

HB 317

2009

1 A bill to be entitled  
2 An act relating to the false personation of a law  
3 enforcement officer or other person; amending s. 316.2397,  
4 F.S., relating to unlawfully showing or displaying certain  
5 lights; providing that the unlawful display of blue lights  
6 is a misdemeanor of the first degree; amending s. 843.08,  
7 F.S., relating to falsely personating an officer;  
8 subdividing penalty provisions for the purpose of  
9 referencing such provisions; amending s. 843.081, F.S.;  
10 providing that the unlawful use of flashing or rotating  
11 blue lights is a felony of the third degree rather than a  
12 misdemeanor of the first degree; amending s. 843.085,  
13 F.S., relating to the unlawful use of police badges or  
14 other indicia of authority; providing that unlawfully  
15 wearing, displaying, selling, transferring, or giving away  
16 specified indicia of authority of a criminal justice  
17 agency, or unlawfully owning or operating a motor vehicle  
18 marked with such indicia, is a felony of the third degree  
19 rather than a misdemeanor of the first degree; clarifying  
20 that the intent to mislead is an element of unlawfully  
21 wearing or displaying specified indicia of authority of a  
22 criminal justice agency; providing penalties; amending s.  
23 921.0022, F.S., relating to the offense severity ranking  
24 chart of the Criminal Punishment Code; ranking violations  
25 of ss. 843.08, 843.081, 843.085, and 843.0855, F.S.,  
26 within the chart; providing an effective date.

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0317-00

29  
 30 Section 1. Subsections (2) and (10) of section 316.2397,  
 31 Florida Statutes, are amended to read:

32 316.2397 Certain lights prohibited; exceptions.--

33 (2) It is expressly prohibited for any vehicle or  
 34 equipment, except a police vehicle ~~vehicles~~, to show or display  
 35 blue lights. However, vehicles owned, operated, or leased by the  
 36 Department of Corrections may show or display blue lights when  
 37 responding to emergencies.

38 (10) Except for a violation of subsection (2), a violation  
 39 of this section is a noncriminal traffic infraction, punishable  
 40 as a nonmoving violation as provided in chapter 318. A person  
 41 who violates subsection (2) commits a misdemeanor of the first  
 42 degree, punishable as provided in s. 775.082 or s. 775.083.

43 Section 2. Section 843.08, Florida Statutes, is amended to  
 44 read:

45 843.08 Falsely personating officer, etc.--

46 (1) A person may not ~~who~~ falsely assume ~~assumes~~ or pretend  
 47 ~~pretends~~ to be a sheriff, officer of the Florida Highway Patrol,  
 48 officer of the Fish and Wildlife Conservation Commission,  
 49 officer of the Department of Environmental Protection, officer  
 50 of the Department of Transportation, officer of the Department  
 51 of Financial Services, officer of the Department of Corrections,  
 52 correctional probation officer, deputy sheriff, state attorney  
 53 or assistant state attorney, statewide prosecutor or assistant  
 54 statewide prosecutor, state attorney investigator, coroner,  
 55 police officer, lottery special agent or lottery investigator,  
 56 beverage enforcement agent, or watchman, or any member of the

57 Parole Commission and any administrative aide or supervisor  
 58 employed by the commission, or any personnel or representative  
 59 of the Department of Law Enforcement, or a federal law  
 60 enforcement officer as defined in s. 901.1505, and take ~~takes~~  
 61 upon himself or herself to act as such, or to require any other  
 62 person to aid or assist him or her in a matter pertaining to the  
 63 duty of any such officer.

64 (2) A person who violates subsection (1) commits a felony  
 65 of the third degree, punishable as provided in s. 775.082, s.  
 66 775.083, or s. 775.084. ~~;~~ ~~however,~~

67 (3) A person who falsely personates any such officer in  
 68 violation of subsection (1) during the course of the commission  
 69 of a felony commits a felony of the second degree, punishable as  
 70 provided in s. 775.082, s. 775.083, or s. 775.084. ~~;~~ ~~except that~~  
 71 ~~if~~

72 (4) A person who falsely personates any officer in  
 73 violation of subsection (1) during the course of the commission  
 74 of a felony, and the commission of the felony results in the  
 75 death or personal injury of another human being, the person  
 76 commits a felony of the first degree, punishable as provided in  
 77 s. 775.082, s. 775.083, or s. 775.084.

