

A bill to be entitled

An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; providing an additional classification for the offense of fleeing or attempting to elude a law enforcement officer; providing an additional classification for the offense of aggravated fleeing or eluding; providing and revising elements of the offenses; providing and revising criminal penalties for the offenses of fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding with serious bodily injury or death; providing for a minimum period of incarceration in certain circumstances involving serious bodily injury or death; providing for seizure and forfeiture of certain motor vehicles as contraband in certain circumstances; amending s. 921.0022, F.S.; ranking and revising fleeing or attempting to elude a law enforcement officer offense classifications on the offense severity ranking chart of the Criminal Punishment Code; ranking the offense of aggravated fleeing or eluding with serious bodily injury or death on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 318.17(1) and 322.61(1)(d), F.S.; incorporating the amendment to s. 316.1935, F.S., in references thereto; providing an effective date.

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

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

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30 316.1935 Fleeing or attempting to elude a law enforcement  
 31 officer; aggravated fleeing or ~~and~~ eluding.--

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

41 (2) Any person who willfully flees or attempts to elude a  
 42 law enforcement officer in an authorized law enforcement patrol  
 43 vehicle, with agency insignia and other jurisdictional markings  
 44 prominently displayed on the vehicle, with siren and lights  
 45 activated commits a felony of the third degree, punishable as  
 46 provided in s. 775.082, s. 775.083, or s. 775.084.

47 (3) Any person who willfully flees or attempts to elude a  
 48 law enforcement officer in an authorized law enforcement patrol  
 49 vehicle, with agency insignia and other jurisdictional markings  
 50 prominently displayed on the vehicle, with siren and lights  
 51 activated, and during the course of the fleeing or attempted  
 52 eluding:

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

57 (b) Drives at high speed, or in any manner which  
 58 demonstrates a wanton disregard for the safety of persons or

59 property, and causes serious bodily injury or death to another  
 60 person, including any law enforcement officer involved in  
 61 pursuing or otherwise attempting to effect a stop of the  
 62 person's vehicle, commits a felony of the first degree,  
 63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 64 Notwithstanding any other provision of law, the court shall  
 65 sentence any person convicted of committing the offense  
 66 described in this paragraph to a mandatory minimum sentence of 3  
 67 years imprisonment. Nothing in this paragraph shall prevent a  
 68 court from imposing a greater sentence of incarceration as  
 69 authorized by law.

70 (4) Any person who, in the course of unlawfully leaving or  
 71 attempting to leave the scene of a crash in violation of s.  
 72 316.027 or s. 316.061, having knowledge of an order to stop by a  
 73 duly authorized law enforcement officer, +

74 ~~(a)~~ willfully refuses or fails to stop in compliance with  
 75 such an order, or having stopped in knowing compliance with such  
 76 order, willfully flees in an attempt to elude such officer ~~+~~ and,

77 ~~(b)~~ as a result of such fleeing or eluding: 7

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

82 (b) Causes serious bodily injury or death to another  
 83 person, including any law enforcement officer involved in  
 84 pursuing or otherwise attempting to effect a stop of the  
 85 person's vehicle, commits aggravated fleeing or eluding with  
 86 serious bodily injury or death, a felony of the first degree,  
 87 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

88  
 89 The felony of aggravated fleeing or eluding and the felony of  
 90 aggravated fleeing or eluding with serious bodily injury or  
 91 death constitute ~~constitutes~~ a separate offenses ~~offense~~ for  
 92 which a person may be charged, in addition to the offenses under  
 93 ss. 316.027 and 316.061, relating to ~~offense of~~ unlawfully  
 94 leaving the scene of a crash, which the person had been in the  
 95 course of committing or attempting to commit when the order to  
 96 stop was given. Notwithstanding any other provision of law, the  
 97 court shall sentence any person convicted of committing  
 98 aggravated fleeing or eluding with serious bodily injury or  
 99 death to a mandatory minimum sentence of 3 years imprisonment.  
 100 Nothing in this subsection shall prevent a court from imposing a  
 101 greater sentence of incarceration as authorized by law.

102 (5) The court shall ~~may~~ revoke, for a period not less than  
 103 ~~to exceed~~ 1 year nor exceeding 5 years, the driver's license of  
 104 any operator of a motor vehicle convicted of a violation of  
 105 subsection (1), subsection (2), subsection (3), or subsection  
 106 (4).

