

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 518  
 SPONSOR: Senator Miller  
 SUBJECT: Obtaining Property/False Personation  
 DATE: March 6, 2001                      REVISED: 03/20/01 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>APJ</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 518 provides that obtaining property by false personation is a second degree felony. Currently, this offense is treated as if it were the offense of larceny (now theft) for purposes of punishment. Theft penalties range from first degree misdemeanor penalties to first degree felony penalties, depending on the type or value of the property.

This bill amends s. 817.02, F.S.

**II. Present Situation:**

Pursuant to s. 817.02, F.S., whoever falsely personates or represents another, and in such assumed character receives any property intended to be delivered to the party so personated with intent to covert this property to his or her own use, shall be punished as if he or she had been convicted of larceny.

Laws punishing larceny (now known as theft) “appear to have been enacted in Florida as early as 1822, the year of the first session of the legislative council of the territory of Florida.” *A Report on Petit Theft* , p. 3 (February 1991), Senate Committee on Criminal Justice, Florida Senate (footnote omitted). Distinctions between petit larceny and grand larceny did not at first exist, but were later added. *Id.* However, “[r]eferences to larceny were dropped in 1977 when the Legislature repealed several sections of the larceny statute and replaced them with the current statutory crime of theft.” *Id.*

**III. Effect of Proposed Changes:**

Senate Bill 518 amends s. 817.02, F.S., which makes it unlawful to obtain property by false personation, to provide that this offense is a second degree felony, punishable as provided in

s. 775.082, s. 775.083, or s. 775.084. The offense would no longer be punishable as larceny (now theft).

The bill takes effect on July 1, 2001.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Estimating Conference estimates that SB 518 will have an insignificant impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Criminal Justice:

Provides that a person who obtains property by false personation commits theft, punishable as provided in s. 812.014, F.S. (WITH TITLE AMENDMENT)