

By Senator Lynn

7-134-04

1                                   A bill to be entitled  
2           An act relating to high-speed motor vehicle  
3           pursuits; creating the Citizen's High-Speed  
4           Pursuit Review Panel; providing for membership;  
5           specifying the review panel's duties; requiring  
6           the review panel to make its recommendations in  
7           an official report to be transmitted to the  
8           Governor, the President of the Senate, and the  
9           Speaker of the House of Representatives by a  
10          specified date; authorizing the review panel to  
11          hold meetings within the state; providing for  
12          the meetings to be open to the public; amending  
13          s. 316.1935, F.S.; providing increased criminal  
14          penalties for operators of motor vehicles who  
15          flee or attempt to elude properly marked law  
16          enforcement vehicles; authorizing the court to  
17          revoke a driver's license under certain  
18          circumstances; amending 943.17, F.S.; requiring  
19          the Criminal Justice Standards and Training  
20          Commission to design and implement training  
21          courses to train law enforcement officers how  
22          to conduct high-speed pursuit; providing an  
23          effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27           Section 1.   Citizen's High-Speed Pursuit Review  
28 Panel.--

29           (1) The Legislature finds that the primary function of  
30 all law enforcement agencies is to protect the public against  
31 personal injuries or death or property damage. Often, in order

1 to provide the public with this protection, law enforcement  
2 officers must pursue fleeing motor vehicles. Nevertheless,  
3 pursuing motor vehicles is a dangerous activity because it  
4 results in an increased exposure of the public to motor  
5 vehicle accidents. In many of these accidents, innocent  
6 bystanders are injured or killed. Therefore, the Legislature  
7 finds that a Citizen's High-Speed Pursuit Review Panel should  
8 be created to assess the policies, procedures, data  
9 collection, and training programs regarding high-speed  
10 pursuits by law enforcement officers to ensure that the most  
11 effective application of those pursuits is employed with an  
12 emphasis towards achieving public safety.

13 (2) The Citizen's High-Speed Pursuit Review Panel is  
14 created and is assigned to the Department of Law Enforcement  
15 for administrative and fiscal purposes only. The Citizen's  
16 High-Speed Pursuit Review Panel shall consist of 13 members,  
17 to be appointed as follows:

18 (a) The Governor of the State of Florida shall appoint  
19 five members, one of whom must be a sheriff designated by the  
20 Florida Sheriff's Association. The Governor shall appoint one  
21 person to be the chair of the review panel.

22 (b) The President of the Senate shall appoint four  
23 members, one of whom must be a police chief designated by the  
24 Florida Police Chiefs' Association.

25 (c) The Speaker of the House of Representatives shall  
26 appoint four members, one of whom must be the director of the  
27 Florida Highway Patrol.

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29 Review panel members must be appointed by July 1, 2004, and  
30 must convene to organize immediately after the appointments  
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1 have been completed. A vacancy on the review panel shall be  
2 filled in the same manner as the original appointment.

3 (3) Members of the review panel shall serve without  
4 compensation, but are entitled to receive reimbursement for  
5 travel and per diem as provided by section 112.061, Florida  
6 Statutes, while carrying out official business of the review  
7 panel.

8 (4) The review panel shall:

9 (a) Collect and review county, municipal, and other  
10 law enforcement agencies' written policies and procedures  
11 directed to high-speed chases or pursuits. At a minimum, the  
12 review panel must consider the date the policies were adopted  
13 and whether the policies have been modified to reflect the  
14 latest best practices suggested by the United States  
15 Department of Justice and other national organizations.

16 (b) Collect and review county, municipal, and other  
17 law enforcement agencies' systems for data collection of  
18 high-speed-pursuit information.

19 (c) Evaluate the need for pursuit-specific training  
20 that teaches the risk factors and benefits of pursuit driving.  
21 The review panel must consider the appropriateness of pursuit  
22 training for basic recruit, advanced, and career development  
23 training programs for law enforcement officers.

24 (d) Review the role and function of supervision of  
25 high-speed pursuits.

26 (e) Consider the alternatives to police pursuit that  
27 could balance the need to apprehend fleeing offenders with the  
28 preservation of safety for innocent bystanders.

