

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 lawful manner to a well-lit area, a populated area, or the

59 nearest well-lit and populated area prior to stopping his or her
 60 vehicle.

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

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

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

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

HB 0295, Engrossed 1

2004

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

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

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

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

HB 0295, Engrossed 1

2004

116 (5) The court shall ~~may~~ revoke, for a period not less than
 117 ~~to exceed~~ 1 year nor exceeding 5 years, the driver's license of
 118 any operator of a motor vehicle convicted of a violation of
 119 subsection (1), subsection (2), subsection (3), or subsection
 120 (4).

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

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

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

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

141 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

142

HB 0295, Engrossed 1

2004

(a) LEVEL 1

143	24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
144	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
145	212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
146	<u>316.1935(1)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude law enforcement officer.</u>
147	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
148	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
149	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
150	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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HB 0295, Engrossed 1

2004

152	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
153	322.212(5)(a)	3rd	False application for driver's license or identification card.
154	370.13(2)(c)1.	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
155	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
156	372.663(1)	3rd	Poach any alligator or crocodilia.
157	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
158	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
159	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.

HB 0295, Engrossed 1

2004

160	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
161	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
162	562.27(1)	3rd	Possess still or still apparatus.
163	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
164	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
165	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
166	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
167	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
168	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
169	826.01	3rd	Bigamy.
	828.122(3)	3rd	Fighting or baiting animals.

HB 0295, Engrossed 1

2004

170	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
171	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
172	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
173	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.
174	838.15(2)	3rd	Commercial bribe receiving.
175	838.16	3rd	Commercial bribery.
176	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
177	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
178	849.01	3rd	Keeping gambling house.
179	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise

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

180	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
181	849.25(2)	3rd	Engaging in bookmaking.
182	860.08	3rd	Interfere with a railroad signal.
183	860.13(1)(a)	3rd	Operate aircraft while under the influence.
184	893.13(2)(a)2.	3rd	Purchase of cannabis.
185	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
186	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
187			(c) LEVEL 3
188	119.10(3)	3rd	Unlawful use of confidential information from police reports.
189	316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
190	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
191			

HB 0295, Engrossed 1

2004

	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked 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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HB 0295, Engrossed 1

2004

	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.
200	370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
201	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
202	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
203	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
204	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
205	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

HB 0295, Engrossed 1

2004

206	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
207	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
208	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
209	697.08	3rd	Equity skimming.
210	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
211	796.05(1)	3rd	Live on earnings of a prostitute.
212	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
213	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
214	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
215	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
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HB 0295, Engrossed 1

2004

217	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
218	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
219	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
220	817.233	3rd	Burning to defraud insurer.
221	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
222	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
223	817.236	3rd	Filing a false motor vehicle insurance application.
224	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
225	817.413(2)	3rd	Sale of used goods as new.
226	817.505(4)	3rd	Patient brokering.
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious

physical injury, or death.

227

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

228

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

229

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

230

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

231

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

232

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

233

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).

234

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

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

235 893.13(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.

236 893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

237 893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for a
controlled substance.

238 893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation, etc.

239 893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled substance.

240 893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.

241 893.13(8)(a)1. 3rd Knowingly assist a patient, other

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.

242 893.13(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.

243 893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

244 893.13(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.

245 918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

246 944.47(1)(a)1.-2. 3rd Introduce contraband to correctional facility.

247 944.47(1)(c) 2nd Possess contraband while upon the

grounds of a correctional
institution.

248

985.3141

3rd

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

249

(d) LEVEL 4

250

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.

251

499.0051(1)

3rd

Failure to maintain or deliver
pedigree papers.

252

499.0051(2)

3rd

Failure to authenticate pedigree
papers.

253

499.0051(6)

2nd

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

254

784.07(2)(b)

3rd

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

255

784.074(1)(c)

3rd

Battery of sexually violent predators
facility staff.

256

HB 0295, Engrossed 1

2004

257	784.075	3rd	Battery on detention or commitment facility staff.
258	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
259	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
260	784.081(3)	3rd	Battery on specified official or employee.
261	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
262	784.083(3)	3rd	Battery on code inspector.
263	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
264	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
265	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

HB 0295, Engrossed 1

2004

delivering to designated person.

