

By Representative Betancourt

1 A bill to be entitled
2 An act relating to offenses involving the
3 obstruction of law enforcement; amending s.
4 843.08, F.S.; reclassifying or increasing the
5 penalties for the offenses of falsely assuming
6 or pretending to be, or falsely personating, an
7 officer of the Florida Highway Patrol, Game and
8 Fresh Water Fish Commission, Department of
9 Environmental Protection, Department of
10 Transportation, or Department of Corrections, a
11 correctional probation officer, sheriff or
12 deputy sheriff, state attorney or assistant
13 state attorney, statewide prosecutor or
14 assistant statewide prosecutor, state attorney
15 investigator, coroner, police officer, lottery
16 special agent or lottery investigator, beverage
17 enforcement agent or watchman, member of the
18 Parole Commission or administrative aide or
19 supervisor employed by the commission, or any
20 personnel or representative of the Department
21 of Law Enforcement; providing that such false
22 assumption or pretense is a felony of the
23 second degree; providing that such false
24 personation during the course of the commission
25 of a felony is a felony of the first degree;
26 providing that such false personation during
27 the commission of a felony which results in the
28 death or personal injury of another human being
29 is a felony of the first degree punishable by
30 life imprisonment; providing penalties;
31 amending s. 843.081, F.S., relating to the

1 offense of use in or on a nongovernmentally
2 owned vehicle or vessel of a flashing or
3 rotating blue light by a person other than a
4 specified law enforcement officer or special
5 officer for a railroad or common carrier;
6 providing that such offense is a felony of the
7 third degree; providing penalties; amending s.
8 921.0022, F.S., relating to the Criminal
9 Punishment Code offense severity ranking chart;
10 removing a nonconforming reference; providing
11 for ranking of the offenses; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 843.08, Florida Statutes, is
17 amended to read:

18 843.08 Falsely personating officer, etc.--A person who
19 falsely assumes or pretends to be a sheriff, officer of the
20 Florida Highway Patrol, officer of the Game and Fresh Water
21 Fish Commission, officer of the Department of Environmental
22 Protection, officer of the Department of Transportation,
23 officer of the Department of Corrections, correctional
24 probation officer, deputy sheriff, state attorney or assistant
25 state attorney, statewide prosecutor or assistant statewide
26 prosecutor, state attorney investigator, coroner, police
27 officer, lottery special agent or lottery investigator,
28 beverage enforcement agent, or watchman, or any member of the
29 Parole Commission and any administrative aide or supervisor
30 employed by the commission, or any personnel or representative
31 of the Department of Law Enforcement, and takes upon himself

1 or herself to act as such, or to require any other person to
2 aid or assist him or her in a matter pertaining to the duty of
3 any such officer, commits a felony of the second ~~third~~ degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084; however, a person who falsely personates any such
6 officer during the course of the commission of a felony
7 commits a felony of the first ~~second~~ degree, punishable as
8 provided in s. 775.082, s. 775.083, or s. 775.084; except that
9 if the commission of the felony results in the death or
10 personal injury of another human being, the person commits a
11 felony of the first degree, punishable by imprisonment for a
12 term of years not exceeding life, or as provided in s.
13 775.082, s. 775.083, or s. 775.084.

14 Section 2. Subsection (5) of section 843.081, Florida
15 Statutes, is amended to read:

16 843.081 Prohibited use of certain lights; penalty.--

17 (2) It is unlawful for a person to use in or on any
18 nongovernmentally owned vehicle or vessel any flashing or
19 rotating blue light unless such person is a law enforcement
20 officer employed by a federal, state, county, or city law
21 enforcement agency or is a person appointed by the Governor
22 pursuant to chapter 354.

23 (3) The provisions of this section shall not apply to
24 salespersons, service representatives, or other employees of
25 businesses licensed to sell or repair law enforcement
26 equipment.

27 (4) For the purposes of this section, the term
28 "flashing or rotating blue light" includes all forms of lights
29 which display a blue light source or which were designed with
30 the intent of displaying a blue light source whether or not
31 such light is actually in use.

1 (5) Any person who violates any of the provisions of
2 this section commits a felony ~~misdemeanor~~ of the third ~~first~~
3 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,
4 or s. 775.084.

