

By Senator Garcia

40-00624A-09

2009640__

1 A bill to be entitled
2 An act relating to the false impersonation of a law
3 enforcement officer or other person; amending s.
4 316.2397, F.S., relating to unlawfully showing or
5 displaying certain lights; providing that the unlawful
6 display of blue lights is a misdemeanor of the first
7 degree; amending s. 843.08, F.S., relating to falsely
8 impersonating an officer; subdividing penalty
9 provisions for the purpose of referencing such
10 provisions; amending s. 843.081, F.S.; providing that
11 the unlawful use of flashing or rotating blue lights
12 is a felony of the third degree rather than a
13 misdemeanor of the first degree; amending s. 843.085,
14 F.S., relating to the unlawful use of police badges or
15 other indicia of authority; providing that unlawfully
16 wearing, displaying, selling, transferring, or giving
17 away specified indicia of authority of a criminal
18 justice agency, or unlawfully owning or operating a
19 motor vehicle marked with such indicia, is a felony of
20 the third degree rather than a misdemeanor of the
21 first degree; clarifying that the intent to mislead is
22 an element of unlawfully wearing or displaying
23 specified indicia of authority of a criminal justice
24 agency; providing penalties; amending s. 921.0022,
25 F.S., relating to the offense severity ranking chart
26 of the Criminal Punishment Code; ranking violations of
27 ss. 843.08, 843.081, 843.085, and 843.0855, F.S.,
28 within the chart; providing an effective date.
29

40-00624A-09

2009640__

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

31

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

34 316.2397 Certain lights prohibited; exceptions.—

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

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

45 Section 2. Section 843.08, Florida Statutes, is amended to
46 read:

47 843.08 Falsely personating officer, etc.—

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

40-00624A-09

2009640__

59 Parole Commission and any administrative aide or supervisor
60 employed by the commission, or any personnel or representative
61 of the Department of Law Enforcement, or a federal law
62 enforcement officer as defined in s. 901.1505, and take ~~takes~~
63 upon himself or herself to act as such, or to require any other
64 person to aid or assist him or her in a matter pertaining to the
65 duty of any such officer. 7

66 (2) A person who violates subsection (1) commits a felony
67 of the third degree, punishable as provided in s. 775.082, s.
68 775.083, or s. 775.084. ~~7; however,~~

69 (3) A person who falsely personates any such officer in
70 violation of subsection (1) during the course of the commission
71 of a felony commits a felony of the second degree, punishable as
72 provided in s. 775.082, s. 775.083, or s. 775.084. ~~7; except that~~
73 ~~if~~

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

80 Section 3. Section 843.081, Florida Statutes, is amended to
81 read:

82 843.081 Prohibited use of certain lights; penalty.—

83 (1) The Legislature finds and declares that Florida's
84 residents and visitors ~~citizens~~ are vulnerable to becoming the
85 victims of criminal acts through the illegal use of blue lights
86 by the criminal elements. It is the intent of the Legislature to
87 reduce this vulnerability to injury and loss of life and

40-00624A-09

2009640__

88 property by prohibiting the use of certain blue lights by any
89 person other than an authorized law enforcement officer.

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

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

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

104 (5) A ~~Any~~ person who violates ~~any of the provisions of~~ this
105 section commits a felony ~~misdemeanor~~ of the third ~~first~~ degree,
106 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
107 775.084.

108 Section 4. Section 843.085, Florida Statutes, is amended to
109 read:

110 843.085 Unlawful use of police badges or other indicia of
111 authority. ~~It is unlawful for any person:~~

112 (1) It is unlawful for a person, unless appointed by the
113 Governor pursuant to chapter 354, authorized by the appropriate
114 agency, or displayed in a closed or mounted case as a collection
115 or exhibit, to wear or display any authorized indicia of
116 authority, including any badge, insignia, emblem, identification