266

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

267

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

268

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

269

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

270

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

271

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

272

810.06 3rd Burglary; possession of tools.

273

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

274

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

275

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

HB 0295, Engrossed 1
10.

2004

firearm, motor vehicle, livestock,
etc.

276

812.0195(2) 3rd

Dealing in stolen property by use of
the Internet; property stolen \$300 or
more.

277

817.563(1) 3rd

Sell or deliver substance other than
controlled substance agreed upon,
excluding s. 893.03(5) drugs.

278

817.568(2)(a) 3rd

Fraudulent use of personal
identification information.

279

817.625(2)(a) 3rd

Fraudulent use of scanning device or
reencoder.

280

828.125(1) 2nd

Kill, maim, or cause great bodily
harm or permanent breeding disability
to any registered horse or cattle.

281

837.02(1) 3rd

Perjury in official proceedings.

282

837.021(1) 3rd

Make contradictory statements in
official proceedings.

283

838.022 3rd

Official misconduct.

284

839.13(2)(a) 3rd

Falsifying records of an individual
in the care and custody of a state
agency.

285

HB 0295, Engrossed 1

2004

286	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
287	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
288	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
289	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
290	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
291	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).
292	914.14(2)	3rd	Witnesses accepting bribes.
293	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
294	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
	918.12	3rd	Tampering with jurors.

HB 0295, Engrossed 1

2004

295	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
296			(e) LEVEL 5
297	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
298	316.1935(4) <u>(a)</u>	2nd	Aggravated fleeing or eluding.
299	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
300	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
301	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
302	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
303	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
304	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing

workers' compensation premiums.

305

624.401(4)(b)2. 2nd

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

306

626.902(1)(c) 2nd

Representing an unauthorized insurer; repeat offender.

307

790.01(2) 3rd

Carrying a concealed firearm.

308

790.162 2nd

Threat to throw or discharge destructive device.

309

790.163(1) 2nd

False report of deadly explosive or weapon of mass destruction.

310

790.221(1) 2nd

Possession of short-barreled shotgun or machine gun.

311

790.23 2nd

Felons in possession of firearms or electronic weapons or devices.

312

800.04(6)(c) 3rd

Lewd or lascivious conduct; offender less than 18 years.

313

800.04(7)(c) 2nd

Lewd or lascivious exhibition; offender 18 years or older.

314

806.111(1) 3rd

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

structure or property.

315

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

316

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

317

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

318

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

319

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

320

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

321

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

322

817.234(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.

323

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

HB 0295, Engrossed 1

2004

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.

324

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

325

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

326

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

327

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.

328

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

329

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

330

HB 0295, Engrossed 1

2004

- | | | | |
|-----|----------------|-----|---|
| 331 | 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). |
| 332 | 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. |
| 333 | 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. |
| 333 | 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 |

site.

334

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.

335

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).

336

(g) LEVEL 7

337

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

338

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

339

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.

340

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

bodily injury.

341	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
342	409.920(2)	3rd	Medicaid provider fraud.
343	456.065(2)	3rd	Practicing a health care profession without a license.
344	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
345	458.327(1)	3rd	Practicing medicine without a license.
346	459.013(1)	3rd	Practicing osteopathic medicine without a license.
347	460.411(1)	3rd	Practicing chiropractic medicine without a license.
348	461.012(1)	3rd	Practicing podiatric medicine without a license.
349	462.17	3rd	Practicing naturopathy without a license.
350	463.015(1)	3rd	Practicing optometry without a

license.

351 464.016(1) 3rd Practicing nursing without a license.

352 465.015(2) 3rd Practicing pharmacy without a
license.

353 466.026(1) 3rd Practicing dentistry or dental
hygiene without a license.

354 467.201 3rd Practicing midwifery without a
license.

355 468.366 3rd Delivering respiratory care services
without a license.

356 483.828(1) 3rd Practicing as clinical laboratory
personnel without a license.

357 483.901(9) 3rd Practicing medical physics without a
license.

358 484.013(1)(c) 3rd Preparing or dispensing optical
devices without a prescription.

359 484.053 3rd Dispensing hearing aids without a
license.

360 494.0018(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

were five or more victims.

