

HB 0295

2004

1 A bill to be entitled

2 An act relating to fleeing or attempting to elude a law  
3 enforcement officer; amending s. 316.1935, F.S.; providing  
4 an additional classification for the offense of fleeing or  
5 attempting to elude a law enforcement officer; providing  
6 an additional classification for the offense of aggravated  
7 fleeing or eluding; providing and revising elements of the  
8 offenses; providing and revising criminal penalties for  
9 the offenses of fleeing or attempting to elude a law  
10 enforcement officer and aggravated fleeing or eluding with  
11 serious bodily injury or death; providing for a minimum  
12 period of incarceration in certain circumstances involving  
13 serious bodily injury or death; providing an affirmative  
14 defense to fleeing or attempting to elude a law  
15 enforcement office under certain circumstances;  
16 prohibiting courts from suspending, deferring, or  
17 withholding adjudication of guilt or imposition of  
18 sentence in certain circumstances; providing for seizure  
19 and forfeiture of certain motor vehicles as contraband in  
20 certain circumstances; amending s. 921.0022, F.S.; ranking  
21 and revising fleeing or attempting to elude a law  
22 enforcement officer offense classifications on the offense  
23 severity ranking chart of the Criminal Punishment Code;  
24 ranking the offense of aggravated fleeing or eluding with  
25 serious bodily injury or death on the offense severity  
26 ranking chart of the Criminal Punishment Code; reenacting  
27 ss. 318.17(1) and 322.61(1)(d), F.S.; incorporating the  
28 amendment to s. 316.1935, F.S., in references thereto;  
29 providing an effective date.

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

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

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

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

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

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58 lawful manner to a well-lit or populated area prior to stopping  
 59 his or her vehicle.

60 (3) Any person who willfully flees or attempts to elude a  
 61 law enforcement officer in an authorized law enforcement patrol  
 62 vehicle, with or without agency insignia and other  
 63 jurisdictional markings prominently displayed on the vehicle,  
 64 with siren and lights activated, and during the course of the  
 65 fleeing or attempted eluding:

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

70 (b) Drives at high speed, or in any manner which  
 71 demonstrates a wanton disregard for the safety of persons or  
 72 property, and causes serious bodily injury or death to another  
 73 person, including any law enforcement officer involved in  
 74 pursuing or otherwise attempting to effect a stop of the  
 75 person's vehicle, commits a felony of the first degree,  
 76 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 77 Notwithstanding any other provision of law, the court shall  
 78 sentence any person convicted of committing the offense  
 79 described in this paragraph to a mandatory minimum sentence of 3  
 80 years imprisonment. Nothing in this paragraph shall prevent a  
 81 court from imposing a greater sentence of incarceration as  
 82 authorized by law.

83 (4) Any person who, in the course of unlawfully leaving or  
 84 attempting to leave the scene of a crash in violation of s.  
 85 316.027 or s. 316.061, having knowledge of an order to stop by a  
 86 duly authorized law enforcement officer, ÷

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87       ~~(a)~~ willfully refuses or fails to stop in compliance with  
 88 such an order, or having stopped in knowing compliance with such  
 89 order, willfully flees in an attempt to elude such officer~~+~~ and,  
 90       ~~(b)~~ as a result of such fleeing or eluding:~~7~~

91       (a) Causes injury to another person or causes damage to  
 92 any property belonging to another person, commits aggravated  
 93 fleeing or eluding, a felony of the second degree, punishable as  
 94 provided in s. 775.082, s. 775.083, or s. 775.084.

