

By Senator Lynn

7-678-04

See HB 295

1 A bill to be entitled
2 An act relating to fleeing or attempting to
3 elude a law enforcement officer; amending s.
4 316.1935, F.S.; providing an additional
5 classification for the offense of fleeing or
6 attempting to elude a law enforcement officer;
7 providing an additional classification for the
8 offense of aggravated fleeing or eluding;
9 providing and revising elements of the
10 offenses; providing and revising criminal
11 penalties for the offenses of fleeing or
12 attempting to elude a law enforcement officer
13 and aggravated fleeing or eluding with serious
14 bodily injury or death; providing for a minimum
15 period of incarceration in certain
16 circumstances involving serious bodily injury
17 or death; providing an affirmative defense to
18 fleeing or attempting to elude a law
19 enforcement office under certain circumstances;
20 prohibiting courts from suspending, deferring,
21 or withholding adjudication of guilt or
22 imposition of sentence in certain
23 circumstances; providing for seizure and
24 forfeiture of certain motor vehicles as
25 contraband in certain circumstances; amending
26 s. 921.0022, F.S.; ranking and revising the
27 offense classifications of fleeing or
28 attempting to elude a law enforcement officer
29 on the offense severity ranking chart of the
30 Criminal Punishment Code; ranking the offense
31 of aggravated fleeing or eluding with serious

1 bodily injury or death on the offense severity
2 ranking chart of the Criminal Punishment Code;
3 reenacting ss. 318.17(1) and 322.61(1)(d),
4 F.S.; incorporating the amendment to s.
5 316.1935, F.S., in references thereto;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 316.1935, Florida Statutes, is
11 amended to read:

12 316.1935 Fleeing or attempting to elude a law
13 enforcement officer; aggravated fleeing or ~~and~~ eluding.--

14 (1) It is unlawful for the operator of any vehicle,
15 having knowledge that he or she has been ordered to stop such
16 vehicle by a duly authorized law enforcement officer,
17 willfully to refuse or fail to stop the vehicle in compliance
18 with such order or, having stopped in knowing compliance with
19 such order, willfully to flee in an attempt to elude the
20 officer, and a person who violates this subsection commits a
21 felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as
22 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

23 (2) Any person who willfully flees or attempts to
24 elude a law enforcement officer in an authorized law
25 enforcement patrol vehicle, with or without agency insignia
26 and other jurisdictional markings prominently displayed on the
27 vehicle, with siren and lights activated commits a felony of
28 the third degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084. It is an affirmative defense to a
30 prosecution under this subsection that a person, having been
31 ordered to stop his or her vehicle by a law enforcement

1 officer in an authorized law enforcement patrol vehicle with
2 lights and sirens activated, but without agency insignia or
3 other jurisdictional markings prominently displayed on the
4 vehicle, proceeded in a safe and lawful manner to a well-lit
5 or populated area prior to stopping his or her vehicle.

6 (3) Any person who willfully flees or attempts to
7 elude a law enforcement officer in an authorized law
8 enforcement patrol vehicle, with or without agency insignia
9 and other jurisdictional markings prominently displayed on the
10 vehicle, with siren and lights activated, and during the
11 course of the fleeing or attempted eluding:

12 (a) Drives at high speed, or in any manner which
13 demonstrates a wanton disregard for the safety of persons or
14 property, commits a felony of the second degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084.

16 (b) Drives at high speed, or in any manner which
17 demonstrates a wanton disregard for the safety of persons or
18 property, and causes serious bodily injury or death to another
19 person, including any law enforcement officer involved in
20 pursuing or otherwise attempting to effect a stop of the
21 person's vehicle, commits a felony of the first degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084. Notwithstanding any other provision of law, the court
24 shall sentence any person convicted of committing the offense
25 described in this paragraph to a mandatory minimum sentence of
26 3 years' imprisonment. Nothing in this paragraph shall prevent
27 a court from imposing a greater sentence of incarceration as
28 authorized by law.

29 (4) Any person who, in the course of unlawfully
30 leaving or attempting to leave the scene of a crash in
31

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, (b) as a result of such fleeing or eluding: -
7 (a) Causes injury to another person or causes damage
8 to any property belonging to another person, commits
9 aggravated fleeing or eluding, a felony of the second degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084.
12 (b) Causes serious bodily injury or death to another
13 person, including any law enforcement officer involved in
14 pursuing or otherwise attempting to effect a stop of the
15 person's vehicle, commits aggravated fleeing or eluding with
16 serious bodily injury or death, a felony of the first degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.
19
20 The felony of aggravated fleeing or eluding and the felony of
21 aggravated fleeing or eluding with serious bodily injury or
22 death constitute ~~constitutes a~~ separate offenses offense for
23 which a person may be charged, in addition to the offenses
24 under ss. 316.027 and 316.061, relating to offense of
25 unlawfully leaving the scene of a crash, which the person had
26 been in the course of committing or attempting to commit when
27 the order to stop was given. Notwithstanding any other
28 provision of law, the court shall sentence any person
29 convicted of committing aggravated fleeing or eluding with
30 serious bodily injury or death to a mandatory minimum sentence
31 of 3 years' imprisonment. Nothing in this subsection shall

1 prevent a court from imposing a greater sentence of
2 incarceration as authorized by law.