78 Section 3. Section 843.081, Florida Statutes, is amended  
 79 to read:

80 843.081 Prohibited use of certain lights; penalty.--

81 (1) The Legislature finds and declares that Florida's  
 82 residents and visitors ~~citizens~~ are vulnerable to becoming the  
 83 victims of criminal acts through the illegal use of blue lights  
 84 by the criminal elements. It is the intent of the Legislature to

85 | reduce this vulnerability to injury and loss of life and  
 86 | property by prohibiting the use of certain blue lights by any  
 87 | person other than an authorized law enforcement officer.

88 |       (2) It is unlawful for a person to use in or on any  
 89 | nongovernmentally owned vehicle or vessel any flashing or  
 90 | rotating blue light unless such person is a law enforcement  
 91 | officer employed by a federal, state, county, or city law  
 92 | enforcement agency or is a person appointed by the Governor  
 93 | pursuant to chapter 354.

94 |       (3) The provisions of this section do ~~shall~~ not apply to  
 95 | salespersons, service representatives, or other employees of  
 96 | businesses licensed to sell or repair law enforcement equipment.

97 |       (4) For the purposes of this section, the term "flashing  
 98 | or rotating blue light" includes all forms of lights which  
 99 | display a blue light source or which were designed with the  
 100 | intent of displaying a blue light source whether or not such  
 101 | light is actually in use.

102 |       (5) A ~~Any~~ person who violates ~~any of the provisions of~~  
 103 | this section commits a felony ~~misdemeanor~~ of the third ~~first~~  
 104 | degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or  
 105 | s. 775.084.

106 |       Section 4. Section 843.085, Florida Statutes, is amended  
 107 | to read:

108 |       843.085 Unlawful use of police badges or other indicia of  
 109 | authority.--~~It is unlawful for any person:~~

110 |       (1) It is unlawful for a person, unless appointed by the  
 111 | Governor pursuant to chapter 354, authorized by the appropriate  
 112 | agency, or displayed in a closed or mounted case as a collection

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113 or exhibit, to wear or display any authorized indicia of  
114 authority, including any badge, insignia, emblem, identification  
115 card, or uniform, or any colorable imitation thereof, of any  
116 federal, state, county, or municipal law enforcement agency, or  
117 other criminal justice agency as now or hereafter defined in s.  
118 943.045, with the intent to mislead or cause another person to  
119 believe that he or she is a member of that agency or is  
120 authorized to display or wear such item, or to wear or display  
121 any item that ~~which could deceive a reasonable person into~~  
122 ~~believing that such item is authorized by any of the agencies~~  
123 ~~described above for use by the person displaying or wearing it,~~  
124 ~~or which~~ displays in any manner or combination the word or words  
125 "police," "patrolman," "agent," "sheriff," "deputy," "trooper,"  
126 "highway patrol," "Wildlife Officer," "Marine Patrol Officer,"  
127 "state attorney," "public defender," "marshal," "constable," or  
128 "bailiff," with the intent to mislead or cause another person to  
129 believe that he or she is a member of that agency or is  
130 authorized to wear or display such item ~~which could deceive a~~  
131 ~~reasonable person into believing that such item is authorized by~~  
132 ~~any of the agencies described above for use by the person~~  
133 ~~displaying or wearing it.~~ It is insufficient to prove criminal  
134 intent under this subsection that a person wore or displayed  
135 such item without authorization from the agency displayed on  
136 such item. To evidence this intent, there must be an additional  
137 affirmative act by the person which indicates this intent, such  
138 as the person misrepresenting that he or she is employed by the  
139 agency displayed on such item or misrepresenting that he or she  
140 is authorized by that agency to wear or display such item. A

141 person who violates this subsection commits a felony of the  
 142 third degree, punishable as provided in s. 775.082, s. 775.083,  
 143 or s. 775.084.

