

By the Committee on Criminal Justice and Senator Campbell

307-1945-01

1                                   A bill to be entitled  
2           An act relating to felony offenses; amending s.  
3           316.1935, F.S.; providing an enhanced penalty  
4           for the offense of fleeing or eluding a law  
5           enforcement officer if, in the course of the  
6           violation, the defendant causes serious bodily  
7           injury to another; amending s. 921.0022, F.S.;  
8           ranking the offense of aggravated fleeing or  
9           eluding; reenacting ss. 318.17, 322.61, F.S.,  
10          relating respectively to offense excepted from  
11          motor vehicle licenses and disqualifications  
12          from operating a commercial motor vehicle, to  
13          incorporate the amendments to s. 316.1935,  
14          F.S., in references thereto; creating s.  
15          812.158, F.S.; prohibiting certain acts by  
16          movers involving a shipper's household goods;  
17          providing a penalty; providing an effective  
18          date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Subsections (3), (4), and (5) of section  
23 316.1935, Florida Statutes, are amended to read:

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

26           (3)(a) Any person who willfully flees or attempts to  
27 elude a law enforcement officer in an authorized law  
28 enforcement patrol vehicle with agency insignia and other  
29 jurisdictional markings prominently displayed on the vehicle  
30 with siren and lights activated, and during the course of the  
31 fleeing or attempted eluding drives at high speed, or in any

1 manner which demonstrates a wanton disregard for the safety of  
2 persons or property commits a felony of the second degree,  
3 punishable as provided in s. 775.082, s. 775.083, or s.  
4 775.084.

5 (b) A person who in the course of a violation of  
6 paragraph (a) causes serious bodily injury to another commits  
7 aggravated fleeing or eluding of a law enforcement officer, a  
8 felony of the first degree, punishable as provided in s.  
9 775.082, s. 775.083, or s. 775.084.

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

14 (a) Willfully refuses or fails to stop in compliance  
15 with such an order, or having stopped in knowing compliance  
16 with such order, willfully flees in an attempt to elude such  
17 officer; and

18 (b) As a result of such fleeing or eluding, causes  
19 injury to another person or causes damage to any property  
20 belonging to another person

21  
22 commits aggravated fleeing or eluding, a felony of the second  
23 degree, punishable as provided in s. 775.082, s. 775.083, or  
24 s. 775.084. For the purposes of this subsection,the felony of  
25 aggravated fleeing or eluding constitutes a separate offense  
26 for which a person may be charged, in addition to the offense  
27 of unlawfully leaving the scene of a crash which the person  
28 had been in the course of committing or attempting to commit  
29 when the order to stop was given.

30 (5) The court may revoke, for a period not to exceed 1  
31 year, the driver's license of any operator of a motor vehicle

1 convicted of a violation of this section ~~subsection (1),~~  
2 ~~subsection (2), subsection (3), or subsection (4).~~

3 Section 2. Paragraphs (d) and (g) of subsection (3) of  
4 section 921.0022, Florida Statutes, are amended to read:

5 921.0022 Criminal Punishment Code; offense severity  
6 ranking chart.--

7 (3) OFFENSE SEVERITY RANKING CHART

8	9	10	11	12
13	14	15	16	17
18	19	20	21	22
23	24	25	26	27
28	29	30	31	
	Florida	Felony		
	Statute	Degree	Description	
			(d) LEVEL 4	
	<u>316.1935(3)(a)</u>			
	<del>316.1935(3)</del>	2nd	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.	
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.	
	784.075	3rd	Battery on detention or commitment facility staff.	
	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	
	784.081(3)	3rd	Battery on specified official or employee.	
	784.082(3)	3rd	Battery by detained person on visitor or other detainee.	

1	784.083(3)	3rd	Battery on code inspector.
2	784.085	3rd	Battery of child by throwing,
3			tossing, projecting, or expelling
4			certain fluids or materials.
5	787.03(1)	3rd	Interference with custody;
6			wrongly takes child from
7			appointed guardian.
8	787.04(2)	3rd	Take, entice, or remove child
9			beyond state limits with criminal
10			intent pending custody
11			proceedings.
12	787.04(3)	3rd	Carrying child beyond state lines
13			with criminal intent to avoid
14			producing child at custody
15			hearing or delivering to
16			designated person.
17	790.115(1)	3rd	Exhibiting firearm or weapon
18			within 1,000 feet of a school.
19	790.115(2)(b)	3rd	Possessing electric weapon or
20			device, destructive device, or
21			other weapon on school property.
22	790.115(2)(c)	3rd	Possessing firearm on school
23			property.
24	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
25			offender less than 18 years.
26	810.02(4)(a)	3rd	Burglary, or attempted burglary,
27			of an unoccupied structure;
28			unarmed; no assault or battery.
29	810.02(4)(b)	3rd	Burglary, or attempted burglary,
30			of an unoccupied conveyance;
31			unarmed; no assault or battery.

