

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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<b>BILL #:</b> <a href="#">HB 113</a> <b>TITLE:</b> Fleeing or Attempting to Elude a Law Enforcement Officer <b>SPONSOR(S):</b> Chamberlin	<b>COMPANION BILL:</b> <a href="#">SB 468</a> (Collins) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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## Committee References

[Criminal Justice](#)



[Judiciary](#)

## SUMMARY

### **Effect of the Bill:**

The bill increases the penalty for committing an offense of fleeing or attempting to elude a law enforcement officer in a patrol vehicle with siren and lights activated from a third degree felony to a first degree felony. Additionally, unless otherwise specified, the bill provides a uniform ranking scheme for fleeing or attempting to elude offenses on the offense severity ranking chart (OSRC) of the Criminal Punishment Code by ranking a first offense as a Level 7 offense; a second offense as a Level 8 offense; and a third or subsequent offense as a Level 9 offense.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate positive impact on the prison bed population by increasing the offense severity ranking for fleeing or attempting to elude offenses and by increasing the penalty for the specific offense of fleeing or attempting to elude a law enforcement officer in a patrol vehicle with siren and lights activated, which may result in more offenders being sentenced to prison and to longer prison sentences.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill enhances criminal penalties for offenses of [fleeing or attempting to elude a law enforcement officer](#). Specifically, the bill increases the penalty for committing an offense of fleeing or attempting to elude a law enforcement officer in a patrol vehicle with siren and lights activated from a third degree felony to a first degree felony. (Section [1](#))

The bill changes rankings for offenses of fleeing or attempting to elude a law enforcement officer on the [offense severity ranking chart](#) (OSRC) of the Criminal Punishment Code, which are currently ranked at various levels depending on the severity of the specific offense. Unless otherwise specified, the bill provides a uniform ranking scheme for all fleeing or attempting to elude offenses on the OSRC, as follows:

- A first offense is a Level 7 offense.
- A second offense is a Level 8 offense.
- A third or subsequent offense is a Level 9 offense. (Sections [1](#) and [2](#))

The bill specifically ranks the following offenses on the OSRC:

- Fleeing or attempting to elude a law enforcement officer in a patrol vehicle with siren and lights activated, while driving at a high speed or with wanton disregard for safety, as a Level 8 offense.
- Fleeing or attempting to elude a law enforcement officer in a patrol vehicle with siren and lights activated, as a Level 9 offense. (Section [2](#))

Additionally, the bill narrows the current requirement for an authorized law enforcement patrol vehicle to prominently display “agency *insignia and other* jurisdictional markings” for specified fleeing or attempting to elude

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offenses to apply, and instead requires such patrol vehicles to display only “agency jurisdictional markings.” (Section [1](#))

The effective date of the bill is October 1, 2025. (Section [3](#))

## **FISCAL OR ECONOMIC IMPACT:**

### STATE GOVERNMENT:

The bill may have an indeterminate positive impact on the prison bed population by making any offense of fleeing or attempting to elude at least a Level 7 offense on the OSRC, which generally requires a court to sentence the offender to a prison sentence, and by increasing the penalty for the specific offense of fleeing or attempting to elude a law enforcement officer in a patrol vehicle with siren and lights activated from a third degree felony to a first degree felony, which may result in more offenders being sentenced to prison and to longer prison sentences.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### [Fleeing or Attempting to Elude a Law Enforcement Officer](#)

Section [316.1935, F.S.](#), prohibits various offenses of fleeing or attempting to elude a law enforcement officer (LEO) and provides various penalties and offense severity rankings ranging from a third degree felony (ranked as a Level 1 offense) to a first degree felony (ranked as a Level 8 offense), depending on the severity of the conduct associated with the offense, as described below.

#### *Fleeing or attempting to elude a LEO*

Under [s. 316.1935\(1\), F.S.](#), a person operating a vehicle commits a third degree felony<sup>1</sup> (ranked as a Level 1 offense on the offense severity ranking chart (OSRC)) if, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized LEO, he or she:

- Willfully refuses or fails to stop the vehicle in compliance with such order; or
- Having stopped in knowing compliance with such order, willfully flees in an attempt to elude the LEO.

