

A bill to be entitled

An act relating to false personation; amending s. 843.08, F.S.; revising who is prohibited from being falsely personated; revising terminology; amending s. 843.085, F.S.; prohibiting the sale or transfer of specified badges bearing in any manner or combination the words "fire department" and the ownership or operation of vehicles marked or identified by the words "fire department"; requiring specified intent for certain offenses; providing an exception; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 843.08, Florida Statutes, is amended to read:

843.08 False personation ~~Falsely personating officer, etc.~~—A person who falsely assumes or pretends to be a firefighter, sheriff, officer of the Florida Highway Patrol, officer of the Fish and Wildlife Conservation Commission, a fire or arson investigator of the Department of Financial Services, ~~officer of the Department of Transportation,~~ officer of the Department of Financial Services, officer of the Department of Corrections, correctional probation officer, deputy sheriff, state attorney or assistant state attorney, statewide prosecutor

27 or assistant statewide prosecutor, state attorney investigator,
 28 coroner, police officer, lottery special agent or lottery
 29 investigator, beverage enforcement agent, or watchman, or any
 30 member of the Parole Commission and any administrative aide or
 31 supervisor employed by the commission, or any personnel or
 32 representative of the Department of Law Enforcement, or a
 33 federal law enforcement officer as defined in s. 901.1505, and
 34 takes upon himself or herself to act as such, or to require any
 35 other person to aid or assist him or her in a matter pertaining
 36 to the duty of any such officer, commits a felony of the third
 37 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 38 775.084. However, a person who falsely personates any such
 39 officer during the course of the commission of a felony commits
 40 a felony of the second degree, punishable as provided in s.
 41 775.082, s. 775.083, or s. 775.084. If the commission of the
 42 felony results in the death or personal injury of another human
 43 being, the person commits a felony of the first degree,
 44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 45 The term "watchman" means a security officer licensed under
 46 chapter 493.

47 Section 2. Section 843.085, Florida Statutes, is amended
 48 to read:

49 843.085 Unlawful use of ~~police~~ badges or other indicia of
 50 authority. ~~It is unlawful for any person:~~

51 (1) It is unlawful for any person, unless appointed by the
 52 Governor pursuant to chapter 354, authorized by the appropriate

53 agency, or displayed in a closed or mounted case as a collection
 54 or exhibit, to wear or display any authorized indicia of
 55 authority, including any badge, insignia, emblem, identification
 56 card, or uniform, or any colorable imitation thereof, of any
 57 federal, state, county, or municipal law enforcement agency, or
 58 other criminal justice agency as now or hereafter defined in s.
 59 943.045, with the intent to mislead or cause another person to
 60 believe that he or she is a member of that agency or is
 61 authorized to display or wear such item, or to wear or display
 62 any item that ~~which could deceive a reasonable person into~~
 63 ~~believing that such item is authorized by any of the agencies~~
 64 ~~described above for use by the person displaying or wearing it,~~
 65 ~~or which~~ displays in any manner or combination the word or words
 66 "police," "patrolman," "agent," "sheriff," "deputy," "trooper,"
 67 "highway patrol," "commission officer," "Wildlife Officer,"
 68 "Marine Patrol Officer," "state attorney," "public defender,"
 69 "marshal," "constable," ~~or~~ "bailiff," or "fire department," with
 70 the intent to mislead or cause another person to believe that he
 71 or she is a member of that agency or is authorized to wear or
 72 display such item ~~which could deceive a reasonable person into~~
 73 ~~believing that such item is authorized by any of the agencies~~
 74 ~~described above for use by the person displaying or wearing it.~~

75 (2) It is unlawful for a person to own or operate a motor
 76 vehicle marked or identified in any manner or combination by the
 77 word or words "police," "patrolman," "sheriff," "deputy,"
 78 "trooper," "highway patrol," "commission officer," "Wildlife

79 Officer," "Marine Patrol Officer," "marshal," "constable," ~~or~~
 80 "bailiff," or "fire department," or by any lettering, marking,
 81 or insignia, or colorable imitation thereof, including, but not
 82 limited to, stars, badges, or shields, officially used to
 83 identify the vehicle as a federal, state, county, or municipal
 84 law enforcement vehicle or a vehicle used by a criminal justice
 85 agency as ~~now or hereafter~~ defined in s. 943.045, or a vehicle
 86 used by a fire department with the intent to mislead or cause
 87 another person to believe that such vehicle is an official
 88 vehicle of that agency and is authorized to be used by that
 89 agency ~~which could deceive a reasonable person into believing~~
 90 ~~that such vehicle is authorized by any of the agencies described~~
 91 ~~above for use by the person operating the motor vehicle, unless~~
 92 such vehicle is owned or operated by the appropriate agency and
 93 its use is authorized by such agency, or the local law
 94 enforcement agency or fire department authorizes the use of such
 95 vehicle, or unless the person is appointed by the Governor
 96 pursuant to chapter 354.