95       (b) Causes serious bodily injury or death to another  
 96 person, including any law enforcement officer involved in  
 97 pursuing or otherwise attempting to effect a stop of the  
 98 person's vehicle, commits aggravated fleeing or eluding with  
 99 serious bodily injury or death, a felony of the first degree,  
 100 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

101  
 102 The felony of aggravated fleeing or eluding and the felony of  
 103 aggravated fleeing or eluding with serious bodily injury or  
 104 death constitute ~~constitutes a~~ separate offenses ~~offense~~ for  
 105 which a person may be charged, in addition to the offenses under  
 106 ss. 316.027 and 316.061, relating to ~~offense of~~ unlawfully  
 107 leaving the scene of a crash, which the person had been in the  
 108 course of committing or attempting to commit when the order to  
 109 stop was given. Notwithstanding any other provision of law, the  
 110 court shall sentence any person convicted of committing  
 111 aggravated fleeing or eluding with serious bodily injury or  
 112 death to a mandatory minimum sentence of 3 years imprisonment.  
 113 Nothing in this subsection shall prevent a court from imposing a  
 114 greater sentence of incarceration as authorized by law.

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115 (5) The court shall ~~may~~ revoke, for a period not less than  
 116 ~~to exceed~~ 1 year nor exceeding 5 years, the driver's license of  
 117 any operator of a motor vehicle convicted of a violation of  
 118 subsection (1), subsection (2), subsection (3), or subsection  
 119 (4).

120 (6) Notwithstanding s. 948.01, no court may suspend,  
 121 defer, or withhold adjudication of guilt or imposition of  
 122 sentence for any violation of this section. A person convicted  
 123 and sentenced to a mandatory minimum term of incarceration under  
 124 paragraph (3)(b) or paragraph (4)(b) is not eligible for  
 125 statutory gain-time under s. 944.275 or any form of  
 126 discretionary early release, other than pardon or executive  
 127 clemency or conditional medical release under s. 947.149, prior  
 128 to serving the mandatory minimum sentence.

129 (7) Any motor vehicle involved in a violation of this  
 130 section is deemed to be contraband, which may be seized by a law  
 131 enforcement agency and is subject to forfeiture pursuant to ss.  
 132 932.701-932.704. Any vehicle not required to be titled under the  
 133 laws of this state is presumed to be the property of the person  
 134 in possession of the vehicle.

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

138 921.0022 Criminal Punishment Code; offense severity  
 139 ranking chart.--

140 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

141

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(a) LEVEL 1

142	24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
143	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
144	212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
145	<u>316.1935(1)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude law enforcement officer.</u>
146	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
147	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
148	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
149	322.212(1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.

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151	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
152	322.212(5)(a)	3rd	False application for driver's license or identification card.
153	370.13(2)(c)1.	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
154	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
155	372.663(1)	3rd	Poach any alligator or crocodilia.
156	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
157	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
158	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.

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159	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
160	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
161	562.27(1)	3rd	Possess still or still apparatus.
162	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
163	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
164	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
165	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
166	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
167	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
168	826.01	3rd	Bigamy.
	828.122(3)	3rd	Fighting or baiting animals.



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169	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
170	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
171	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
172	832.05(2)(b)&(4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
173	838.15(2)	3rd	Commercial bribe receiving.
174	838.16	3rd	Commercial bribery.
175	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
176	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
177	849.01	3rd	Keeping gambling house.
178	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise

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drawing for prizes, or dispose of property or money by means of lottery.

179	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
180	849.25(2)	3rd	Engaging in bookmaking.
181	860.08	3rd	Interfere with a railroad signal.
182	860.13(1)(a)	3rd	Operate aircraft while under the influence.
183	893.13(2)(a)2.	3rd	Purchase of cannabis.
184	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
185	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
186			(c) LEVEL 3
187	119.10(3)	3rd	Unlawful use of confidential information from police reports.
188	316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
189	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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191	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in <del>marked</del> patrol vehicle with siren and lights activated.
192	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
193	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
194	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
195	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
196	327.35(2)(b)	3rd	Felony BUI.
197	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
198	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

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	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
199	370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
200	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
201	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
202	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
203	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
204	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

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205	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
206	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
207	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
208	697.08	3rd	Equity skimming.
209	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
210	796.05(1)	3rd	Live on earnings of a prostitute.
211	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
212	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
213	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
214	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
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216	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
217	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
218	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
219	817.233	3rd	Burning to defraud insurer.
220	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
221	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
222	817.236	3rd	Filing a false motor vehicle insurance application.
223	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
224	817.413(2)	3rd	Sale of used goods as new.
225	817.505(4)	3rd	Patient brokering.
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious

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physical injury, or death.