5 Section 3. Paragraphs (a), (b), (d), (g), and (i) of
6 subsection (3) of section 921.0022, Florida Statutes, are
7 amended to read:

8 921.0022 Criminal Punishment Code; offense severity
9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

12 Florida	Felony	
13 Statute	Degree	Description
		15 (a) LEVEL 1
16 24.118(3)(a)	3rd	Counterfeit or altered state 17 lottery ticket.
18 212.054(2)(b)	3rd	Discretionary sales surtax; 19 limitations, administration, and 20 collection.
21 212.15(2)(b)	3rd	Failure to remit sales taxes, 22 amount greater than \$300 but less 23 than \$20,000.
24 319.30(5)	3rd	Sell, exchange, give away 25 certificate of title or 26 identification number plate.
27 319.35(1)(a)	3rd	Tamper, adjust, change, etc., an 28 odometer.
29 320.26(1)(a)	3rd	Counterfeit, manufacture, or sell 30 registration license plates or 31 validation stickers.

1	322.212(1)	3rd	Possession of forged, stolen,
2			counterfeit, or unlawfully issued
3			driver's license.
4	322.212(4)	3rd	Supply or aid in supplying
5			unauthorized driver's license.
6	322.212(5)	3rd	False application for driver's
7			license.
8	370.13(4)(a)	3rd	Molest any stone crab trap, line,
9			or buoy which is property of
10			licenseholder.
11	370.135(1)	3rd	Molest any blue crab trap, line,
12			or buoy which is property of
13			licenseholder.
14	372.663(1)	3rd	Poach any alligator or
15			crocodilia.
16	414.39(2)	3rd	Unauthorized use, possession,
17			forgery, or alteration of food
18			stamps, Medicaid ID, value
19			greater than \$200.
20	414.39(3)(a)	3rd	Fraudulent misappropriation of
21			public assistance funds by
22			employee/official, value more
23			than \$200.
24	443.071(1)	3rd	False statement or representation
25			to obtain or increase
26			unemployment compensation
27			benefits.
28	458.327(1)(a)	3rd	Unlicensed practice of medicine.
29	466.026(1)(a)	3rd	Unlicensed practice of dentistry
30			or dental hygiene.
31			

1	509.151(1)	3rd	Defraud an innkeeper, food or
2			lodging value greater than \$300.
3	517.302(1)	3rd	Violation of the Florida
4			Securities and Investor
5			Protection Act.
6	562.27(1)	3rd	Possess still or still apparatus.
7	713.69	3rd	Tenant removes property upon
8			which lien has accrued, value
9			more than \$50.
10	812.014(3)(c)	3rd	Petit theft (3rd conviction);
11			theft of any property not
12			specified in subsection (2).
13	812.081(2)	3rd	Unlawfully makes or causes to be
14			made a reproduction of a trade
15			secret.
16	815.04(4)(a)	3rd	Offense against intellectual
17			property (i.e., computer
18			programs, data).
19	817.52(2)	3rd	Hiring with intent to defraud,
20			motor vehicle services.
21	826.01	3rd	Bigamy.
22	828.122(3)	3rd	Fighting or baiting animals.
23	831.04(1)	3rd	Any erasure, alteration, etc., of
24			any replacement deed, map, plat,
25			or other document listed in s.
26			92.28.
27	831.31(1)(a)	3rd	Sell, deliver, or possess
28			counterfeit controlled
29			substances, all but s. 893.03(5)
30			drugs.
31			

1	832.041(1)	3rd	Stopping payment with intent to
2			defraud \$150 or more.
3	832.05		
4	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
5			worthless checks \$150 or more or
6			obtaining property in return for
7			worthless check \$150 or more.
8	838.015(3)	3rd	Bribery.
9	838.016(1)	3rd	Public servant receiving unlawful
10			compensation.
11	838.15(2)	3rd	Commercial bribe receiving.
12	838.16	3rd	Commercial bribery.
13	<u>843.081</u>	<u>3rd</u>	<u>Prohibited use of flashing or</u>
14			<u>rotating blue light.</u>
15	843.18	3rd	Fleeing by boat to elude a law
16			enforcement officer.
17	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
18			lewd, etc., material (2nd
19			conviction).
20	849.01	3rd	Keeping gambling house.
21	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
22			or assist therein, conduct or
23			advertise drawing for prizes, or
24			dispose of property or money by
25			means of lottery.
26	849.23	3rd	Gambling-related machines;
27			"common offender" as to property
28			rights.
29	849.25(2)	3rd	Engaging in bookmaking.
30	860.08	3rd	Interfere with a railroad signal.
31			

