

By Senator Leek

7-00338-26

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1 A bill to be entitled
2 An act relating to criminal offenses against law
3 enforcement officers and other personnel; providing a
4 short title; amending s. 776.051, F.S.; revising a
5 prohibition on the use or threatened use of force to
6 resist arrest or detention; defining the term "acting
7 in good faith"; amending s. 782.065, F.S.; providing
8 for enhanced punishment for manslaughter when
9 committed against specified officers; revising
10 applicability; amending s. 784.07, F.S.; revising the
11 definition of the term "law enforcement officer";
12 revising provisions concerning assault or battery upon
13 specified officers and other personnel; amending s.
14 843.01, F.S.; revising a provision concerning
15 resisting, obstructing, or opposing specified officers
16 or legally authorized persons; amending s. 921.0022,
17 F.S.; increasing the level on the offense severity
18 ranking chart for committing battery on law
19 enforcement officers and other specified personnel;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. This act may be cited as the "Officer Jason
25 Raynor Act."

26 Section 2. Section 776.051, Florida Statutes, is amended to
27 read:

28 776.051 Use or threatened use of force in resisting arrest
29 or detention ~~making an arrest or in the execution of a legal~~

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30 ~~duty~~; prohibition.-

31 ~~(1)~~ A person is not justified in the use or threatened use
 32 of force to resist any ~~an~~ arrest or detention by a law
 33 enforcement officer, or to resist a law enforcement officer
 34 acting in the performance of his or her official duties as
 35 described in s. 943.10(1) ~~who is engaged in the execution of a~~
 36 ~~legal duty~~, if the law enforcement officer was acting in good
 37 faith and he or she is known, or reasonably appears, to be a law
 38 enforcement officer. As used in this section, the term "acting
 39 in good faith" means to make sincere and reasonable efforts to
 40 comply with legal requirements, even if the arrest, detention,
 41 or other act is later found to have been unlawful.

42 ~~(2)~~ A law enforcement officer, or any person whom the
 43 officer has summoned or directed to assist him or her, is not
 44 justified in the use of force if the arrest or execution of a
 45 legal duty is unlawful and known by him or her to be unlawful.

46 Section 3. Section 782.065, Florida Statutes, is amended to
 47 read:

48 782.065 Murder; law enforcement officer, correctional
 49 officer, correctional probation officer.—Notwithstanding ss.
 50 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 51 must ~~shall~~ be sentenced to life imprisonment without eligibility
 52 for release upon findings by the trier of fact that, beyond a
 53 reasonable doubt:

54 (1) The defendant committed murder in the first degree in
 55 violation of s. 782.04(1) and a death sentence was not imposed;
 56 murder in the second or third degree in violation of s.
 57 782.04(2), (3), or (4); attempted murder in the first or second
 58 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted

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59 felony murder in violation of s. 782.051; or manslaughter in
60 violation of s. 782.07(1); and

61 (2) The victim of any offense described in subsection (1)
62 was a law enforcement officer, part-time law enforcement
63 officer, auxiliary law enforcement officer, correctional
64 officer, part-time correctional officer, auxiliary correctional
65 officer, correctional probation officer, part-time correctional
66 probation officer, or auxiliary correctional probation officer,
67 as those terms are defined in s. 943.10, who was acting in the
68 performance of his or her official duties as described in s.
69 943.10 ~~engaged in the lawful performance of a legal duty.~~

70 Section 4. Paragraph (e) of subsection (1) and subsection
71 (2) of section 784.07, Florida Statutes, are amended to read:

72 784.07 Assault or battery of law enforcement officers and
73 other specified personnel; reclassification of offenses; minimum
74 sentences.—

75 (1) As used in this section, the term:

76 (e) "Law enforcement officer" includes a law enforcement
77 officer, a correctional officer, a correctional probation
78 officer, a part-time law enforcement officer, a part-time
79 correctional officer, an auxiliary law enforcement officer, and
80 an auxiliary correctional officer, as those terms are
81 respectively defined in s. 943.10, and any county probation
82 officer; an employee or agent of the Department of Corrections
83 who supervises or provides services to inmates; an officer of
84 the Florida Commission on Offender Review; a federal law
85 enforcement officer as defined in s. 901.1505; and law
86 enforcement personnel of the Fish and Wildlife Conservation
87 Commission, the Department of Environmental Protection, or the

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88 Department of Law Enforcement. The duties and responsibilities
89 of these respective positions are described in s. 943.10.