144 (2) It is unlawful for a person to own or operate a motor  
 145 vehicle marked or identified in any manner or combination by the  
 146 word or words "police," "patrolman," "sheriff," "deputy,"  
 147 "trooper," "highway patrol," "Wildlife Officer," "Marine Patrol  
 148 Officer," "marshal," "constable," or "bailiff," or by any  
 149 lettering, marking, or insignia, or colorable imitation thereof,  
 150 including, but not limited to, stars, badges, or shields,  
 151 officially used to identify the vehicle as a federal, state,  
 152 county, or municipal law enforcement vehicle or a vehicle used  
 153 by a criminal justice agency as now or hereafter defined in s.  
 154 943.045, with the intent to mislead or cause another person to  
 155 believe that such vehicle is an official vehicle of that agency  
 156 and is authorized to be used by that agency ~~which could deceive~~  
 157 ~~a reasonable person into believing that such vehicle is~~  
 158 ~~authorized by any of the agencies described above for use by the~~  
 159 ~~person operating the motor vehicle,~~ unless such vehicle is owned  
 160 or operated by the appropriate agency and its use is authorized  
 161 by such agency, ~~or~~ the local law enforcement agency authorizes  
 162 the use of such vehicle, or unless the person is appointed by  
 163 the Governor pursuant to chapter 354. A person who violates this  
 164 subsection commits a felony of the third degree, punishable as  
 165 provided in s. 775.082, s. 775.083, or s. 775.084.

166 (3)(a) It is unlawful for a person to sell, transfer, or  
 167 give away the authorized badge, or colorable imitation thereof,  
 168 including miniatures, of any criminal justice agency as now or

169 hereafter defined in s. 943.045, or bearing in any manner or  
 170 combination the word or words "police," "patrolman," "sheriff,"  
 171 "deputy," "trooper," "highway patrol," "Wildlife Officer,"  
 172 "Marine Patrol Officer," "marshal," "constable," "agent," "state  
 173 attorney," "public defender," or "bailiff," which could deceive  
 174 a reasonable person into believing that such item is authorized  
 175 by any of the agencies described above, except for agency  
 176 purchases or upon the presentation and recordation of both a  
 177 driver's license and other identification showing any transferee  
 178 to actually be a member of such criminal justice agency or  
 179 unless the person is appointed by the Governor pursuant to  
 180 chapter 354. A person who violates this paragraph commits a  
 181 felony of the third degree, punishable as provided in s.  
 182 775.082, s. 775.083, or s. 775.084.

183 (b) A transferor of an item covered by this subsection is  
 184 required to maintain for 2 years a written record of such  
 185 transaction, including records showing compliance with this  
 186 subsection, and if such transferor is a business, it shall make  
 187 such records available during normal business hours for  
 188 inspection by any law enforcement agency having jurisdiction in  
 189 the area where the business is located. A person who violates  
 190 this paragraph commits a misdemeanor of the first degree,  
 191 punishable as provided in s. 775.082 or s. 775.083.

192 (4) ~~Nothing in~~ This section does not shall prohibit a  
 193 fraternal, benevolent, or labor organization or association, or  
 194 their chapters or subsidiaries, from using the following words,  
 195 in any manner or in any combination, if those words appear in  
 196 the official name of the organization or association: "police,"

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197 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"  
 198 "Wildlife Officer," "Marine Patrol Officer," "marshal,"  
 199 "constable," or "bailiff."

200 (5) ~~Violation of any provision of this section is a~~  
 201 ~~misdemeanor of the first degree, punishable as provided in s.~~  
 202 ~~775.082 or s. 775.083.~~ This section is cumulative to any law now  
 203 in force in the state.

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

206 921.0022 Criminal Punishment Code; offense severity  
 207 ranking chart.--

208 (3) OFFENSE SEVERITY RANKING CHART

209 (b) LEVEL 2

210

Florida	Felony	Description
Statute	Degree	

211

379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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212

379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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213

403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume
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or any quantity for commercial purposes, or hazardous waste.

214

517.07 3rd Registration of securities and furnishing of prospectus required.

215

590.28(1) 3rd Willful, malicious, or intentional burning.

216

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

217

787.04(1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

218

806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

219

810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

220

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

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222	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
223	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
224	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
225	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
226	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
227	817.52 (3)	3rd	Failure to redeliver hired vehicle.
228	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
229	817.60 (5)	3rd	Dealing in credit cards of another.
230	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.

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231	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
232	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
233	831.01	3rd	Forgery.
234	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
235	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
236	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
237	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
238	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
239	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.

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240	<del>843.08</del>	3rd	<del>Falsely impersonating an officer.</del>
241	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.
242	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
243	(c) LEVEL 3		
244	Florida	Felony	Description
245	Statute	Degree	
246	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
247	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
248	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
249	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

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250	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
251	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
252	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
253	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
254	327.35 (2) (b)	3rd	Felony BUI.
255	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
256	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
257	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

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263

- 379.2431(1)(e)5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
- 379.2431(1)(e)6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
- 400.9935(4) 3rd Operating a clinic without a license or filing false license application or other required information.
- 440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.
- 501.001(2)(b) 2nd Tampers with a consumer product or the container using materially false/misleading information.
- 624.401(4)(a) 3rd Transacting insurance without a certificate of authority.

