

By the Committee on Criminal Justice

591-740A-07

1 A bill to be entitled

2 An act relating to crimes that involve or may

3 facilitate the false personation of a law

4 enforcement officer or other person; amending

5 s. 316.2397, F.S., relating to unlawfully

6 showing or displaying certain lights; providing

7 that the unlawful display of blue lights is a

8 first-degree misdemeanor; amending s. 843.08,

9 F.S., relating to falsely personating an

10 officer; subdividing penalty provisions for the

11 purpose of referencing such provisions;

12 amending s. 843.081, F.S.; providing that the

13 unlawful use of flashing or rotating blue

14 lights is a third-degree felony rather than a

15 misdemeanor; amending s. 843.085, F.S.,

16 relating to the unlawful use of police badges

17 or other indicia of authority; clarifying that

18 the offender's intent to mislead another person

19 is an element of such offense; providing

20 penalties; amending s. 921.0022, F.S., relating

21 to the offense severity ranking chart of the

22 Criminal Punishment Code; ranking violations of

23 ss. 843.08, 843.081, 843.085, and 843.0855,

24 F.S., within the chart; providing an effective

25 date.

26

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

28

29 Section 1. Section 316.2397, Florida Statutes, is

30 amended to read:

31 316.2397 Certain lights prohibited; exceptions.--

1 (1) No person shall drive or move or cause to be moved
2 any vehicle or equipment upon any highway within this state
3 with any lamp or device thereon showing or displaying a red or
4 blue light visible from directly in front thereof except for
5 certain vehicles hereinafter provided.

6 (2) It is expressly prohibited for any vehicle or
7 equipment, except police vehicles, to show or display blue
8 lights. However, vehicles owned, operated, or leased by the
9 Department of Corrections may show or display blue lights when
10 responding to emergencies.

11 (3) Vehicles of the fire department and fire patrol,
12 including vehicles of volunteer firefighters as permitted
13 under s. 316.2398, vehicles of medical staff physicians or
14 technicians of medical facilities licensed by the state as
15 authorized under s. 316.2398, ambulances as authorized under
16 this chapter, and buses and taxicabs as authorized under s.
17 316.2399 are permitted to show or display red lights. Vehicles
18 of the fire department, fire patrol, police vehicles, and such
19 ambulances and emergency vehicles of municipal and county
20 departments, public service corporations operated by private
21 corporations, the Department of Environmental Protection, the
22 Department of Transportation, and the Department of
23 Agriculture and Consumer Services as are designated or
24 authorized by their respective department or the chief of
25 police of an incorporated city or any sheriff of any county
26 are hereby authorized to operate emergency lights and sirens
27 in an emergency. Wreckers, mosquito control fog and spray
28 vehicles, and emergency vehicles of governmental departments
29 or public service corporations may show or display amber
30 lights when in actual operation or when a hazard exists
31 provided they are not used going to and from the scene of

1 operation or hazard without specific authorization of a law
2 enforcement officer or law enforcement agency. Wreckers must
3 use amber rotating or flashing lights while performing
4 recoveries and loading on the roadside day or night, and may
5 use such lights while towing a vehicle on wheel lifts, slings,
6 or under reach if the operator of the wrecker deems such
7 lights necessary. A flatbed, car carrier, or rollback may not
8 use amber rotating or flashing lights when hauling a vehicle
9 on the bed unless it creates a hazard to other motorists
10 because of protruding objects. Further, escort vehicles may
11 show or display amber lights when in the actual process of
12 escorting overdimensioned equipment, material, or buildings as
13 authorized by law. Vehicles of private watch, guard, or patrol
14 agencies licensed pursuant to chapter 493 may show or display
15 amber lights while patrolling condominium, cooperative, and
16 private residential and business communities by which employed
17 and which traverse public streets or highways.

18 (4) Road or street maintenance equipment, road or
19 street maintenance vehicles, road service vehicles, refuse
20 collection vehicles, petroleum tankers, and mail carrier
21 vehicles may show or display amber lights when in operation or
22 a hazard exists.

23 (5) Road maintenance and construction equipment and
24 vehicles may display flashing white lights or flashing white
25 strobe lights when in operation and where a hazard exists.
26 Additionally, school buses and vehicles that are used to
27 transport farm workers may display flashing white strobe
28 lights.

29 (6) All lighting equipment heretofore referred to
30 shall meet all requirements as set forth in s. 316.241.
31

1 (7) Flashing lights are prohibited on vehicles except
2 as a means of indicating a right or left turn, to change
3 lanes, or to indicate that the vehicle is lawfully stopped or
4 disabled upon the highway or except that the lamps authorized
5 in subsections (1), (2), (3), (4), and (9) and s. 316.235(5)
6 are permitted to flash.

7 (8) Subsections (1) and (7) do not apply to police,
8 fire, or authorized emergency vehicles while in the
9 performance of their necessary duties.