1	860.13(1)(a)	3rd	Operate aircraft while under the
2			influence.
3	893.13(2)(a)2.	3rd	Purchase of cannabis.
4	893.13(6)(a)	3rd	Possession of cannabis (more than
5			20 grams).
6	893.13(7)(a)10.	3rd	Affix false or forged label to
7			package of controlled substance.
8	934.03(1)(a)	3rd	Intercepts, or procures any other
9			person to intercept, any wire or
10			oral communication.
11			(b) LEVEL 2
12	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
13			lbs. in weight or 100 cubic feet
14			in volume or any quantity for
15			commercial purposes, or hazardous
16			waste.
17	517.07	3rd	Registration of securities and
18			furnishing of prospectus
19			required.
20	590.28(1)	3rd	Willful, malicious, or
21			intentional burning.
22	784.05(3)	3rd	Storing or leaving a loaded
23			firearm within reach of minor who
24			uses it to inflict injury or
25			death.
26	787.04(1)	3rd	In violation of court order,
27			take, entice, etc., minor beyond
28			state limits.
29	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
30			or more to public communication
31			or any other public service.

1	810.09(2)(e)	3rd	Trespassing on posted <u>commercial</u>
2			commercial horticulture property.
3	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
4			more but less than \$5,000.
5	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
6			more but less than \$300, taken
7			from unenclosed curtilage of
8			dwelling.
9	817.234(1)(a)2.	3rd	False statement in support of
10			insurance claim.
11	817.481(3)(a)	3rd	Obtain credit or purchase with
12			false, expired, counterfeit,
13			etc., credit card, value over
14			\$300.
15	817.52(3)	3rd	Failure to redeliver hired
16			vehicle.
17	817.54	3rd	With intent to defraud, obtain
18			mortgage note, etc., by false
19			representation.
20	817.60(5)	3rd	Dealing in credit cards of
21			another.
22	817.60(6)(a)	3rd	Forgery; purchase goods, services
23			with false card.
24	817.61	3rd	Fraudulent use of credit cards
25			over \$100 or more within 6
26			months.
27	826.04	3rd	Knowingly marries or has sexual
28			intercourse with person to whom
29			related.
30	831.01	3rd	Forgery.
31			

1	831.02	3rd	Uttering forged instrument;
2			utters or publishes alteration
3			with intent to defraud.
4	831.07	3rd	Forging bank bills or promissory
5			note.
6	831.08	3rd	Possession of 10 or more forged
7			notes.
8	831.09	3rd	Uttering forged bills; passes as
9			bank bill or promissory note.
10	832.05(3)(a)	3rd	Cashing or depositing item with
11			intent to defraud.
12	843.08	3rd	Falsely impersonating an officer.
13	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
14			(2)(c), (3), or (4) drugs other
15			than cannabis.
16	893.147(2)	3rd	Manufacture or delivery of drug
17			paraphernalia.
18			(d) LEVEL 4
19	316.1935(2)	3rd	Fleeing or attempting to elude
20			law enforcement officer resulting
21			in high-speed pursuit.
22	784.07(2)(b)	3rd	Battery of law enforcement
23			officer, firefighter, intake
24			officer, etc.
25	784.075	3rd	Battery on detention or
26			commitment facility staff.
27	784.08(2)(c)	3rd	Battery on a person 65 years of
28			age or older.
29	784.081(3)	3rd	Battery on specified official or
30			employee.
31			

1	784.082(3)	3rd	Battery by detained person on
2			visitor or other detainee.
3	787.03(1)	3rd	Interference with custody;
4			wrongly takes child from
5			appointed guardian.
6	787.04(2)	3rd	Take, entice, or remove child
7			beyond state limits with criminal
8			intent pending custody
9			proceedings.
10	787.04(3)	3rd	Carrying child beyond state lines
11			with criminal intent to avoid
12			producing child at custody
13			hearing or delivering to
14			designated person.
15	790.115(1)	3rd	Exhibiting firearm or weapon
16			within 1,000 feet of a school.
17	790.115(2)(b)	3rd	Possessing electric weapon or
18			device, destructive device, or
19			other weapon on school property.
20	790.115(2)(c)	3rd	Possessing firearm on school
21			property.
22	810.02(4)(a)	3rd	Burglary, or attempted burglary,
23			of an unoccupied structure;
24			unarmed; no assault or battery.
25	810.02(4)(b)	3rd	Burglary, or attempted burglary,
26			of an unoccupied conveyance;
27			unarmed; no assault or battery.
28	810.06	3rd	Burglary; possession of tools.
29	810.08(2)(c)	3rd	Trespass on property, armed with
30			firearm or dangerous weapon.
31			