90 (2) Whenever any person is charged with knowingly
91 committing an assault or battery upon a law enforcement officer,
92 a firefighter, an emergency medical care provider, hospital
93 personnel, a railroad special officer, a traffic accident
94 investigation officer as described in s. 316.640, a nonsworn law
95 enforcement agency employee who is certified as an agency
96 inspector, a blood alcohol analyst, or a breath test operator
97 while such employee is in uniform and engaged in processing,
98 testing, evaluating, analyzing, or transporting a person who is
99 detained or under arrest for DUI, a law enforcement explorer, a
100 traffic infraction enforcement officer as described in s.
101 316.640, a parking enforcement specialist as defined in s.
102 316.640, a person licensed as a security officer as defined in
103 s. 493.6101 and wearing a uniform that bears at least one patch
104 or emblem that is visible at all times that clearly identifies
105 the employing agency and that clearly identifies the person as a
106 licensed security officer, a security officer employed by the
107 board of trustees of a community college, or a utility worker
108 engaged in work on critical infrastructure as defined in s.
109 812.141(1), while the officer, firefighter, emergency medical
110 care provider, hospital personnel, railroad special officer,
111 traffic accident investigation officer, traffic infraction
112 enforcement officer, inspector, analyst, operator, law
113 enforcement explorer, parking enforcement specialist, public
114 transit employee or agent, security officer, or utility worker
115 is acting in the performance of his or her official duties
116 ~~engaged in the lawful performance of his or her duties~~, the

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117 offense for which the person is charged shall be reclassified as
118 follows:

119 (a) In the case of assault, from a misdemeanor of the
120 second degree to a misdemeanor of the first degree.

121 (b) In the case of battery, from a misdemeanor of the first
122 degree to a felony of the third degree. Notwithstanding any
123 other provision of law, a person convicted of battery upon a law
124 enforcement officer committed in furtherance of a riot or an
125 aggravated riot prohibited under s. 870.01 shall be sentenced to
126 a minimum term of imprisonment of 6 months.

127 (c) In the case of aggravated assault, from a felony of the
128 third degree to a felony of the second degree. Notwithstanding
129 any other provision of law, any person convicted of aggravated
130 assault upon a law enforcement officer shall be sentenced to a
131 minimum term of imprisonment of 3 years.

132 (d) In the case of aggravated battery, from a felony of the
133 second degree to a felony of the first degree. Notwithstanding
134 any other provision of law, any person convicted of aggravated
135 battery of a law enforcement officer shall be sentenced to a
136 minimum term of imprisonment of 5 years.

137 Section 5. Subsection (1) of section 843.01, Florida
138 Statutes, is amended to read:

139 843.01 Resisting, obstructing, or opposing by offering or
140 doing violence to legally authorized person, police canine, or
141 police horse.—

142 (1) Whoever knowingly and willfully resists, obstructs, or
143 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
144 (7), (8), or (9); member of the Florida Commission on Offender
145 Review or any administrative aide or supervisor employed by the

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146 commission; parole and probation supervisor; county probation
 147 officer; personnel or representative of the Department of Law
 148 Enforcement; or other person legally authorized to execute
 149 process in the execution of legal process or acting in the
 150 performance of his or her official duties as described in s.
 151 943.10 in the lawful execution of any legal duty, by offering or
 152 doing violence to the person of such officer or legally
 153 authorized person, commits a felony of the third degree,
 154 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

155 Section 6. Paragraphs (d) and (e) of subsection (3) of
 156 section 921.0022, Florida Statutes, are amended to read:

157 921.0022 Criminal Punishment Code; offense severity ranking
 158 chart.—

159 (3) OFFENSE SEVERITY RANKING CHART

160 (d) LEVEL 4

161

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.

163

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164

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

165

517.07 (1)

3rd

Failure to register securities.

166

517.12 (1)

3rd

Failure of dealer or associated person of a dealer of securities to register.

167

784.031

3rd

Battery by strangulation.

168

~~784.07 (2) (b)~~

~~3rd~~

~~Battery of law enforcement officer, firefighter, etc.~~

169

784.074 (1) (c)

3rd

Battery of sexually violent predators facility staff.

170

784.075

3rd

Battery on detention or commitment facility staff.

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guardian.

178

787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

179

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

180

787.07

3rd

Human smuggling.

181

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

182

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

183

790.115 (2) (c)

3rd

Possessing firearm on

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school property.

184

794.051 (1)

3rd

Indecent, lewd, or lascivious touching of certain minors.

185

800.04 (7) (c)

3rd

Lewd or lascivious exhibition; offender less than 18 years.

186

806.135

2nd

Destroying or demolishing a memorial or historic property.

187

810.02 (4) (a)

3rd

Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

188

810.02 (4) (b)

3rd

Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

189

810.06

3rd

Burglary; possession of tools.

190

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191	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
192	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
193	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
194	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
195	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
196	812.014 (2) (e) 3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
196	812.0195 (2)	3rd	Dealing in stolen property by use of the

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197			Internet; property stolen \$300 or more.
198	817.505 (4) (a)	3rd	Patient brokering.
199	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
200	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
201	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
202	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
203	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause

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great bodily harm or
 permanent breeding
 disability to any
 registered horse or
 cattle.

