

1 318.18 Amount of civil penalties.--The penalties
2 required for a noncriminal disposition pursuant to s. 318.14
3 are as follows:

4 (11)(a) Court costs which are to be in addition to the
5 stated fine shall be imposed by the court in an amount not
6 less than the following:

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8 For pedestrian infractions.....\$ 3.
9 For nonmoving traffic infractions.....\$ 6.
10 For moving traffic infractions.....\$10.

11 (b) In addition to the court cost assessed under
12 paragraph (a), the court shall impose a \$3 court cost for each
13 infraction to be distributed as provided in s. 938.01 and a \$2
14 court cost as provided in s. 938.15 when assessed by a
15 municipality or county ~~s. 943.25(3)~~.

16
17 In no event may court costs imposed under this subsection
18 exceed \$30. A regional criminal justice assessment center or
19 other local criminal justice access and assessment center may
20 be funded from these court costs.

21 Section 2. Section 316.1935, Florida Statutes, is
22 amended to read:

23 316.1935 Fleeing or attempting to elude a law
24 enforcement officer; aggravated fleeing and eluding.--

25 (1) It is unlawful for the operator of any vehicle,
26 having knowledge that he or she has been ordered ~~directed~~ to
27 stop such vehicle by a duly authorized law enforcement
28 officer, willfully to refuse or fail to stop the vehicle in
29 compliance with such order ~~directive~~ or, having stopped in
30 knowing compliance with such order ~~the directive~~, willfully to
31 flee in an attempt to elude the officer, and a person who

1 violates this subsection shall, upon conviction, be punished
2 by imprisonment in the county jail for a period not to exceed
3 1 year, or by fine not to exceed \$1,000, or by both such fine
4 and imprisonment.

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

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

26 ~~(4)~~(3) Any person who, in the course of unlawfully
27 leaving or attempting to leave the scene of an accident in
28 violation of s. 316.027 or s. 316.061, having knowledge of an
29 order to stop by a duly authorized law enforcement officer:

30 (a) Willfully refuses or fails to stop in compliance
31 with such an order, or having stopped in knowing compliance

1 with such order, willfully flees in an attempt to elude such
2 officer; and

3 (b) As a result of such fleeing or eluding, causes
4 injury to another person or causes damage to any property
5 belonging to another person

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

15 (5)~~(4)~~ The court may revoke, for a period not to
16 exceed 1 year, the driver's license of any operator of a motor
17 vehicle convicted of a violation of subsection (1), subsection
18 (2), ~~or~~ subsection (3), or subsection (4).

19 Section 3. Paragraphs (c), (d), and (e) of subsection
20 (3) of section 921.0022, Florida Statutes, as created by
21 section 5 of chapter 97-194, Laws of Florida, are amended to
22 read:

23 921.0022 Criminal Punishment Code; offense severity
24 ranking chart.--

25 (3) OFFENSE SEVERITY RANKING CHART

26

27 Florida	Felony	
28 Statute	Degree	Description

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31 (c) LEVEL 3

1	39.061	3rd	Escapes from juvenile facility
2			(secure detention or residential
3			commitment facility).
4	<u>316.1935(2)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude</u>
5			<u>law enforcement officer in marked</u>
6			<u>patrol vehicle with siren and</u>
7			<u>lights activated.</u>
8	319.30(4)	3rd	Possession by junkyard of motor
9			vehicle with identification
10			number plate removed.
11	319.33(1)(a)	3rd	Alter or forge any certificate of
12			title to a motor vehicle or
13			mobile home.
14	319.33(1)(c)	3rd	Procure or pass title on stolen
15			vehicle.
16	319.33(4)	3rd	With intent to defraud, possess,
17			sell, etc., a blank, forged, or
18			unlawfully obtained title or
19			registration.
20	328.05(2)	3rd	Possess, sell, or counterfeit
21			fictitious, stolen, or fraudulent
22			titles or bills of sale of
23			vessels.
24	328.07(4)	3rd	Manufacture, exchange, or possess
25			vessel with counterfeit or wrong
26			ID number.
27	376.302(5)	3rd	Fraud related to reimbursement
28			for cleanup expenses under the
29			Inland Protection Trust Fund.
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1	501.001(2)(b)	2nd	Tampers with a consumer product
2			or the container using materially
3			false/misleading information.
4	697.08	3rd	Equity skimming.
5	790.15(3)	3rd	Person directs another to
6			discharge firearm from a vehicle.
7	796.05(1)	3rd	Live on earnings of a prostitute.
8	806.10(1)	3rd	Maliciously injure, destroy, or
9			interfere with vehicles or
10			equipment used in firefighting.
11	806.10(2)	3rd	Interferes with or assaults
12			firefighter in performance of
13			duty.
14	810.09(2)(c)	3rd	Trespass on property other than
15			structure or conveyance armed
16			with firearm or dangerous weapon.
17	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
18			less than \$10,000.
19	815.04(4)(b)	2nd	Computer offense devised to
20			defraud or obtain property.
21	817.034(4)(a)3.	3rd	Engages in scheme to defraud
22			(Florida Communications Fraud
23			Act), property valued at less
24			than \$20,000.
25	817.233	3rd	Burning to defraud insurer.
26	828.12(2)	3rd	Tortures any animal with intent
27			to inflict intense pain, serious
28			physical injury, or death.
29	831.29	2nd	Possession of instruments for
30			counterfeiting drivers' licenses.
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1	838.021(3)(b)	3rd	Threatens unlawful harm to public
2			servant.
3	843.19	3rd	Injure, disable, or kill police
4			dog or horse.
5	870.01(2)	3rd	Riot; inciting or encouraging.
6	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
7			cannabis (or other s.
8			893.03(1)(c), (2)(c), (3), or (4)
9			drugs).
10	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
11			893.03(1)(c), (2)(c), (3), or (4)
12			drugs within 200 feet of
13			university, public housing
14			facility, or public park.
15	893.13(6)(a)	3rd	Possession of any controlled
16			substance other than felony
17			possession of cannabis.
18	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
19			controlled substance by fraud,
20			forgery, misrepresentation, etc.
21	893.13(7)(a)11.	3rd	Furnish false or fraudulent
22			material information on any
23			document or record required by
24			chapter 893.
25	918.13(1)(a)	3rd	Alter, destroy, or conceal
26			investigation evidence.
27	944.47		
28	(1)(a)1.-2.	3rd	Introduce contraband to
29			correctional facility.
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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.

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).

1 Section 4. This act shall take effect October 1, 1998.
2
3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 794
6 . Provides a \$2 court cost for each noncriminal traffic
7 infraction when assessed by a municipality or county to
8 be used to fund local law enforcement agency training.
9 . Maintains the current penalties for the misdemeanor
10 offense of fleeing or eluding.
11 . Makes technical changes to the misdemeanor offense of
12 fleeing or eluding by deleting "directed" or "directive"
13 and substituting in its place "order."
14 . Amends the third-degree felony offense of fleeing or
15 eluding a marked patrol vehicle by removing the
16 requirement that the defendant's actions cause the law
17 enforcement officer to engage in a high speed vehicle
18 pursuit.
19 . Creates a second-degree felony offense similar to the
20 amended third-degree felony offense which will require a
21 showing of willfully fleeing or attempting to elude a
22 marked patrol vehicle when the defendant "drives at high
23 speed, or in any manner which demonstrates a wanton
24 disregard for the safety of person or property."
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