10 (9) Flashing red lights may be used by emergency
11 response vehicles of the Department of Environmental
12 Protection and the Department of Health when responding to an
13 emergency in the line of duty.

14 (10) Except for a violation of subsection (2), a
15 violation of this section is a noncriminal traffic infraction,
16 punishable as a nonmoving violation as provided in chapter
17 318. A violation of subsection (2) is a misdemeanor of the
18 first degree, punishable as provided in s. 775.082 or s.
19 775.083.

20 Section 2. Section 843.08, Florida Statutes, is
21 amended to read:

22 843.08 Falsely personating officer, etc.--

23 (1) It is unlawful for a person to ~~who~~ falsely assume
24 ~~assumes~~ or pretend ~~pretends~~ to be a sheriff, officer of the
25 Florida Highway Patrol, officer of the Fish and Wildlife
26 Conservation Commission, officer of the Department of
27 Environmental Protection, officer of the Department of
28 Transportation, officer of the Department of Financial
29 Services, officer of the Department of Corrections,
30 correctional probation officer, deputy sheriff, state attorney
31 or assistant state attorney, statewide prosecutor or assistant

1 statewide prosecutor, state attorney investigator, coroner,
2 police officer, lottery special agent or lottery investigator,
3 beverage enforcement agent, or watchman, or any member of the
4 Parole Commission and any administrative aide or supervisor
5 employed by the commission, or any personnel or representative
6 of the Department of Law Enforcement, and ~~take~~ takes upon
7 himself or herself to act as such, or to require any other
8 person to aid or assist him or her in a matter pertaining to
9 the duty of any such officer.

10 (2) Any person who violates subsection (1) commits a
11 felony of the third degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084. ~~; however, a~~

13 (3) Any person who falsely personates any such officer
14 in violation of subsection (1) during the course of the
15 commission of a felony commits a felony of the second degree,
16 punishable as provided in s. 775.082, s. 775.083, or s.
17 775.084. ~~; except that if the~~

18 (4) Any person who falsely personates any such officer
19 in violation of subsection (1) during the course of the
20 commission of a felony, and the commission of the felony
21 results in the death or personal injury of another human
22 being, the person commits a felony of the first degree,
23 punishable as provided in s. 775.082, s. 775.083, or s.
24 775.084.

25 Section 3. Section 843.081, Florida Statutes, is
26 amended to read:

27 843.081 Prohibited use of certain lights; penalty.--

28 (1) The Legislature finds and declares that Florida's
29 citizens are vulnerable to becoming the victims of criminal
30 acts through the illegal use of blue lights by the criminal
31 elements. It is the intent of the Legislature to reduce this

1 | vulnerability to injury and loss of life and property by
2 | prohibiting the use of certain blue lights by any person other
3 | than an authorized law enforcement officer.

4 | (2) It is unlawful for a person to use in or on any
5 | nongovernmentally owned vehicle or vessel any flashing or
6 | rotating blue light unless such person is a law enforcement
7 | officer employed by a federal, state, county, or city law
8 | enforcement agency or is a person appointed by the Governor
9 | pursuant to chapter 354.

10 | (3) The provisions of this section shall not apply to
11 | salespersons, service representatives, or other employees of
12 | businesses licensed to sell or repair law enforcement
13 | equipment.

14 | (4) For the purposes of this section, the term
15 | "flashing or rotating blue light" includes all forms of lights
16 | which display a blue light source or which were designed with
17 | the intent of displaying a blue light source whether or not
18 | such light is actually in use.

19 | (5) Any person who violates any of the provisions of
20 | this section commits a felony ~~misdemeanor~~ of the third ~~first~~
21 | degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,
22 | or s. 775.084.

23 | Section 4. Section 843.085, Florida Statutes, is
24 | amended to read:

25 | 843.085 Unlawful use of police badges or other indicia
26 | of authority. ~~--It is unlawful for any person:~~

27 | (1) It is unlawful for any person, unless appointed by
28 | the Governor pursuant to chapter 354, authorized by the
29 | appropriate agency, or displayed in a closed or mounted case
30 | as a collection or exhibit, to wear or display any authorized
31 | indicia of authority, including any badge, insignia, emblem,

1 identification card, or uniform, or any colorable imitation
2 thereof, of any federal, state, county, or municipal law
3 enforcement agency, or other criminal justice agency as now or
4 hereafter defined in s. 943.045, with the intent to mislead or
5 cause another person to believe that he or she is a member of
6 that agency or is authorized to display or wear such item,
7 ~~which could deceive a reasonable person into believing that~~
8 ~~such item is authorized by any of the agencies described above~~
9 ~~for use by the person displaying or wearing it, or to wear or~~
10 display any such item that ~~which~~ displays in any manner or
11 combination the word or words "police," "patrolman," "agent,"
12 "sheriff," "deputy," "trooper," "highway patrol," "Wildlife
13 Officer," "Marine Patrol Officer," "state attorney," "public
14 defender," "marshal," "constable," or "bailiff," with the
15 intent to mislead or cause another person to believe that he
16 or she is a member of that agency or is authorized to wear or
17 display such item ~~which could deceive a reasonable person into~~
18 ~~believing that such item is authorized by any of the agencies~~
19 ~~described above for use by the person displaying or wearing~~
20 ~~it. A violation of this subsection is a felony of the third~~
21 degree, punishable as provided in s. 775.082, s. 775.083, or
22 s. 775.084.

