

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.; prohibiting a person from falsely
 4 personating a firefighter or certain law enforcement
 5 officers if his or her action could deceive a
 6 reasonable person into believing that he or she was a
 7 bona fide official; amending s. 843.085, F.S.;
 8 prohibiting operation or ownership of a motor vehicle
 9 falsely marked in a way which could deceive a
 10 reasonable person into believing that such vehicle is
 11 authorized by a fire department for use by the person
 12 operating it; providing an exception; amending s.
 13 921.0022, F.S.; conforming provisions to changes made
 14 by the act; providing an effective date.

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

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

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

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

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

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

55 (2) To own or operate a motor vehicle marked or identified
56 in any manner or combination by the word or words "police,"
57 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"
58 "Wildlife Officer," "Marine Patrol Officer," "marshal,"

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

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

82 Section 3. Paragraph (b) of subsection (3) of section
 83 921.0022, Florida Statutes, is amended to read:

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

86 (3) OFFENSE SEVERITY RANKING CHART

87 (b) LEVEL 2

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Florida Statute	Felony Degree	Description
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 (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.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28 (1)	3rd	Intentional burning of lands.
784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.

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806.13(1)(b)3.
3rd
Criminal mischief; damage \$1,000 or more to public communication or any other public service.
- 98
810.061(2)
3rd
Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
- 99
810.09(2)(e)
3rd
Trespassing on posted commercial horticulture property.
- 100
812.014(2)(c)1.
3rd
Grand theft, 3rd degree; \$300 or more but less than \$5,000.
- 101
812.014(2)(d)
3rd
Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
- 102
812.015(7)
3rd
Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
- 103
817.234(1)(a)2.
3rd
False statement in support of insurance claim.
- 104
817.481(3)(a)
3rd
Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

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105	817.52 (3)	3rd	Failure to redeliver hired vehicle.
106	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
107	817.60 (5)	3rd	Dealing in credit cards of another.
108	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
109	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
110	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
111	831.01	3rd	Forgery.
112	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
113	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
114	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
	831.09	3rd	Uttering forged notes, bills, checks,

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drafts, or promissory notes.

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

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

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843.08 3rd False personation ~~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.

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

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