#### *Fleeing or attempting to elude a LEO in a patrol vehicle with siren and lights activated*

Under [s. 316.1935\(2\), F.S.](#), a person commits a third degree felony (ranked as a Level 3 offense on the OSRC) if, having been directed to stop by a duly authorized LEO:

- He or she willfully flees in a vehicle in an attempt to elude a LEO; and
- The LEO was in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed and with siren and lights activated.

#### *Driving at a high speed or with wanton disregard for safety while fleeing or attempting to elude a LEO*

Under [s. 316.1935\(3\), F.S.](#), a person who willfully flees or attempts to elude a LEO in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed and with siren and lights activated, and who during the course of the fleeing or attempted eluding:

- Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, commits a second degree felony<sup>2</sup> (ranked as Level 4 offense on the OSRC).<sup>3</sup>
- Drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any LEO involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits a first degree felony<sup>4</sup> (ranked as a Level 7 offense on the OSRC).<sup>5</sup> The court must also sentence a person who commits this crime to a mandatory minimum term of three years imprisonment.

<sup>1</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, F.S., 775.083, F.S.](#), or [775.084, F.S.](#)

<sup>2</sup> A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S.](#), or [775.084, F.S.](#)

<sup>3</sup> [S. 316.1935\(3\)\(a\), F.S.](#)

<sup>4</sup> A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, F.S., 775.083, F.S.](#), or [775.084, F.S.](#)

<sup>5</sup> [S. 316.1935\(3\)\(b\), F.S.](#)

### *Aggravated fleeing or attempting to elude when leaving the scene of a crash*

Under [s. 316.1935\(4\), F.S.](#), a person who, in the course of unlawfully leaving or attempting to leave the scene of a crash in violation of [s. 316.027, F.S.](#), or [s. 316.061, F.S.](#), having knowledge of an order to stop by a duly authorized LEO, willfully refuses or fails to stop in compliance with such order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such LEO and, as a result of such fleeing or eluding:

- Causes injury to another person or causes damage to any property belonging to another person, commits aggravated fleeing or eluding, a second degree felony (ranked as a Level 5 offense on the OSRC).<sup>6</sup>
- Causes serious bodily injury or death to another person, including any LEO involved in pursuing or otherwise attempting to effect a stop of the person's vehicle, commits aggravated fleeing or eluding with serious bodily injury or death, a first degree felony (ranked as a Level 8 offense on the OSRC). The court must also sentence a person who commits this crime to a mandatory minimum term of three years imprisonment.<sup>7</sup>

Section [316.1935\(5\), F.S.](#), requires a court to revoke the driver license of any motor vehicle operator convicted of a violation of fleeing or attempting to elude for a period not less than 1 year and not exceeding 5 years.

Additionally, a person who commits a violation of fleeing or attempting to elude is not eligible for a suspended, deferred, or withheld sentence, and any motor vehicle involved in such a violation is considered contraband, may be seized by a law enforcement agency, and is subject to forfeiture under ss. [932.701–932.704, F.S.](#) of Florida's Contraband Forfeiture Act.<sup>8</sup>

### [Offense Severity Ranking Chart](#)

Felony offenses which are subject to the Criminal Punishment Code<sup>9</sup> are listed in a single offense severity ranking chart (OSRC),<sup>10</sup> which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>11,12</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.<sup>13,14</sup> The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>15</sup>

### **OTHER RESOURCES:**

[Criminal Punishment Code Scoresheet | Florida Bar](#)

[Florida Scoresheet Preparation Manual | Florida Department of Corrections](#)

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<sup>6</sup> [S. 316.1935\(4\)\(a\), F.S.](#)

<sup>7</sup> [S. 316.1935\(4\)\(b\), F.S.](#)

<sup>8</sup> [Ss. 316.1935\(6\) and \(7\), F.S.](#)

<sup>9</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. [S. 921.002, F.S.](#)

<sup>10</sup> [S. 921.0022, F.S.](#)

<sup>11</sup> [S. 921.0022\(2\), F.S.](#)

<sup>12</sup> Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. [S. 921.0023, F.S.](#)

<sup>13</sup> Sections [921.0022, F.S.](#) and [921.0024, F.S.](#)

<sup>14</sup> A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. [S. 921.0024\(1\), F.S.](#)

<sup>15</sup> If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. [S. 921.0024\(2\), F.S.](#)

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## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>			Hall	Butcher
<a href="#">Judiciary Committee</a>				