

By the Committee on Crime & Punishment and Representatives
Betancourt and Heyman

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.; prohibiting a person from falsely
5 assuming or pretending to be, or falsely
6 personating, an officer of the Department of
7 Insurance; providing penalties; reclassifying
8 or increasing the penalties for the offenses of
9 falsely assuming or pretending to be, or
10 falsely personating, an officer of the Florida
11 Highway Patrol, Game and Fresh Water Fish
12 Commission, Department of Environmental
13 Protection, Department of Transportation, or
14 Department of Corrections, a correctional
15 probation officer, sheriff or deputy sheriff,
16 state attorney or assistant state attorney,
17 statewide prosecutor or assistant statewide
18 prosecutor, state attorney investigator,
19 coroner, police officer, lottery special agent
20 or lottery investigator, beverage enforcement
21 agent or watchman, member of the Parole
22 Commission or administrative aide or supervisor
23 employed by the commission, or any personnel or
24 representative of the Department of Law
25 Enforcement; providing that such false
26 assumption or pretense is a felony of the
27 second degree; providing that such false
28 personation during the course of the commission
29 of a felony is a felony of the first degree;
30 providing that such false personation during
31 the commission of a felony which results in the

1 death or personal injury of another human being
2 is a felony of the first degree punishable by
3 life imprisonment; providing penalties;
4 amending s. 843.081, F.S., relating to the
5 offense of use in or on a nongovernmentally
6 owned vehicle or vessel of a flashing or
7 rotating blue light by a person other than a
8 specified law enforcement officer or special
9 officer for a railroad or common carrier;
10 providing that such offense is a felony of the
11 third degree; providing penalties; amending s.
12 921.0022, F.S., relating to the Criminal
13 Punishment Code offense severity ranking chart;
14 removing a nonconforming reference; providing
15 for ranking of the offenses; providing an
16 effective date.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. Section 843.08, Florida Statutes, is
21 amended to read:

22 843.08 Falsely personating officer, etc.--A person who
23 falsely assumes or pretends to be a sheriff, officer of the
24 Florida Highway Patrol, officer of the Game and Fresh Water
25 Fish Commission, officer of the Department of Environmental
26 Protection, officer of the Department of Transportation,
27 officer of the Department of Insurance, officer of the
28 Department of Corrections, correctional probation officer,
29 deputy sheriff, state attorney or assistant state attorney,
30 statewide prosecutor or assistant statewide prosecutor, state
31 attorney investigator, coroner, police officer, lottery

1 special agent or lottery investigator, beverage enforcement
2 agent, or watchman, or any member of the Parole Commission and
3 any administrative aide or supervisor employed by the
4 commission, or any personnel or representative of the
5 Department of Law Enforcement, and takes upon himself or
6 herself to act as such, or to require any other person to aid
7 or assist him or her in a matter pertaining to the duty of any
8 such officer, commits a felony of the second ~~third~~ degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084; however, a person who falsely personates any such
11 officer during the course of the commission of a felony
12 commits a felony of the first ~~second~~ degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084; except that
14 if the commission of the felony results in the death or
15 personal injury of another human being, the person commits a
16 felony of the first degree, punishable by imprisonment for a
17 term of years not exceeding life, or as provided in s.
18 775.082, s. 775.083, or s. 775.084.

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

21 843.081 Prohibited use of certain lights; penalty.--

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

28 (3) The provisions of this section shall not apply to
29 salespersons, service representatives, or other employees of
30 businesses licensed to sell or repair law enforcement
31 equipment.