23 (2) It is unlawful for any person to own or operate a
24 motor vehicle marked or identified in any manner or
25 combination by the word or words "police," "patrolman,"
26 "sheriff," "deputy," "trooper," "highway patrol," "Wildlife
27 Officer," "Marine Patrol Officer," "marshal," "constable," or
28 "bailiff," or by any lettering, marking, or insignia, or
29 colorable imitation thereof, including, but not limited to,
30 stars, badges, or shields, officially used to identify the
31 vehicle as a federal, state, county, or municipal law

1 enforcement vehicle or a vehicle used by a criminal justice
2 agency as now or hereafter defined in s. 943.045 with the
3 intent to mislead or cause another person to believe that such
4 vehicle is an official vehicle of that agency and is
5 authorized to be used by that agency, ~~which could deceive a~~
6 ~~reasonable person into believing that such vehicle is~~
7 ~~authorized by any of the agencies described above for use by~~
8 ~~the person operating the motor vehicle,~~ unless such vehicle is
9 owned or operated by the appropriate agency and its use is
10 authorized by such agency, or the local law enforcement agency
11 authorizes the use of such vehicle or unless the person is
12 appointed by the Governor pursuant to chapter 354. A violation
13 of this subsection is a felony of the third degree, punishable
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

15 (3)(a) It is unlawful for any person to sell,
16 transfer, or give away the authorized badge, or colorable
17 imitation thereof, including miniatures, of any criminal
18 justice agency as now or hereafter defined in s. 943.045, or
19 bearing in any manner or combination the word or words
20 "police," "patrolman," "sheriff," "deputy," "trooper,"
21 "highway patrol," "Wildlife Officer," "Marine Patrol Officer,"
22 "marshal," "constable," "agent," "state attorney," "public
23 defender," or "bailiff," which could deceive a reasonable
24 person into believing that such item is authorized by any of
25 the agencies described above, except for agency purchases or
26 upon the presentation and recordation of both a driver's
27 license and other identification showing any transferee to
28 actually be a member of such criminal justice agency or unless
29 the person is appointed by the Governor pursuant to chapter
30 354. A violation of this paragraph is a felony of the third
31

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (b) A transferor of an item covered by this subsection
4 is required to maintain for 2 years a written record of such
5 transaction, including records showing compliance with this
6 subsection, and if such transferor is a business, it shall
7 make such records available during normal business hours for
8 inspection by any law enforcement agency having jurisdiction
9 in the area where the business is located. A violation of this
10 paragraph is a misdemeanor of the first degree, punishable as
11 provided in s. 775.082 or s. 775.083.

12 (4) ~~Nothing in~~ This section does not shall prohibit a
13 fraternal, benevolent, or labor organization or association,
14 or their chapters or subsidiaries, from using the following
15 words, in any manner or in any combination, if those words
16 appear in the official name of the organization or
17 association: "police," "patrolman," "sheriff," "deputy,"
18 "trooper," "highway patrol," "Wildlife Officer," "Marine
19 Patrol Officer," "marshal," "constable," or "bailiff."

20 (5) ~~Violation of any provision of this section is a~~
21 ~~misdemeanor of the first degree, punishable as provided in s.~~
22 ~~775.082 or s. 775.083.~~ This section is cumulative to any law
23 now in force in the state.

24 Section 5. Paragraphs (b), (c), (e), and (g) of
25 subsection (3) of section 921.0022, Florida Statutes, are
26 amended to read:

27 921.0022 Criminal Punishment Code; offense severity
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART
30
31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(b) LEVEL 2
6	370.12(1)(e)3.	3rd	Possession of 11 or fewer marine
7			turtle eggs in violation of the
8			Marine Turtle Protection Act.
9	370.12(1)(e)4.	3rd	Possession of more than 11 marine
10			turtle eggs in violation of the
11			Marine Turtle Protection Act.
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	810.061(2)	3rd	Impairing or impeding telephone
2			or power to a dwelling;
3			facilitating or furthering
4			burglary.
5	810.09(2)(e)	3rd	Trespassing on posted commercial
6			horticulture property.
7	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
8			more but less than \$5,000.
9	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
10			more but less than \$300, taken
11			from unenclosed curtilage of
12			dwelling.
13	812.015(7)	3rd	Possession, use, or attempted use
14			of an antishoplifting or
15			inventory control device
16			countermeasure.
17	817.234(1)(a)2.	3rd	False statement in support of
18			insurance claim.
19	817.481(3)(a)	3rd	Obtain credit or purchase with
20			false, expired, counterfeit,
21			etc., credit card, value over
22			\$300.
23	817.52(3)	3rd	Failure to redeliver hired
24			vehicle.
25	817.54	3rd	With intent to defraud, obtain
26			mortgage note, etc., by false
27			representation.
28	817.60(5)	3rd	Dealing in credit cards of
29			another.
30	817.60(6)(a)	3rd	Forgery; purchase goods, services
31			with false card.