1	810.06	3rd	Burglary; possession of tools.
2	810.08(2)(c)	3rd	Trespass on property, armed with
3			firearm or dangerous weapon.
4	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
5			or more but less than \$20,000.
6	812.014		
7	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
8			firearm, motor vehicle,
9			livestock, etc.
10	817.563(1)	3rd	Sell or deliver substance other
11			than controlled substance agreed
12			upon, excluding s. 893.03(5)
13			drugs.
14	828.125(1)	2nd	Kill, maim, or cause great bodily
15			harm or permanent breeding
16			disability to any registered
17			horse or cattle.
18	837.02(1)	3rd	Perjury in official proceedings.
19	837.021(1)	3rd	Make contradictory statements in
20			official proceedings.
21	843.021	3rd	Possession of a concealed
22			handcuff key by a person in
23			custody.
24	843.025	3rd	Deprive law enforcement,
25			correctional, or correctional
26			probation officer of means of
27			protection or communication.
28	843.15(1)(a)	3rd	Failure to appear while on bail
29			for felony (bond estreature or
30			bond jumping).
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1	874.05(1)	3rd	Encouraging or recruiting another
2			to join a criminal street gang.
3	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
4			893.03(1)(a), (b), or (d),
5			(2)(a), (2)(b), or (2)(c)4.
6			drugs).
7	914.14(2)	3rd	Witnesses accepting bribes.
8	914.22(1)	3rd	Force, threaten, etc., witness,
9			victim, or informant.
10	914.23(2)	3rd	Retaliation against a witness,
11			victim, or informant, no bodily
12			injury.
13	918.12	3rd	Tampering with jurors.
14			(g) LEVEL 7
15	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
16			injury.
17	<u>316.1935(3)(b)</u>	<u>1st</u>	<u>Aggravated fleeing or eluding.</u>
18	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
19			bodily injury.
20	402.319(2)	2nd	Misrepresentation and negligence
21			or intentional act resulting in
22			great bodily harm, permanent
23			disfiguration, permanent
24			disability, or death.
25	409.920(2)	3rd	Medicaid provider fraud.
26	456.065(2)	3rd	Practicing a health care
27			profession without a license.
28	456.065(2)	2nd	Practicing a health care
29			profession without a license
30			which results in serious bodily
31			injury.

1	458.327(1)	3rd	Practicing medicine without a
2			license.
3	459.013(1)	3rd	Practicing osteopathic medicine
4			without a license.
5	460.411(1)	3rd	Practicing chiropractic medicine
6			without a license.
7	461.012(1)	3rd	Practicing podiatric medicine
8			without a license.
9	462.17	3rd	Practicing naturopathy without a
10			license.
11	463.015(1)	3rd	Practicing optometry without a
12			license.
13	464.016(1)	3rd	Practicing nursing without a
14			license.
15	465.015(2)	3rd	Practicing pharmacy without a
16			license.
17	466.026(1)	3rd	Practicing dentistry or dental
18			hygiene without a license.
19	467.201	3rd	Practicing midwifery without a
20			license.
21	468.366	3rd	Delivering respiratory care
22			services without a license.
23	483.828(1)	3rd	Practicing as clinical laboratory
24			personnel without a license.
25	483.901(9)	3rd	Practicing medical physics
26			without a license.
27	484.053	3rd	Dispensing hearing aids without a
28			license.
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
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1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.08(2)(a)	1st	Aggravated battery on a person 65
17			years of age or older.
18	784.081(1)	1st	Aggravated battery on specified
19			official or employee.
20	784.082(1)	1st	Aggravated battery by detained
21			person on visitor or other
22			detainee.
23	784.083(1)	1st	Aggravated battery on code
24			inspector.
25	790.07(4)	1st	Specified weapons violation
26			subsequent to previous conviction
27			of s. 790.07(1) or (2).
28	790.16(1)	1st	Discharge of a machine gun under
29			specified circumstances.
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1	790.166(3)	2nd	Possessing, selling, using, or
2			attempting to use a hoax weapon
3			of mass destruction.
4	796.03	2nd	Procuring any person under 16
5			years for prostitution.
6	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
7			victim less than 12 years of age;
8			offender less than 18 years.
9	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			18 years or older.
13	806.01(2)	2nd	Maliciously damage structure by
14			fire or explosive.
15	810.02(3)(a)	2nd	Burglary of occupied dwelling;
16			unarmed; no assault or battery.
17	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(d)	2nd	Burglary of occupied conveyance;
20			unarmed; no assault or battery.
21	812.014(2)(a)	1st	Property stolen, valued at
22			\$100,000 or more; property stolen
23			while causing other property
24			damage; 1st degree grand theft.
25	812.019(2)	1st	Stolen property; initiates,
26			organizes, plans, etc., the theft
27			of property and traffics in
28			stolen property.
29	812.131(2)(a)	2nd	Robbery by sudden snatching.
30	812.133(2)(b)	1st	Carjacking; no firearm, deadly
31			weapon, or other weapon.