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

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

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

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

16	17	18	19	20
	Florida	Felony		
	Statute	Degree	Description	
21	24.118(3)(a)	3rd	(a) LEVEL 1 Counterfeit or altered state lottery ticket.	
22				
23	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.	
24				
25				
26	212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.	
27				
28				
29	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.	
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1	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
2			odometer.
3	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
4			registration license plates or
5			validation stickers.
6	322.212(1)	3rd	Possession of forged, stolen,
7			counterfeit, or unlawfully issued
8			driver's license.
9	322.212(4)	3rd	Supply or aid in supplying
10			unauthorized driver's license.
11	322.212(5)	3rd	False application for driver's
12			license.
13	370.13(4)(a)	3rd	Molest any stone crab trap, line,
14			or buoy which is property of
15			licenseholder.
16	370.135(1)	3rd	Molest any blue crab trap, line,
17			or buoy which is property of
18			licenseholder.
19	372.663(1)	3rd	Poach any alligator or
20			crocodilia.
21	414.39(2)	3rd	Unauthorized use, possession,
22			forgery, or alteration of food
23			stamps, Medicaid ID, value
24			greater than \$200.
25	414.39(3)(a)	3rd	Fraudulent misappropriation of
26			public assistance funds by
27			employee/official, value more
28			than \$200.
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1	443.071(1)	3rd	False statement or representation
2			to obtain or increase
3			unemployment compensation
4			benefits.
5	458.327(1)(a)	3rd	Unlicensed practice of medicine.
6	466.026(1)(a)	3rd	Unlicensed practice of dentistry
7			or dental hygiene.
8	509.151(1)	3rd	Defraud an innkeeper, food or
9			lodging value greater than \$300.
10	517.302(1)	3rd	Violation of the Florida
11			Securities and Investor
12			Protection Act.
13	562.27(1)	3rd	Possess still or still apparatus.
14	713.69	3rd	Tenant removes property upon
15			which lien has accrued, value
16			more than \$50.
17	812.014(3)(c)	3rd	Petit theft (3rd conviction);
18			theft of any property not
19			specified in subsection (2).
20	812.081(2)	3rd	Unlawfully makes or causes to be
21			made a reproduction of a trade
22			secret.
23	815.04(4)(a)	3rd	Offense against intellectual
24			property (i.e., computer
25			programs, data).
26	817.52(2)	3rd	Hiring with intent to defraud,
27			motor vehicle services.
28	826.01	3rd	Bigamy.
29	828.122(3)	3rd	Fighting or baiting animals.
30			
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1	831.04(1)	3rd	Any erasure, alteration, etc., of
2			any replacement deed, map, plat,
3			or other document listed in s.
4			92.28.
5	831.31(1)(a)	3rd	Sell, deliver, or possess
6			counterfeit controlled
7			substances, all but s. 893.03(5)
8			drugs.
9	832.041(1)	3rd	Stopping payment with intent to
10			defraud \$150 or more.
11	832.05		
12	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
13			worthless checks \$150 or more or
14			obtaining property in return for
15			worthless check \$150 or more.
16	838.015(3)	3rd	Bribery.
17	838.016(1)	3rd	Public servant receiving unlawful
18			compensation.
19	838.15(2)	3rd	Commercial bribe receiving.
20	838.16	3rd	Commercial bribery.
21	<u>843.081</u>	<u>3rd</u>	<u>Prohibited use of flashing or</u>
22			<u>rotating blue light.</u>
23	843.18	3rd	Fleeing by boat to elude a law
24			enforcement officer.
25	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
26			lewd, etc., material (2nd
27			conviction).
28	849.01	3rd	Keeping gambling house.
29			
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1	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
2			or assist therein, conduct or
3			advertise drawing for prizes, or
4			dispose of property or money by
5			means of lottery.
6	849.23	3rd	Gambling-related machines;
7			"common offender" as to property
8			rights.
9	849.25(2)	3rd	Engaging in bookmaking.
10	860.08	3rd	Interfere with a railroad signal.
11	860.13(1)(a)	3rd	Operate aircraft while under the
12			influence.
13	893.13(2)(a)2.	3rd	Purchase of cannabis.
14	893.13(6)(a)	3rd	Possession of cannabis (more than
15			20 grams).
16	893.13(7)(a)10.	3rd	Affix false or forged label to
17			package of controlled substance.
18	934.03(1)(a)	3rd	Intercepts, or procures any other
19			person to intercept, any wire or
20			oral communication.
21			(b) LEVEL 2
22	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
23			lbs. in weight or 100 cubic feet
24			in volume or any quantity for
25			commercial purposes, or hazardous
26			waste.
27	517.07	3rd	Registration of securities and
28			furnishing of prospectus
29			required.
30	590.28(1)	3rd	Willful, malicious, or
31			intentional burning.

1	784.05(3)	3rd	Storing or leaving a loaded
2			firearm within reach of minor who
3			uses it to inflict injury or
4			death.
5	787.04(1)	3rd	In violation of court order,
6			take, entice, etc., minor beyond
7			state limits.
8	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
9			or more to public communication
10			or any other public service.
11	810.09(2)(e)	3rd	Trespassing on posted <u>commercial</u>
12			commercial horticulture property.
13	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
14			more but less than \$5,000.
15	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
16			more but less than \$300, taken
17			from unenclosed curtilage of
18			dwelling.
19	817.234(1)(a)2.	3rd	False statement in support of
20			insurance claim.
21	817.481(3)(a)	3rd	Obtain credit or purchase with
22			false, expired, counterfeit,
23			etc., credit card, value over
24			\$300.
25	817.52(3)	3rd	Failure to redeliver hired
26			vehicle.
27	817.54	3rd	With intent to defraud, obtain
28			mortgage note, etc., by false
29			representation.
30	817.60(5)	3rd	Dealing in credit cards of
31			another.

