

By Senator Gutman

34-595A-98

See HB

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. 921.0022, F.S., relating to the

1 Criminal Punishment Code offense severity
2 ranking chart; removing a nonconforming
3 reference; providing for ranking of the
4 offenses; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Section 843.08, Florida Statutes, is
9 amended to read:

10 843.08 Falsely personating officer, etc.--A person who
11 falsely assumes or pretends to be a sheriff, officer of the
12 Florida Highway Patrol, officer of the Game and Fresh Water
13 Fish Commission, officer of the Department of Environmental
14 Protection, officer of the Department of Transportation,
15 officer of the Department of Corrections, correctional
16 probation officer, deputy sheriff, state attorney or assistant
17 state attorney, statewide prosecutor or assistant statewide
18 prosecutor, state attorney investigator, coroner, police
19 officer, lottery special agent or lottery investigator,
20 beverage enforcement agent, or watchman, or any member of the
21 Parole Commission and any administrative aide or supervisor
22 employed by the commission, or any personnel or representative
23 of the Department of Law Enforcement, and takes upon himself
24 or herself to act as such, or to require any other person to
25 aid or assist him or her in a matter pertaining to the duty of
26 any such officer, commits a felony of the second ~~third~~ degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084; however, a person who falsely personates any such
29 officer during the course of the commission of a felony
30 commits a felony of the first ~~second~~ degree, punishable as
31 provided in s. 775.082, s. 775.083, or s. 775.084; except that

1 if the commission of the felony results in the death or
2 personal injury of another human being, the person commits a
3 felony of the first degree, punishable by imprisonment for a
4 term of years not exceeding life, or as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 Section 2. Paragraphs (b), (d), (g), and (i) of
7 subsection (3) of section 921.0022, Florida Statutes, are
8 amended to read:

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

11 (3) OFFENSE SEVERITY RANKING CHART

12	13 Florida	14 Felony	15
16	17 Statute	18 Degree	19 Description
20			(b) LEVEL 2
21	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 22 lbs. in weight or 100 cubic feet 23 in volume or any quantity for 24 commercial purposes, or hazardous 25 waste.
26	517.07	3rd	Registration of securities and 27 furnishing of prospectus 28 required.
29	590.28(1)	3rd	Willful, malicious, or 30 intentional burning.
31	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

1	787.04(1)	3rd	In violation of court order,
2			take, entice, etc., minor beyond
3			state limits.
4	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
5			or more to public communication
6			or any other public service.
7	810.09(2)(e)	3rd	Trespassing on posted <u>commercial</u>
8			commerical horticulture property.
9	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
10			more but less than \$5,000.
11	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
12			more but less than \$300, taken
13			from unenclosed curtilage of
14			dwelling.
15	817.234(1)(a)2.	3rd	False statement in support of
16			insurance claim.
17	817.481(3)(a)	3rd	Obtain credit or purchase with
18			false, expired, counterfeit,
19			etc., credit card, value over
20			\$300.
21	817.52(3)	3rd	Failure to redeliver hired
22			vehicle.
23	817.54	3rd	With intent to defraud, obtain
24			mortgage note, etc., by false
25			representation.
26	817.60(5)	3rd	Dealing in credit cards of
27			another.
28	817.60(6)(a)	3rd	Forgery; purchase goods, services
29			with false card.
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1	817.61	3rd	Fraudulent use of credit cards
2			over \$100 or more within 6
3			months.
4	826.04	3rd	Knowingly marries or has sexual
5			intercourse with person to whom
6			related.
7	831.01	3rd	Forgery.
8	831.02	3rd	Uttering forged instrument;
9			utters or publishes alteration
10			with intent to defraud.
11	831.07	3rd	Forging bank bills or promissory
12			note.
13	831.08	3rd	Possession of 10 or more forged
14			notes.
15	831.09	3rd	Uttering forged bills; passes as
16			bank bill or promissory note.
17	832.05(3)(a)	3rd	Cashing or depositing item with
18			intent to defraud.
19	843.08	3rd	Falsely impersonating an officer.
20	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
21			(2)(c), (3), or (4) drugs other
22			than cannabis.
23	893.147(2)	3rd	Manufacture or delivery of drug
24			paraphernalia.
25			(d) LEVEL 4
26	316.1935(2)	3rd	Fleeing or attempting to elude
27			law enforcement officer resulting
28			in high-speed pursuit.
29	784.07(2)(b)	3rd	Battery of law enforcement
30			officer, firefighter, intake
31			officer, etc.

1	784.075	3rd	Battery on detention or
2			commitment facility staff.
3	784.08(2)(c)	3rd	Battery on a person 65 years of
4			age or older.
5	784.081(3)	3rd	Battery on specified official or
6			employee.
7	784.082(3)	3rd	Battery by detained person on
8			visitor or other detainee.
9	787.03(1)	3rd	Interference with custody;
10			wrongly takes child from
11			appointed guardian.
12	787.04(2)	3rd	Take, entice, or remove child
13			beyond state limits with criminal
14			intent pending custody
15			proceedings.
16	787.04(3)	3rd	Carrying child beyond state lines
17			with criminal intent to avoid
18			producing child at custody
19			hearing or delivering to
20			designated person.
21	790.115(1)	3rd	Exhibiting firearm or weapon
22			within 1,000 feet of a school.
23	790.115(2)(b)	3rd	Possessing electric weapon or
24			device, destructive device, or
25			other weapon on school property.
26	790.115(2)(c)	3rd	Possessing firearm on school
27			property.
28	810.02(4)(a)	3rd	Burglary, or attempted burglary,
29			of an unoccupied structure;
30			unarmed; no assault or battery.
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1	810.02(4)(b)	3rd	Burglary, or attempted burglary,
2			of an unoccupied conveyance;
3			unarmed; no assault or battery.
4	810.06	3rd	Burglary; possession of tools.
5	810.08(2)(c)	3rd	Trespass on property, armed with
6			firearm or dangerous weapon.
7	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
8			or more but less than \$20,000.
9	812.014		
10	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
11			firearm, motor vehicle,
12			livestock, etc.
13	817.563(1)	3rd	Sell or deliver substance other
14			than controlled substance agreed
15			upon, excluding s. 893.03(5)
16			drugs.
17	828.125(1)	2nd	Kill, maim, or cause great bodily
18			harm or permanent breeding
19			disability to any registered
20			horse or cattle.
21	837.02(1)	3rd	Perjury in official proceedings.
22	837.021(1)	3rd	Make contradictory statements in
23			official proceedings.
24	843.025	3rd	Deprive law enforcement,
25			correctional, or correctional
26			probation officer of means of
27			protection or communication.
28	<u>843.08</u>	<u>2nd</u>	<u>Falsely personating an officer.</u>
29	843.15(1)(a)	3rd	Failure to appear while on bail
30			for felony (bond estreature or
31			bond jumping).

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

10 Reclassifies or increases the penalties for the offenses
11 of falsely assuming or pretending to be, or falsely
12 personating, an officer or specified personnel. Provides
13 that such false assumption or pretense is a felony of the
14 second degree. Provides that such false personation
15 during the course of the commission of a felony is a
16 felony of the first degree. Provides that such false
17 personation during the commission of a felony which
18 results in the death or personal injury of another human
19 being is a felony of the first degree punishable by life.
20 Provides penalties. Provides for ranking of the offenses
21 in the Criminal Punishment Code offense severity ranking
22 chart.
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