40-00624A-09

2009640

117 card, or uniform, or any colorable imitation thereof, of any
118 federal, state, county, or municipal law enforcement agency, or
119 other criminal justice agency as now or hereafter defined in s.
120 943.045, with the intent to mislead or cause another person to
121 believe that he or she is a member of that agency or is
122 authorized to display or wear such item, or to wear or display
123 any item that ~~which could deceive a reasonable person into~~
124 ~~believing that such item is authorized by any of the agencies~~
125 ~~described above for use by the person displaying or wearing it,~~
126 ~~or which~~ displays in any manner or combination the word or words
127 "police," "patrolman," "agent," "sheriff," "deputy," "trooper,"
128 "highway patrol," "Wildlife Officer," "Marine Patrol Officer,"
129 "state attorney," "public defender," "marshal," "constable," or
130 "bailiff," with the intent to mislead or cause another person to
131 believe that he or she is a member of that agency or is
132 authorized to wear or display such item ~~which could deceive a~~
133 ~~reasonable person into believing that such item is authorized by~~
134 ~~any of the agencies described above for use by the person~~
135 ~~displaying or wearing it.~~ It is insufficient to prove criminal
136 intent under this subsection that a person wore or displayed
137 such item without authorization from the agency displayed on
138 such item. To evidence this intent, there must be an additional
139 affirmative act by the person which indicates this intent, such
140 as the person misrepresenting that he or she is employed by the
141 agency displayed on such item or misrepresenting that he or she
142 is authorized by that agency to wear or display such item. A
143 person who violates this subsection commits a felony of the
144 third degree, punishable as provided in s. 775.082, s. 775.083,
145 or s. 775.084.

40-00624A-09

2009640__

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

168 (3) (a) It is unlawful for a person to sell, transfer, or
169 give away the authorized badge, or colorable imitation thereof,
170 including miniatures, of any criminal justice agency as now or
171 hereafter defined in s. 943.045, or bearing in any manner or
172 combination the word or words "police," "patrolman," "sheriff,"
173 "deputy," "trooper," "highway patrol," "Wildlife Officer,"
174 "Marine Patrol Officer," "marshal," "constable," "agent," "state

40-00624A-09

2009640__

175 attorney," "public defender," or "bailiff," which could deceive
176 a reasonable person into believing that such item is authorized
177 by any of the agencies described above, except for agency
178 purchases or upon the presentation and recordation of both a
179 driver's license and other identification showing any transferee
180 to actually be a member of such criminal justice agency or
181 unless the person is appointed by the Governor pursuant to
182 chapter 354. A person who violates this paragraph commits a
183 felony of the third degree, punishable as provided in s.
184 775.082, s. 775.083, or s. 775.084.

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

194 (4) ~~Nothing in~~ This section does not shall prohibit a
195 fraternal, benevolent, or labor organization or association, or
196 their chapters or subsidiaries, from using the following words,
197 in any manner or in any combination, if those words appear in
198 the official name of the organization or association: "police,"
199 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
200 "Wildlife Officer," "Marine Patrol Officer," "marshal,"
201 "constable," or "bailiff."

202 (5) ~~Violation of any provision of this section is a~~
203 ~~misdemeanor of the first degree, punishable as provided in s.~~

40-00624A-09

2009640__

204 ~~775.082 or s. 775.083.~~ This section is cumulative to any law now
 205 in force in the state.

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

208 921.0022 Criminal Punishment Code; offense severity ranking
 209 chart.—

210 (3) OFFENSE SEVERITY RANKING CHART

211 (b) LEVEL 2

Florida Felony

Statute Degree Description

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

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

214 403.413(5)(c) 3rd Dumps waste litter exceeding 500 lbs. in
 weight or 100 cubic feet in volume or
 any quantity for commercial purposes, or
 hazardous waste.

215 517.07 3rd Registration of securities and
 furnishing of prospectus required.

216 590.28(1) 3rd Willful, malicious, or intentional
 burning.

40-00624A-09

2009640__

217

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

218

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

219

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

220

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

221

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

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.

40-00624A-09

2009640__

225
226
227
228
229
230
231
232
233
234

- 817.234(1)(a)2. 3rd False statement in support of insurance claim.
- 817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
- 817.52(3) 3rd Failure to redeliver hired vehicle.
- 817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.
- 817.60(5) 3rd Dealing in credit cards of another.
- 817.60(6)(a) 3rd Forgery; purchase goods, services with false card.
- 817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.
- 826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.
- 831.01 3rd Forgery.
- 831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.

40-00624A-09

2009640__

235
236
237
238
239
240
241
242
243
244
245

831.07 3rd Forging bank bills, checks, drafts, or promissory notes.

831.08 3rd Possessing 10 or more forged notes, bills, checks, or drafts.

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

~~843.08 3rd Falsely impersonating an officer.~~

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.

893.147 (2) 3rd Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

40-00624A-09

2009640__

	Florida Statute	Felony Degree	Description
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.
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.

40-00624A-09

2009640__

fraud or retaliation for making such a report.

262

501.001(2)(b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

263

624.401(4)(a) 3rd Transacting insurance without a certificate of authority.

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) 3rd Representing an unauthorized insurer.
& (b)

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

40-00624A-09

2009640__

271

in performance of duty.

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.

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

40-00624A-09

2009640__

280
281
282
283
284
285
286
287
288
289

application.

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

817.413(2) 3rd Sale of used goods as new.