1	817.60(6)(a)	3rd	Forgery; purchase goods, services
2			with false card.
3	817.61	3rd	Fraudulent use of credit cards
4			over \$100 or more within 6
5			months.
6	826.04	3rd	Knowingly marries or has sexual
7			intercourse with person to whom
8			related.
9	831.01	3rd	Forgery.
10	831.02	3rd	Uttering forged instrument;
11			utters or publishes alteration
12			with intent to defraud.
13	831.07	3rd	Forging bank bills or promissory
14			note.
15	831.08	3rd	Possession of 10 or more forged
16			notes.
17	831.09	3rd	Uttering forged bills; passes as
18			bank bill or promissory note.
19	832.05(3)(a)	3rd	Cashing or depositing item with
20			intent to defraud.
21	843.08	3rd	Falsely impersonating an officer.
22	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
23			(2)(c), (3), or (4) drugs other
24			than cannabis.
25	893.147(2)	3rd	Manufacture or delivery of drug
26			paraphernalia.
27			(d) LEVEL 4
28	316.1935(2)	3rd	Fleeing or attempting to elude
29			law enforcement officer resulting
30			in high-speed pursuit.
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1	784.07(2)(b)	3rd	Battery of law enforcement
2			officer, firefighter, intake
3			officer, etc.
4	784.075	3rd	Battery on detention or
5			commitment facility staff.
6	784.08(2)(c)	3rd	Battery on a person 65 years of
7			age or older.
8	784.081(3)	3rd	Battery on specified official or
9			employee.
10	784.082(3)	3rd	Battery by detained person on
11			visitor or other detainee.
12	787.03(1)	3rd	Interference with custody;
13			wrongly takes child from
14			appointed guardian.
15	787.04(2)	3rd	Take, entice, or remove child
16			beyond state limits with criminal
17			intent pending custody
18			proceedings.
19	787.04(3)	3rd	Carrying child beyond state lines
20			with criminal intent to avoid
21			producing child at custody
22			hearing or delivering to
23			designated person.
24	790.115(1)	3rd	Exhibiting firearm or weapon
25			within 1,000 feet of a school.
26	790.115(2)(b)	3rd	Possessing electric weapon or
27			device, destructive device, or
28			other weapon on school property.
29	790.115(2)(c)	3rd	Possessing firearm on school
30			property.
31			

1	810.02(4)(a)	3rd	Burglary, or attempted burglary,
2			of an unoccupied structure;
3			unarmed; no assault or battery.
4	810.02(4)(b)	3rd	Burglary, or attempted burglary,
5			of an unoccupied conveyance;
6			unarmed; no assault or battery.
7	810.06	3rd	Burglary; possession of tools.
8	810.08(2)(c)	3rd	Trespass on property, armed with
9			firearm or dangerous weapon.
10	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
11			or more but less than \$20,000.
12	812.014		
13	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
14			firearm, motor vehicle,
15			livestock, etc.
16	817.563(1)	3rd	Sell or deliver substance other
17			than controlled substance agreed
18			upon, excluding s. 893.03(5)
19			drugs.
20	828.125(1)	2nd	Kill, maim, or cause great bodily
21			harm or permanent breeding
22			disability to any registered
23			horse or cattle.
24	837.02(1)	3rd	Perjury in official proceedings.
25	837.021(1)	3rd	Make contradictory statements in
26			official proceedings.
27	843.025	3rd	Deprive law enforcement,
28			correctional, or correctional
29			probation officer of means of
30			protection or communication.
31	<u>843.08</u>	<u>2nd</u>	<u>Falsely personating an officer.</u>

1	843.15(1)(a)	3rd	Failure to appear while on bail
2			for felony (bond estreature or
3			bond jumping).
4	874.05(1)	3rd	Encouraging or recruiting another
5			to join a criminal street gang.
6	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
7			893.03(1)(a), (b), or (d), or
8			(2)(a) or (b) drugs).
9	914.14(2)	3rd	Witnesses accepting bribes.
10	914.22(1)	3rd	Force, threaten, etc., witness,
11			victim, or informant.
12	914.23(2)	3rd	Retaliation against a witness,
13			victim, or informant, no bodily
14			injury.
15	918.12	3rd	Tampering with jurors.
16			(g) LEVEL 7
17	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18			injury.
19	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20			bodily injury.
21	409.920(2)	3rd	Medicaid provider fraud.
22	494.0018(2)	1st	Conviction of any violation of
23			ss. 494.001-494.0077 in which the
24			total money and property
25			unlawfully obtained exceeded
26			\$50,000 and there were five or
27			more victims.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).

1	782.071	3rd	Killing of human being by the
2			operation of a motor vehicle in a
3			reckless manner (vehicular
4			homicide).
5	782.072	3rd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	790.07(4)	1st	Specified weapons violation
28			subsequent to previous conviction
29			of s. 790.07(1) or (2).
30	790.16(1)	1st	Discharge of a machine gun under
31			specified circumstances.