1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.1025(2)	2nd	Lewd or lascivious battery upon
6			an elderly person or disabled
7			adult.
8	825.103(2)(b)	2nd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at \$20,000 or more, but
11			less than \$100,000.
12	827.03(3)(b)	2nd	Neglect of a child causing great
13			bodily harm, disability, or
14			disfigurement.
15	827.04(3)	3rd	Impregnation of a child under 16
16			years of age by person 21 years
17			of age or older.
18	837.05(2)	3rd	Giving false information about
19			alleged capital felony to a law
20			enforcement officer.
21	872.06	2nd	Abuse of a dead human body.
22	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other drug prohibited
24			under s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), (2)(b), or
26			(2)(c)4.) within 1,000 feet of a
27			child care facility or school.
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1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 50 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
30			
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1	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
2			than 14 grams, less than 28
3			grams.
4	893.135		
5	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
6			grams or more, less than 14
7			grams.
8	893.135		
9	(1)(h)1.a.	1st	Trafficking in
10			gamma-hydroxybutyric acid (GHB),
11			1 kilogram or more, less than 5
12			kilograms.
13	893.135		
14	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
15			kilogram or more, less than 5
16			kilograms.
17	893.135		
18	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
19			10 grams or more, less than 200
20			grams.
21	896.101(5)(a)	3rd	Money laundering, financial
22			transactions exceeding \$300 but
23			less than \$20,000.
24	896.104(4)(a)1.	3rd	Structuring transactions to evade
25			reporting or registration
26			requirements, financial
27			transactions exceeding \$300 but
28			less than \$20,000.
29	Section 3. For the purpose of incorporating the		
30	amendments made by this act to section 316.1935, Florida		
31			

1 Statutes, in references thereto, section 318.17, Florida  
2 Statutes, is reenacted to read:  
3           318.17 Offenses excepted.--No provision of this  
4 chapter is available to a person who is charged with any of  
5 the following offenses:  
6           (1) Fleeing or attempting to elude a police officer,  
7 in violation of s. 316.1935;  
8           (2) Leaving the scene of a crash, in violation of ss.  
9 316.027 and 316.061;  
10           (3) Driving, or being in actual physical control of,  
11 any vehicle while under the influence of alcoholic beverages,  
12 any chemical substance set forth in s. 877.111, or any  
13 substance controlled under chapter 893, in violation of s.  
14 316.193, or driving with an unlawful blood-alcohol level;  
15           (4) Reckless driving, in violation of s. 316.192;  
16           (5) Making false crash reports, in violation of s.  
17 316.067;  
18           (6) Willfully failing or refusing to comply with any  
19 lawful order or direction of any police officer or member of  
20 the fire department, in violation of s. 316.072(3);  
21           (7) Obstructing an officer, in violation of s.  
22 316.545(1); or  
23           (8) Any other offense in chapter 316 which is  
24 classified as a criminal violation.  
25           Section 4. For the purpose of incorporating the  
26 amendments made by this act to section 316.1935, Florida  
27 Statutes, in reference thereto, subsection (1) of section  
28 322.61, Florida Statutes, is reenacted to read:  
29           322.61 Disqualification from operating a commercial  
30 motor vehicle.--  
31