1	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
2			or more but less than \$20,000.
3	812.014		
4	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
5			firearm, motor vehicle,
6			livestock, etc.
7	817.563(1)	3rd	Sell or deliver substance other
8			than controlled substance agreed
9			upon, excluding s. 893.03(5)
10			drugs.
11	828.125(1)	2nd	Kill, maim, or cause great bodily
12			harm or permanent breeding
13			disability to any registered
14			horse or cattle.
15	837.02(1)	3rd	Perjury in official proceedings.
16	837.021(1)	3rd	Make contradictory statements in
17			official proceedings.
18	843.025	3rd	Deprive law enforcement,
19			correctional, or correctional
20			probation officer of means of
21			protection or communication.
22	<u>843.08</u>	<u>2nd</u>	<u>Falsely personating an officer.</u>
23	843.15(1)(a)	3rd	Failure to appear while on bail
24			for felony (bond estreature or
25			bond jumping).
26	874.05(1)	3rd	Encouraging or recruiting another
27			to join a criminal street gang.
28	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
29			893.03(1)(a), (b), or (d), or
30			(2)(a) or (b) drugs).
31	914.14(2)	3rd	Witnesses accepting bribes.

1	914.22(1)	3rd	Force, threaten, etc., witness,
2			victim, or informant.
3	914.23(2)	3rd	Retaliation against a witness,
4			victim, or informant, no bodily
5			injury.
6	918.12	3rd	Tampering with jurors.
7			(g) LEVEL 7
8	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
9			injury.
10	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
11			bodily injury.
12	409.920(2)	3rd	Medicaid provider fraud.
13	494.0018(2)	1st	Conviction of any violation of
14			ss. 494.001-494.0077 in which the
15			total money and property
16			unlawfully obtained exceeded
17			\$50,000 and there were five or
18			more victims.
19	782.07(1)	2nd	Killing of a human being by the
20			act, procurement, or culpable
21			negligence of another
22			(manslaughter).
23	782.071	3rd	Killing of human being by the
24			operation of a motor vehicle in a
25			reckless manner (vehicular
26			homicide).
27	782.072	3rd	Killing of a human being by the
28			operation of a vessel in a
29			reckless manner (vessel
30			homicide).
31			

1	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
2			causing great bodily harm or
3			disfigurement.
4	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
5			weapon.
6	784.045(1)(b)	2nd	Aggravated battery; perpetrator
7			aware victim pregnant.
8	784.048(4)	3rd	Aggravated stalking; violation of
9			injunction or court order.
10	784.07(2)(d)	1st	Aggravated battery on law
11			enforcement officer.
12	784.08(2)(a)	1st	Aggravated battery on a person 65
13			years of age or older.
14	784.081(1)	1st	Aggravated battery on specified
15			official or employee.
16	784.082(1)	1st	Aggravated battery by detained
17			person on visitor or other
18			detainee.
19	790.07(4)	1st	Specified weapons violation
20			subsequent to previous conviction
21			of s. 790.07(1) or (2).
22	790.16(1)	1st	Discharge of a machine gun under
23			specified circumstances.
24	796.03	2nd	Procuring any person under 16
25			years for prostitution.
26	800.04	2nd	Handle, fondle, or assault child
27			under 16 years in lewd,
28			lascivious, or indecent manner.
29	806.01(2)	2nd	Maliciously damage structure by
30			fire or explosive.
31			

1	810.02(3)(a)	2nd	Burglary of occupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(d)	2nd	Burglary of occupied conveyance;
6			unarmed; no assault or battery.
7	812.014(2)(a)	1st	Property stolen, valued at
8			\$100,000 or more; property stolen
9			while causing other property
10			damage; 1st degree grand theft.
11	812.019(2)	1st	Stolen property; initiates,
12			organizes, plans, etc., the theft
13			of property and traffics in
14			stolen property.
15	812.133(2)(b)	1st	Carjacking; no firearm, deadly
16			weapon, or other weapon.
17	825.102(3)(b)	2nd	Neglecting an elderly person or
18			disabled adult causing great
19			bodily harm, disability, or
20			disfigurement.
21	825.1025(2)	2nd	Lewd or lascivious battery upon
22			an elderly person or disabled
23			adult.
24	825.103(2)(b)	2nd	Exploiting an elderly person or
25			disabled adult and property is
26			valued at \$20,000 or more, but
27			less than \$100,000.
28	827.03(3)(b)	2nd	Neglect of a child causing great
29			bodily harm, disability, or
30			disfigurement.
31			