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831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

227

831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

228

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

229

843.19 3rd Injure, disable, or kill police dog or horse.

230

860.15(3) 3rd Overcharging for repairs and parts.

231

870.01(2) 3rd Riot; inciting or encouraging.

232

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

233

893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or

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(4) drugs within 1,000 feet of university.

234 893.13(1)(f)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

235 893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

236 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

237 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

238 893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

239 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

240 893.13(8)(a)1. 3rd Knowingly assist a patient, other



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person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

241 893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

242 893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

243 893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

244 918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

245 944.47(1)(a)1.-2. 3rd Introduce contraband to correctional facility.

246 944.47(1)(c) 2nd Possess contraband while upon the

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grounds of a correctional  
institution.

247

985.3141

3rd

Escapes from a juvenile facility  
(secure detention or residential  
commitment facility).

248

(d) LEVEL 4

249

316.1935(3)(a)

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.

250

499.0051(1)

3rd

Failure to maintain or deliver  
pedigree papers.

251

499.0051(2)

3rd

Failure to authenticate pedigree  
papers.

252

499.0051(6)

2nd

Sale or delivery, or possession with  
intent to sell, contraband legend  
drugs.

253

784.07(2)(b)

3rd

Battery of law enforcement officer,  
firefighter, intake officer, etc.

254

784.074(1)(c)

3rd

Battery of sexually violent predators  
facility staff.

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256	784.075	3rd	Battery on detention or commitment facility staff.
257	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
258	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
259	784.081(3)	3rd	Battery on specified official or employee.
260	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
261	784.083(3)	3rd	Battery on code inspector.
262	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
263	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
264	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or

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delivering to designated person.

265

790.115(1) 3rd Exhibiting firearm or weapon within  
1,000 feet of a school.

266

790.115(2)(b) 3rd Possessing electric weapon or device,  
destructive device, or other weapon  
on school property.

267

790.115(2)(c) 3rd Possessing firearm on school  
property.

268

800.04(7)(d) 3rd Lewd or lascivious exhibition;  
offender less than 18 years.

269

810.02(4)(a) 3rd Burglary, or attempted burglary, of  
an unoccupied structure; unarmed; no  
assault or battery.

270

810.02(4)(b) 3rd Burglary, or attempted burglary, of  
an unoccupied conveyance; unarmed; no  
assault or battery.

271

810.06 3rd Burglary; possession of tools.

272

810.08(2)(c) 3rd Trespass on property, armed with  
firearm or dangerous weapon.

273

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or  
more but less than \$20,000.

274

812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will,

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	10.		firearm, motor vehicle, livestock, etc.
275	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
276	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
277	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
278	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
279	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
280	837.02(1)	3rd	Perjury in official proceedings.
281	837.021(1)	3rd	Make contradictory statements in official proceedings.
282	838.022	3rd	Official misconduct.
283	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

284

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285	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
286	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
287	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
288	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
289	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
290	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
291	914.14(2)	3rd	Witnesses accepting bribes.
292	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
293	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
	918.12	3rd	Tampering with jurors.

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294	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
295			(e) LEVEL 5
296	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
297	316.1935(4) <u>(a)</u>	2nd	Aggravated fleeing or eluding.
298	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
299	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
300	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
301	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
302	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
303	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing

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workers' compensation premiums.

304

624.401(4)(b)2. 2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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626.902(1)(c) 2nd

Representing an unauthorized insurer; repeat offender.

306

790.01(2) 3rd

Carrying a concealed firearm.

307

790.162 2nd

Threat to throw or discharge destructive device.

308

790.163(1) 2nd

False report of deadly explosive or weapon of mass destruction.

309

790.221(1) 2nd

Possession of short-barreled shotgun or machine gun.

310

790.23 2nd

Felons in possession of firearms or electronic weapons or devices.