107 (6) Notwithstanding s. 948.01, no court may suspend,  
 108 defer, or withhold adjudication of guilt or imposition of  
 109 sentence for any violation of this section. A person convicted  
 110 and sentenced to a mandatory minimum term of incarceration under  
 111 paragraph (3)(b) or paragraph (4)(b) is not eligible for  
 112 statutory gain-time under s. 944.275 or any form of  
 113 discretionary early release, other than pardon or executive  
 114 clemency or conditional medical release under s. 947.149, prior  
 115 to serving the mandatory minimum sentence.

116 (7) Any motor vehicle involved in a violation of this

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117 section is deemed to be contraband, which may be seized by a law  
 118 enforcement agency and is subject to forfeiture pursuant to ss.  
 119 932.701-932.704. Any vehicle not required to be titled under the  
 120 laws of this state is presumed to be the property of the person  
 121 in possession of the vehicle.

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

125 921.0022 Criminal Punishment Code; offense severity  
 126 ranking chart.--

127 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
<u>316.1935(1)</u>	<u>3rd</u>	<u>Fleeing or attempting to elude law enforcement officer.</u>
319.30(5)	3rd	Sell, exchange, give away certificate

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of title or identification number  
plate.

134	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
135	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
136	322.212(1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
137	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
138	322.212(5)(a)	3rd	False application for driver's license or identification card.
139	370.13(2)(c)1.	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
140	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
141	372.663(1)	3rd	Poach any alligator or crocodilia.
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143	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
144	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
145	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
146	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
147	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
148	562.27(1)	3rd	Possess still or still apparatus.
149	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
150	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
	812.081(2)	3rd	Unlawfully makes or causes to be made

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a reproduction of a trade secret.

- 151 815.04(4)(a) 3rd Offense against intellectual property  
(i.e., computer programs, data).
- 152 817.52(2) 3rd Hiring with intent to defraud, motor  
vehicle services.
- 153 817.569(2) 3rd Use of public record or public  
records information to facilitate  
commission of a felony.
- 154 826.01 3rd Bigamy.
- 155 828.122(3) 3rd Fighting or baiting animals.
- 156 831.04(1) 3rd Any erasure, alteration, etc., of any  
replacement deed, map, plat, or other  
document listed in s. 92.28.
- 157 831.31(1)(a) 3rd Sell, deliver, or possess counterfeit  
controlled substances, all but s.  
893.03(5) drugs.
- 158 832.041(1) 3rd Stopping payment with intent to  
defraud \$150 or more.
- 159 832.05(2)(b)&(4) 3rd Knowing, making, issuing worthless  
(c) checks \$150 or more or obtaining  
property in return for worthless  
check \$150 or more.

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161	838.15(2)	3rd	Commercial bribe receiving.
162	838.16	3rd	Commercial bribery.
163	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
164	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
165	849.01	3rd	Keeping gambling house.
166	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.
167	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
168	849.25(2)	3rd	Engaging in bookmaking.
169	860.08	3rd	Interfere with a railroad signal.
170	860.13(1)(a)	3rd	Operate aircraft while under the influence.
171	893.13(2)(a)2.	3rd	Purchase of cannabis.
	893.13(6)(a)	3rd	Possession of cannabis (more than 20

grams).

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934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
		(c) LEVEL 3
119.10(3)	3rd	Unlawful use of confidential information from police reports.
316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in <del>marked</del> patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.

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319.33(4)

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3rd

With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

182

327.35(2)(b)

3rd

Felony BUI.

183

328.05(2)

3rd

Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

184

328.07(4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

185

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.

186

370.12(1)(e)6.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

187

376.302(5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

188

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189	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
190	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
191	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
192	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
193	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
194	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
195	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
196	697.08	3rd	Equity skimming.
197	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
	796.05(1)	3rd	Live on earnings of a prostitute.

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198	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
199	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
200	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
201	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
202	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
203	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
204	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
205	817.233	3rd	Burning to defraud insurer.
206	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
207	817.234(11)(a)	3rd	Insurance fraud; property value less

than \$20,000.

208

817.236 3rd Filing a false motor vehicle insurance application.

209

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

210

817.413(2) 3rd Sale of used goods as new.

211

817.505(4) 3rd Patient brokering.

212

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

213

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

214

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

215

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

216

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

217

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

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218	870.01(2)	3rd	Riot; inciting or encouraging.
219	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).
220	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.
221	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.
222	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
223	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a

controlled substance.

