

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 136

INTRODUCER: Senator Rouson

SUBJECT: False Personation

DATE: February 8, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Jones</u>	<u>CJ</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>IS</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 136 amends s. 843.08, F.S., which criminalizes the false personation of law enforcement officers and other specified persons, to criminalize the false personation of a school guardian.

Currently, s. 843.08, F.S., prohibits false personation of a watchman (a person licensed as a security officer under ch. 493, F.S.). The bill replaces the term “watchman” with “security officer licensed under chapter 493” and removes a definition of “watchman.”

False personation of a school guardian is generally a third degree felony. However, false personation is a second degree felony if committed during the course of the commission of a felony, unless the felony resulted in the death or personal injury of another human being, in which case false personation is a first degree felony.

The Legislature’s Office of Economic and Demographic Research preliminarily estimates that the bill will have a positive insignificant prison bed impact (an increase of 10 or fewer prison beds).

The bill is effective on October 1, 2019.

**II. Present Situation:**

**School Guardian**

Section 30.15(1)(k), F.S.,<sup>1</sup> authorizes sheriffs, in their respective counties, in person or by deputy, to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises. A school guardian has no authority to act in any

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<sup>1</sup> Section 30.15(1)(k), F.S., was created by the Marjory Stoneman Douglas High School Public Safety Act (ch. 2018-3, L.O.F.).

law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident on a school premises.<sup>2</sup>

Excluded from participating in the Coach Aaron Feis Guardian Program are individuals who exclusively perform classroom duties as classroom teachers as defined in s. 1012.01(2)(a), F.S. This limitation does not apply to classroom teachers of a Junior Reserve Officers' Training Corps program, a current servicemember, as defined in s. 250.01, F.S., or a current or former law enforcement officer, as defined in s. 943.10(1), (6), or (8), F.S.<sup>3</sup>

The sheriff who chooses to establish the program shall appoint as school guardians, without the power of arrest, school employees who volunteer and who do all of the following:

- Hold a valid license issued under s. 790.06, F.S. (license to carry a concealed firearm).
- Complete 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:
  - Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
  - Sixteen hours of instruction in precision pistol.
  - Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.
  - Eight hours of instruction in active shooter or assailant scenarios.
  - Eight hours of instruction in defensive tactics.
  - Twelve hours of instruction in legal issues.
- Pass a psychological evaluation administered by a psychologist licensed under ch. 490, F.S., and designated by the Florida Department of Law Enforcement (FDLE) and submit the results of the evaluation to the sheriff's office. The FDLE may provide the sheriff's office with mental health and substance abuse data for compliance with this requirement.
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455, F.S., and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.
- Successfully complete at least 12 hours of a certified nationally recognized diversity training program.<sup>4</sup>

The sheriff shall issue a school guardian certificate to individuals who meet these requirements, and shall also maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian appointed by the sheriff.<sup>5</sup>

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<sup>2</sup> Section 30.15(1)(k), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

### **False Personation of Law Enforcement Officers and Other Specified Persons**

Section 843.08, F.S., punishes false personation of any of the following law enforcement officers or other specified persons:

- A firefighter.
- Sheriff.
- Officer of the Florida Highway Patrol.
- Officer of the Fish and Wildlife Conservation Commission.
- Fire or arson investigator of the Department of Financial Services.
- Officer of the Department of Financial Services.
- Officer of the Department of Corrections.
- Correctional probation officer.
- Deputy sheriff.
- State attorney or assistant state attorney.
- Statewide prosecutor or assistant statewide prosecutor.
- State attorney investigator.
- Coroner.
- Police officer.
- Lottery special agent or lottery investigator.
- Beverage enforcement agent.
- Watchman (a security officer licensed under ch. 493, F.S.).
- Any member of the Florida Commission on Offender Review and any administrative aide or supervisor employed by the commission.
- Any personnel or representative of the FDLE.
- A federal law enforcement officer as defined in s. 901.1505, F.S.

A person commits the offense of false personation if he or she falsely assumes or pretends to be any person specified in s. 843.08, F.S., such as a police officer, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any person specified in s. 843.08, F.S.

False personation in violation of s. 843.08, F.S. is generally a third degree felony.<sup>6</sup> However, false personation is a second degree felony<sup>7</sup> if committed during the course of the commission of a felony, unless the felony resulted in the death or personal injury of another human being, in which case false personation is a first degree felony.<sup>8</sup>

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<sup>6</sup> A third degree felony is punishable by up to 5 years in prison and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S. A third degree felony violation of s. 843.08, F.S., is ranked in Level 2 of the Criminal Punishment Code offense severity ranking chart. Section 921.0022(3)(b), F.S.

<sup>7</sup> A second degree felony is punishable by up to 15 years in prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

<sup>8</sup> A first degree felony is generally punishable by up to 30 years in prison and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

**III. Effect of Proposed Changes:**

The bill amends s. 843.08, F.S., which criminalizes the false personation of law enforcement officers and other specified persons, to criminalize the false personation of a school guardian as described in s. 30.15(1)(k), F.S.

Currently, s. 843.08, F.S., prohibits false personation of a watchman (a security officer licensed under ch. 493, F.S.). The bill replaces the term “watchman” with “security officer licensed under chapter 493” and removes a definition of “watchman.”

False personation of a school guardian is generally a third degree felony. However, false personation is a second degree felony if committed during the course of the commission of a felony, unless the felony resulted in the death or personal injury of another human being, in which case false personation is a first degree felony.

The bill also reenacts a part of the Criminal Punishment Code offense severity ranking chart (s. 921.0022(3)(b), F.S.) to incorporate the amendments made by the bill to s. 843.08, F.S.

The effective date of the bill is October 1, 2019.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet reviewed the bill. The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a positive insignificant prison bed impact (an increase of 10 or fewer prison beds).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 843.08 of the Florida Statutes.

This bill also reenacts section 921.0022 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.