311

800.04(6)(c) 3rd

Lewd or lascivious conduct; offender less than 18 years.

312

800.04(7)(c) 2nd

Lewd or lascivious exhibition; offender 18 years or older.

313

806.111(1) 3rd

Possess, manufacture, or dispense fire bomb with intent to damage any



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structure or property.

314

812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

315

812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

316

812.019(1) 2nd Stolen property; dealing in or trafficking in.

317

812.131(2)(b) 3rd Robbery by sudden snatching.

318

812.16(2) 3rd Owning, operating, or conducting a chop shop.

319

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

320

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

321

817.2341(1),(2) 3rd Filing false financial statements, (a)&(3)(a) making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

322

817.568(2)(b) 2nd Fraudulent use of personal

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identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

323

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

324

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

325

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

326

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

327

843.01 3rd Resist officer with violence to person; resist arrest with violence.

328

874.05(2) 2nd Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.

329

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330

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

331

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

332

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business

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site.

333

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

334

893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

335

(g) LEVEL 7

336

316.027(1)(b) 2nd Accident involving death, failure to stop; leaving scene.

337

316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

338

316.1935(3)(b) 1st Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

339

327.35(3)(c)2. 3rd Vessel BUI resulting in serious

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bodily injury.

340	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
341	409.920(2)	3rd	Medicaid provider fraud.
342	456.065(2)	3rd	Practicing a health care profession without a license.
343	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
344	458.327(1)	3rd	Practicing medicine without a license.
345	459.013(1)	3rd	Practicing osteopathic medicine without a license.
346	460.411(1)	3rd	Practicing chiropractic medicine without a license.
347	461.012(1)	3rd	Practicing podiatric medicine without a license.
348	462.17	3rd	Practicing naturopathy without a license.
349	463.015(1)	3rd	Practicing optometry without a

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license.

350 464.016(1) 3rd Practicing nursing without a license.

351 465.015(2) 3rd Practicing pharmacy without a  
license.

352 466.026(1) 3rd Practicing dentistry or dental  
hygiene without a license.

353 467.201 3rd Practicing midwifery without a  
license.

354 468.366 3rd Delivering respiratory care services  
without a license.

355 483.828(1) 3rd Practicing as clinical laboratory  
personnel without a license.

356 483.901(9) 3rd Practicing medical physics without a  
license.

357 484.013(1)(c) 3rd Preparing or dispensing optical  
devices without a prescription.

358 484.053 3rd Dispensing hearing aids without a  
license.

359 494.0018(2) 1st Conviction of any violation of ss.  
494.001-494.0077 in which the total  
money and property unlawfully  
obtained exceeded \$50,000 and there

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were five or more victims.

360 560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

361 560.125(5)(a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

362 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

363 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

364 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

365 782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

366 782.072 2nd Killing of a human being by the

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operation of a vessel in a reckless manner (vessel homicide).

367

784.045(1)(a)1. 2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

368

784.045(1)(a)2. 2nd

Aggravated battery; using deadly weapon.

369

784.045(1)(b) 2nd

Aggravated battery; perpetrator aware victim pregnant.

370

784.048(4) 3rd

Aggravated stalking; violation of injunction or court order.

371

784.07(2)(d) 1st

Aggravated battery on law enforcement officer.

372

784.074(1)(a) 1st

Aggravated battery on sexually violent predators facility staff.

373

784.08(2)(a) 1st

Aggravated battery on a person 65 years of age or older.

374

784.081(1) 1st

Aggravated battery on specified official or employee.

375

784.082(1) 1st

Aggravated battery by detained person on visitor or other detainee.

376

784.083(1) 1st

Aggravated battery on code inspector.



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377	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
378	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
379	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
380	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
381	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
382	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
383	796.03	2nd	Procuring any person under 16 years for prostitution.
384	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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386	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
387	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
388	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
389	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
390	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
391	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
392	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
393	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of

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property and traffics in stolen property.

394

812.131(2)(a) 2nd Robbery by sudden snatching.

