

ENROLLED

HB 295, Engrossed 2

2004 Legislature

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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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 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.

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

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

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

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

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

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

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

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

(b) Causes serious bodily injury or death to another person, including any law enforcement officer 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 felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

(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.

- 319.35(1)(a) 3rd Tamper, adjust, change, etc., an  
odometer.
- 320.26(1)(a) 3rd Counterfeit, manufacture, or sell  
registration license plates or  
validation stickers.
- 322.212(1)(a)-(c) 3rd Possession of forged, stolen,  
counterfeit, or unlawfully issued  
driver's license; possession of  
simulated identification.
- 322.212(4) 3rd Supply or aid in supplying  
unauthorized driver's license or  
identification card.
- 322.212(5)(a) 3rd False application for driver's  
license or identification card.
- 370.13(2)(c)1. 3rd Molest any stone crab trap, line, or  
buoy which is property of  
licenseholder.
- 370.135(1) 3rd Molest any blue crab trap, line, or  
buoy which is property of  
licenseholder.
- 372.663(1) 3rd Poach any alligator or crocodilia.

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414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
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.

- 815.04(4)(a) 3rd Offense against intellectual property (i.e., computer programs, data).
- 817.52(2) 3rd Hiring with intent to defraud, motor vehicle services.
- 817.569(2) 3rd Use of public record or public records information to facilitate commission of a felony.
- 826.01 3rd Bigamy.
- 828.122(3) 3rd Fighting or baiting animals.
- 831.04(1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
- 831.31(1)(a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
- 832.041(1) 3rd Stopping payment with intent to defraud \$150 or more.
- 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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838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
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.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20

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grams).

- 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 ~~marked~~ 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)      | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.  |
| 327.35(2)(b)   | 3rd | Felony BUI.  |
| 328.05(2)      | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.  |
| 328.07(4)      | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.  |
| 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. |
| 370.12(1)(e)6. | 3rd | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.  |
| 376.302(5)     | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.  |

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400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
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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806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less

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than \$20,000.

- 817.236                    3rd            Filing a false motor vehicle insurance application.
- 817.2361                3rd            Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
- 817.413(2)             3rd            Sale of used goods as new.
- 817.505(4)             3rd            Patient brokering.
- 828.12(2)              3rd            Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
- 831.28(2)(a)          3rd            Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
- 831.29                  2nd            Possession of instruments for counterfeiting drivers' licenses or identification cards.
- 838.021(3)(b)        3rd            Threatens unlawful harm to public servant.
- 843.19                  3rd            Injure, disable, or kill police dog or horse.
- 860.15(3)              3rd            Overcharging for repairs and parts.

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

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controlled substance.

- 893.13(7)(a)9.        3rd        Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
- 893.13(7)(a)10.     3rd        Affix false or forged label to package of controlled substance.
- 893.13(7)(a)11.     3rd        Furnish false or fraudulent material information on any document or record required by chapter 893.
- 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.
- 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.
- 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.                |
| 918.13(1)(a)           | 3rd | Alter, destroy, or conceal investigation evidence.   |
| 944.47(1)(a)1.-2.      | 3rd | Introduce contraband to correctional facility.   |
| 944.47(1)(c)           | 2nd | Possess contraband while upon the grounds of a correctional institution.   |
| 985.3141               | 3rd | Escapes from a juvenile facility (secure detention or residential commitment facility).<br><br>(d) LEVEL 4   |
| 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. |
| 499.0051(1)            | 3rd | Failure to maintain or deliver   |

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pedigree papers.

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

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784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
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 delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no

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assault or battery.