29 (f) Develop recommendations to the Legislature and law  
30 enforcement agencies to improve pursuit policy, data  
31 collection, supervision, and training.

1           (5) The review panel shall make its recommendations in  
2 an official report that is adopted by the review panel and  
3 transmitted to the Governor, the President of the Senate, and  
4 the Speaker of the House of Representatives by March 1, 2005.

5           (6) It is the intent of the Legislature that the  
6 review panel be staffed by the Department of Law Enforcement  
7 and that the review panel automatically terminate upon  
8 submission of its report to the Legislature and the Governor.

9           (7) The review panel may hold meetings within the  
10 state. Meetings of the review panel shall be open to the  
11 public.

12           (8) This section shall take effect upon this act  
13 becoming a law.

14           Section 2. Section 316.1935, Florida Statutes, is  
15 amended to read:

16           316.1935 Fleeing or attempting to elude a law  
17 enforcement officer; aggravated fleeing and eluding.--

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

27           (2) Any person who willfully flees or attempts to  
28 elude a law enforcement officer in an authorized law  
29 enforcement patrol vehicle with agency insignia and other  
30 jurisdictional markings prominently displayed on the vehicle  
31 with siren and lights activated commits a felony of the second

1 ~~third~~ degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 (3) Any person who willfully flees or attempts to  
4 elude a law enforcement officer in an authorized law  
5 enforcement patrol vehicle with agency insignia and other  
6 jurisdictional markings prominently displayed on the vehicle  
7 with siren and lights activated, and during the course of the  
8 fleeing or attempted eluding drives at high speed, or in any  
9 manner which demonstrates a wanton disregard for the safety of  
10 persons or property commits aggravated fleeing or eluding, a  
11 felony of the second degree, punishable as provided in s.  
12 775.082, s. 775.083, or s. 775.084.

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

17 (a) Willfully refuses or fails to stop in compliance  
18 with the ~~such an~~ order, or having stopped in knowing  
19 compliance with the ~~such~~ order, willfully flees in an attempt  
20 to elude the ~~such~~ officer; and

21 (b) As a result of ~~such~~ fleeing or eluding, causes  
22 injury to another person or causes damage to any property  
23 belonging to another person

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

3 (5) The court may revoke, for a period not to exceed 1  
4 year, the driver's license of any operator of a motor vehicle  
5 convicted of a violation of subsection (1) or, subsection  
6 (2). The court may revoke, for a period not to exceed 2  
7 years, the driver's license of any operator of a motor vehicle  
8 convicted of a violation of subsection (3) or subsection (4).

9 Section 3. Present paragraphs (e), (f), and (g) of  
10 subsection (1) of section 943.17, Florida Statutes, are  
11 redesignated as paragraphs (f), (g), and (h), respectively,  
12 and a new paragraph (e) is added to that subsection, to read:

13 943.17 Basic recruit, advanced, and career development  
14 training programs; participation; cost; evaluation.--The  
15 commission shall, by rule, design, implement, maintain,  
16 evaluate, and revise entry requirements and job-related  
17 curricula and performance standards for basic recruit,  
18 advanced, and career development training programs and  
19 courses. The rules shall include, but are not limited to, a  
20 methodology to assess relevance of the subject matter to the  
21 job, student performance, and instructor competency.

22 (1) The commission shall:

23 (e) Design, implement, maintain, evaluate, revise, or  
24 adopt a training program that emphasizes the proper techniques  
25 and skills required by a law enforcement officer to safely  
26 operate a motor vehicle. Specifically, the commission must  
27 design, implement, and maintain courses to train law  
28 enforcement officers how and when to conduct a high-speed  
29 chase or pursuit.

30 Section 4. Except as otherwise expressly provided in  
31 this act, this act shall take effect July 1, 2004.

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SENATE SUMMARY

Creates the Citizen's High-Speed Pursuit Review Panel. Provides for membership and specifies the review panel's duties. Requires the review panel to make recommendations. Authorizes the review panel to hold meetings within the state. Provides for increased criminal penalties for operators of motor vehicles who flee or attempt to elude properly marked law enforcement vehicles. Authorizes the court to revoke driver's licenses under certain circumstances. Requires the Criminal Justice Standards and Training Commission to design and implement training courses to train law enforcement officers how to conduct high-speed pursuit.