395

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

396

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

397

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

398

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

399

817.2341(2)(b)& 1st Making false entries of material fact (3)(b) or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

400

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

401

825.103(2)(b) 2nd Exploiting an elderly person or

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disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

402

827.03(3)(b) 2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

403

827.04(3) 3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

404

837.05(2) 3rd

Giving false information about alleged capital felony to a law enforcement officer.

405

838.015 2nd

Bribery.

406

838.016 2nd

Unlawful compensation or reward for official behavior.

407

838.021(3)(a) 2nd

Unlawful harm to a public servant.

408

838.22 2nd

Bid tampering.

409

872.06 2nd

Abuse of a dead human body.

410

893.13(1)(c)1. 1st

Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility,

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school, or state, county, or  
municipal park or publicly owned  
recreational facility or community  
center.

411 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine  
or other drug prohibited under s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4., within 1,000  
feet of property used for religious  
services or a specified business  
site.

412 893.13(4)(a) 1st Deliver to minor cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4. drugs).

413 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25  
lbs., less than 2,000 lbs.

414 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28  
grams, less than 200 grams.

415 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more  
than 4 grams, less than 14 grams.

416 893.135(1)(d)1. 1st Trafficking in phencyclidine, more  
than 28 grams, less than 200 grams.

417 893.135(1)(e)1. 1st Trafficking in methaqualone, more  
than 200 grams, less than 5

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kilograms.

418 893.135(1)(f)1. 1st Trafficking in amphetamine, more than  
14 grams, less than 28 grams.

419 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams  
or more, less than 14 grams.

420 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric  
acid (GHB), 1 kilogram or more, less  
than 5 kilograms.

421 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1  
kilogram or more, less than 5  
kilograms.

422 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10  
grams or more, less than 200 grams.

423 896.101(5)(a) 3rd Money laundering, financial  
transactions exceeding \$300 but less  
than \$20,000.

424 896.104(4)(a)1. 3rd Structuring transactions to evade  
reporting or registration  
requirements, financial transactions  
exceeding \$300 but less than \$20,000.

425 (h) LEVEL 8

426 316.193(3)(c)3.a. 2nd DUI manslaughter.

427

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428	<u>316.1935(4)(b)</u>	<u>1st</u>	<u>Aggravated fleeing or attempted eluding with serious bodily injury or death.</u>
429	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
430	499.0051(7)	1st	Forgery of prescription or legend drug labels.
431	499.0052	1st	Trafficking in contraband legend drugs.
432	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
433	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
434	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
435	777.03(2)(a)	1st	Accessory after the fact, capital felony.

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	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
436	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
437	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
438	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
439	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
440	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
441	800.04(4)	2nd	Lewd or lascivious battery.
442	806.01(1)	1st	Maliciously damage dwelling or



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structure by fire or explosive,  
believing person in structure.

443	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
444	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
445	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
446	812.13(2)(b)	1st	Robbery with a weapon.
447	812.135(2)	1st	Home-invasion robbery.
448	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
449	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
450	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
451	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
452	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital

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felony.

453	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
454	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
455	860.16	1st	Aircraft piracy.
456	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
457	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
458	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
459	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
460	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
461	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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462	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
463	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
464	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
465	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
466	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
467	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
468	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
469	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
470	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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471

895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

472

896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

473

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

474

475 Section 3. For the purpose of incorporating the amendment  
 476 to section 316.1935, Florida Statutes, in a reference thereto,  
 477 subsection (1) of section 318.17, Florida Statutes, is reenacted  
 478 to read:

479 318.17 Offenses excepted.--No provision of this chapter is  
 480 available to a person who is charged with any of the following  
 481 offenses:

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

484 Section 4. For the purpose of incorporating the amendment  
 485 to section 316.1935, Florida Statutes, in a reference thereto,  
 486 paragraph (d) of subsection (1) of section 322.61, Florida  
 487 Statutes, is reenacted to read:

488 322.61 Disqualification from operating a commercial motor  
 489 vehicle.--

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

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

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