

A bill to be entitled

An act relating to false personation; amending s. 843.08, F.S.; revising the list of officials who are 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,

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

48 Section 2. Section 843.085, Florida Statutes, is amended  
 49 to 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  
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  
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  
 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  
 138 ranking chart.—

139 (3) OFFENSE SEVERITY RANKING CHART

140 (b) LEVEL 2

141

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 (6) (c)	3rd	Dumps waste litter exceeding

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500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

145 517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

146 590.28(1) 3rd Intentional burning of lands.

147 784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

148 787.04(1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

149 806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

150 810.061(2) 3rd Impairing or impeding telephone

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or power to a dwelling;  
facilitating or furthering  
burglary.

151

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

152

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

153

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

154

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

155

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

156

817.481(3)(a) 3rd Obtain credit or purchase with

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false, expired, counterfeit,  
etc., credit card, value over  
\$300.

157

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

158

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

159

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

160

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

161

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

162

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

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164	831.01	3rd	Forgery.
165	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
166	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
167	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
168	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
169	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
170	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
	843.08	3rd	<u>False personation</u> <del>Falsely</del>

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~~impersonating an officer.~~

171

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.

172

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

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174                    Section 4. This act shall take effect October 1, 2015.