

CHAPTER 97-203

House Bill No. 449

An act relating to criminal actions committed through the use of simulated legal process or under false color of law; creating s. 843.0855, F.S.; providing definitions; defining the offense of deliberately impersonating or falsely acting as a public officer or tribunal or public employee or utility employee in connection with or relating to legal process, or taking action under color of law against persons or property, and providing penalties therefor; defining the offense of simulating legal process with knowledge or reason to know of fraud with respect to a legal document, proceeding, or basis for action, and providing penalties therefor; defining the offense of falsely under color of law attempting to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of official duties, and providing penalties therefor; providing for applicability; providing an effective date.

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

Section 1. Section 843.0855, Florida Statutes, is created to read:

843.0855 Criminal actions under color of law or through use of simulated legal process.—

(1) As used in this section:

(a) The term “legal process” means a document or order issued by a court or filed or recorded for the purpose of exercising jurisdiction or representing a claim against a person or property, or for the purpose of directing a person to appear before a court or tribunal, or to perform or refrain from performing a specified act. “Legal process” includes, but is not limited to, a summons, lien, complaint, warrant, injunction, writ, notice, pleading, subpoena, or order.

(b) The term “person” means an individual, public or private group incorporated or otherwise, legitimate or illegitimate legal tribunal or entity, informal organization, official or unofficial agency or body, or any assemblage of individuals.

(c) The term “public officer” means a public officer as defined by s. 112.061.

(d) The term “public employee” means a public employee as defined by s. 112.061.

(2) Any person who deliberately impersonates or falsely acts as a public officer or tribunal, public employee or utility employee, including, but not limited to, marshals, judges, prosecutors, sheriffs, deputies, court personnel, or any law enforcement authority in connection with or relating to any legal process affecting persons and property, or otherwise takes any action under

color of law against persons or property, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who simulates legal process, including, but not limited to, actions affecting title to real estate or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments, or any legal documents or proceedings, knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who falsely under color of law attempts in any way to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of his or her official duties by means of, but not limited to, threats of or actual physical abuse or harassment, or through the use of simulated legal process, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(5)(a) Nothing in this section shall make unlawful any act of any law enforcement officer or legal tribunal which is performed under lawful authority.

(b) Nothing in this section shall prohibit individuals from assembling freely to express opinions or designate group affiliation or association.

(c) Nothing in this section shall prohibit or in any way limit a person's lawful and legitimate access to the courts or prevent a person from instituting or responding to legitimate and lawful legal process.

Section 2. This act shall take effect October 1, 1997, and shall apply to offenses committed on or after that date.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.