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, checks,
12			drafts, or promissory notes.
13	831.08	3rd	Possessing 10 or more forged
14			notes, bills, checks, or drafts.
15	831.09	3rd	Uttering forged notes, bills,
16			checks, drafts, or promissory
17			notes.
18	831.11	3rd	Bringing into the state forged
19			bank bills, checks, drafts, or
20			notes.
21	832.05(3)(a)	3rd	Cashing or depositing item with
22			intent to defraud.
23	843.08	3rd	Falsely impersonating an officer.
24	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
25			(2)(c)1., (2)(c)2., (2)(c)3.,
26			(2)(c)5., (2)(c)6., (2)(c)7.,
27			(2)(c)8., (2)(c)9., (3), or (4)
28			drugs other than cannabis.
29	893.147(2)	3rd	Manufacture or delivery of drug
30			paraphernalia.
31			(c) LEVEL 3

1	119.10(2)(b)	3rd	Unlawful use of confidential
2			information from police reports.
3	316.066(6)		
4	(b)-(d)	3rd	Unlawfully obtaining or using
5			confidential crash reports.
6	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
7	316.1935(2)	3rd	Fleeing or attempting to elude
8			law enforcement officer in patrol
9			vehicle with siren and lights
10			activated.
11	319.30(4)	3rd	Possession by junkyard of motor
12			vehicle with identification
13			number plate removed.
14	319.33(1)(a)	3rd	Alter or forge any certificate of
15			title to a motor vehicle or
16			mobile home.
17	319.33(1)(c)	3rd	Procure or pass title on stolen
18			vehicle.
19	319.33(4)	3rd	With intent to defraud, possess,
20			sell, etc., a blank, forged, or
21			unlawfully obtained title or
22			registration.
23	327.35(2)(b)	3rd	Felony BUI.
24	328.05(2)	3rd	Possess, sell, or counterfeit
25			fictitious, stolen, or fraudulent
26			titles or bills of sale of
27			vessels.
28	328.07(4)	3rd	Manufacture, exchange, or possess
29			vessel with counterfeit or wrong
30			ID number.
31			

1	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
2			destroying, causing to be
3			destroyed, transferring, selling,
4			offering to sell, molesting, or
5			harassing marine turtles, marine
6			turtle eggs, or marine turtle
7			nests in violation of the Marine
8			Turtle Protection Act.
9	370.12(1)(e)6.	3rd	Soliciting to commit or
10			conspiring to commit a violation
11			of the Marine Turtle Protection
12			Act.
13	376.302(5)	3rd	Fraud related to reimbursement
14			for cleanup expenses under the
15			Inland Protection Trust Fund.
16	400.903(3)	3rd	Operating a clinic without a
17			license or filing false license
18			application or other required
19			information.
20	440.105(3)(b)	3rd	Receipt of fee or consideration
21			without approval by judge of
22			compensation claims.
23	440.1051(3)	3rd	False report of workers'
24			compensation fraud or retaliation
25			for making such a report.
26	501.001(2)(b)	2nd	Tampers with a consumer product
27			or the container using materially
28			false/misleading information.
29	624.401(4)(a)	3rd	Transacting insurance without a
30			certificate of authority.
31			

1	624.401(4)(b)1.	3rd	Transacting insurance without a
2			certificate of authority; premium
3			collected less than \$20,000.
4	626.902(1)		
5	(a) & (b)	3rd	Representing an unauthorized
6			insurer.
7	697.08	3rd	Equity skimming.
8	790.15(3)	3rd	Person directs another to
9			discharge firearm from a vehicle.
10	796.05(1)	3rd	Live on earnings of a prostitute.
11	806.10(1)	3rd	Maliciously injure, destroy, or
12			interfere with vehicles or
13			equipment used in firefighting.
14	806.10(2)	3rd	Interferes with or assaults
15			firefighter in performance of
16			duty.
17	810.09(2)(c)	3rd	Trespass on property other than
18			structure or conveyance armed
19			with firearm or dangerous weapon.
20	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
21			less than \$10,000.
22	812.0145(2)(c)	3rd	Theft from person 65 years of age
23			or older; \$300 or more but less
24			than \$10,000.
25	815.04(4)(b)	2nd	Computer offense devised to
26			defraud or obtain property.
27	817.034(4)(a)3.	3rd	Engages in scheme to defraud
28			(Florida Communications Fraud
29			Act), property valued at less
30			than \$20,000.
31	817.233	3rd	Burning to defraud insurer.

