

HB 1459

2011

1                                   A bill to be entitled  
 2           An act relating to false personation; amending s. 843.08,  
 3           F.S.; prohibiting a person from falsely personating a  
 4           firefighter or certain law enforcement officers if his or  
 5           her action could deceive a reasonable person into  
 6           believing that he or she was a bona fide official;  
 7           amending s. 843.085, F.S.; prohibiting operation or  
 8           ownership of a motor vehicle falsely marked in a way which  
 9           could deceive a reasonable person into believing that such  
 10          vehicle is authorized by a fire department for use by the  
 11          person operating it; providing an exception; amending s.  
 12          921.0022, F.S.; conforming provisions to changes made by  
 13          the act; providing an 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,~~  
 20   ~~ete.~~—A person who falsely assumes or pretends to be a  
 21   firefighter, sheriff, officer of the Florida Highway Patrol,  
 22   officer of the Fish and Wildlife Conservation Commission,  
 23   officer of the Department of Environmental Protection, officer  
 24   of the Department of Transportation, officer of the Department  
 25   of 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,

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29 | police officer, lottery special agent or lottery investigator,  
30 | beverage enforcement agent, or watchman, or any member of the  
31 | Parole Commission and any administrative aide or supervisor  
32 | employed by the commission, or any personnel or representative  
33 | of the Department of Law Enforcement or any other criminal  
34 | justice agency as defined in s. 943.045, whether federal, state,  
35 | local, municipal, tribal, or territorial, if his or her action  
36 | could deceive a reasonable person into believing that he or she  
37 | was a bona fide law enforcement official, or a federal law  
38 | enforcement officer as defined in s. 901.1505, and takes upon  
39 | himself or herself to act as such, or to require any other  
40 | person to aid or assist him or her in a matter pertaining to the  
41 | duty of any such officer, commits a felony of the third degree,  
42 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084;  
43 | however, a person who falsely personates any such officer during  
44 | the course of the commission of a felony commits a felony of the  
45 | second degree, punishable as provided in s. 775.082, s. 775.083,  
46 | or s. 775.084; except that if the commission of the felony  
47 | results in the death or personal injury of another human being,  
48 | the person commits a felony of the first degree, punishable as  
49 | provided in s. 775.082, s. 775.083, or s. 775.084.

50 | Section 2. Subsections (2) and (4) of section 843.085,  
51 | Florida Statutes, are amended to read:

52 | 843.085 Unlawful use of police badges or other indicia of  
53 | authority.—It is unlawful for any person:

54 | (2) To own or operate a motor vehicle marked or identified  
55 | in any manner or combination by the word or words "police,"  
56 | "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"

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57 "Wildlife Officer," "Marine Patrol Officer," "marshal,"  
 58 "constable," ~~or~~ "bailiff," or "fire department," or by any  
 59 lettering, marking, or insignia, or colorable imitation thereof,  
 60 including, but not limited to, stars, badges, or shields,  
 61 officially used to identify the vehicle as a federal, state,  
 62 county, or municipal law enforcement vehicle, ~~or~~ a vehicle used  
 63 by a criminal justice agency as ~~now or hereafter~~ defined in s.  
 64 943.045, or a vehicle used by a fire department which could  
 65 deceive a reasonable person into believing that such vehicle is  
 66 authorized by any of the agencies described in this subsection  
 67 ~~above~~ for use by the person operating the motor vehicle, unless  
 68 such vehicle is owned or operated by the appropriate agency and  
 69 its use is authorized by such agency, or the local law  
 70 enforcement agency or fire department authorizes the use of such  
 71 vehicle or unless the person is appointed by the Governor  
 72 pursuant to chapter 354.

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

81 Section 3. Paragraph (b) of subsection (3) of section  
 82 921.0022, Florida Statutes, is amended to read:

83 921.0022 Criminal Punishment Code; offense severity  
 84 ranking chart.—

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85 (3) OFFENSE SEVERITY RANKING CHART

86 (b) LEVEL 2

87

Florida	Felony	
Statute	Degree	Description

88

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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403.413 (5) (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.
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517.07	3rd	Registration of securities and furnishing of prospectus required.
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92

590.28 (1)	3rd	Intentional burning of lands.
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94	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
95	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
96	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
97	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
98	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
99	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100

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or more but less than \$300,  
taken from unenclosed curtilage  
of dwelling.

100

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

101

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

102

817.481 (3) (a)                3rd      Obtain credit or purchase with  
false, expired, counterfeit,  
etc., credit card, value over  
\$300.

103

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

104

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

105

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

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107	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
108	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
109	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
110	831.01	3rd	Forgery.
111	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
112	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
113	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
114	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.

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115

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

116

832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.

117

843.08 3rd False personation ~~Falsely impersonating an officer.~~

118

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.

119

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

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Section 4. This act shall take effect October 1, 2011.