1	796.03	2nd	Procuring any person under 16
2			years for prostitution.
3	800.04	2nd	Handle, fondle, or assault child
4			under 16 years in lewd,
5			lascivious, or indecent manner.
6	806.01(2)	2nd	Maliciously damage structure by
7			fire or explosive.
8	810.02(3)(a)	2nd	Burglary of occupied dwelling;
9			unarmed; no assault or battery.
10	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(d)	2nd	Burglary of occupied conveyance;
13			unarmed; no assault or battery.
14	812.014(2)(a)	1st	Property stolen, valued at
15			\$100,000 or more; property stolen
16			while causing other property
17			damage; 1st degree grand theft.
18	812.019(2)	1st	Stolen property; initiates,
19			organizes, plans, etc., the theft
20			of property and traffics in
21			stolen property.
22	812.133(2)(b)	1st	Carjacking; no firearm, deadly
23			weapon, or other weapon.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.1025(2)	2nd	Lewd or lascivious battery upon
29			an elderly person or disabled
30			adult.
31			

1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(4)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	<u>843.08</u>	<u>1st</u>	<u>Falsely personating an officer</u>
12			<u>during the course of committing a</u>
13			<u>felony.</u>
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other s.
17			893.03(1)(a), (1)(b), (1)(d),
18			(2)(a), or (2)(b) drugs) within
19			1,000 feet of a school.
20	893.13(4)(a)	1st	Deliver to minor cocaine (or
21			other s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), or (2)(b) drugs).
23	893.135(1)(a)1.	1st	Trafficking in cannabis, more
24			than 50 lbs., less than 2,000
25			lbs.
26	893.135		
27	(1)(b)1.a.	1st	Trafficking in cocaine, more than
28			28 grams, less than 200 grams.
29			
30			
31			

1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15			(i) LEVEL 9
16	316.193		
17	(3)(c)3.b.	1st	DUI manslaughter; failing to
18			render aid or give information.
19	782.04(1)	1st	Attempt, conspire, or solicit to
20			commit premeditated murder.
21	782.04(3)	1st,PBL	Accomplice to murder in
22			connection with arson, sexual
23			battery, robbery, burglary, and
24			other specified felonies.
25	782.07(2)	1st	Aggravated manslaughter of an
26			elderly person or disabled adult.
27	782.07(3)	1st	Aggravated manslaughter of a
28			child.
29	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
30			reward or as a shield or hostage.
31			

1	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
2			or facilitate commission of any
3			felony.
4	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
5			interfere with performance of any
6			governmental or political
7			function.
8	787.02(3)(a)	1st	False imprisonment; child under
9			age 13; perpetrator also commits
10			child abuse, sexual battery,
11			lewd, or lascivious act, etc.
12	790.161	1st	Attempted capital destructive
13			device offense.
14	794.011(2)	1st	Attempted sexual battery; victim
15			less than 12 years of age.
16	794.011(2)	Life	Sexual battery; offender younger
17			than 18 years and commits sexual
18			battery on a person less than 12
19			years.
20	794.011(4)	1st	Sexual battery; victim 12 years
21			or older, certain circumstances.
22	794.011(8)(b)	1st	Sexual battery; engage in sexual
23			conduct with minor 12 to 18 years
24			by person in familial or
25			custodial authority.
26	812.13(2)(a)	1st,PBL	Robbery with firearm or other
27			deadly weapon.
28	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
29			deadly weapon.
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1	<u>843.08</u>	<u>1st,PBL</u>	<u>Falsely personating an officer</u>
2			<u>during the course of committing a</u>
3			<u>felony resulting in another's</u>
4			<u>death or injury.</u>
5	847.0145(1)	1st	Selling, or otherwise
6			transferring custody or control,
7			of a minor.
8	847.0145(2)	1st	Purchasing, or otherwise
9			obtaining custody or control, of
10			a minor.
11	859.01	1st	Poisoning food, drink, medicine,
12			or water with intent to kill or
13			injure another person.
14	893.135	1st	Attempted capital trafficking
15			offense.
16	893.135(1)(a)3.	1st	Trafficking in cannabis, more
17			than 10,000 lbs.
18	893.135		
19	(1)(b)1.c.	1st	Trafficking in cocaine, more than
20			400 grams, less than 150
21			kilograms.
22	893.135		
23	(1)(c)1.c.	1st	Trafficking in illegal drugs,
24			more than 28 grams, less than 30
25			kilograms.
26	893.135		
27	(1)(d)1.c.	1st	Trafficking in phencyclidine,
28			more than 400 grams.
29	893.135		
30	(1)(e)1.c.	1st	Trafficking in methaqualone, more
31			than 25 kilograms.

1 893.135

2 (1)(f)1.c. 1st Trafficking in amphetamine, more
3 than 200 grams.

4 Section 4. This act shall take effect October 1 of the
5 year in which enacted and shall apply to offenses committed on
6 or after that date.

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