1	817.234(8)		
2	(b)-(c)	3rd	Unlawful solicitation of persons
3			involved in motor vehicle
4			accidents.
5	817.234(11)(a)	3rd	Insurance fraud; property value
6			less than \$20,000.
7	817.236	3rd	Filing a false motor vehicle
8			insurance application.
9	817.2361	3rd	Creating, marketing, or
10			presenting a false or fraudulent
11			motor vehicle insurance card.
12	817.413(2)	3rd	Sale of used goods as new.
13	817.505(4)	3rd	Patient brokering.
14	828.12(2)	3rd	Tortures any animal with intent
15			to inflict intense pain, serious
16			physical injury, or death.
17	831.28(2)(a)	3rd	Counterfeiting a payment
18			instrument with intent to defraud
19			or possessing a counterfeit
20			payment instrument.
21	831.29	2nd	Possession of instruments for
22			counterfeiting drivers' licenses
23			or identification cards.
24	838.021(3)(b)	3rd	Threatens unlawful harm to public
25			servant.
26	<u>843.08(2)</u>	<u>3rd</u>	<u>False personation of an officer.</u>
27	<u>843.081</u>	<u>3rd</u>	<u>Prohibited use of certain lights.</u>
28	<u>843.085(1)</u>	<u>3rd</u>	<u>Wearing or displaying indicia of</u>
29			<u>authority of a law enforcement</u>
30			<u>agency.</u>
31			

1	<u>843.085(2)</u>	<u>3rd</u>	<u>Owning or operating a motor</u>
2			<u>vehicle with certain markings or</u>
3			<u>identification.</u>
4	<u>843.085(3)(a)</u>	<u>3rd</u>	<u>Selling, transferring, or giving</u>
5			<u>away certain badges.</u>
6	<u>843.0855(2)</u>	<u>3rd</u>	<u>Impersonating a public officer or</u>
7			<u>other specified person in</u>
8			<u>connection with or relating to</u>
9			<u>legal process.</u>
10	<u>843.0855(3)</u>	<u>3rd</u>	<u>Simulating legal process.</u>
11	<u>843.0855(4)</u>	<u>3rd</u>	<u>Influencing, intimidating, or</u>
12			<u>hindering a public officer or law</u>
13			<u>enforcement officer.</u>
14	843.19	3rd	Injure, disable, or kill police
15			dog or horse.
16	860.15(3)	3rd	Overcharging for repairs and
17			parts.
18	870.01(2)	3rd	Riot; inciting or encouraging.
19	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
20			cannabis (or other s.
21			893.03(1)(c), (2)(c)1., (2)(c)2.,
22			(2)(c)3., (2)(c)5., (2)(c)6.,
23			(2)(c)7., (2)(c)8., (2)(c)9.,
24			(3), or (4) drugs).
25	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
26			893.03(1)(c), (2)(c)1., (2)(c)2.,
27			(2)(c)3., (2)(c)5., (2)(c)6.,
28			(2)(c)7., (2)(c)8., (2)(c)9.,
29			(3), or (4) drugs within 1,000
30			feet of university.
31			

1	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 1,000
6			feet of public housing facility.
7	893.13(6)(a)	3rd	Possession of any controlled
8			substance other than felony
9			possession of cannabis.
10	893.13(7)(a)8.	3rd	Withhold information from
11			practitioner regarding previous
12			receipt of or prescription for a
13			controlled substance.
14	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
15			controlled substance by fraud,
16			forgery, misrepresentation, etc.
17	893.13(7)(a)10.	3rd	Affix false or forged label to
18			package of controlled substance.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
24			person, or owner of an animal in
25			obtaining a controlled substance
26			through deceptive, untrue, or
27			fraudulent representations in or
28			related to the practitioner's
29			practice.
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1	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
2			practitioner's practice to assist
3			a patient, other person, or owner
4			of an animal in obtaining a
5			controlled substance.
6	893.13(8)(a)3.	3rd	Knowingly write a prescription
7			for a controlled substance for a
8			fictitious person.
9	893.13(8)(a)4.	3rd	Write a prescription for a
10			controlled substance for a
11			patient, other person, or an
12			animal if the sole purpose of
13			writing the prescription is a
14			monetary benefit for the
15			practitioner.
16	918.13(1)(a)	3rd	Alter, destroy, or conceal
17			investigation evidence.
18	944.47		
19	(1)(a)1.-2.	3rd	Introduce contraband to
20			correctional facility.
21	944.47(1)(c)	2nd	Possess contraband while upon the
22			grounds of a correctional
23			institution.
24	985.721	3rd	Escapes from a juvenile facility
25			(secure detention or residential
26			commitment facility).
27			(e) LEVEL 5
28	316.027(1)(a)	3rd	Accidents involving personal
29			injuries, failure to stop;
30			leaving scene.
31	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.

