

By Senator Smith

29-01284-12

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1                   A bill to be entitled  
2           An act relating to resisting an officer or other  
3           specified person without violence; amending s. 843.02,  
4           F.S.; providing that a finding of resistance,  
5           obstruction, or opposition must be based on factors  
6           other than mere flight from an officer or other person  
7           to whom this section applies; providing an effective  
8           date.

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

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12           Section 1. Section 843.02, Florida Statutes, is amended to  
13 read:

14           843.02 Resisting officer or other such person without  
15 violence to his or her person.—Whoever shall resist, obstruct,  
16 or oppose any officer as defined in s. 943.10(1), (2), (3), (6),  
17 (7), (8), or (9); member of the Parole Commission or any  
18 administrative aide or supervisor employed by the commission;  
19 county probation officer; parole and probation supervisor;  
20 personnel or representative of the Department of Law  
21 Enforcement; or other person legally authorized to execute  
22 process in the execution of legal process or in the lawful  
23 execution of any legal duty, without offering or doing violence  
24 to the person of the officer or other such person, commits ~~shall~~  
25 ~~be guilty of~~ a misdemeanor of the first degree, punishable as  
26 provided in s. 775.082 or s. 775.083. For purposes of this  
27 section, a finding of resistance, obstruction, or opposition  
28 must be based on factors other than mere flight from an officer  
29 or other person to whom this section applies.

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Section 2. This act shall take effect July 1, 2012.