97 (3) It is unlawful for a person to sell, transfer, or give
 98 away the authorized badge, or colorable imitation thereof,
 99 including miniatures, of any criminal justice agency as ~~now or~~
 100 ~~hereafter~~ defined in s. 943.045, or bearing in any manner or
 101 combination the word or words "police," "patrolman," "sheriff,"
 102 "deputy," "trooper," "highway patrol," "commission officer,"
 103 "Wildlife Officer," "Marine Patrol Officer," "marshal,"
 104 "constable," "agent," "state attorney," "public defender," ~~or~~

105 "bailiff," or "fire department," with the intent to mislead or
 106 cause another person to believe that he or she is a member of
 107 that agency or is authorized to wear or display such item ~~which~~
 108 ~~could deceive a reasonable person into believing that such item~~
 109 ~~is authorized by any of the agencies described above,~~ except for
 110 agency purchases or upon the presentation and recordation of
 111 both a driver's license and other identification showing any
 112 transferee to actually be a member of such criminal justice
 113 agency or unless the person is appointed by the Governor
 114 pursuant to chapter 354. A transferor of an item covered by this
 115 subsection is required to maintain for 2 years a written record
 116 of such transaction, including records showing compliance with
 117 this subsection, and if such transferor is a business, it shall
 118 make such records available during normal business hours for
 119 inspection by any law enforcement agency having jurisdiction in
 120 the area where the business is located.

121 (4) ~~Nothing in~~ This section does not shall prohibit a
 122 fraternal, benevolent, or labor organization or association, or
 123 their chapters or subsidiaries, from using the following words,
 124 in any manner or in any combination, if those words appear in
 125 the official name of the organization or association: "police,"
 126 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
 127 "commission officer," "Wildlife Officer," "Marine Patrol
 128 Officer," "marshal," "constable," ~~or~~ "bailiff," or "fire
 129 department."

130 (5) Violation of any provision of this section is a

131 misdemeanor of the first degree, punishable as provided in s.
 132 775.082 or s. 775.083. This section is cumulative to any law now
 133 in force in the state.

134 Section 3. Paragraph (b) of subsection (3) of section
 135 921.0022, Florida Statutes, is amended to read:

136 921.0022 Criminal Punishment Code; offense severity
 137 ranking chart.—

138 (3) OFFENSE SEVERITY RANKING CHART

139 (b) LEVEL 2

140

| Florida | Felony | Description |
|------------------------|--------|--|
| Statute | Degree | |
| 379.2431 (1) (e) 3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 379.2431 (1) (e) 4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 403.413 (6) (c) | 3rd | Dumps waste litter exceeding 500 lbs. in weight or 100 cubic |

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feet in volume or any quantity
for commercial purposes, or
hazardous waste.

144
517.07(2) 3rd Failure to furnish a prospectus
meeting requirements.

145
590.28(1) 3rd Intentional burning of lands.

146
784.05(3) 3rd Storing or leaving a loaded
firearm within reach of minor
who uses it to inflict injury
or death.

147
787.04(1) 3rd In violation of court order,
take, entice, etc., minor
beyond state limits.

148
806.13(1)(b)3. 3rd Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.

149
810.061(2) 3rd Impairing or impeding telephone
or power to a dwelling;

facilitating or furthering
burglary.

150

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

151

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300
or more but less than \$5,000.

152

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100
or more but less than \$300,
taken from unenclosed curtilage
of dwelling.

153

812.015(7) 3rd Possession, use, or attempted
use of an antishoplifting or
inventory control device
countermeasure.

154

817.234(1)(a)2. 3rd False statement in support of
insurance claim.

155

817.481(3)(a) 3rd Obtain credit or purchase with
false, expired, counterfeit,

etc., credit card, value over
\$300.

156

817.52 (3) 3rd Failure to redeliver hired
vehicle.

157

817.54 3rd With intent to defraud, obtain
mortgage note, etc., by false
representation.

158

817.60 (5) 3rd Dealing in credit cards of
another.

159

817.60 (6) (a) 3rd Forgery; purchase goods,
services with false card.

160

817.61 3rd Fraudulent use of credit cards
over \$100 or more within 6
months.

161

826.04 3rd Knowingly marries or has sexual
intercourse with person to whom
related.

162

831.01 3rd Forgery.

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| | | | |
|-----|----------------|-----|--|
| 164 | 831.02 | 3rd | Uttering forged instrument; utters or publishes alteration with intent to defraud. |
| 165 | 831.07 | 3rd | Forging bank bills, checks, drafts, or promissory notes. |
| 166 | 831.08 | 3rd | Possessing 10 or more forged notes, bills, checks, or drafts. |
| 167 | 831.09 | 3rd | Uttering forged notes, bills, checks, drafts, or promissory notes. |
| 168 | 831.11 | 3rd | Bringing into the state forged bank bills, checks, drafts, or notes. |
| 169 | 832.05 (3) (a) | 3rd | Cashing or depositing item with intent to defraud. |
| 170 | 843.08 | 3rd | <u>False personation</u> Falsely impersonating an officer. |

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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.

171

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

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Section 4. This act shall take effect October 1, 2014.