3 (5) The court shall ~~may~~ revoke, for a period not less
4 than to exceed 1 year nor exceeding 5 years, the driver's
5 license of any operator of a motor vehicle convicted of a
6 violation of subsection (1), subsection (2), subsection (3),
7 or subsection (4).

8 (6) Notwithstanding s. 948.01, no court may suspend,
9 defer, or withhold adjudication of guilt or imposition of
10 sentence for any violation of this section. A person convicted
11 and sentenced to a mandatory minimum term of incarceration
12 under paragraph (3)(b) or paragraph (4)(b) is not eligible for
13 statutory gain-time under s. 944.275 or any form of
14 discretionary early release, other than pardon or executive
15 clemency or conditional medical release under s. 947.149,
16 prior to serving the mandatory minimum sentence.

17 (7) Any motor vehicle involved in a violation of this
18 section is deemed to be contraband, which may be seized by a
19 law enforcement agency and is subject to forfeiture pursuant
20 to ss. 932.701-932.704. Any vehicle not required to be titled
21 under the laws of this state is presumed to be the property of
22 the person in possession of the vehicle.

23 Section 2. Paragraphs (a), (c), (d), (e), (g), and (h)
24 of subsection (3) of section 921.0022, Florida Statutes, are
25 amended to read:

26 921.0022 Criminal Punishment Code; offense severity
27 ranking chart.--

28 (3) OFFENSE SEVERITY RANKING CHART
29
30
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1	Florida	Felony	
2	Statute	Degree	Description
3			
4			(a) LEVEL 1
5	24.118(3)(a)	3rd	Counterfeit or altered state
6			lottery ticket.
7	212.054(2)(b)	3rd	Discretionary sales surtax;
8			limitations, administration, and
9			collection.
10	212.15(2)(b)	3rd	Failure to remit sales taxes,
11			amount greater than \$300 but less
12			than \$20,000.
13	<u>316.1935(1)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude</u>
14			<u>law enforcement officer.</u>
15	319.30(5)	3rd	Sell, exchange, give away
16			certificate of title or
17			identification number plate.
18	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
19			odometer.
20	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
21			registration license plates or
22			validation stickers.
23	322.212		
24	(1)(a)-(c)	3rd	Possession of forged, stolen,
25			counterfeit, or unlawfully issued
26			driver's license; possession of
27			simulated identification.
28	322.212(4)	3rd	Supply or aid in supplying
29			unauthorized driver's license or
30			identification card.
31			

1	322.212(5)(a)	3rd	False application for driver's
2			license or identification card.
3	370.13(2)(c)1.	3rd	Molest any stone crab trap, line,
4			or buoy which is property of
5			licenseholder.
6	370.135(1)	3rd	Molest any blue crab trap, line,
7			or buoy which is property of
8			licenseholder.
9	372.663(1)	3rd	Poach any alligator or
10			crocodilia.
11	414.39(2)	3rd	Unauthorized use, possession,
12			forgery, or alteration of food
13			stamps, Medicaid ID, value
14			greater than \$200.
15	414.39(3)(a)	3rd	Fraudulent misappropriation of
16			public assistance funds by
17			employee/official, value more
18			than \$200.
19	443.071(1)	3rd	False statement or representation
20			to obtain or increase
21			unemployment compensation
22			benefits.
23	509.151(1)	3rd	Defraud an innkeeper, food or
24			lodging value greater than \$300.
25	517.302(1)	3rd	Violation of the Florida
26			Securities and Investor
27			Protection Act.
28	562.27(1)	3rd	Possess still or still apparatus.
29	713.69	3rd	Tenant removes property upon
30			which lien has accrued, value
31			more than \$50.

1	812.014(3)(c)	3rd	Petit theft (3rd conviction);
2			theft of any property not
3			specified in subsection (2).
4	812.081(2)	3rd	Unlawfully makes or causes to be
5			made a reproduction of a trade
6			secret.
7	815.04(4)(a)	3rd	Offense against intellectual
8			property (i.e., computer
9			programs, data).
10	817.52(2)	3rd	Hiring with intent to defraud,
11			motor vehicle services.
12	817.569(2)	3rd	Use of public record or public
13			records information to facilitate
14			commission of a felony.
15	826.01	3rd	Bigamy.
16	828.122(3)	3rd	Fighting or baiting animals.
17	831.04(1)	3rd	Any erasure, alteration, etc., of
18			any replacement deed, map, plat,
19			or other document listed in s.
20			92.28.
21	831.31(1)(a)	3rd	Sell, deliver, or possess
22			counterfeit controlled
23			substances, all but s. 893.03(5)
24			drugs.
25	832.041(1)	3rd	Stopping payment with intent to
26			defraud \$150 or more.
27	832.05		
28	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
29			worthless checks \$150 or more or
30			obtaining property in return for
31			worthless check \$150 or more.