817.505(4) 3rd Patient brokering.

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

843.08(2) 3rd False personation of an officer.

843.081 3rd Prohibited use of certain lights.

40-00624A-09

2009640__

290

843.085 (1) 3rd Wearing or displaying indicia of authority of a law enforcement agency.

291

843.085 (2) 3rd Owning or operating a motor vehicle that has certain markings or identification.

292

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

293

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

294

843.0855 (3) 3rd Simulating legal process.

295

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

296

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

297

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

298

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

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,

40-00624A-09

2009640__

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

299

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.

300

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.

301

893.13(6)(a) 3rd

Possession of any controlled substance
other than felony possession of
cannabis.

302

893.13(7)(a)8. 3rd

Withhold information from practitioner
regarding previous receipt of or
prescription for a controlled substance.

303

893.13(7)(a)9. 3rd

Obtain or attempt to obtain controlled
substance by fraud, forgery,
misrepresentation, etc.

304

893.13(7)(a)10. 3rd

Affix false or forged label to package

40-00624A-09

2009640__

of controlled substance.

305

893.13(7)(a)11. 3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

306

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.

307

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.

308

893.13(8)(a)3. 3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

309

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.

310

40-00624A-09 2009640__

311 918.13(1)(a) 3rd Alter, destroy, or conceal investigation
evidence.

312 944.47(1)(a)1.- 3rd Introduce contraband to correctional
2. facility.

313 944.47(1)(c) 2nd Possess contraband while upon the
grounds of a correctional institution.

314 985.721 3rd Escapes from a juvenile facility (secure
detention or residential commitment
315 facility).

316 (e) LEVEL 5

Florida	Felony	
Statute	Degree	Description

317 316.027(1)(a) 3rd Accidents involving personal injuries,
failure to stop; leaving scene.

318 316.1935(4)(a) 2nd Aggravated fleeing or eluding.

319 322.34(6) 3rd Careless operation of motor vehicle with
suspended license, resulting in death or
serious bodily injury.

320 327.30(5) 3rd Vessel accidents involving personal
injury; leaving scene.

40-00624A-09

2009640__

- 321 381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing
HIV positive.
- 322 440.10 (1) (g) 2nd Failure to obtain workers' compensation
coverage.
- 323 440.105 (5) 2nd Unlawful solicitation for the purpose of
making workers' compensation claims.
- 324 440.381 (2) 2nd Submission of false, misleading, or
incomplete information with the purpose
of avoiding or reducing workers'
compensation premiums.
- 325 624.401 (4) (b) 2. 2nd Transacting insurance without a
certificate or authority; premium
collected \$20,000 or more but less than
\$100,000.
- 326 626.902 (1) (c) 2nd Representing an unauthorized insurer;
repeat offender.
- 327 790.01 (2) 3rd Carrying a concealed firearm.
- 328 790.162 2nd Threat to throw or discharge destructive
device.
- 329 790.163 (1) 2nd False report of deadly explosive or

40-00624A-09

2009640__

weapon of mass destruction.

330

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

331

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

332

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years.

333

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years or older.

334

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

335

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

336

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

337

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

40-00624A-09

2009640__

338
339
340
341
342
343
344
345

- 812.131 (2) (b) 3rd Robbery by sudden snatching.
- 812.16 (2) 3rd Owning, operating, or conducting a chop shop.
- 817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.
- 817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.
- 817.2341 (1), 3rd Filing false financial statements,
(2) (a) & making false entries of material fact or
(3) (a) false statements regarding property values relating to the solvency of an insuring entity.
- 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.
- 817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

40-00624A-09 2009640__

346	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
347	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
348	827.071(5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
349	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.
350	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
351	<u>843.08(3)</u>	<u>2nd</u>	<u>False personation of an officer during the course of the commission of a felony.</u>
352	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
	847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.

40-00624A-09

2009640__

353
354
355
356
357
358

847.0138(2) & 3rd Transmission of material harmful to
(3) minors to a minor by electronic device
or equipment.

874.05(2) 2nd Encouraging or recruiting another to
join a criminal gang; second or
subsequent offense.

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).

893.13(1)(c)2. 2nd Sell, manufacture, or deliver 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) within 1,000 feet of a child
care facility, school, or state, county,
or municipal park or publicly owned
recreational facility or community
center.

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.

40-00624A-09

2009640__

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.

359

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 housing facility.

360

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).

361

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

362

363

364 (g) LEVEL 7

Florida Felony

Statute Degree

Description

365

40-00624A-09

2009640__

366

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

367

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

368

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 officer who is in a patrol vehicle with siren and lights activated.

369

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

370

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

371

409.920(2) 3rd Medicaid provider fraud.