1	827.04(4)	3rd	Impregnation of a child under 16
2			years of age by person 21 years
3			of age or older.
4	<u>843.08</u>	<u>1st</u>	<u>Falsely personating an officer</u>
5			<u>during the course of committing a</u>
6			<u>felony.</u>
7	872.06	2nd	Abuse of a dead human body.
8	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
9			cocaine (or other s.
10			893.03(1)(a), (1)(b), (1)(d),
11			(2)(a), or (2)(b) drugs) within
12			1,000 feet of a school.
13	893.13(4)(a)	1st	Deliver to minor cocaine (or
14			other s. 893.03(1)(a), (1)(b),
15			(1)(d), (2)(a), or (2)(b) drugs).
16	893.135(1)(a)1.	1st	Trafficking in cannabis, more
17			than 50 lbs., less than 2,000
18			lbs.
19	893.135		
20	(1)(b)1.a.	1st	Trafficking in cocaine, more than
21			28 grams, less than 200 grams.
22	893.135		
23	(1)(c)1.a.	1st	Trafficking in illegal drugs,
24			more than 4 grams, less than 14
25			grams.
26	893.135		
27	(1)(d)1.	1st	Trafficking in phencyclidine,
28			more than 28 grams, less than 200
29			grams.
30			
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1	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
2			than 200 grams, less than 5
3			kilograms.
4	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
5			than 14 grams, less than 28
6			grams.
7			(i) LEVEL 9
8	316.193		
9	(3)(c)3.b.	1st	DUI manslaughter; failing to
10			render aid or give information.
11	782.04(1)	1st	Attempt, conspire, or solicit to
12			commit premeditated murder.
13	782.04(3)	1st,PBL	Accomplice to murder in
14			connection with arson, sexual
15			battery, robbery, burglary, and
16			other specified felonies.
17	782.07(2)	1st	Aggravated manslaughter of an
18			elderly person or disabled adult.
19	782.07(3)	1st	Aggravated manslaughter of a
20			child.
21	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
22			reward or as a shield or hostage.
23	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
24			or facilitate commission of any
25			felony.
26	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
27			interfere with performance of any
28			governmental or political
29			function.
30			
31			

1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			child abuse, sexual battery,
4			lewd, or lascivious act, etc.
5	790.161	1st	Attempted capital destructive
6			device offense.
7	794.011(2)	1st	Attempted sexual battery; victim
8			less than 12 years of age.
9	794.011(2)	Life	Sexual battery; offender younger
10			than 18 years and commits sexual
11			battery on a person less than 12
12			years.
13	794.011(4)	1st	Sexual battery; victim 12 years
14			or older, certain circumstances.
15	794.011(8)(b)	1st	Sexual battery; engage in sexual
16			conduct with minor 12 to 18 years
17			by person in familial or
18			custodial authority.
19	812.13(2)(a)	1st,PBL	Robbery with firearm or other
20			deadly weapon.
21	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
22			deadly weapon.
23	<u>843.08</u>	<u>1st,PBL</u>	<u>Falsely personating an officer</u>
24			<u>during the course of committing a</u>
25			<u>felony resulting in another's</u>
26			<u>death or injury.</u>
27	847.0145(1)	1st	Selling, or otherwise
28			transferring custody or control,
29			of a minor.
30			
31			

1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning food, drink, medicine,
5			or water with intent to kill or
6			injure another person.
7	893.135	1st	Attempted capital trafficking
8			offense.
9	893.135(1)(a)3.	1st	Trafficking in cannabis, more
10			than 10,000 lbs.
11	893.135		
12	(1)(b)1.c.	1st	Trafficking in cocaine, more than
13			400 grams, less than 150
14			kilograms.
15	893.135		
16	(1)(c)1.c.	1st	Trafficking in illegal drugs,
17			more than 28 grams, less than 30
18			kilograms.
19	893.135		
20	(1)(d)1.c.	1st	Trafficking in phencyclidine,
21			more than 400 grams.
22	893.135		
23	(1)(e)1.c.	1st	Trafficking in methaqualone, more
24			than 25 kilograms.
25	893.135		
26	(1)(f)1.c.	1st	Trafficking in amphetamine, more
27			than 200 grams.
28	Section 4. This act shall take effect October 1 of the		
29	year in which enacted and shall apply to offenses committed on		
30	or after that date.		
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HOUSE SUMMARY

Reclassifies or increases the penalties for the offenses of falsely assuming or pretending to be, or falsely personating, an officer or specified personnel. Provides that such false assumption or pretense is a felony of the second degree. Provides that such false personation during the course of the commission of a felony is a felony of the first degree. Provides that such false personation during the commission of a felony which results in the death or personal injury of another human being is a felony of the first degree punishable by life. Provides penalties. Reclassifies and increases the penalties for the offense of use in or on a nongovernmentally owned vehicle or vessel of a flashing or rotating blue light by a person other than a specified law enforcement officer or special officer for a railroad or common carrier. Provides that such offense is a felony of the third degree. Provides for ranking of the offenses in the Criminal Punishment Code offense severity ranking chart.