

17 (2) Any person who willfully flees or attempts, ~~in the~~
18 ~~course of unlawfully fleeing or attempting~~ to elude a law
19 enforcement officer in an authorized law enforcement patrol
20 vehicle with agency insignia and other jurisdictional markings
21 prominently displayed on the vehicle with siren and lights
22 activated, and during the course of the fleeing or attempted
23 eluding drives at high speed, or in any manner which
24 demonstrates a wanton disregard for the safety of persons or
25 property, pursuant to subsection (1), having knowledge of an
26 ~~order to stop by a duly authorized law enforcement officer,~~
27 ~~causes the law enforcement officer to engage in a high-speed~~
28 ~~vehicle pursuit~~ commits a felony of the second ~~third~~ degree,
29 punishable as provided in s. 775.082, s. 775.083, or s.
30 775.084.

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

5 (a) Willfully refuses or fails to stop in compliance
6 with such an order, or having stopped in knowing compliance
7 with such order, willfully flees in an attempt to elude such
8 officer; and

9 (b) As a result of such fleeing or eluding, causes
10 injury to another person or causes damage to any property
11 belonging to another person

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13 commits aggravated fleeing or eluding, a felony of the second
14 ~~third~~ degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084. The felony of aggravated fleeing or
16 eluding constitutes a separate offense for which a person may
17 be charged, in addition to the offense of unlawfully leaving
18 the scene of an accident which the person had been in the
19 course of committing or attempting to commit when the order to
20 stop was given.

21 (4) The court may revoke, for a period not to exceed 1
22 year, the driver's license of any operator of a motor vehicle
23 convicted of a violation of subsection (1), subsection (2), or
24 subsection (3).

25 Section 2. Paragraphs (c), (d), and (e) of subsection
26 (3) of section 921.0022, Florida Statutes, are amended to
27 read:

28 921.0022 Criminal Punishment Code; offense severity
29 ranking chart.--

30 (3) OFFENSE SEVERITY RANKING CHART

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1	Florida	Felony	
2	Statute	Degree	Description
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4			
5			(c) LEVEL 3
6	39.061	3rd	Escapes from juvenile facility
7			(secure detention or residential
8			commitment facility).
9	<u>316.1935(1)</u>	<u>3rd</u>	<u>Refusing to stop a vehicle</u>
10			<u>following directive by a law</u>
11			<u>enforcement officer or attempting</u>
12			<u>to elude the officer.</u>
13	319.30(4)	3rd	Possession by junkyard of motor
14			vehicle with identification
15			number plate removed.
16	319.33(1)(a)	3rd	Alter or forge any certificate of
17			title to a motor vehicle or
18			mobile home.
19	319.33(1)(c)	3rd	Procure or pass title on stolen
20			vehicle.
21	319.33(4)	3rd	With intent to defraud, possess,
22			sell, etc., a blank, forged, or
23			unlawfully obtained title or
24			registration.
25	328.05(2)	3rd	Possess, sell, or counterfeit
26			fictitious, stolen, or fraudulent
27			titles or bills of sale of
28			vessels.
29	328.07(4)	3rd	Manufacture, exchange, or possess
30			vessel with counterfeit or wrong
31			ID number.

1	376.302(5)	3rd	Fraud related to reimbursement
2			for cleanup expenses under the
3			Inland Protection Trust Fund.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	697.08	3rd	Equity skimming.
8	790.15(3)	3rd	Person directs another to
9			discharge firearm from a vehicle.
10	796.05(1)	3rd	Live on earnings of a prostitute.
11	806.10(1)	3rd	Maliciously injure, destroy, or
12			interfere with vehicles or
13			equipment used in firefighting.
14	806.10(2)	3rd	Interferes with or assaults
15			firefighter in performance of
16			duty.
17	810.09(2)(c)	3rd	Trespass on property other than
18			structure or conveyance armed
19			with firearm or dangerous weapon.
20	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
21			less than \$10,000.
22	815.04(4)(b)	2nd	Computer offense devised to
23			defraud or obtain property.
24	817.034(4)(a)3.	3rd	Engages in scheme to defraud
25			(Florida Communications Fraud
26			Act), property valued at less
27			than \$20,000.
28	817.233	3rd	Burning to defraud insurer.
29	828.12(2)	3rd	Tortures any animal with intent
30			to inflict intense pain, serious
31			physical injury, or death.