1	838.15(2)	3rd	Commercial bribe receiving.
2	838.16	3rd	Commercial bribery.
3	843.18	3rd	Fleeing by boat to elude a law
4			enforcement officer.
5	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
6			lewd, etc., material (2nd
7			conviction).
8	849.01	3rd	Keeping gambling house.
9	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
10			or assist therein, conduct or
11			advertise drawing for prizes, or
12			dispose of property or money by
13			means of lottery.
14	849.23	3rd	Gambling-related machines;
15			"common offender" as to property
16			rights.
17	849.25(2)	3rd	Engaging in bookmaking.
18	860.08	3rd	Interfere with a railroad signal.
19	860.13(1)(a)	3rd	Operate aircraft while under the
20			influence.
21	893.13(2)(a)2.	3rd	Purchase of cannabis.
22	893.13(6)(a)	3rd	Possession of cannabis (more than
23			20 grams).
24	934.03(1)(a)	3rd	Intercepts, or procures any other
25			person to intercept, any wire or
26			oral communication.
27			(c) LEVEL 3
28	119.10(3)	3rd	Unlawful use of confidential
29			information from police reports.
30			
31			

1	316.066(3)		
2	(d)-(f)	3rd	Unlawfully obtaining or using
3			confidential crash reports.
4	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
5	316.1935(2)	3rd	Fleeing or attempting to elude
6			law enforcement officer in marked
7			patrol vehicle with siren and
8			lights activated.
9	319.30(4)	3rd	Possession by junkyard of motor
10			vehicle with identification
11			number plate removed.
12	319.33(1)(a)	3rd	Alter or forge any certificate of
13			title to a motor vehicle or
14			mobile home.
15	319.33(1)(c)	3rd	Procure or pass title on stolen
16			vehicle.
17	319.33(4)	3rd	With intent to defraud, possess,
18			sell, etc., a blank, forged, or
19			unlawfully obtained title or
20			registration.
21	327.35(2)(b)	3rd	Felony BUI.
22	328.05(2)	3rd	Possess, sell, or counterfeit
23			fictitious, stolen, or fraudulent
24			titles or bills of sale of
25			vessels.
26	328.07(4)	3rd	Manufacture, exchange, or possess
27			vessel with counterfeit or wrong
28			ID number.
29			
30			
31			

1	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
2			destroying, causing to be
3			destroyed, transferring, selling,
4			offering to sell, molesting, or
5			harassing marine turtles, marine
6			turtle eggs, or marine turtle
7			nests in violation of the Marine
8			Turtle Protection Act.
9	370.12(1)(e)6.	3rd	Soliciting to commit or
10			conspiring to commit a violation
11			of the Marine Turtle Protection
12			Act.
13	376.302(5)	3rd	Fraud related to reimbursement
14			for cleanup expenses under the
15			Inland Protection Trust Fund.
16	400.903(3)	3rd	Operating a clinic without a
17			license or filing false license
18			application or other required
19			information.
20	440.105(3)(b)	3rd	Receipt of fee or consideration
21			without approval by judge of
22			compensation claims.
23	440.1051(3)	3rd	False report of workers'
24			compensation fraud or retaliation
25			for making such a report.
26	501.001(2)(b)	2nd	Tampers with a consumer product
27			or the container using materially
28			false/misleading information.
29	624.401(4)(a)	3rd	Transacting insurance without a
30			certificate of authority.
31			

1	624.401(4)(b)1.	3rd	Transacting insurance without a
2			certificate of authority; premium
3			collected less than \$20,000.
4	626.902(1)		
5	(a) & (b)	3rd	Representing an unauthorized
6			insurer.
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	812.0145(2)(c)	3rd	Theft from person 65 years of age
23			or older; \$300 or more but less
24			than \$10,000.
25	815.04(4)(b)	2nd	Computer offense devised to
26			defraud or obtain property.
27	817.034(4)(a)3.	3rd	Engages in scheme to defraud
28			(Florida Communications Fraud
29			Act), property valued at less
30			than \$20,000.
31	817.233	3rd	Burning to defraud insurer.

1	817.234(8)		
2	(b)-(c)	3rd	Unlawful solicitation of persons
3			involved in motor vehicle
4			accidents.
5	817.234(11)(a)	3rd	Insurance fraud; property value
6			less than \$20,000.
7	817.236	3rd	Filing a false motor vehicle
8			insurance application.
9	817.2361	3rd	Creating, marketing, or
10			presenting a false or fraudulent
11			motor vehicle insurance card.
12	817.413(2)	3rd	Sale of used goods as new.
13	817.505(4)	3rd	Patient brokering.
14	828.12(2)	3rd	Tortures any animal with intent
15			to inflict intense pain, serious
16			physical injury, or death.
17	831.28(2)(a)	3rd	Counterfeiting a payment
18			instrument with intent to defraud
19			or possessing a counterfeit
20			payment instrument.
21	831.29	2nd	Possession of instruments for
22			counterfeiting drivers' licenses
23			or identification cards.
24	838.021(3)(b)	3rd	Threatens unlawful harm to public
25			servant.
26	843.19	3rd	Injure, disable, or kill police
27			dog or horse.
28	860.15(3)	3rd	Overcharging for repairs and
29			parts.
30	870.01(2)	3rd	Riot; inciting or encouraging.
31			