1	322.34(6)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041		
8	(11)(b)	3rd	Donate blood, plasma, or organs
9			knowing HIV positive.
10	440.10(1)(g)	2nd	Failure to obtain workers'
11			compensation coverage.
12	440.105(5)	2nd	Unlawful solicitation for the
13			purpose of making workers'
14			compensation claims.
15	440.381(2)	2nd	Submission of false, misleading,
16			or incomplete information with
17			the purpose of avoiding or
18			reducing workers' compensation
19			premiums.
20	624.401(4)(b)2.	2nd	Transacting insurance without a
21			certificate or authority; premium
22			collected \$20,000 or more but
23			less than \$100,000.
24	626.902(1)(c)	2nd	Representing an unauthorized
25			insurer; repeat offender.
26	790.01(2)	3rd	Carrying a concealed firearm.
27	790.162	2nd	Threat to throw or discharge
28			destructive device.
29	790.163(1)	2nd	False report of deadly explosive
30			or weapon of mass destruction.
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1	790.221(1)	2nd	Possession of short-barreled
2			shotgun or machine gun.
3	790.23	2nd	Felons in possession of firearms,
4			ammunition, or electronic weapons
5			or devices.
6	800.04(6)(c)	3rd	Lewd or lascivious conduct;
7			offender less than 18 years.
8	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
9			offender 18 years or older.
10	806.111(1)	3rd	Possess, manufacture, or dispense
11			fire bomb with intent to damage
12			any structure or property.
13	812.0145(2)(b)	2nd	Theft from person 65 years of age
14			or older; \$10,000 or more but
15			less than \$50,000.
16	812.015(8)	3rd	Retail theft; property stolen is
17			valued at \$300 or more and one or
18			more specified acts.
19	812.019(1)	2nd	Stolen property; dealing in or
20			trafficking in.
21	812.131(2)(b)	3rd	Robbery by sudden snatching.
22	812.16(2)	3rd	Owning, operating, or conducting
23			a chop shop.
24	817.034(4)(a)2.	2nd	Communications fraud, value
25			\$20,000 to \$50,000.
26	817.234(11)(b)	2nd	Insurance fraud; property value
27			\$20,000 or more but less than
28			\$100,000.
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1	817.2341(1),		
2	(2)(a)&(3)(a)	3rd	Filing false financial
3			statements, making false entries
4			of material fact or false
5			statements regarding property
6			values relating to the solvency
7			of an insuring entity.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$5,000 or more
13			or use of personal identification
14			information of 10 or more
15			individuals.
16	817.625(2)(b)	2nd	Second or subsequent fraudulent
17			use of scanning device or
18			reencoder.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	827.071(5)	3rd	Possess any photographic
27			material, motion picture, etc.,
28			which includes sexual conduct by
29			a child.
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1	839.13(2)(b)	2nd	Falsifying records of an
2			individual in the care and
3			custody of a state agency
4			involving great bodily harm or
5			death.
6	843.01	3rd	Resist officer with violence to
7			person; resist arrest with
8			violence.
9	<u>843.08(3)</u>	<u>2nd</u>	<u>False personation of an officer</u>
10			<u>during the course of the</u>
11			<u>commission of a felony.</u>
12	847.0137		
13	(2)&(3)	3rd	Transmission of pornography by
14			electronic device or equipment.
15	847.0138		
16	(2)&(3)	3rd	Transmission of material harmful
17			to minors to a minor by
18			electronic device or equipment.
19	874.05(2)	2nd	Encouraging or recruiting another
20			to join a criminal street gang;
21			second or subsequent offense.
22	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
23			cocaine (or other s.
24			893.03(1)(a), (1)(b), (1)(d),
25			(2)(a), (2)(b), or (2)(c)4.
26			drugs).
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1	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs) within 1,000
7			feet of a child care facility,
8			school, or state, county, or
9			municipal park or publicly owned
10			recreational facility or
11			community center.
12	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
13			cocaine (or other s.
14			893.03(1)(a), (1)(b), (1)(d),
15			(2)(a), (2)(b), or (2)(c)4.
16			drugs) within 1,000 feet of
17			university.
18	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
19			cannabis or other drug prohibited
20			under s. 893.03(1)(c), (2)(c)1.,
21			(2)(c)2., (2)(c)3., (2)(c)5.,
22			(2)(c)6., (2)(c)7., (2)(c)8.,
23			(2)(c)9., (3), or (4) within
24			1,000 feet of property used for
25			religious services or a specified
26			business site.
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1	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d), or
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 1,000 feet of
6			public housing facility.
7	893.13(4)(b)	2nd	Deliver to minor cannabis (or
8			other s. 893.03(1)(c), (2)(c)1.,
9			(2)(c)2., (2)(c)3., (2)(c)5.,
10			(2)(c)6., (2)(c)7., (2)(c)8.,
11			(2)(c)9., (3), or (4) drugs).
12			(g) LEVEL 7
13	316.027(1)(b)	1st	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
16			injury.
17	316.1935(3)(b)	1st	Causing serious bodily injury or
18			death to another person; driving
19			at high speed or with wanton
20			disregard for safety while
21			fleeing or attempting to elude
22			law enforcement officer who is in
23			a patrol vehicle with siren and
24			lights activated.
25	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
26			bodily injury.
27	402.319(2)	2nd	Misrepresentation and negligence
28			or intentional act resulting in
29			great bodily harm, permanent
30			disfiguration, permanent
31			disability, or death.

