

By Senator Braynon

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1 A bill to be entitled
2 An act relating to false personation; amending s.
3 843.08, F.S.; revising the list of officials who are
4 prohibited from being falsely personated; revising
5 terminology; amending s. 843.085, F.S.; prohibiting
6 the sale or transfer of specified badges bearing in
7 any manner or combination the words "fire department"
8 and the ownership or operation of vehicles marked or
9 identified by the words "fire department"; requiring
10 specified intent for certain offenses; providing an
11 exception; amending s. 921.0022, F.S.; conforming
12 provisions to changes made by the act; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 843.08, Florida Statutes, is amended to
18 read:

19 843.08 False personation ~~Falsely personating officer, etc.-~~
20 A person who falsely assumes or pretends to be a firefighter,
21 sheriff, officer of the Florida Highway Patrol, officer of the
22 Fish and Wildlife Conservation Commission, a fire or arson
23 investigator of the Department of Financial Services, ~~officer of~~
24 ~~the Department of Transportation,~~ officer of the Department of
25 Financial Services, officer of the Department of Corrections,
26 correctional probation officer, deputy sheriff, state attorney
27 or assistant state attorney, statewide prosecutor or assistant
28 statewide prosecutor, state attorney investigator, coroner,
29 police officer, lottery special agent or lottery investigator,

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

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

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

52 (1) It is unlawful for any person, unless appointed by the
53 Governor pursuant to chapter 354, authorized by the appropriate
54 agency, or displayed in a closed or mounted case as a collection
55 or exhibit, to wear or display any authorized indicia of
56 authority, including any badge, insignia, emblem, identification
57 card, or uniform, or any colorable imitation thereof, of any
58 federal, state, county, or municipal law enforcement agency, or

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59 other criminal justice agency as ~~now or hereafter~~ defined in s.
60 943.045, with the intent to mislead or cause another person to
61 believe that he or she is a member of that agency or is
62 authorized to display or wear such item, or to wear or display
63 any item that ~~which could deceive a reasonable person into~~
64 ~~believing that such item is authorized by any of the agencies~~
65 ~~described above for use by the person displaying or wearing it,~~
66 ~~or which displays in any manner or combination the word or words~~
67 "police," "patrolman," "agent," "sheriff," "deputy," "trooper,"
68 "highway patrol," "commission officer," "Wildlife Officer,"
69 "Marine Patrol Officer," "state attorney," "public defender,"
70 "marshal," "constable," ~~or~~ "bailiff," or "fire department," with
71 the intent to mislead or cause another person to believe that he
72 or she is a member of that agency or is authorized to wear or
73 display such item ~~which could deceive a reasonable person into~~
74 ~~believing that such item is authorized by any of the agencies~~
75 ~~described above for use by the person displaying or wearing it.~~

76 (2) It is unlawful for a person to own or operate a motor
77 vehicle marked or identified in any manner or combination by the
78 word or words "police," "patrolman," "sheriff," "deputy,"
79 "trooper," "highway patrol," "commission officer," "Wildlife
80 Officer," "Marine Patrol Officer," "marshal," "constable," ~~or~~
81 "bailiff," or "fire department," or by any lettering, marking,
82 or insignia, or colorable imitation thereof, including, but not
83 limited to, stars, badges, or shields, officially used to
84 identify the vehicle as a federal, state, county, or municipal
85 law enforcement vehicle or a vehicle used by a criminal justice
86 agency as ~~now or hereafter~~ defined in s. 943.045, or a vehicle
87 used by a fire department with the intent to mislead or cause

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88 another person to believe that such vehicle is an official
89 vehicle of that agency and is authorized to be used by that
90 agency ~~which could deceive a reasonable person into believing~~
91 ~~that such vehicle is authorized by any of the agencies described~~
92 ~~above for use by the person operating the motor vehicle,~~ unless
93 such vehicle is owned or operated by the appropriate agency and
94 its use is authorized by such agency, or the local law
95 enforcement agency or fire department authorizes the use of such
96 vehicle, or unless the person is appointed by the Governor
97 pursuant to chapter 354.

98 (3) It is unlawful for a person to sell, transfer, or give
99 away the authorized badge, or colorable imitation thereof,
100 including miniatures, of any criminal justice agency as ~~now or~~
101 ~~hereafter~~ defined in s. 943.045, or bearing in any manner or
102 combination the word or words "police," "patrolman," "sheriff,"
103 "deputy," "trooper," "highway patrol," "commission officer,"
104 "Wildlife Officer," "Marine Patrol Officer," "marshal,"
105 "constable," "agent," "state attorney," "public defender," ~~or~~
106 "bailiff," or "fire department," with the intent to mislead or
107 cause another person to believe that he or she is a member of
108 that agency or is authorized to wear or display such item ~~which~~
109 ~~could deceive a reasonable person into believing that such item~~
110 ~~is authorized by any of the agencies described above,~~ except for
111 agency purchases or upon the presentation and recordation of
112 both a driver license and other identification showing any
113 transferee to actually be a member of such criminal justice
114 agency or unless the person is appointed by the Governor
115 pursuant to chapter 354. A transferor of an item covered by this
116 subsection is required to maintain for 2 years a written record

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117 of such transaction, including records showing compliance with
 118 this subsection, and if such transferor is a business, it shall
 119 make such records available during normal business hours for
 120 inspection by any law enforcement agency having jurisdiction in
 121 the area where the business is located.

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

131 (5) Violation of any provision of this section is a
 132 misdemeanor of the first degree, punishable as provided in s.
 133 775.082 or s. 775.083. This section is cumulative to any law now
 134 in force in the state.

135 Section 3. Paragraph (b) of subsection (3) of section
 136 921.0022, Florida Statutes, is amended to read:

137 921.0022 Criminal Punishment Code; offense severity ranking
 138 chart.-

139 (3) OFFENSE SEVERITY RANKING CHART

140 (b) LEVEL 2

141

142

Florida	Felony	Description
Statute	Degree	

143

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379.2431 3rd Possession of 11 or fewer
 (1) (e) 3. marine turtle eggs in violation
 of the Marine Turtle Protection
 Act.

144

379.2431 3rd Possession of more than 11
 (1) (e) 4. marine turtle eggs in violation
 of the Marine Turtle Protection
 Act.

145

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.

146

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

147

590.28 (1) 3rd Intentional burning of lands.

148

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

149

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

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insurance claim.

157

817.481 (3) (a)

3rd

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

158

817.52 (3)

3rd

Failure to redeliver hired vehicle.

159

817.54

3rd

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

160

817.60 (5)

3rd

Dealing in credit cards of another.

161

817.60 (6) (a)

3rd

Forgery; purchase goods, services with false card.

162

817.61

3rd

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

163

826.04

3rd

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

164

831.01

3rd

Forgery.

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