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264	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
265	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
266	697.08	3rd	Equity skimming.
267	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
268	796.05 (1)	3rd	Live on earnings of a prostitute.
269	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
270	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
271	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
272	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.

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273	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
274	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
275	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
276	817.233	3rd	Burning to defraud insurer.
277	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
278	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
279	817.236	3rd	Filing a false motor vehicle insurance application.
280	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
281	817.413(2)	3rd	Sale of used goods as new.

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282	817.505 (4)	3rd	Patient brokering.
283	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
284	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
285	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
286	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
287	<u>843.08 (2)</u>	<u>3rd</u>	<u>False personation of an officer.</u>
288			
289	<u>843.081</u>	<u>3rd</u>	<u>Prohibited use of certain lights.</u>
290			
291	<u>843.085 (1)</u>	<u>3rd</u>	<u>Wearing or displaying indicia of authority of a law enforcement agency.</u>
292			
293	<u>843.085 (2)</u>	<u>3rd</u>	<u>Owning or operating a motor vehicle</u>

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that has certain markings or  
identification.

294

295

843.085 (3) (a)      3rd      Selling, transferring, or giving away  
certain badges.

296

297

843.0855 (2)      3rd      Impersonating a public officer or other  
specified person in connection with or  
relating to legal process.

298

299

843.0855 (3)      3rd      Simulating legal process.

300

301

843.0855 (4)      3rd      Influencing, intimidating, or hindering  
a public officer or law enforcement  
officer.

302

843.19      3rd      Injure, disable, or kill police dog or  
horse.

303

860.15 (3)      3rd      Overcharging for repairs and parts.

304

870.01 (2)      3rd      Riot; inciting or encouraging.

305

893.13 (1) (a) 2.      3rd      Sell, manufacture, or deliver cannabis  
(or other s. 893.03 (1) (c), (2) (c) 1.,

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(2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or  
 (4) drugs).

306

893.13(1)(d)2. 2nd Sell, manufacture, or deliver s.  
 893.03(1)(c), (2)(c)1., (2)(c)2.,  
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
 (2)(c)8., (2)(c)9., (3), or (4) drugs  
 within 1,000 feet of university.

307

893.13(1)(f)2. 2nd Sell, manufacture, or deliver s.  
 893.03(1)(c), (2)(c)1., (2)(c)2.,  
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
 (2)(c)8., (2)(c)9., (3), or (4) drugs  
 within 1,000 feet of public housing  
 facility.

308

893.13(6)(a) 3rd Possession of any controlled substance  
 other than felony possession of  
 cannabis.

309

893.13(7)(a)8. 3rd Withhold information from practitioner  
 regarding previous receipt of or  
 prescription for a controlled  
 substance.

310

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled

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substance by fraud, forgery,  
misrepresentation, etc.

311

893.13(7)(a)10. 3rd Affix false or forged label to package  
of controlled substance.

312

893.13(7)(a)11. 3rd Furnish false or fraudulent material  
information on any document or record  
required by chapter 893.

313

893.13(8)(a)1. 3rd Knowingly assist a patient, other  
person, or owner of an animal in  
obtaining a controlled substance  
through deceptive, untrue, or  
fraudulent representations in or  
related to the practitioner's practice.

314

893.13(8)(a)2. 3rd Employ a trick or scheme in the  
practitioner's practice to assist a  
patient, other person, or owner of an  
animal in obtaining a controlled  
substance.

315

893.13(8)(a)3. 3rd Knowingly write a prescription for a  
controlled substance for a fictitious  
person.

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317 893.13(8)(a)4. 3rd Write a prescription for a controlled  
substance for a patient, other person,  
or an animal if the sole purpose of  
writing the prescription is a monetary  
benefit for the practitioner.

318 918.13(1)(a) 3rd Alter, destroy, or conceal  
investigation evidence.

319 944.47(1)(a)1.- 3rd Introduce contraband to correctional  
2. facility.

320 944.47(1)(c) 2nd Possess contraband while upon the  
grounds of a correctional institution.

321 985.721 3rd Escapes from a juvenile facility  
(secure detention or residential  
commitment facility).