1	831.29	2nd	Possession of instruments for
2			counterfeiting drivers' licenses.
3	838.021(3)(b)	3rd	Threatens unlawful harm to public
4			servant.
5	843.19	3rd	Injure, disable, or kill police
6			dog or horse.
7	870.01(2)	3rd	Riot; inciting or encouraging.
8	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
9			cannabis (or other s.
10			893.03(1)(c), (2)(c), (3), or (4)
11			drugs).
12	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
13			893.03(1)(c), (2)(c), (3), or (4)
14			drugs within 200 feet of
15			university, public housing
16			facility, or public park.
17	893.13(6)(a)	3rd	Possession of any controlled
18			substance other than felony
19			possession of cannabis.
20	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
21			controlled substance by fraud,
22			forgery, misrepresentation, etc.
23	893.13(7)(a)11.	3rd	Furnish false or fraudulent
24			material information on any
25			document or record required by
26			chapter 893.
27	918.13(1)(a)	3rd	Alter, destroy, or conceal
28			investigation evidence.
29	944.47		
30	(1)(a)1.-2.	3rd	Introduce contraband to
31			correctional facility.

1	944.47(1)(c)	2nd	Possess contraband while upon the
2			grounds of a correctional
3			institution.
4			(d) LEVEL 4
5	316.1935(2)	<u>2nd</u> 3rd	<u>Drive at high speed or with</u>
6			<u>wanton disregard for safety while</u>
7			fleeing or attempting to elude
8			law enforcement officer <u>in marked</u>
9			<u>patrol vehicle with siren and</u>
10			<u>lights activated</u> resulting in
11			high-speed pursuit.
12	784.07(2)(b)	3rd	Battery of law enforcement
13			officer, firefighter, intake
14			officer, etc.
15	784.075	3rd	Battery on detention or
16			commitment facility staff.
17	784.08(2)(c)	3rd	Battery on a person 65 years of
18			age or older.
19	784.081(3)	3rd	Battery on specified official or
20			employee.
21	784.082(3)	3rd	Battery by detained person on
22			visitor or other detainee.
23	787.03(1)	3rd	Interference with custody;
24			wrongly takes child from
25			appointed guardian.
26	787.04(2)	3rd	Take, entice, or remove child
27			beyond state limits with criminal
28			intent pending custody
29			proceedings.
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1	787.04(3)	3rd	Carrying child beyond state lines
2			with criminal intent to avoid
3			producing child at custody
4			hearing or delivering to
5			designated person.
6	790.115(1)	3rd	Exhibiting firearm or weapon
7			within 1,000 feet of a school.
8	790.115(2)(b)	3rd	Possessing electric weapon or
9			device, destructive device, or
10			other weapon on school property.
11	790.115(2)(c)	3rd	Possessing firearm on school
12			property.
13	810.02(4)(a)	3rd	Burglary, or attempted burglary,
14			of an unoccupied structure;
15			unarmed; no assault or battery.
16	810.02(4)(b)	3rd	Burglary, or attempted burglary,
17			of an unoccupied conveyance;
18			unarmed; no assault or battery.
19	810.06	3rd	Burglary; possession of tools.
20	810.08(2)(c)	3rd	Trespass on property, armed with
21			firearm or dangerous weapon.
22	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
23			or more but less than \$20,000.
24	812.014		
25	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
26			firearm, motor vehicle,
27			livestock, etc.
28	817.563(1)	3rd	Sell or deliver substance other
29			than controlled substance agreed
30			upon, excluding s. 893.03(5)
31			drugs.