1	409.920(2)	3rd	Medicaid provider fraud.
2	456.065(2)	3rd	Practicing a health care
3			profession without a license.
4	456.065(2)	2nd	Practicing a health care
5			profession without a license
6			which results in serious bodily
7			injury.
8	458.327(1)	3rd	Practicing medicine without a
9			license.
10	459.013(1)	3rd	Practicing osteopathic medicine
11			without a license.
12	460.411(1)	3rd	Practicing chiropractic medicine
13			without a license.
14	461.012(1)	3rd	Practicing podiatric medicine
15			without a license.
16	462.17	3rd	Practicing naturopathy without a
17			license.
18	463.015(1)	3rd	Practicing optometry without a
19			license.
20	464.016(1)	3rd	Practicing nursing without a
21			license.
22	465.015(2)	3rd	Practicing pharmacy without a
23			license.
24	466.026(1)	3rd	Practicing dentistry or dental
25			hygiene without a license.
26	467.201	3rd	Practicing midwifery without a
27			license.
28	468.366	3rd	Delivering respiratory care
29			services without a license.
30	483.828(1)	3rd	Practicing as clinical laboratory
31			personnel without a license.

1	483.901(9)	3rd	Practicing medical physics
2			without a license.
3	484.013(1)(c)	3rd	Preparing or dispensing optical
4			devices without a prescription.
5	484.053	3rd	Dispensing hearing aids without a
6			license.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	560.123(8)(b)1.	3rd	Failure to report currency or
14			payment instruments exceeding
15			\$300 but less than \$20,000 by
16			money transmitter.
17	560.125(5)(a)	3rd	Money transmitter business by
18			unauthorized person, currency or
19			payment instruments exceeding
20			\$300 but less than \$20,000.
21	655.50(10)(b)1.	3rd	Failure to report financial
22			transactions exceeding \$300 but
23			less than \$20,000 by financial
24			institution.
25	775.21(10)(a)	3rd	Sexual predator; failure to
26			register; failure to renew
27			driver's license or
28			identification card; other
29			registration violations.
30	775.21(10)(b)	3rd	Sexual predator working where
31			children regularly congregate.

1	775.21(10)(g)	3rd	Failure to report or providing
2			false information about a sexual
3			predator; harbor or conceal a
4			sexual predator.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.048(7)	3rd	Aggravated stalking; violation of
31			court order.

1	784.07(2)(d)	1st	Aggravated battery on law
2			enforcement officer.
3	784.074(1)(a)	1st	Aggravated battery on sexually
4			violent predators facility staff.
5	784.08(2)(a)	1st	Aggravated battery on a person 65
6			years of age or older.
7	784.081(1)	1st	Aggravated battery on specified
8			official or employee.
9	784.082(1)	1st	Aggravated battery by detained
10			person on visitor or other
11			detainee.
12	784.083(1)	1st	Aggravated battery on code
13			inspector.
14	790.07(4)	1st	Specified weapons violation
15			subsequent to previous conviction
16			of s. 790.07(1) or (2).
17	790.16(1)	1st	Discharge of a machine gun under
18			specified circumstances.
19	790.165(2)	2nd	Manufacture, sell, possess, or
20			deliver hoax bomb.
21	790.165(3)	2nd	Possessing, displaying, or
22			threatening to use any hoax bomb
23			while committing or attempting to
24			commit a felony.
25	790.166(3)	2nd	Possessing, selling, using, or
26			attempting to use a hoax weapon
27			of mass destruction.
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1	790.166(4)	2nd	Possessing, displaying, or
2			threatening to use a hoax weapon
3			of mass destruction while
4			committing or attempting to
5			commit a felony.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)1.	1st	Property stolen, valued at
24			\$100,000 or more or a semitrailer
25			deployed by a law enforcement
26			officer; property stolen while
27			causing other property damage;
28			1st degree grand theft.
29	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
30			less than \$50,000, grand theft in
31			2nd degree.