1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs).
7	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 1,000
12			feet of university.
13	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs within 1,000
18			feet of public housing facility.
19	893.13(6)(a)	3rd	Possession of any controlled
20			substance other than felony
21			possession of cannabis.
22	893.13(7)(a)8.	3rd	Withhold information from
23			practitioner regarding previous
24			receipt of or prescription for a
25			controlled substance.
26	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
27			controlled substance by fraud,
28			forgery, misrepresentation, etc.
29	893.13(7)(a)10.	3rd	Affix false or forged label to
30			package of controlled substance.
31			

1	893.13(7)(a)11.	3rd	Furnish false or fraudulent
2			material information on any
3			document or record required by
4			chapter 893.
5	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
6			person, or owner of an animal in
7			obtaining a controlled substance
8			through deceptive, untrue, or
9			fraudulent representations in or
10			related to the practitioner's
11			practice.
12	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
13			practitioner's practice to assist
14			a patient, other person, or owner
15			of an animal in obtaining a
16			controlled substance.
17	893.13(8)(a)3.	3rd	Knowingly write a prescription
18			for a controlled substance for a
19			fictitious person.
20	893.13(8)(a)4.	3rd	Write a prescription for a
21			controlled substance for a
22			patient, other person, or an
23			animal if the sole purpose of
24			writing the prescription is a
25			monetary benefit for the
26			practitioner.
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	985.3141	3rd	Escapes from a juvenile facility
5			(secure detention or residential
6			commitment facility).
7			(d) LEVEL 4
8	316.1935(3)(a)	2nd	Driving at high speed or with
9			wanton disregard for safety while
10			fleeing or attempting to elude
11			law enforcement officer who is in
12			a marked patrol vehicle with
13			siren and lights activated.
14	499.0051(1)	3rd	Failure to maintain or deliver
15			pedigree papers.
16	499.0051(2)	3rd	Failure to authenticate pedigree
17			papers.
18	499.0051(6)	2nd	Sale or delivery, or possession
19			with intent to sell, contraband
20			legend drugs.
21	784.07(2)(b)	3rd	Battery of law enforcement
22			officer, firefighter, intake
23			officer, etc.
24	784.074(1)(c)	3rd	Battery of sexually violent
25			predators facility staff.
26	784.075	3rd	Battery on detention or
27			commitment facility staff.
28	784.078	3rd	Battery of facility employee by
29			throwing, tossing, or expelling
30			certain fluids or materials.
31			

1	784.08(2)(c)	3rd	Battery on a person 65 years of
2			age or older.
3	784.081(3)	3rd	Battery on specified official or
4			employee.
5	784.082(3)	3rd	Battery by detained person on
6			visitor or other detainee.
7	784.083(3)	3rd	Battery on code inspector.
8	784.085	3rd	Battery of child by throwing,
9			tossing, projecting, or expelling
10			certain fluids or materials.
11	787.03(1)	3rd	Interference with custody;
12			wrongly takes child from
13			appointed guardian.
14	787.04(2)	3rd	Take, entice, or remove child
15			beyond state limits with criminal
16			intent pending custody
17			proceedings.
18	787.04(3)	3rd	Carrying child beyond state lines
19			with criminal intent to avoid
20			producing child at custody
21			hearing or delivering to
22			designated person.
23	790.115(1)	3rd	Exhibiting firearm or weapon
24			within 1,000 feet of a school.
25	790.115(2)(b)	3rd	Possessing electric weapon or
26			device, destructive device, or
27			other weapon on school property.
28	790.115(2)(c)	3rd	Possessing firearm on school
29			property.
30	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
31			offender less than 18 years.

1	810.02(4)(a)	3rd	Burglary, or attempted burglary,
2			of an unoccupied structure;
3			unarmed; no assault or battery.
4	810.02(4)(b)	3rd	Burglary, or attempted burglary,
5			of an unoccupied conveyance;
6			unarmed; no assault or battery.
7	810.06	3rd	Burglary; possession of tools.
8	810.08(2)(c)	3rd	Trespass on property, armed with
9			firearm or dangerous weapon.
10	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
11			or more but less than \$20,000.
12	812.014		
13	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
14			firearm, motor vehicle,
15			livestock, etc.
16	812.0195(2)	3rd	Dealing in stolen property by use
17			of the Internet; property stolen
18			\$300 or more.
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	817.568(2)(a)	3rd	Fraudulent use of personal
24			identification information.
25	817.625(2)(a)	3rd	Fraudulent use of scanning device
26			or reencoder.
27	828.125(1)	2nd	Kill, maim, or cause great bodily
28			harm or permanent breeding
29			disability to any registered
30			horse or cattle.
31	837.02(1)	3rd	Perjury in official proceedings.