224

893.13(7)(a)9. 3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

225

893.13(7)(a)10. 3rd

Affix false or forged label to package of controlled substance.

226

893.13(7)(a)11. 3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

227

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.

228

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.

229

893.13(8)(a)3. 3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

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	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.
231	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
232	944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
233	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
234	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
235			(d) LEVEL 4
236	316.1935(3) <u>(a)</u>	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a <del>marked</del> patrol vehicle with siren and lights activated.
237	499.0051(1)	3rd	Failure to maintain or deliver

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pedigree papers.

238	499.0051(2)	3rd	Failure to authenticate pedigree papers.
239	499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
240	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
241	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
242	784.075	3rd	Battery on detention or commitment facility staff.
243	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
244	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
245	784.081(3)	3rd	Battery on specified official or employee.
246	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
247	784.083(3)	3rd	Battery on code inspector.

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248	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
249	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
250	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
251	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
252	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
253	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
254	790.115(2)(c)	3rd	Possessing firearm on school property.
255	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
256	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no

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assault or battery.

257 810.02(4)(b) 3rd Burglary, or attempted burglary, of  
an unoccupied conveyance; unarmed; no  
assault or battery.

258 810.06 3rd Burglary; possession of tools.

259 810.08(2)(c) 3rd Trespass on property, armed with  
firearm or dangerous weapon.

260 812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or  
more but less than \$20,000.

261 812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will,  
10. firearm, motor vehicle, livestock,  
etc.

262 812.0195(2) 3rd Dealing in stolen property by use of  
the Internet; property stolen \$300 or  
more.

263 817.563(1) 3rd Sell or deliver substance other than  
controlled substance agreed upon,  
excluding s. 893.03(5) drugs.

264 817.568(2)(a) 3rd Fraudulent use of personal  
identification information.

265 817.625(2)(a) 3rd Fraudulent use of scanning device or  
reencoder.

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267	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
268	837.02(1)	3rd	Perjury in official proceedings.
269	837.021(1)	3rd	Make contradictory statements in official proceedings.
270	838.022	3rd	Official misconduct.
271	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
272	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
273	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
274	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
275	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.

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276	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).
277	914.14(2)	3rd	Witnesses accepting bribes.
278	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
279	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
280	918.12	3rd	Tampering with jurors.
281	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
282			(e) LEVEL 5
283	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
284	316.1935(4) <u>(a)</u>	2nd	Aggravated fleeing or eluding.
285	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
286	327.30(5)	3rd	Vessel accidents involving personal

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injury; leaving scene.

287

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

288

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

289

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

290

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

291

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

292

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

293

790.01(2) 3rd Carrying a concealed firearm.

294

790.162 2nd Threat to throw or discharge destructive device.

295

790.163(1) 2nd False report of deadly explosive or weapon of mass destruction.

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296	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
297	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
298	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
299	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
300	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
301	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
302	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
303	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
304	812.131(2)(b)	3rd	Robbery by sudden snatching.
305	812.16(2)	3rd	Owning, operating, or conducting a chop shop.



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306	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
307	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
308	817.2341(1),(2) (a)&(3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
309	817.568(2)(b)	2nd	Fraudulent use of personal 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.
310	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
311	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
312	827.071(4)	2nd	Possess with intent to promote any photographic material, motion

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picture, etc., which includes sexual  
conduct by a child.

313

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.

314

843.01 3rd

Resist officer with violence to  
person; resist arrest with violence.

315

874.05(2) 2nd

Encouraging or recruiting another to  
join a criminal street gang; second  
or subsequent offense.

316

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).

317

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.

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319	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.
320	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.
321	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.
322	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).
323			(g) LEVEL 7

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324	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
325	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
326	<u>316.1935(3)(b)</u>	<u>1st</u>	<u>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.</u>
327	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
328	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
329	409.920(2)	3rd	Medicaid provider fraud.
330	456.065(2)	3rd	Practicing a health care profession without a license.
331	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

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332	458.327(1)	3rd	Practicing medicine without a license.
333	459.013(1)	3rd	Practicing osteopathic medicine without a license.
334	460.411(1)	3rd	Practicing chiropractic medicine without a license.
335	461.012(1)	3rd	Practicing podiatric medicine without a license.
336	462.17	3rd	Practicing naturopathy without a license.
337	463.015(1)	3rd	Practicing optometry without a license.
338	464.016(1)	3rd	Practicing nursing without a license.
339	465.015(2)	3rd	Practicing pharmacy without a license.
340	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
341	467.201	3rd	Practicing midwifery without a license.
342	468.366	3rd	Delivering respiratory care services without a license.