1	812.014(2)(b)3.	2nd	Property stolen, emergency
2			medical equipment; 2nd degree
3			grand theft.
4	812.0145(2)(a)	1st	Theft from person 65 years of age
5			or older; \$50,000 or more.
6	812.019(2)	1st	Stolen property; initiates,
7			organizes, plans, etc., the theft
8			of property and traffics in
9			stolen property.
10	812.131(2)(a)	2nd	Robbery by sudden snatching.
11	812.133(2)(b)	1st	Carjacking; no firearm, deadly
12			weapon, or other weapon.
13	817.234(8)(a)	2nd	Solicitation of motor vehicle
14			accident victims with intent to
15			defraud.
16	817.234(9)	2nd	Organizing, planning, or
17			participating in an intentional
18			motor vehicle collision.
19	817.234(11)(c)	1st	Insurance fraud; property value
20			\$100,000 or more.
21	817.2341(2)(b)&		
22	(3)(b)	1st	Making false entries of material
23			fact or false statements
24			regarding property values
25			relating to the solvency of an
26			insuring entity which are a
27			significant cause of the
28			insolvency of that entity.
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1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.103(2)(b)	2nd	Exploiting an elderly person or
6			disabled adult and property is
7			valued at \$20,000 or more, but
8			less than \$100,000.
9	827.03(3)(b)	2nd	Neglect of a child causing great
10			bodily harm, disability, or
11			disfigurement.
12	827.04(3)	3rd	Impregnation of a child under 16
13			years of age by person 21 years
14			of age or older.
15	837.05(2)	3rd	Giving false information about
16			alleged capital felony to a law
17			enforcement officer.
18	838.015	2nd	Bribery.
19	838.016	2nd	Unlawful compensation or reward
20			for official behavior.
21	838.021(3)(a)	2nd	Unlawful harm to a public
22			servant.
23	838.22	2nd	Bid tampering.
24	<u>843.08(4)</u>	<u>1st</u>	<u>False personation of an officer</u>
25			<u>during the course of the</u>
26			<u>commission of a felony; death or</u>
27			<u>personal injury.</u>
28	847.0135(3)	3rd	Solicitation of a child, via a
29			computer service, to commit an
30			unlawful sex act.
31	872.06	2nd	Abuse of a dead human body.

1	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4.) within 1,000 feet of a
6			child care facility, school, or
7			state, county, or municipal park
8			or publicly owned recreational
9			facility or community center.
10	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
11			cocaine or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), (2)(b), or
14			(2)(c)4., within 1,000 feet of
15			property used for religious
16			services or a specified business
17			site.
18	893.13(4)(a)	1st	Deliver to minor cocaine (or
19			other s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), (2)(b), or
21			(2)(c)4. drugs).
22	893.135(1)(a)1.	1st	Trafficking in cannabis, more
23			than 25 lbs., less than 2,000
24			lbs.
25	893.135		
26	(1)(b)1.a.	1st	Trafficking in cocaine, more than
27			28 grams, less than 200 grams.
28	893.135		
29	(1)(c)1.a.	1st	Trafficking in illegal drugs,
30			more than 4 grams, less than 14
31			grams.

1	893.135		
2	(1)(d)1.	1st	Trafficking in phencyclidine,
3			more than 28 grams, less than 200
4			grams.
5	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
6			than 200 grams, less than 5
7			kilograms.
8	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
9			than 14 grams, less than 28
10			grams.
11	893.135		
12	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
13			grams or more, less than 14
14			grams.
15	893.135		
16	(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135		
21	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
22			kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
26			10 grams or more, less than 200
27			grams.
28	896.101(5)(a)	3rd	Money laundering, financial
29			transactions exceeding \$300 but
30			less than \$20,000.
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1	896.104(4)(a)1.	3rd	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions exceeding \$300 but
5			less than \$20,000.
6	943.0435(4)(c)	2nd	Sexual offender vacating
7			permanent residence; failure to
8			comply with reporting
9			requirements.
10	943.0435(8)	2nd	Sexual offender; remains in state
11			after indicating intent to leave;
12			failure to comply with reporting
13			requirements.
14	943.0435(9)(a)	3rd	Sexual offender; failure to
15			comply with reporting
16			requirements.
17	943.0435(13)	3rd	Failure to report or providing
18			false information about a sexual
19			offender; harbor or conceal a
20			sexual offender.
21	943.0435(14)	3rd	Sexual offender; failure to
22			report and reregister; failure to
23			respond to address verification.
24	944.607(9)	3rd	Sexual offender; failure to
25			comply with reporting
26			requirements.
27	944.607(10)(a)	3rd	Sexual offender; failure to
28			submit to the taking of a
29			digitized photograph.
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1 944.607(12) 3rd Failure to report or providing
2 false information about a sexual
3 offender; harbor or conceal a
4 sexual offender.
5 944.607(13) 3rd Sexual offender; failure to
6 report and reregister; failure to
7 respond to address verification.

8 Section 6. This act shall take effect July 1, 2007.
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11 SENATE SUMMARY

12 Revises various provisions of law involving crimes that
13 facilitate the false personation of a law enforcement
14 officer or other official. Increases the penalties for
15 unlawfully displaying blue lights. Provides that the
16 offender's intent to mislead another person is an element
17 of the offense of unlawfully using a police badge or
18 other indicia of authority. Ranks various offenses within
19 the offense severity ranking chart of the Criminal
20 Punishment Code. (See bill for details.)
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