1	837.021(1)	3rd	Make contradictory statements in
2			official proceedings.
3	838.022	3rd	Official misconduct.
4	839.13(2)(a)	3rd	Falsifying records of an
5			individual in the care and
6			custody of a state agency.
7	839.13(2)(c)	3rd	Falsifying records of the
8			Department of Children and Family
9			Services.
10	843.021	3rd	Possession of a concealed
11			handcuff key by a person in
12			custody.
13	843.025	3rd	Deprive law enforcement,
14			correctional, or correctional
15			probation officer of means of
16			protection or communication.
17	843.15(1)(a)	3rd	Failure to appear while on bail
18			for felony (bond estreature or
19			bond jumping).
20	874.05(1)	3rd	Encouraging or recruiting another
21			to join a criminal street gang.
22	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
23			893.03(1)(a), (b), or (d),
24			(2)(a), (2)(b), or (2)(c)4.
25			drugs).
26	914.14(2)	3rd	Witnesses accepting bribes.
27	914.22(1)	3rd	Force, threaten, etc., witness,
28			victim, or informant.
29	914.23(2)	3rd	Retaliation against a witness,
30			victim, or informant, no bodily
31			injury.

1	918.12	3rd	Tampering with jurors.
2	934.215	3rd	Use of two-way communications
3			device to facilitate commission
4			of a crime.
5			(e) LEVEL 5
6	316.027(1)(a)	3rd	Accidents involving personal
7			injuries, failure to stop;
8			leaving scene.
9	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
10	322.34(6)	3rd	Careless operation of motor
11			vehicle with suspended license,
12			resulting in death or serious
13			bodily injury.
14	327.30(5)	3rd	Vessel accidents involving
15			personal injury; leaving scene.
16	381.0041		
17	(11)(b)	3rd	Donate blood, plasma, or organs
18			knowing HIV positive.
19	440.10(1)(g)	2nd	Failure to obtain workers'
20			compensation coverage.
21	440.105(5)	2nd	Unlawful solicitation for the
22			purpose of making workers'
23			compensation claims.
24	440.381(2)	2nd	Submission of false, misleading,
25			or incomplete information with
26			the purpose of avoiding or
27			reducing workers' compensation
28			premiums.
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1	624.401(4)(b)2.	2nd	Transacting insurance without a
2			certificate or authority; premium
3			collected \$20,000 or more but
4			less than \$100,000.
5	626.902(1)(c)	2nd	Representing an unauthorized
6			insurer; repeat offender.
7	790.01(2)	3rd	Carrying a concealed firearm.
8	790.162	2nd	Threat to throw or discharge
9			destructive device.
10	790.163(1)	2nd	False report of deadly explosive
11			or weapon of mass destruction.
12	790.221(1)	2nd	Possession of short-barreled
13			shotgun or machine gun.
14	790.23	2nd	Felons in possession of firearms
15			or electronic weapons or devices.
16	800.04(6)(c)	3rd	Lewd or lascivious conduct;
17			offender less than 18 years.
18	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
19			offender 18 years or older.
20	806.111(1)	3rd	Possess, manufacture, or dispense
21			fire bomb with intent to damage
22			any structure or property.
23	812.0145(2)(b)	2nd	Theft from person 65 years of age
24			or older; \$10,000 or more but
25			less than \$50,000.
26	812.015(8)	3rd	Retail theft; property stolen is
27			valued at \$300 or more and one or
28			more specified acts.
29	812.019(1)	2nd	Stolen property; dealing in or
30			trafficking in.
31	812.131(2)(b)	3rd	Robbery by sudden snatching.

1	812.16(2)	3rd	Owning, operating, or conducting
2			a chop shop.
3	817.034(4)(a)2.	2nd	Communications fraud, value
4			\$20,000 to \$50,000.
5	817.234(11)(b)	2nd	Insurance fraud; property value
6			\$20,000 or more but less than
7			\$100,000.
8	817.2341(1),		
9	(2)(a)&(3)(a)	3rd	Filing false financial
10			statements, making false entries
11			of material fact or false
12			statements regarding property
13			values relating to the solvency
14			of an insuring entity.
15	817.568(2)(b)	2nd	Fraudulent use of personal
16			identification information; value
17			of benefit, services received,
18			payment avoided, or amount of
19			injury or fraud, \$5,000 or more
20			or use of personal identification
21			information of 10 or more
22			individuals.
23	817.625(2)(b)	2nd	Second or subsequent fraudulent
24			use of scanning device or
25			reencoder.
26	825.1025(4)	3rd	Lewd or lascivious exhibition in
27			the presence of an elderly person
28			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	839.13(2)(b)	2nd	Falsifying records of an
6			individual in the care and
7			custody of a state agency
8			involving great bodily harm or
9			death.
10	843.01	3rd	Resist officer with violence to
11			person; resist arrest with
12			violence.
13	874.05(2)	2nd	Encouraging or recruiting another
14			to join a criminal street gang;
15			second or subsequent offense.
16	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
17			cocaine (or other s.
18			893.03(1)(a), (1)(b), (1)(d),
19			(2)(a), (2)(b), or (2)(c)4.
20			drugs).
21	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
22			cannabis (or other s.
23			893.03(1)(c), (2)(c)1., (2)(c)2.,
24			(2)(c)3., (2)(c)5., (2)(c)6.,
25			(2)(c)7., (2)(c)8., (2)(c)9.,
26			(3), or (4) drugs) within 1,000
27			feet of a child care facility,
28			school, or state, county, or
29			municipal park or publicly owned
30			recreational facility or
31			community center.

