

1 A bill to be entitled
 2 An act relating to fleeing or attempting to elude a
 3 law enforcement officer; amending s. 316.1935, F.S.;
 4 providing mandatory minimum sentences for violations;
 5 providing for pretrial diversion for first-time
 6 offenders; conforming provisions to changes made by
 7 the act; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Subsections (5), (6), and (7) of section
 12 316.1935, Florida Statutes, are renumbered as subsections (7),
 13 (8), and (9), respectively, subsections (3) and (4) of that
 14 section are amended, new subsections (5) and (6) are added to
 15 that section, and subsections (1) and (2) of that section are
 16 republished, to read:

17 316.1935 Fleeing or attempting to elude a law enforcement
 18 officer; aggravated fleeing or eluding.—

19 (1) It is unlawful for the operator of any vehicle, having
 20 knowledge that he or she has been ordered to stop such vehicle
 21 by a duly authorized law enforcement officer, willfully to
 22 refuse or fail to stop the vehicle in compliance with such order
 23 or, having stopped in knowing compliance with such order,
 24 willfully to flee in an attempt to elude the officer, and a
 25 person who violates this subsection commits a felony of the

26 | third degree, punishable as provided in s. 775.082, s. 775.083,
27 | or s. 775.084.

28 | (2) Any person who willfully flees or attempts to elude a
29 | law enforcement officer in an authorized law enforcement patrol
30 | vehicle, with agency insignia and other jurisdictional markings
31 | prominently displayed on the vehicle, with siren and lights
32 | activated commits a felony of the third degree, punishable as
33 | provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

44 | (b) Drives at high speed, or in any manner which
45 | demonstrates a wanton disregard for the safety of persons or
46 | property, and causes serious bodily injury or death to another
47 | person, including any law enforcement officer involved in
48 | pursuing or otherwise attempting to effect a stop of the
49 | person's vehicle, commits a felony of the first degree,
50 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

51 Notwithstanding any other provision of law, the court shall
52 sentence any person convicted of committing the offense
53 described in this paragraph to a mandatory minimum sentence of 3
54 years imprisonment in addition to the mandatory minimum sentence
55 provided under subsection (5). ~~Nothing in~~ This paragraph does
56 not shall prevent a court from imposing a greater sentence of
57 incarceration as authorized by law.

58 (4) Any person who, in the course of unlawfully leaving or
59 attempting to leave the scene of a crash in violation of s.
60 316.027 or s. 316.061, having knowledge of an order to stop by a
61 duly authorized law enforcement officer, willfully refuses or
62 fails to stop in compliance with such an order, or having
63 stopped in knowing compliance with such order, willfully flees
64 in an attempt to elude such officer and, as a result of such
65 fleeing or eluding:

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

70 (b) Causes serious bodily injury or death to another
71 person, including any law enforcement officer involved in
72 pursuing or otherwise attempting to effect a stop of the
73 person's vehicle, commits aggravated fleeing or eluding with
74 serious bodily injury or death, a felony of the first degree,
75 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

76
 77 The felony of aggravated fleeing or eluding and the felony of
 78 aggravated fleeing or eluding with serious bodily injury or
 79 death constitute separate offenses for which a person may be
 80 charged, in addition to the offenses under ss. 316.027 and
 81 316.061, relating to unlawfully leaving the scene of a crash,
 82 which the person had been in the course of committing or
 83 attempting to commit when the order to stop was given.

84 Notwithstanding any other provision of law, the court shall
 85 sentence any person convicted of committing aggravated fleeing
 86 or eluding with serious bodily injury or death to a mandatory
 87 minimum sentence of 3 years imprisonment in addition to the
 88 mandatory minimum sentence provided under subsection (5).

89 ~~Nothing in~~ This subsection does not ~~shall~~ prevent a court from
 90 imposing a greater sentence of incarceration as authorized by
 91 law.

92 (5) A person convicted of a violation of subsection (1),
 93 subsection (2), subsection (3), or subsection (4) shall:

94 (a) For a first offense, be sentenced to a mandatory
 95 minimum sentence of 364 days' imprisonment.

96 (b) For a second offense, be sentenced to a mandatory
 97 minimum sentence of 5 years' imprisonment.

98 (c) For a third or subsequent offense, be sentenced to a
 99 mandatory minimum sentence of 8 years' imprisonment.

100 (6) In lieu of a criminal conviction under this section, a

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101 judge has the option for first-time offender to order a pretrial
102 diversion program under which, at a minimum, any vehicle owned
103 by the offender shall be impounded for 30 days and the
104 offender's driver license suspended for 6 months.

105 Section 2. This act shall take effect October 1, 2024.