

By Representatives Dockery, Fischer, Futch, Putnam,  
Argenziano, Burroughs, Sembler and Valdes

1                                   A bill to be entitled  
2           An act relating to unlawful solicitations;  
3           amending s. 321.03, F.S.; prohibiting  
4           solicitation of funds or in-kind contributions  
5           while using the name, symbols, colors, or  
6           initials of the Florida Highway Patrol without  
7           written permission of the Department of Highway  
8           Safety and Motor Vehicles; authorizing the  
9           department to develop procedures for applying  
10          for permission; providing a penalty; providing  
11          that the department's decision is final agency  
12          action subject to review; specifying unfair or  
13          deceptive acts or practices; providing a  
14          penalty; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 321.03, Florida Statutes, is  
19 amended to read:

20           321.03 Imitations prohibited; penalty.--

21           (1) It shall be unlawful for any person or persons in  
22 the state to color or cause to be colored any motor vehicle or  
23 motorcycle the same or similar color as the color or colors so  
24 prescribed for the Florida Highway Patrol. Any person  
25 violating any of the provisions of this section or s. 321.02  
26 with respect to uniforms, emblems, motor vehicles and  
27 motorcycles shall be guilty of a misdemeanor of the first  
28 degree, punishable as provided in s. 775.082 or s. 775.083.  
29 The Department of Highway Safety and Motor Vehicles shall  
30 employ such clerical help and mechanics as may be necessary  
31 for the economical and efficient operation of such department.

1       (2)(a) It is unlawful for any person, in the  
2 solicitation of funds or in-kind contributions, to use the  
3 Florida Highway Patrol's name; the symbols "Florida Highway  
4 Patrol," "State Patrol," "State Highway Patrol," "State  
5 Trooper," "FHP," or "State Patrolman"; or initials, symbols,  
6 colors, emblems, devices, service marks, or statements similar  
7 to those used by the Florida Highway Patrol without written  
8 permission from the department. The department may develop  
9 procedures by which a person may apply for permission to use a  
10 name or symbol and for a review of such applications.

11       (b) The department may not unreasonably withhold from  
12 a person permission to use the Florida Highway Patrol's name  
13 or symbols in soliciting funds or in-kind contributions if the  
14 department determines that a primary public purpose is being  
15 served. The decision of the department is final agency action,  
16 subject to review as a decision that affects substantial  
17 interests under ss. 120.569, 120.57, and 120.573, and may also  
18 be reviewed by petition for a declaratory statement filed by a  
19 substantially affected person under s. 120.565.

20       Section 2. Unfair or deceptive acts or practices.--

21       (1) A person commits an unfair or deceptive act or  
22 practice if, in the conduct of solicitations for a public  
23 safety organization, an independent promoter, or a public  
24 safety publication, the person:

25       (a) Represents, either directly or by implication,  
26 that the contribution is for or on behalf of the Florida  
27 Highway Patrol without written permission from the Department  
28 of Highway Safety and Motor Vehicles;

29       (b) Uses any emblem, device, or printed matter  
30 belonging to or associated with the Florida Highway Patrol  
31 without written permission from the department;

1       (c) Uses a name, symbol, or statement that is similar  
2 to that used by the Florida Highway Patrol in a manner that is  
3 intended to confuse or mislead a person being solicited;

4       (d) Knowingly represents or implies that the proceeds  
5 of the solicitation are being used for a purpose other than  
6 the purpose for which the funds are actually used;

7       (e) Represents or implies that the person is a peace  
8 officer or member of the Florida Highway Patrol when the  
9 person is not;

10       (f) Uses or exploits a required filing with the state  
11 in a manner that leads any person to believe that such filing  
12 constitutes an endorsement or approval of the state;

13       (g) Knowingly files incomplete, false, or misleading  
14 information in any document required to be filed with the  
15 state;

16       (h) Solicits for the Florida Highway Patrol by  
17 representing that those who respond affirmatively to the  
18 solicitation will receive favored treatment by the troopers;  
19 or

20       (i) Collects a contribution or membership fee  
21 solicited at a person's residence by an in-person or telephone  
22 solicitation through any means other than payment through the  
23 United States mail or parcel post courier.

24       (2) In addition to any administrative or civil  
25 remedies, a person who willfully and knowingly violates any of  
26 the provisions of subsection (1) commits a felony of the third  
27 degree, punishable as provided in section 775.082 or section  
28 775.083, Florida Statutes. For a subsequent conviction, such  
29 violation is a felony of the second degree, punishable as  
30 provided in section 775.084, Florida Statutes.

31

1           Section 3. This act shall take effect upon becoming a  
2 law.

3  
4           \*\*\*\*\*

5                           SENATE SUMMARY

6           Prohibits solicitation of funds or in-kind/contributions  
7 while using the name, symbols, colors, or initials of the  
8 Florida Highway Patrol without written permission of the  
9 Department of Highway Safety and Motor Vehicles. Provides  
10 a penalty. Authorizes the department to develop  
11 procedures for applying for permission. Provides that the  
12 department's decision is final agency action subject to  
13 review. Specifies unfair or deceptive acts or practices.  
14 Prescribes a penalty.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31