322 (e) LEVEL 5

323 Florida Felony Description  
Statute Degree

324 316.027(1)(a) 3rd Accidents involving personal injuries,  
failure to stop; leaving scene.

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326	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
327	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
328	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
329	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
330	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
331	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
332	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
333	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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334	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
335	790.01 (2)	3rd	Carrying a concealed firearm.
336	790.162	2nd	Threat to throw or discharge destructive device.
337	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
338	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
339	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
340	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
341	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
342	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

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343	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
344	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
345	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
346	812.131(2)(b)	3rd	Robbery by sudden snatching.
347	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
348	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
349	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
350	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

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351	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
352	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
353	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
354	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
355	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
356	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

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357	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
358	<u>843.08 (3)</u>	<u>2nd</u>	<u>False personation of an officer during the course of the commission of a felony.</u>
359	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
360	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
361	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
362	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
363	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
364	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis

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(or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

365

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

366

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

367

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public

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housing facility.

368

893.13(4)(b) 2nd Deliver to minor cannabis (or other s.  
893.03(1)(c), (2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or (4) drugs).

369

893.1351(1) 3rd Ownership, lease, or rental for  
trafficking in or manufacturing of  
controlled substance.

370

371 (g) LEVEL 7

372

Florida	Felony	Description
Statute	Degree	

373

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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374

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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375

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement
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officer who is in a patrol vehicle  
with siren and lights activated.

376

327.35(3)(c)2. 3rd Vessel BUI resulting in serious  
bodily injury.

377

402.319(2) 2nd Misrepresentation and negligence or  
intentional act resulting in great  
bodily harm, permanent disfiguration,  
permanent disability, or death.

378

409.920(2) 3rd Medicaid provider fraud.

379

456.065(2) 3rd Practicing a health care profession  
without a license.

380

456.065(2) 2nd Practicing a health care profession  
without a license which results in  
serious bodily injury.

381

458.327(1) 3rd Practicing medicine without a  
license.

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459.013(1) 3rd Practicing osteopathic medicine  
without a license.

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460.411(1) 3rd Practicing chiropractic medicine

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without a license.

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461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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394	483.901 (9)	3rd	Practicing medical physics without a license.
395	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
396	484.053	3rd	Dispensing hearing aids without a license.
397	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
398	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
399	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less

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than \$20,000 by financial institution.

400

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

401

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

402

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

403

782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

404

782.07 (1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

405

782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner

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(vehicular homicide).

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782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

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415	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
416	784.081 (1)	1st	Aggravated battery on specified official or employee.
417	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
418	784.083 (1)	1st	Aggravated battery on code inspector.
419	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
420	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
421	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
422	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166 (3)	2nd	Possessing, selling, using, or

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attempting to use a hoax weapon of mass destruction.

423

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

424

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

425

794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

426

796.03 2nd Procuring any person under 16 years for prostitution.

427

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

428

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but

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less than 16 years; offender 18 years or older.

429

806.01 (2) 2nd Maliciously damage structure by fire or explosive.

430

810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

431

810.02 (3) (b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

432

810.02 (3) (d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

433

810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.

434

812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

435

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

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437	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
438	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
439	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
440	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
441	812.131 (2) (a)	2nd	Robbery by sudden snatching.
442	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
443	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
444	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

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445	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
446	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
447	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
448	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
449	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
450	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

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451	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
452	838.015	2nd	Bribery.
453	838.016	2nd	Unlawful compensation or reward for official behavior.
454	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
455	838.22	2nd	Bid tampering.
456	<u>843.08 (4)</u>	<u>1st</u>	<u>False personation of an officer during the course of the commission of a felony; death or personal injury.</u>
457	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
458	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
459	872.06	2nd	Abuse of a dead human body.
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461 874.10 1st, PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

462 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

463 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

464 893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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465	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
466	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
467	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
468	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
469	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
470	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
471	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
472	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1

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kilogram or more, less than 5 kilograms.

473

893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

474

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

475

896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

476

896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

477

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

478

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

479

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480	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
481	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
482	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
483	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
484	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
485	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
486	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
487	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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985.4815(12) 3rd Failure to report or providing false  
information about a sexual offender;  
harbor or conceal a sexual offender.

488

985.4815(13) 3rd Sexual offender; failure to report  
and reregister; failure to respond to  
address verification.

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Section 6. This act shall take effect July 1, 2009.