1	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d),
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 1,000 feet of
6			university.
7	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
8			cannabis or other drug prohibited
9			under s. 893.03(1)(c), (2)(c)1.,
10			(2)(c)2., (2)(c)3., (2)(c)5.,
11			(2)(c)6., (2)(c)7., (2)(c)8.,
12			(2)(c)9., (3), or (4) within
13			1,000 feet of property used for
14			religious services or a specified
15			business site.
16	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
17			cocaine (or other s.
18			893.03(1)(a), (1)(b), (1)(d), or
19			(2)(a), (2)(b), or (2)(c)4.
20			drugs) within 1,000 feet of
21			public housing facility.
22	893.13(4)(b)	2nd	Deliver to minor cannabis (or
23			other s. 893.03(1)(c), (2)(c)1.,
24			(2)(c)2., (2)(c)3., (2)(c)5.,
25			(2)(c)6., (2)(c)7., (2)(c)8.,
26			(2)(c)9., (3), or (4) drugs).
27			(g) LEVEL 7
28	316.027(1)(b)	2nd	Accident involving death, failure
29			to stop; leaving scene.
30	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
31			injury.

1	<u>316.1935(3)(b)</u>	<u>1st</u>	<u>Causing serious bodily injury or</u>
2			<u>death to another person; driving</u>
3			<u>at high speed or with wanton</u>
4			<u>disregard for safety while</u>
5			<u>fleeing or attempting to elude</u>
6			<u>law enforcement officer who is in</u>
7			<u>a patrol vehicle with siren and</u>
8			<u>lights activated.</u>
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
31			

1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.074(1)(a)	1st	Aggravated battery on sexually
10			violent predators facility staff.
11	784.08(2)(a)	1st	Aggravated battery on a person 65
12			years of age or older.
13	784.081(1)	1st	Aggravated battery on specified
14			official or employee.
15	784.082(1)	1st	Aggravated battery by detained
16			person on visitor or other
17			detainee.
18	784.083(1)	1st	Aggravated battery on code
19			inspector.
20	790.07(4)	1st	Specified weapons violation
21			subsequent to previous conviction
22			of s. 790.07(1) or (2).
23	790.16(1)	1st	Discharge of a machine gun under
24			specified circumstances.
25	790.165(2)	2nd	Manufacture, sell, possess, or
26			deliver hoax bomb.
27	790.165(3)	2nd	Possessing, displaying, or
28			threatening to use any hoax bomb
29			while committing or attempting to
30			commit a felony.
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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	790.166(4)	2nd	Possessing, displaying, or
5			threatening to use a hoax weapon
6			of mass destruction while
7			committing or attempting to
8			commit a felony.
9	796.03	2nd	Procuring any person under 16
10			years for prostitution.
11	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
12			victim less than 12 years of age;
13			offender less than 18 years.
14	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
15			victim 12 years of age or older
16			but less than 16 years; offender
17			18 years or older.
18	806.01(2)	2nd	Maliciously damage structure by
19			fire or explosive.
20	810.02(3)(a)	2nd	Burglary of occupied dwelling;
21			unarmed; no assault or battery.
22	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
23			unarmed; no assault or battery.
24	810.02(3)(d)	2nd	Burglary of occupied conveyance;
25			unarmed; no assault or battery.
26	812.014(2)(a)	1st	Property stolen, valued at
27			\$100,000 or more; cargo stolen
28			valued at \$50,000 or more;
29			property stolen while causing
30			other property damage; 1st degree
31			grand theft.