372

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

373

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

	40-00624A-09		2009640__
374	458.327 (1)	3rd	Practicing medicine without a license.
375	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
376	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
377	461.012 (1)	3rd	Practicing podiatric medicine without a license.
378	462.17	3rd	Practicing naturopathy without a license.
379	463.015 (1)	3rd	Practicing optometry without a license.
380	464.016 (1)	3rd	Practicing nursing without a license.
381	465.015 (2)	3rd	Practicing pharmacy without a license.
382	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
383	467.201	3rd	Practicing midwifery without a license.
384	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical laboratory

40-00624A-09

2009640__

personnel without a license.

385

483.901(9) 3rd Practicing medical physics without a license.

386

484.013(1)(c) 3rd Preparing or dispensing optical devices without a prescription.

387

484.053 3rd Dispensing hearing aids without a license.

388

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.

389

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.

390

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

391

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

392

40-00624A-09 2009640__

393	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
394	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
395	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
396	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
397	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
398	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
399	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

40-00624A-09

2009640__

causing great bodily harm or
disfigurement.

400

784.045 (1) (a) 2. 2nd Aggravated battery; using deadly weapon.

401

784.045 (1) (b) 2nd Aggravated battery; perpetrator aware
victim pregnant.

402

784.048 (4) 3rd Aggravated stalking; violation of
injunction or court order.

403

784.048 (7) 3rd Aggravated stalking; violation of court
order.

404

784.07 (2) (d) 1st Aggravated battery on law enforcement
officer.

405

784.074 (1) (a) 1st Aggravated battery on sexually violent
predators facility staff.

406

784.08 (2) (a) 1st Aggravated battery on a person 65 years
of age or older.

407

784.081 (1) 1st Aggravated battery on specified official
or employee.

408

784.082 (1) 1st Aggravated battery by detained person on
visitor or other detainee.

409

40-00624A-09

2009640__

410

784.083 (1) 1st Aggravated battery on code inspector.

411

790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).

412

790.16 (1) 1st Discharge of a machine gun under specified circumstances.

413

790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

414

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

415

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

416

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

417

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

40-00624A-09 2009640__

418 794.08(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.

419 796.03 2nd Procuring any person under 16 years for
prostitution.

420 800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim
less than 12 years of age; offender less
than 18 years.

421 800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender 18 years or older.

422 806.01(2) 2nd Maliciously damage structure by fire or
explosive.

423 810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

424 810.02(3)(b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

425 810.02(3)(d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

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

40-00624A-09

2009640__

426

vehicle.

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.

427

812.014(2)(b)2. 2nd

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

428

812.014(2)(b)3. 2nd

Property stolen, emergency medical equipment; 2nd degree grand theft.

429

812.014(2)(b)4. 2nd

Property stolen, law enforcement equipment from authorized emergency vehicle.

430

812.0145(2)(a) 1st

Theft from person 65 years of age or older; \$50,000 or more.

431

812.019(2) 1st

Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

432

812.131(2)(a) 2nd

Robbery by sudden snatching.

433

812.133(2)(b) 1st

Carjacking; no firearm, deadly weapon, or other weapon.

40-00624A-09

2009640__

434
435
436
437
438
439
440
441

- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.
- 817.2341 (2) (b) 1st Making false entries of material fact or & (3) (b) false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
- 825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
- 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.
- 827.03 (3) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.
- 827.04 (3) 3rd Impregnation of a child under 16 years

40-00624A-09

2009640__

of age by person 21 years of age or older.

442

837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

443

838.015 2nd Bribery.

444

838.016 2nd Unlawful compensation or reward for official behavior.

445

838.021(3)(a) 2nd Unlawful harm to a public servant.

446

838.22 2nd Bid tampering.

447

843.08(4) 1st False personation of an officer during the course of the commission of a felony; death or personal injury.

448

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

449

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

450

872.06 2nd Abuse of a dead human body.

451

874.10 1st,PBL Knowingly initiates, organizes, plans,

40-00624A-09

2009640__

finances, directs, manages, or supervises criminal gang-related activity.

452

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.

453

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.

454

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).

455

893.135(1)(a)1. 1st

Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

456

893.135(1)(b)1.a. 1st

Trafficking in cocaine, more than 28 grams, less than 200 grams.

40-00624A-09

2009640__

457
458
459
460
461
462
463
464
465

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

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 kilogram or more, less than 5 kilograms.

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

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

40-00624A-09

2009640__

466
467
468
469
470
471
472
473

substance.

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

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

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

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

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

40-00624A-09 2009640__

474 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

475 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

476 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

477 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

478 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

479 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

480 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

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