

1
2 An act relating to violations of traffic law;
3 amending s. 316.1935, F.S.; providing that it
4 is a third-degree felony for a person to
5 willfully flee or attempt to elude a law
6 enforcement officer in a marked patrol vehicle;
7 providing that, it is a second-degree felony
8 for a person to drive at high speed, or in any
9 manner demonstrating a wanton disregard for the
10 safety of persons or property, during the
11 course of willfully fleeing or attempting to
12 elude a law enforcement officer in a marked
13 patrol vehicle; providing that the offense of
14 aggravated fleeing or eluding a law enforcement
15 officer is a second-degree felony; amending s.
16 921.0022, F.S., relating to the offense
17 severity ranking chart of the Criminal
18 Punishment Code; revising the ranking of such
19 offenses to conform to changes made by the act;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 316.1935, Florida Statutes, is
25 amended to read:

26 316.1935 Fleeing or attempting to elude a law
27 enforcement officer; aggravated fleeing and eluding.--

28 (1) It is unlawful for the operator of any vehicle,
29 having knowledge that he or she has been ordered ~~directed~~ to
30 stop such vehicle by a duly authorized law enforcement
31 officer, willfully to refuse or fail to stop the vehicle in

1 compliance with such order ~~directive~~ or, having stopped in
2 knowing compliance with such order ~~the directive~~, willfully to
3 flee in an attempt to elude the officer, and a person who
4 violates this subsection shall, upon conviction, be punished
5 by imprisonment in the county jail for a period not to exceed
6 1 year, or by fine not to exceed \$1,000, or by both such fine
7 and imprisonment.

8 (2) Any person who willfully flees or attempts, ~~in the~~
9 ~~course of unlawfully fleeing or attempting~~ to elude a law
10 enforcement officer in an authorized law enforcement patrol
11 vehicle with agency insignia and other jurisdictional markings
12 prominently displayed on the vehicle with siren and lights
13 activated ~~pursuant to subsection (1), having knowledge of an~~
14 ~~order to stop by a duly authorized law enforcement officer,~~
15 ~~causes the law enforcement officer to engage in a high-speed~~
16 ~~vehicle pursuit~~ commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 (3) Any person who willfully flees or attempts to
20 elude a law enforcement officer in an authorized law
21 enforcement patrol vehicle with agency insignia and other
22 jurisdictional markings prominently displayed on the vehicle
23 with siren and lights activated, and during the course of the
24 fleeing or attempted eluding drives at high speed, or in any
25 manner which demonstrates a wanton disregard for the safety of
26 persons or property commits a felony of the second degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 ~~(4)~~(3) Any person who, in the course of unlawfully
30 leaving or attempting to leave the scene of an accident in
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1 violation of s. 316.027 or s. 316.061, having knowledge of an
2 order to stop by a duly authorized law enforcement officer:

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

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

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

19 (5)~~(4)~~ The court may revoke, for a period not to
20 exceed 1 year, the driver's license of any operator of a motor
21 vehicle convicted of a violation of subsection (1), subsection
22 (2), ~~or~~ subsection (3), or subsection (4).

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

27 921.0022 Criminal Punishment Code; offense severity
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART

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1998 Legislature

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

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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.
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1	316.1935(4) (3)	<u>2nd</u>	Aggravated fleeing or eluding.
2		3rd	
3	322.34(3)	3rd	Careless operation of motor
4			vehicle with suspended license,
5			resulting in death or serious
6			bodily injury.
7	327.30(5)	3rd	Vessel accidents involving
8			personal injury; leaving scene.
9	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
10			knowing HIV positive.
11	790.01(2)	3rd	Carrying a concealed firearm.
12	790.162	2nd	Threat to throw or discharge
13			destructive device.
14	790.163	2nd	False report of deadly explosive.
15	790.165(2)	3rd	Manufacture, sell, possess, or
16			deliver hoax bomb.
17	790.221(1)	2nd	Possession of short-barreled
18			shotgun or machine gun.
19	790.23	2nd	Felons in possession of firearms
20			or electronic weapons or devices.
21	806.111(1)	3rd	Possess, manufacture, or dispense
22			fire bomb with intent to damage
23			any structure or property.
24	812.019(1)	2nd	Stolen property; dealing in or
25			trafficking in.
26	812.16(2)	3rd	Owning, operating, or conducting
27			a chop shop.
28	817.034(4)(a)2.	2nd	Communications fraud, value
29			\$20,000 to \$50,000.
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1	825.1025(4)	3rd	Lewd or lascivious exhibition in
2			the presence of an elderly person
3			or disabled adult.
4	827.071(4)	2nd	Possess with intent to promote
5			any photographic material, motion
6			picture, etc., which includes
7			sexual conduct by a child.
8	843.01	3rd	Resist officer with violence to
9			person; resist arrest with
10			violence.
11	874.05(2)	2nd	Encouraging or recruiting another
12			to join a criminal street gang;
13			second or subsequent offense.
14	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
15			cocaine (or other s.
16			893.03(1)(a), (1)(b), (1)(d),
17			(2)(a), or (2)(b) drugs).
18	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
19			cannabis (or other s.
20			893.03(1)(c), (2)(c), (3), or (4)
21			drugs) within 1,000 feet of a
22			school.
23	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
24			cocaine (or other s.
25			893.03(1)(a), (1)(b), (1)(d),
26			(2)(a), or (2)(b) drugs) within
27			200 feet of university, public
28			housing facility, or public park.
29	893.13(4)(b)	2nd	Deliver to minor cannabis (or
30			other s. 893.03(1)(c), (2)(c),
31			(3), or (4) drugs).

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