

By the Appropriations Committee on Criminal and Civil Justice; and Senator Leek

604-01947-26

2026156c1

A bill to be entitled

An act relating to criminal offenses against law enforcement officers and other personnel; providing a short title; amending s. 776.051, F.S.; revising a prohibition on the use or threatened use of force to resist arrest or detention; defining the term "acting in good faith"; amending s. 782.065, F.S.; providing for enhanced punishment for manslaughter when committed against specified officers; revising applicability; amending s. 784.07, F.S.; revising the definition of the term "law enforcement officer"; revising provisions concerning assault or battery upon specified officers and other personnel; amending s. 843.01, F.S.; revising a provision concerning resisting, obstructing, or opposing specified officers or legally authorized persons; amending s. 921.0022, F.S.; increasing the level on the offense severity ranking chart for committing battery on law enforcement officers and other specified personnel; providing an effective date.

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

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

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

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

604-01947-26

2026156c1

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 who
34 is engaged in the performance of his or her official duties as
35 described in s. 943.10(1) execution of a legal duty, if the law
36 enforcement officer was acting in good faith and he or she is
37 known, or reasonably appears, to be a law enforcement officer.
38 As used in this section, the term "acting in good faith" means
39 to make sincere and reasonable efforts to comply with legal
40 requirements, even if the arrest, detention, or other act is
41 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

604-01947-26

2026156c1

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 engaged in the
68 performance of his or her official duties as described in s.
69 943.10 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

604-01947-26

2026156c1

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 engaged in the ~~lawful~~ performance of his or her official
116 duties, the offense for which the person is charged shall be

604-01947-26

2026156c1

117 reclassified as follows:

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

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

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

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

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

138 843.01 Resisting, obstructing, or opposing by offering or
139 doing violence to legally authorized person, police canine, or
140 police horse.—

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

604-01947-26

2026156c1

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

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

156 921.0022 Criminal Punishment Code; offense severity ranking
157 chart.—

158 (3) OFFENSE SEVERITY RANKING CHART

159 (d) LEVEL 4

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.

604-01947-26			2026156c1
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.

	604-01947-26		2026156c1
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
171	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
172	784.081 (3)	3rd	Battery on specified official or employee.
173	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
174	784.083 (3)	3rd	Battery on code inspector.
175	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
176	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.

604-01947-26

2026156c1

177	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
178	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
179	787.07	3rd	Human smuggling.
180	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
181	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
182	790.115 (2) (c)	3rd	Possessing firearm on school property.

	604-01947-26		2026156c1
183	794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
184	800.04(7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
185	806.135	2nd	Destroying or demolishing a memorial or historic property.
186	810.02(4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
187	810.02(4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
188	810.06	3rd	Burglary; possession of tools.
189	810.08(2) (c)	3rd	Trespass on property,

604-01947-26			2026156c1
190		armed with firearm or dangerous weapon.	
	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
191	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
192	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
193	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
194	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.
195	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property

	604-01947-26		2026156c1
196			stolen \$300 or more.
197	817.505 (4) (a)	3rd	Patient brokering.
198	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
199	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
200	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
201	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
202	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or

604-01947-26

2026156c1

permanent breeding
disability to any
registered horse or
cattle.

203

836.14 (2) 3rd Person who commits theft
of a sexually explicit
image with intent to
promote it.

204

836.14 (3) 3rd Person who willfully
possesses a sexually
explicit image with
certain knowledge,
intent, and purpose.

205

837.02 (1) 3rd Perjury in official
proceedings.

206

837.021 (1) 3rd Make contradictory
statements in official
proceedings.

207

838.022 3rd Official misconduct.

208

839.13 (2) (a) 3rd Falsifying records of an
individual in the care
and custody of a state
agency.

	604-01947-26		2026156c1
209	839.13(2) (c)	3rd	Falsifying records of the Department of Children and Families.
210	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
211	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
212	843.15(1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
213	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
214	847.0135(5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

	604-01947-26		2026156c1
215	870.01(3)	2nd	Aggravated rioting.
216	870.01(5)	2nd	Aggravated inciting a riot.
217	874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
218	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).
219	914.14(2)	3rd	Witnesses accepting bribes.
220	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
221	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
222	916.1085	3rd	Introduction of

604-01947-26			2026156c1
	(2) (c)1.		specified contraband into certain DCF facilities.
223			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
224			
	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
225			
	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.
226			
227	(e) LEVEL 5		
228			

604-01947-26			2026156c1
Florida	Felony		
Statute	Degree		Description
229			
	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
230			
	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.
231			
	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
232			
	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
233			
	327.30(5)(a)2.	3rd	Vessel accidents

604-01947-26

2026156c1

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

234

365.172
(14) (b) 2.

2nd Misuse of emergency
communications system
resulting in death.

235

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

604-01947-26			2026156c1
236			imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.	
237	3rd	Possession of 100 or more undersized spiny lobsters.	379.407(5)(b)3.
238	3rd	Donate blood, plasma, or organs knowing HIV positive.	381.0041(11)(b)
239	2nd	Failure to obtain workers' compensation coverage.	440.10(1)(g)
240	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.	440.105(5)
241			

604-01947-26

2026156c1

440.381(2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

242

624.401(4)(b)2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

243

626.902(1)(c)

2nd

Representing an unauthorized insurer; repeat offender.

244

784.07(2)(b)3rd

Battery of law enforcement officer, firefighter, etc.

245

790.01(3)

3rd

Unlawful carrying of a concealed firearm.

246

790.162

2nd

Threat to throw or discharge destructive device.

	604-01947-26		2026156c1
247	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
248	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
249	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
250	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
251	800.04(6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
252	800.04(7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
253	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with

604-01947-26			2026156c1
254			intent to damage any structure or property.
	810.145 (4)	3rd	Commercial digital voyeurism dissemination.
255	810.145 (7) (a)	2nd	Digital voyeurism; 2nd or subsequent offense.
256	810.145 (8) (a)	2nd	Digital voyeurism; certain minor victims.
257	812.014 (2) (d) 3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
258	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
259	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
260	812.015 (8) (f)	3rd	Retail theft; multiple

604-01947-26			2026156c1
261	812.015 (8) (g)	3rd	thefts within specified period.
262	812.019 (1)	2nd	Retail theft; committed with specified number of other persons.
263	812.081 (3)	2nd	Stolen property; dealing in or trafficking in.
264	812.131 (2) (b)	3rd	Trafficking in trade secrets.
265	812.16 (2)	3rd	Robbery by sudden snatching.
266	817.034 (4) (a) 2.	2nd	Owning, operating, or conducting a chop shop.
267	817.234 (11) (b)	2nd	Communications fraud, value \$20,000 to \$50,000.
268	817.2341 (1),	3rd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
			Filing false financial

604-01947-26

2026156c1

(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.

269

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.

270

817.611 (2) (a)

2nd

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

271

817.625 (2) (b)

2nd

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

	604-01947-26		2026156c1
272			reencoder.
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
273	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
274	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
275	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.
276	843.01 (1)	3rd	Resist officer with violence to person; resist arrest with

604-01947-26			2026156c1
277		violence.	
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
278	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
279	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
280	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
281	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
282	893.13 (1) (a) 1.	2nd	Sell, manufacture, or

604-01947-26

2026156c1

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

283

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.

284

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.

604-01947-26

2026156c1

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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.

286

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.

287

893.13(4) (b) 2nd Use or hire of minor; deliver to minor other controlled substance.

288

893.1351 (1) 3rd Ownership, lease, or

604-01947-26

2026156c1

rental for trafficking
in or manufacturing of
controlled substance.

289

290

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