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343	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
344	483.901(9)	3rd	Practicing medical physics without a license.
345	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
346	484.053	3rd	Dispensing hearing aids without a license.
347	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.
348	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
349	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

350	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
351	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
352	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
353	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
354	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
355	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
356	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
357	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

358

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359	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
360	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
361	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
362	784.081(1)	1st	Aggravated battery on specified official or employee.
363	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
364	784.083(1)	1st	Aggravated battery on code inspector.
365	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
366	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
367	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
368	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.



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369	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
370	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
371	796.03	2nd	Procuring any person under 16 years for prostitution.
372	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
373	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.
374	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
375	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
376	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02(3)(d)	2nd	Burglary of occupied conveyance;

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unarmed; no assault or battery.

377

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.

378

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

379

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

380

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

381

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

382

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

383

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

384

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

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386	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
387	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.
388	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
389	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
390	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
391	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
392	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.

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393	838.015	2nd	Bribery.
394	838.016	2nd	Unlawful compensation or reward for official behavior.
395	838.021(3)(a)	2nd	Unlawful harm to a public servant.
396	838.22	2nd	Bid tampering.
397	872.06	2nd	Abuse of a dead human body.
398	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.
399	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.
	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

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(2)(b), or (2)(c)4. drugs).

- 400 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
- 401 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.
- 402 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
- 403 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
- 404 893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 405 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.
- 406 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 407 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 408 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
- 409

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410	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
411	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
412	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
413			(h) LEVEL 8
414	316.193(3)(c)3.a.	2nd	DUI manslaughter.
415	<u>316.1935(4)(b)</u>	<u>1st</u>	<u>Aggravated fleeing or attempted eluding with serious bodily injury or death.</u>
416	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
417	499.0051(7)	1st	Forgery of prescription or legend drug labels.
418	499.0052	1st	Trafficking in contraband legend drugs.
	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.

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419	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.
420	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
421	777.03(2)(a)	1st	Accessory after the fact, capital felony.
422	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.
423	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
424	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.

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426	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
427	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
428	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
429	800.04(4)	2nd	Lewd or lascivious battery.
430	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
431	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
432	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
433	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
434	812.13(2)(b)	1st	Robbery with a weapon.
435	812.135(2)	1st	Home-invasion robbery.
	817.568(6)	2nd	Fraudulent use of personal



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identification information of an individual under the age of 18.

436 825.102(2) 2nd Aggravated abuse of an elderly person or disabled adult.

437 825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

438 825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

439 837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

440 837.021(2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

441 860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

442 860.16 1st Aircraft piracy.

443 893.13(1)(b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

444 893.13(2)(b) 1st Purchase in excess of 10 grams of any

substance specified in s.

893.03(1)(a) or (b).

445

893.13(6)(c) 1st

Possess in excess of 10 grams of any substance specified in s.

893.03(1)(a) or (b).

446

893.135(1)(a)2. 1st

Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

447

893.135(1)(b)1.b. 1st

Trafficking in cocaine, more than 200 grams, less than 400 grams.

448

893.135(1)(c)1.b. 1st

Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

449

893.135(1)(d)1.b. 1st

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

450

893.135(1)(e)1.b. 1st

Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

451

893.135(1)(f)1.b. 1st

Trafficking in amphetamine, more than 28 grams, less than 200 grams.

452

893.135(1)(g)1.b. 1st

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

453

893.135(1)(h)1.b. 1st

Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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454	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
455	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
456	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
457	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
458	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
459	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
460	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.
461			

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462 Section 3. For the purpose of incorporating the amendment  
 463 to section 316.1935, Florida Statutes, in a reference thereto,  
 464 subsection (1) of section 318.17, Florida Statutes, is reenacted  
 465 to read:

466 318.17 Offenses excepted.--No provision of this chapter is  
 467 available to a person who is charged with any of the following  
 468 offenses:

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

471 Section 4. For the purpose of incorporating the amendment  
 472 to section 316.1935, Florida Statutes, in a reference thereto,  
 473 paragraph (d) of subsection (1) of section 322.61, Florida  
 474 Statutes, is reenacted to read:

475 322.61 Disqualification from operating a commercial motor  
 476 vehicle.--

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

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

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