1 (1) A person who, within a 3-year period, is convicted  
2 of two of the following serious traffic violations or any  
3 combination thereof, arising in separate incidents committed  
4 in a commercial motor vehicle shall, in addition to any other  
5 applicable penalties, be disqualified from operating a  
6 commercial motor vehicle for a period of 60 days:

7 (a) A violation of any state or local law relating to  
8 motor vehicle traffic control, other than a parking violation,  
9 a weight violation, or a vehicle equipment violation, arising  
10 in connection with a crash resulting in death or personal  
11 injury to any person;

12 (b) Reckless driving, as defined in s. 316.192;

13 (c) Careless driving, as defined in s. 316.1925;

14 (d) Fleeing or attempting to elude a law enforcement  
15 officer, as defined in s. 316.1935;

16 (e) Unlawful speed of 15 miles per hour or more above  
17 the posted speed limit;

18 (f) Driving a commercial motor vehicle, owned by such  
19 person, which is not properly insured;

20 (g) Improper lane change, as defined in s. 316.085; or

21 (h) Following too closely, as defined in s. 316.0895.

22 Section 5. Section 812.158, Florida Statutes, is  
23 created to read:

24 812.158 Failure of mover to relinquish or place  
25 household goods; penalty.--

26 (1) As used in this section, the term:

27 (a) "Estimate" means a written document provided to a  
28 prospective shipper which sets forth the total cost and the  
29 basis of such cost related to a shipper's move, which must  
30 include, but need not be limited to, transportation services  
31 or accessorial services.

1           (b) "Household goods" means personal effects or other  
2 personal property found in a home, personal residence, other  
3 storage facility, or other location of which items the shipper  
4 is the owner or agent of the owner. The term includes property  
5 held or found in a storage or warehouse facility that is owned  
6 or rented by a shipper or shipper's agent. The term does not  
7 include freight or personal property moving to or from a  
8 factory, store, or other place of business.

9           (c) "Mover" means any person who engages in the  
10 transportation or shipment of household goods for compensation  
11 or any person who hold himself or herself out to the public as  
12 engaging in the transportation or shipment of household goods  
13 for compensation.

14           (d) "Shipper" means any person who uses the services  
15 of a mover to transport or ship household goods. The term  
16 includes any other person whom a shipper designates in  
17 writing.

18           (2) A mover may not refuse to relinquish to a shipper  
19 any of the shipper's household goods, or fail to place  
20 household goods inside a shipper's dwelling, except when the  
21 shipper has failed to tender payment in an amount specified in  
22 a written contract or estimate signed by the shipper.

23           (3) A mover may not refuse to relinquish to a shipper  
24 any of the shipper's household goods, or fail to place  
25 household goods inside a shipper's dwelling, based upon the  
26 mover's refusal to accept a particular form of payment,  
27 including, but not limited to, cash, cashier's check, money  
28 orders, travelers check, personal checks, credit cards, charge  
29 cards, or debit cards, unless the mover clearly and  
30 conspicuously discloses in a written estimate or contract the  
31 methods of payment which the mover accepts.



1           (4) A violation of this section constitutes a felony  
2 of the third degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084.

4           (5) Nothing in this section shall preempt any  
5 ordinance or regulation with regard to moving and storage of  
6 household goods by a municipality, county, or other political  
7 subdivision.

8           Section 6. This act shall take effect July 1, 2001.

9  
10                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11   COMMITTEE SUBSTITUTE FOR  
12   Senate Bill 846

- 13 - Ranks the new aggravated fleeing or eluding offense in  
14 level 7 of the Criminal Punishment Code ranking chart.
- 15 - Provides that it is a third degree felony for a mover to  
16 refuse to relinquish to a shipper any of the shipper's  
household goods, or fail to place household goods inside  
a shipper's dwelling.
- 17 - Provides the mover does not commit a criminal offense,  
18 as provided, if the shipper has failed to tender payment  
19 in an amount specified in a written contract or estimate  
signed by the shipper, or if the mover has conspicuously  
disclosed in a written estimate or contract the methods  
20 of payment the mover accepts.
- 21 - Provides a definition of "mover" and other terms.
- 22 - Provides that provisions relating to unlawful acts by  
23 movers do not preempt any ordinance or regulation of a  
municipality, county, or political subdivision, relating  
to moving and storage of household goods.
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