1	812.014(2)(b)3.	2nd	Property stolen, emergency
2			medical equipment; 2nd degree
3			grand theft.
4	812.0145(2)(a)	1st	Theft from person 65 years of age
5			or older; \$50,000 or more.
6	812.019(2)	1st	Stolen property; initiates,
7			organizes, plans, etc., the theft
8			of property and traffics in
9			stolen property.
10	812.131(2)(a)	2nd	Robbery by sudden snatching.
11	812.133(2)(b)	1st	Carjacking; no firearm, deadly
12			weapon, or other weapon.
13	817.234(8)(a)	2nd	Solicitation of motor vehicle
14			accident victims with intent to
15			defraud.
16	817.234(9)	2nd	Organizing, planning, or
17			participating in an intentional
18			motor vehicle collision.
19	817.234(11)(c)	1st	Insurance fraud; property value
20			\$100,000 or more.
21	817.2341(2)(b)&		
22	(3)(b)	1st	Making false entries of material
23			fact or false statements
24			regarding property values
25			relating to the solvency of an
26			insuring entity which are a
27			significant cause of the
28			insolvency of that entity.
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1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.103(2)(b)	2nd	Exploiting an elderly person or
6			disabled adult and property is
7			valued at \$20,000 or more, but
8			less than \$100,000.
9	827.03(3)(b)	2nd	Neglect of a child causing great
10			bodily harm, disability, or
11			disfigurement.
12	827.04(3)	3rd	Impregnation of a child under 16
13			years of age by person 21 years
14			of age or older.
15	837.05(2)	3rd	Giving false information about
16			alleged capital felony to a law
17			enforcement officer.
18	838.015	2nd	Bribery.
19	838.016	2nd	Unlawful compensation or reward
20			for official behavior.
21	838.021(3)(a)	2nd	Unlawful harm to a public
22			servant.
23	838.22	2nd	Bid tampering.
24	872.06	2nd	Abuse of a dead human body.
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1	893.13(1)(c)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 a
6			child care facility, school, or
7			state, county, or municipal park
8			or publicly owned recreational
9			facility or community center.
10	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
11			cocaine or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), (2)(b), or
14			(2)(c)4., within 1,000 feet of
15			property used for religious
16			services or a specified business
17			site.
18	893.13(4)(a)	1st	Deliver to minor cocaine (or
19			other s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), (2)(b), or
21			(2)(c)4. drugs).
22	893.135(1)(a)1.	1st	Trafficking in cannabis, more
23			than 25 lbs., less than 2,000
24			lbs.
25	893.135		
26	(1)(b)1.a.	1st	Trafficking in cocaine, more than
27			28 grams, less than 200 grams.
28	893.135		
29	(1)(c)1.a.	1st	Trafficking in illegal drugs,
30			more than 4 grams, less than 14
31			grams.

1	893.135		
2	(1)(d)1.	1st	Trafficking in phencyclidine,
3			more than 28 grams, less than 200
4			grams.
5	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
6			than 200 grams, less than 5
7			kilograms.
8	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
9			than 14 grams, less than 28
10			grams.
11	893.135		
12	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
13			grams or more, less than 14
14			grams.
15	893.135		
16	(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135		
21	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
22			kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
26			10 grams or more, less than 200
27			grams.
28	896.101(5)(a)	3rd	Money laundering, financial
29			transactions exceeding \$300 but
30			less than \$20,000.
31			

1	896.104(4)(a)1.	3rd	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions exceeding \$300 but
5			less than \$20,000.
6			(h) LEVEL 8
7	316.193		
8	(3)(c)3.a.	2nd	DUI manslaughter.
9	<u>316.1935(4)(b)</u>	<u>1st</u>	<u>Aggravated fleeing or attempted</u>
10			<u>eluding with serious bodily</u>
11			<u>injury or death.</u>
12	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
13	499.0051(7)	1st	Forgery of prescription or legend
14			drug labels.
15	499.0052	1st	Trafficking in contraband legend
16			drugs.
17	560.123(8)(b)2.	2nd	Failure to report currency or
18			payment instruments totaling or
19			exceeding \$20,000, but less than
20			\$100,000 by money transmitter.
21	560.125(5)(b)	2nd	Money transmitter business by
22			unauthorized person, currency or
23			payment instruments totaling or
24			exceeding \$20,000, but less than
25			\$100,000.
26	655.50(10)(b)2.	2nd	Failure to report financial
27			transactions totaling or
28			exceeding \$20,000, but less than
29			\$100,000 by financial
30			institutions.
31			

1	777.03(2)(a)	1st	Accessory after the fact, capital
2			felony.
3	782.04(4)	2nd	Killing of human without design
4			when engaged in act or attempt of
5			any felony other than arson,
6			sexual battery, robbery,
7			burglary, kidnapping, aircraft
8			piracy, or unlawfully discharging
9			bomb.
10	782.051(2)	1st	Attempted felony murder while
11			perpetrating or attempting to
12			perpetrate a felony not
13			enumerated in s. 782.04(3).
14	782.071(1)(b)	1st	Committing vehicular homicide and
15			failing to render aid or give
16			information.
17	782.072(2)	1st	Committing vessel homicide and
18			failing to render aid or give
19			information.
20	790.161(3)	1st	Discharging a destructive device
21			which results in bodily harm or
22			property damage.
23	794.011(5)	2nd	Sexual battery, victim 12 years
24			or over, offender does not use
25			physical force likely to cause
26			serious injury.
27	800.04(4)	2nd	Lewd or lascivious battery.
28	806.01(1)	1st	Maliciously damage dwelling or
29			structure by fire or explosive,
30			believing person in structure.
31	810.02(2)(a)	1st,PBL	Burglary with assault or battery.