361 560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

362 560.125(5)(a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

363 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

364 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

365 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

366 782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

367 782.072 2nd Killing of a human being by the

HB 0295, Engrossed 1

2004

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

368	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
369	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
370	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
371	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
372	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
373	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
374	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
375	784.081(1)	1st	Aggravated battery on specified official or employee.
376	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
377	784.083(1)	1st	Aggravated battery on code inspector.

HB 0295, Engrossed 1

2004

378	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
379	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
380	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
381	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
382	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
383	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
384	796.03	2nd	Procuring any person under 16 years for prostitution.
385	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

386

HB 0295, Engrossed 1

2004

387	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.
388	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
389	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
390	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
391	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
392	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.
393	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
394	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

HB 0295, Engrossed 1

2004

property and traffics in stolen property.

395	812.131(2)(a)	2nd	Robbery by sudden snatching.
396	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
397	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
398	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
399	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
400	817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact 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.
401	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
402	825.103(2)(b)	2nd	Exploiting an elderly person or

HB 0295, Engrossed 1

2004

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

403 827.03(3)(b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

404 827.04(3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

405 837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

406 838.015 2nd Bribery.

407 838.016 2nd Unlawful compensation or reward for official behavior.

408 838.021(3)(a) 2nd Unlawful harm to a public servant.

409 838.22 2nd Bid tampering.

410 872.06 2nd Abuse of a dead human body.

411 893.13(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,

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

412 893.13(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.

413 893.13(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).

414 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.

415 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28
grams, less than 200 grams.

416 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more
than 4 grams, less than 14 grams.

417 893.135(1)(d)1. 1st Trafficking in phencyclidine, more
than 28 grams, less than 200 grams.

418 893.135(1)(e)1. 1st Trafficking in methaqualone, more
than 200 grams, less than 5

HB 0295, Engrossed 1

2004

kilograms.

419 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.

420 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams
or more, less than 14 grams.

421 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 1 kilogram or more, less
than 5 kilograms.

422 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
kilogram or more, less than 5
kilograms.

423 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10
grams or more, less than 200 grams.

424 896.101(5)(a) 3rd Money laundering, financial
transactions exceeding \$300 but less
than \$20,000.

425 896.104(4)(a)1. 3rd Structuring transactions to evade
reporting or registration
requirements, financial transactions
exceeding \$300 but less than \$20,000.

426 (h) LEVEL 8

427 316.193(3)(c)3.a. 2nd DUI manslaughter.

428

HB 0295, Engrossed 1

2004

429	<u>316.1935(4)(b)</u>	<u>1st</u>	<u>Aggravated fleeing or attempted eluding with serious bodily injury or death.</u>
430	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
431	499.0051(7)	1st	Forgery of prescription or legend drug labels.
432	499.0052	1st	Trafficking in contraband legend drugs.
433	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.
434	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.
435	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
436	777.03(2)(a)	1st	Accessory after the fact, capital felony.

HB 0295, Engrossed 1

2004

437	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.
438	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
439	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
440	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
441	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
442	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
443	800.04(4)	2nd	Lewd or lascivious battery.
	806.01(1)	1st	Maliciously damage dwelling or

structure by fire or explosive,
believing person in structure.

444	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
445	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
446	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
447	812.13(2)(b)	1st	Robbery with a weapon.
448	812.135(2)	1st	Home-invasion robbery.
449	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
450	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
451	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
452	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
453	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital

HB 0295, Engrossed 1

2004

felony.

454	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
455	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
456	860.16	1st	Aircraft piracy.
457	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).
458	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
459	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
460	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
461	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
462	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

HB 0295, Engrossed 1

2004

463	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
464	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
465	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
466	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
467	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
468	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
469	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
470	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
471	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

HB 0295, Engrossed 1

2004

- 472 895.03(3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.
- 473 896.101(5)(b) 2nd Money laundering, financial
transactions totaling or exceeding
\$20,000, but less than \$100,000.
- 474 896.104(4)(a)2. 2nd Structuring transactions to evade
reporting or registration
requirements, financial transactions
totaling or exceeding \$20,000 but
less than \$100,000.

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

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

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

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

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

HB 0295, Engrossed 1

2004

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

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

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