

By Senator Braynon

36-00118-14

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1 A bill to be entitled
2 An act relating to false personation; amending s.
3 843.08, F.S.; prohibiting a person from falsely
4 personating a firefighter; amending s. 843.085, F.S.;
5 prohibiting operation or ownership of a motor vehicle
6 falsely marked with the intent to mislead or cause
7 another person to believe that such vehicle is
8 authorized by a fire department for use by the person
9 operating it; providing an exception; amending s.
10 921.0022, F.S.; conforming provisions to changes made
11 by the act; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 843.08, Florida Statutes, is amended to
16 read:

17 843.08 False personation ~~Falsely personating officer, etc.-~~
18 A person who falsely assumes or pretends to be a firefighter,
19 sheriff, officer of the Florida Highway Patrol, officer of the
20 Fish and Wildlife Conservation Commission, officer of the
21 Department of Transportation, officer of the Department of
22 Financial Services, officer of the Department of Corrections,
23 correctional probation officer, deputy sheriff, state attorney
24 or assistant state attorney, statewide prosecutor or assistant
25 statewide prosecutor, state attorney investigator, coroner,
26 police officer, lottery special agent or lottery investigator,
27 beverage enforcement agent, or watchman, or any member of the
28 Parole Commission and any administrative aide or supervisor
29 employed by the commission, or any personnel or representative

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30 of the Department of Law Enforcement, or a federal law
31 enforcement officer as defined in s. 901.1505, and takes upon
32 himself or herself to act as such, or to require any other
33 person to aid or assist him or her in a matter pertaining to the
34 duty of any such officer, commits a felony of the third degree,
35 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
36 However, a person who falsely personates any such officer during
37 the course of the commission of a felony commits a felony of the
38 second degree, punishable as provided in s. 775.082, s. 775.083,
39 or s. 775.084. If the commission of the felony results in the
40 death or personal injury of another human being, the person
41 commits a felony of the first degree, punishable as provided in
42 s. 775.082, s. 775.083, or s. 775.084.

43 Section 2. Subsections (2) and (4) of section 843.085,
44 Florida Statutes, are amended to read:

45 843.085 Unlawful use of police badges or other indicia of
46 authority.—It is unlawful for any person:

47 (2) To own or operate a motor vehicle marked or identified
48 in any manner or combination by the word or words "police,"
49 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
50 "commission officer," "Wildlife Officer," "Marine Patrol
51 Officer," "marshal," "constable," ~~or~~ "bailiff," or "fire
52 department," or by any lettering, marking, or insignia, or
53 colorable imitation thereof, including, but not limited to,
54 stars, badges, or shields, officially used to identify the
55 vehicle as a federal, state, county, or municipal law
56 enforcement vehicle, ~~or~~ a vehicle used by a criminal justice
57 agency as ~~now or hereafter~~ defined in s. 943.045, or a vehicle
58 used by a fire department with the intent to mislead or cause

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59 another person to believe that such vehicle is an official
 60 vehicle of that agency and is authorized to be used by that
 61 agency ~~which could deceive a reasonable person into believing~~
 62 ~~that such vehicle is authorized by any of the agencies described~~
 63 ~~above for use by the person operating the motor vehicle,~~ unless
 64 such vehicle is owned or operated by the appropriate agency and
 65 its use is authorized by such agency, ~~or~~ the local law
 66 enforcement agency or fire department authorizes the use of such
 67 vehicle, or ~~unless~~ the person is appointed by the Governor
 68 pursuant to chapter 354.

69 (4) ~~Nothing in~~ This section does not ~~shall~~ prohibit a
 70 fraternal, benevolent, or labor organization or association, or
 71 their chapters or subsidiaries, from using the following words,
 72 in any manner or in any combination, if those words appear in
 73 the official name of the organization or association: "police,"
 74 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
 75 "commission officer," "Wildlife Officer," "Marine Patrol
 76 Officer," "marshal," "constable," ~~or~~ "bailiff," or "fire
 77 department."

78 Section 3. Paragraph (b) of subsection (3) of section
 79 921.0022, Florida Statutes, is amended to read

80 921.0022 Criminal Punishment Code; offense severity ranking
 81 chart.-

82 (3) OFFENSE SEVERITY RANKING CHART

83 (b) LEVEL 2

84

| | | |
|---------|--------|-------------|
| Florida | Felony | |
| Statute | Degree | Description |

85

| | | | |
|----|-----------------|-----|--|
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| | 379.2431 | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 86 | (1) (e) 3. | | |
| | 379.2431 | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| | (1) (e) 4. | | |
| 87 | | | |
| | 403.413 (6) (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. |
| 88 | | | |
| | 517.07 (2) | 3rd | Failure to furnish a prospectus meeting requirements. |
| 89 | | | |
| | 590.28 (1) | 3rd | Intentional burning of lands. |
| 90 | | | |
| | 784.05 (3) | 3rd | Storing or leaving a loaded firearm within reach of minor who uses |

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91

it to inflict injury or death.

787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

92

806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

93

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

94

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

95

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree; \$300 or more but less than \$5,000.

96

812.014 (2) (d)

3rd

Grand theft, 3rd degree; \$100 or more but less

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than \$300, taken from unenclosed curtilage of dwelling.

97

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

98

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

99

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

100

817.52 (3)

3rd

Failure to redeliver hired vehicle.

101

817.54

3rd

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

102

817.60 (5)

3rd

Dealing in credit cards

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of another.

103

817.60 (6) (a)

3rd

Forgery; purchase goods, services with false card.

104

817.61

3rd

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

105

826.04

3rd

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

106

831.01

3rd

Forgery.

107

831.02

3rd

Uttering forged instrument; utters or publishes alteration with intent to defraud.

108

831.07

3rd

Forging bank bills, checks, drafts, or promissory notes.

109

831.08

3rd

Possessing 10 or more forged notes, bills, checks, or drafts.

110

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| | | | |
|-----|-------------------|-----|---|
| 111 | 831.09 | 3rd | Uttering forged notes, bills, checks, drafts, or promissory notes. |
| 112 | 831.11 | 3rd | Bringing into the state forged bank bills, checks, drafts, or notes. |
| 113 | 832.05 (3) (a) | 3rd | Cashing or depositing item with intent to defraud. |
| 114 | 843.08 | 3rd | <u>False personation</u> Falsely impersonating an officer. |
| 115 | 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. |
| 116 | 893.147 (2) | 3rd | Manufacture or delivery of drug paraphernalia. |

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