1	828.125(1)	2nd	Kill, maim, or cause great bodily
2			harm or permanent breeding
3			disability to any registered
4			horse or cattle.
5	837.02(1)	3rd	Perjury in official proceedings.
6	837.021(1)	3rd	Make contradictory statements in
7			official proceedings.
8	843.025	3rd	Deprive law enforcement,
9			correctional, or correctional
10			probation officer of means of
11			protection or communication.
12	843.15(1)(a)	3rd	Failure to appear while on bail
13			for felony (bond estreature or
14			bond jumping).
15	874.05(1)	3rd	Encouraging or recruiting another
16			to join a criminal street gang.
17	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
18			893.03(1)(a), (b), or (d), or
19			(2)(a) or (b) drugs).
20	914.14(2)	3rd	Witnesses accepting bribes.
21	914.22(1)	3rd	Force, threaten, etc., witness,
22			victim, or informant.
23	914.23(2)	3rd	Retaliation against a witness,
24			victim, or informant, no bodily
25			injury.
26	918.12	3rd	Tampering with jurors.
27			(e) LEVEL 5
28	316.027(1)(a)	3rd	Accidents involving personal
29			injuries, failure to stop;
30			leaving scene.
31	316.1935(3)	<u>2nd</u> 3rd	Aggravated fleeing or eluding.

1	322.34(3)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
8			knowing HIV positive.
9	790.01(2)	3rd	Carrying a concealed firearm.
10	790.162	2nd	Threat to throw or discharge
11			destructive device.
12	790.163	2nd	False report of deadly explosive.
13	790.165(2)	3rd	Manufacture, sell, possess, or
14			deliver hoax bomb.
15	790.221(1)	2nd	Possession of short-barreled
16			shotgun or machine gun.
17	790.23	2nd	Felons in possession of firearms
18			or electronic weapons or devices.
19	806.111(1)	3rd	Possess, manufacture, or dispense
20			fire bomb with intent to damage
21			any structure or property.
22	812.019(1)	2nd	Stolen property; dealing in or
23			trafficking in.
24	812.16(2)	3rd	Owning, operating, or conducting
25			a chop shop.
26	817.034(4)(a)2.	2nd	Communications fraud, value
27			\$20,000 to \$50,000.
28	825.1025(4)	3rd	Lewd or lascivious exhibition in
29			the presence of an elderly person
30			or disabled adult.
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1	827.071(4)	2nd	Possess with intent to promote
2			any photographic material, motion
3			picture, etc., which includes
4			sexual conduct by a child.
5	843.01	3rd	Resist officer with violence to
6			person; resist arrest with
7			violence.
8	874.05(2)	2nd	Encouraging or recruiting another
9			to join a criminal street gang;
10			second or subsequent offense.
11	893.13(1)(a)1.	2nd	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).
15	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
16			cannabis (or other s.
17			893.03(1)(c), (2)(c), (3), or (4)
18			drugs) within 1,000 feet of a
19			school.
20	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
21			cocaine (or other s.
22			893.03(1)(a), (1)(b), (1)(d),
23			(2)(a), or (2)(b) drugs) within
24			200 feet of university, public
25			housing facility, or public park.
26	893.13(4)(b)	2nd	Deliver to minor cannabis (or
27			other s. 893.03(1)(c), (2)(c),
28			(3), or (4) drugs).
29	Section 3. This act shall take effect October 1 of the		
30	year in which enacted.		
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HOUSE SUMMARY

Revises provisions relating to the offenses of fleeing or attempting to elude a law enforcement officer. Makes the crime of refusing or failing to stop a vehicle in compliance with a directive by a law enforcement officer a third-degree felony. Provides that it is a second-degree felony to drive at high speed, or in any manner demonstrating a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer in a marked patrol vehicle with agency insignia displayed and with sirens and lights activated. Increases the penalty for the offense of aggravated fleeing or eluding a law enforcement officer from a third-degree felony to a second-degree felony. Provides penalties. Provides for ranking of such offenses in the Criminal Punishment Code offense severity ranking chart.