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| 810.02(4)(b)            | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.        |
| 810.06                  | 3rd | Burglary; possession of tools.   |
| 810.08(2)(c)            | 3rd | Trespass on property, armed with firearm or dangerous weapon.  |
| 812.014(2)(c)3.         | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000.                                     |
| 812.014(2)(c)4.-<br>10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.                             |
| 812.0195(2)             | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more.                    |
| 817.563(1)              | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs. |
| 817.568(2)(a)           | 3rd | Fraudulent use of personal identification information.   |
| 817.625(2)(a)           | 3rd | Fraudulent use of scanning device or reencoder.  |

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| 828.125(1)   | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.        |
| 837.02(1)    | 3rd | Perjury in official proceedings.  |
| 837.021(1)   | 3rd | Make contradictory statements in official proceedings.  |
| 838.022      | 3rd | Official misconduct.  |
| 839.13(2)(a) | 3rd | Falsifying records of an individual in the care and custody of a state agency.                                    |
| 839.13(2)(c) | 3rd | Falsifying records of the Department of Children and Family Services.   |
| 843.021      | 3rd | Possession of a concealed handcuff key by a person in custody.  |
| 843.025      | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 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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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).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.  (e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4) <u>(a)</u>	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal

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injury; leaving scene.

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| 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive.   |
| 440.10(1)(g)    | 2nd | Failure to obtain workers' compensation coverage.   |
| 440.105(5)      | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims.   |
| 440.381(2)      | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 624.401(4)(b)2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.               |
| 626.902(1)(c)   | 2nd | Representing an unauthorized insurer; repeat offender.  |
| 790.01(2)       | 3rd | Carrying a concealed firearm.   |
| 790.162         | 2nd | Threat to throw or discharge destructive device.  |
| 790.163(1)      | 2nd | False report of deadly explosive or weapon of mass destruction.   |

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



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| 817.034(4)(a)2.               | 2nd | Communications fraud, value \$20,000 to \$50,000.   |
| 817.234(11)(b)                | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000.   |
| 817.2341(1),(2)<br>(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.  |
| 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. |
| 817.625(2)(b)                 | 2nd | Second or subsequent fraudulent use of scanning device or reencoder.  |
| 825.1025(4)                   | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.   |
| 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.

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| 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.   |
| 843.01         | 3rd | Resist officer with violence to person; resist arrest with violence.  |
| 874.05(2)      | 2nd | Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.   |
| 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).  |
| 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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| 893.13(1)(d)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.   |
| 893.13(1)(e)2. | 2nd | Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site. |
| 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.   |
| 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).<br><br>(g) LEVEL 7  |

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

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458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.

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483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
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.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
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.

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

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784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
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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790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
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.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
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.

- 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.
- 812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 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 property and traffics in stolen property.
- 812.131(2)(a) 2nd Robbery by sudden snatching.
- 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

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817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
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.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
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.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.

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838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
872.06	2nd	Abuse of a dead human body.
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.
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).

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

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- 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
- 896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.
- 896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
- (h) LEVEL 8
- 316.193(3)(c)3.a. 2nd DUI manslaughter.
- 316.1935(4)(b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.
- 327.35(3)(c)3. 2nd Vessel BUI manslaughter.
- 499.0051(7) 1st Forgery of prescription or legend drug labels.
- 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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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.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
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.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.

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782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
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.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
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.

- 825.102(2)                    2nd            Aggravated abuse of an elderly person or disabled adult.
  
- 825.1025(2)                2nd            Lewd or lascivious battery upon an elderly person or disabled adult.
  
- 825.103(2)(a)            1st            Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
  
- 837.02(2)                    2nd            Perjury in official proceedings relating to prosecution of a capital felony.
  
- 837.021(2)                2nd            Making contradictory statements in official proceedings relating to prosecution of a capital felony.
  
- 860.121(2)(c)            1st            Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
  
- 860.16                        1st            Aircraft piracy.
  
- 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).
  
- 893.13(2)(b)            1st            Purchase in excess of 10 grams of any

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substance specified in s.

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

- 893.13(6)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
- 893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
- 893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.
- 893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
- 893.135(1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
- 893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
- 893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
- 893.135(1)(g)1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
- 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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- 893.135(1)(j)1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
- 893.135(1)(k)2.b. 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
- 895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.
- 895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
- 895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.
- 896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
- 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.

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

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

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

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

322.61 Disqualification from operating a commercial motor vehicle.--

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

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

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