1	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
2			or dangerous weapon.
3	810.02(2)(c)	1st	Burglary of a dwelling or
4			structure causing structural
5			damage or \$1,000 or more property
6			damage.
7	812.13(2)(b)	1st	Robbery with a weapon.
8	812.135(2)	1st	Home-invasion robbery.
9	817.568(6)	2nd	Fraudulent use of personal
10			identification information of an
11			individual under the age of 18.
12	825.102(2)	2nd	Aggravated abuse of an elderly
13			person or disabled adult.
14	825.1025(2)	2nd	Lewd or lascivious battery upon
15			an elderly person or disabled
16			adult.
17	825.103(2)(a)	1st	Exploiting an elderly person or
18			disabled adult and property is
19			valued at \$100,000 or more.
20	837.02(2)	2nd	Perjury in official proceedings
21			relating to prosecution of a
22			capital felony.
23	837.021(2)	2nd	Making contradictory statements
24			in official proceedings relating
25			to prosecution of a capital
26			felony.
27	860.121(2)(c)	1st	Shooting at or throwing any
28			object in path of railroad
29			vehicle resulting in great bodily
30			harm.
31	860.16	1st	Aircraft piracy.

1	893.13(1)(b)	1st	Sell or deliver in excess of 10
2			grams of any substance specified
3			in s. 893.03(1)(a) or (b).
4	893.13(2)(b)	1st	Purchase in excess of 10 grams of
5			any substance specified in s.
6			893.03(1)(a) or (b).
7	893.13(6)(c)	1st	Possess in excess of 10 grams of
8			any substance specified in s.
9			893.03(1)(a) or (b).
10	893.135(1)(a)2.	1st	Trafficking in cannabis, more
11			than 2,000 lbs., less than 10,000
12			lbs.
13	893.135		
14	(1)(b)1.b.	1st	Trafficking in cocaine, more than
15			200 grams, less than 400 grams.
16	893.135		
17	(1)(c)1.b.	1st	Trafficking in illegal drugs,
18			more than 14 grams, less than 28
19			grams.
20	893.135		
21	(1)(d)1.b.	1st	Trafficking in phencyclidine,
22			more than 200 grams, less than
23			400 grams.
24	893.135		
25	(1)(e)1.b.	1st	Trafficking in methaqualone, more
26			than 5 kilograms, less than 25
27			kilograms.
28	893.135		
29	(1)(f)1.b.	1st	Trafficking in amphetamine, more
30			than 28 grams, less than 200
31			grams.

1	893.135		
2	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
3			grams or more, less than 28
4			grams.
5	893.135		
6	(1)(h)1.b.	1st	Trafficking in
7			gamma-hydroxybutyric acid (GHB),
8			5 kilograms or more, less than 10
9			kilograms.
10	893.135		
11	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
12			kilograms or more, less than 10
13			kilograms.
14	893.135		
15	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
16			200 grams or more, less than 400
17			grams.
18	895.03(1)	1st	Use or invest proceeds derived
19			from pattern of racketeering
20			activity.
21	895.03(2)	1st	Acquire or maintain through
22			racketeering activity any
23			interest in or control of any
24			enterprise or real property.
25	895.03(3)	1st	Conduct or participate in any
26			enterprise through pattern of
27			racketeering activity.
28	896.101(5)(b)	2nd	Money laundering, financial
29			transactions totaling or
30			exceeding \$20,000, but less than
31			\$100,000.

1 896.104(4)(a)2. 2nd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions totaling or
5 exceeding \$20,000 but less than
6 \$100,000.

7 Section 3. For the purpose of incorporating the
8 amendment to section 316.1935, Florida Statutes, in a
9 reference thereto, section 318.17, Florida Statutes, is
10 reenacted to read:

11 318.17 Offenses excepted.--No provision of this
12 chapter is available to a person who is charged with any of
13 the following offenses:

14 (1) Fleeing or attempting to elude a police officer,
15 in violation of s. 316.1935;

16 (2) Leaving the scene of a crash, in violation of ss.
17 316.027 and 316.061;

18 (3) Driving, or being in actual physical control of,
19 any vehicle while under the influence of alcoholic beverages,
20 any chemical substance set forth in s. 877.111, or any
21 substance controlled under chapter 893, in violation of s.
22 316.193, or driving with an unlawful blood-alcohol level;

23 (4) Reckless driving, in violation of s. 316.192;

24 (5) Making false crash reports, in violation of s.
25 316.067;

26 (6) Willfully failing or refusing to comply with any
27 lawful order or direction of any police officer or member of
28 the fire department, in violation of s. 316.072(3);

29 (7) Obstructing an officer, in violation of s.
30 316.545(1); or

31

1 (8) Any other offense in chapter 316 which is
2 classified as a criminal violation.

3 Section 4. For the purpose of incorporating the
4 amendment to section 316.1935, Florida Statutes, in a
5 reference thereto, subsection (1) of section 322.61, Florida
6 Statutes, is reenacted to read:

7 322.61 Disqualification from operating a commercial
8 motor vehicle.--

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

15 (a) A violation of any state or local law relating to
16 motor vehicle traffic control, other than a parking violation,
17 a weight violation, or a vehicle equipment violation, arising
18 in connection with a crash resulting in death or personal
19 injury to any person;

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

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

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

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

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

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

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

30 Section 5. This act shall take effect July 1, 2004,
31 and shall apply to offenses committed on or after that date.