

1 with siren and lights activated commits a felony of the third
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084.

4 (3) Any person who willfully flees or attempts to
5 elude a law enforcement officer in an authorized law
6 enforcement patrol vehicle, with agency insignia and other
7 jurisdictional markings prominently displayed on the vehicle,
8 with siren and lights activated, and during the course of the
9 fleeing or attempted eluding:

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

14 (b) Drives at high speed, or in any manner which
15 demonstrates a wanton disregard for the safety of persons or
16 property, and causes serious bodily injury or death to another
17 person, including any law enforcement officer involved in
18 pursuing or otherwise attempting to effect a stop of the
19 person's vehicle, commits a felony of the first degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084. Notwithstanding any other provision of law, the court
22 shall sentence any person convicted of committing the offense
23 described in this paragraph to a mandatory minimum sentence of
24 3 years imprisonment. ~~Nothing in~~ This paragraph does not shall
25 prevent a court from imposing a greater sentence of
26 incarceration as authorized by law.

27 (4) Any person who, in the course of unlawfully
28 leaving or attempting to leave the scene of a crash in
29 violation of s. 316.027 or s. 316.061, having knowledge of an
30 order to stop by a duly authorized law enforcement officer,
31 willfully refuses or fails to stop in compliance with such an

1 | order, or having stopped in knowing compliance with such
2 | order, willfully flees in an attempt to elude such officer
3 | and, as a result of such fleeing or eluding:

4 | (a) Causes injury to another person or causes damage
5 | to any property belonging to another person, commits
6 | aggravated fleeing or eluding, a felony of the second degree,
7 | punishable as provided in s. 775.082, s. 775.083, or s.
8 | 775.084.

9 | (b) Causes serious bodily injury or death to another
10 | person, including any law enforcement officer involved in
11 | pursuing or otherwise attempting to effect a stop of the
12 | person's vehicle, commits aggravated fleeing or eluding with
13 | serious bodily injury or death, a felony of the first degree,
14 | punishable as provided in s. 775.082, s. 775.083, or s.
15 | 775.084.

16 |
17 | The felony of aggravated fleeing or eluding and the felony of
18 | aggravated fleeing or eluding with serious bodily injury or
19 | death constitute separate offenses for which a person may be
20 | charged, in addition to the offenses under ss. 316.027 and
21 | 316.061, relating to unlawfully leaving the scene of a crash,
22 | which the person had been in the course of committing or
23 | attempting to commit when the order to stop was given.

24 | Notwithstanding any other provision of law, the court shall
25 | sentence any person convicted of committing aggravated fleeing
26 | or eluding with serious bodily injury or death to a mandatory
27 | minimum sentence of 3 years imprisonment. ~~Nothing in~~ This
28 | subsection does not shall prevent a court from imposing a
29 | greater sentence of incarceration as authorized by law.

30 | (5) If the owner of a motor vehicle knowingly allows
31 | another person to operate the vehicle in violation of

1 subsection (1), subsection (2), subsection (3), or subsection
2 (4) and if the owner knows that the vehicle was previously
3 used during a violation of subsection (1), subsection (2),
4 subsection (3), or subsection (4), the owner commits a
5 misdemeanor of the first degree, punishable as provided in s.
6 775.082 or s. 775.083.

7 ~~(6)(5)~~ The court shall revoke, for a period not less
8 than 1 year nor exceeding 5 years, the driver's license of any
9 operator of a motor vehicle convicted of a violation of
10 subsection (1), subsection (2), subsection (3), or subsection
11 (4).

12 ~~(7)(6)~~ Notwithstanding s. 948.01, a ~~no~~ court may not
13 suspend, defer, or withhold adjudication of guilt or
14 imposition of sentence for any violation of this section. A
15 person convicted and sentenced to a mandatory minimum term of
16 incarceration under paragraph (3)(b) or paragraph (4)(b) is
17 not eligible for statutory gain-time under s. 944.275 or any
18 form of discretionary early release, other than pardon or
19 executive clemency or conditional medical release under s.
20 947.149, prior to serving the mandatory minimum sentence.

21 ~~(8)(7)~~ Any motor vehicle involved in a violation of
22 this section is deemed to be contraband, which may be seized
23 by a law enforcement agency and is subject to forfeiture
24 pursuant to ss. 932.701-932.704. Any vehicle not required to
25 be titled under the laws of this state is presumed to be the
26 property of the person in possession of the vehicle.

27 Section 2. This act shall take effect July 1, 2007.
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides that the owner of a motor vehicle commits a misdemeanor of the first degree if the owner allows another person to use the vehicle to elude or flee from a law enforcement officer under certain circumstances.