204

836.14 (2)

3rd

Person who commits theft
 of a sexually explicit
 image with intent to
 promote it.

205

836.14 (3)

3rd

Person who willfully
 possesses a sexually
 explicit image with
 certain knowledge,
 intent, and purpose.

206

837.02 (1)

3rd

Perjury in official
 proceedings.

207

837.021 (1)

3rd

Make contradictory
 statements in official
 proceedings.

208

838.022

3rd

Official misconduct.

209

839.13 (2) (a)

3rd

Falsifying records of an
 individual in the care
 and custody of a state

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210

839.13(2)(c)

3rd

agency.

Falsifying records of
the Department of
Children and Families.

211

843.021

3rd

Possession of a
concealed handcuff key
by a person in custody.

212

843.025

3rd

Deprive law enforcement,
correctional, or
correctional probation
officer of means of
protection or
communication.

213

843.15(1)(a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

214

843.19(2)

2nd

Injure, disable, or kill
police, fire, or SAR
canine or police horse.

215

847.0135(5)(c)

3rd

Lewd or lascivious
exhibition using
computer; offender less

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than 18 years.

216

870.01 (3)

2nd

Aggravated rioting.

217

870.01 (5)

2nd

Aggravated inciting a riot.

218

874.05 (1) (a)

3rd

Encouraging or recruiting another to join a criminal gang.

219

893.13 (2) (a) 1.

2nd

Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).

220

914.14 (2)

3rd

Witnesses accepting bribes.

221

914.22 (1)

3rd

Force, threaten, etc., witness, victim, or informant.

222

914.23 (2)

3rd

Retaliation against a witness, victim, or informant, no bodily injury.

223

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916.1085
(2) (c) 1.

3rd

Introduction of
specified contraband
into certain DCF
facilities.

224

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

225

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

226

951.22 (1) (h) ,
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

227

228

(e) LEVEL 5

229

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	Florida Statute	Felony Degree	Description
230	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
231	316.1935 (3) (a)	2nd	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.
232	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
233	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
234	327.30 (5) (a) 2.	3rd	Vessel accidents

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involving personal
injuries other than
serious bodily injury;
leaving scene.

235

365.172
(14) (b) 2.

2nd

Misuse of emergency
communications system
resulting in death.

236

379.365 (2) (c) 1.

3rd

Violation of rules
relating to: willful
molestation of stone
crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or

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imitation stone crab
trap tags; and engaging
in the commercial
harvest of stone crabs
while license is
suspended or revoked.

237

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

238

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

239

381.0041(11)(b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

240

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

241

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

242

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243	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
244	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
245	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
246	<u>784.07 (2) (b)</u>	<u>3rd</u>	<u>Battery of law enforcement officer, firefighter, etc.</u>
247	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
247	790.162	2nd	Threat to throw or discharge destructive device.

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248

790.163 (1)

2nd

False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

249

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

250

790.23

2nd

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

251

796.05 (1)

2nd

Live on earnings of a prostitute; 1st offense.

252

800.04 (6) (c)

3rd

Lewd or lascivious conduct; offender less than 18 years of age.

253

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

254

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with

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255			intent to damage any structure or property.
256	810.145 (4)	3rd	Commercial digital voyeurism dissemination.
257	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
258	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
259	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
260	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
261	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
	812.015 (8) (f)	3rd	Retail theft; multiple

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thefts within specified period.

262

812.015 (8) (g)

3rd

Retail theft; committed with specified number of other persons.

263

812.019 (1)

2nd

Stolen property; dealing in or trafficking in.

264

812.081 (3)

2nd

Trafficking in trade secrets.

265

812.131 (2) (b)

3rd

Robbery by sudden snatching.

266

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

267

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to \$50,000.

268

817.234 (11) (b)

2nd

Insurance fraud; property value \$20,000 or more but less than \$100,000.

269

817.2341 (1),

3rd

Filing false financial

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(2) (a) & (3) (a)

statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

270

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 persons.

271

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

272

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or

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reencoder.

273

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

274

828.12(2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

275

836.14(4)

2nd

Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.

276

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.

277

843.01(1)

3rd

Resist officer with violence to person; resist arrest with

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violence.

278

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

279

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

280

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

281

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

282

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

283

893.13 (1) (a) 1.

2nd

Sell, manufacture, or

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deliver cocaine (or
 other s. 893.03(1)(a),
 (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)5.
 drugs).

284

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)6.,
 (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10.,
 (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.

285

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)5.
 drugs) within 1,000 feet
 of university.

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286

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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

287

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)5. drugs) within 1,000 feet of public housing facility.

288

893.13 (4) (b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

289

893.1351 (1)

3rd

Ownership, lease, or

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rental for trafficking
in or manufacturing of
controlled substance.

290

291

Section 7. This act shall take effect upon becoming a law.