

1
2 An act relating to criminal actions committed
3 through the use of simulated legal process or
4 under false color of law; creating s. 843.0855,
5 F.S.; providing definitions; defining the
6 offense of deliberately impersonating or
7 falsely acting as a public officer or tribunal
8 or public employee or utility employee in
9 connection with or relating to legal process,
10 or taking action under color of law against
11 persons or property, and providing penalties
12 therefor; defining the offense of simulating
13 legal process with knowledge or reason to know
14 of fraud with respect to a legal document,
15 proceeding, or basis for action, and providing
16 penalties therefor; defining the offense of
17 falsely under color of law attempting to
18 influence, intimidate, or hinder a public
19 officer or law enforcement officer in the
20 discharge of official duties, and providing
21 penalties therefor; providing for
22 applicability; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 843.0855, Florida Statutes, is
27 created to read:

28 843.0855 Criminal actions under color of law or through
29 use of simulated legal process.--

30 (1) As used in this section:

31

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

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

14 (c) The term "public officer" means a public officer
15 as defined by s. 112.061.

16 (d) The term "public employee" means a public employee
17 as defined by s. 112.061.

18 (2) Any person who deliberately impersonates or
19 falsely acts as a public officer or tribunal, public employee
20 or utility employee, including, but not limited to, marshals,
21 judges, prosecutors, sheriffs, deputies, court personnel, or
22 any law enforcement authority in connection with or relating
23 to any legal process affecting persons and property, or
24 otherwise takes any action under color of law against persons
25 or property, commits a felony of the third degree, punishable
26 as provided in s. 775.082 or s. 775.083.

27 (3) Any person who simulates legal process, including,
28 but not limited to, actions affecting title to real estate or
29 personal property, indictments, subpoenas, warrants,
30 injunctions, liens, orders, judgments, or any legal documents
31 or proceedings, knowing or having reason to know the contents

1 of any such documents or proceedings or the basis for any
2 action to be fraudulent, commits a felony of the third degree,
3 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

21 Section 2. This act shall take effect October 1, 1997,
22 and shall apply to offenses committed on or after that date.
23
24
25
26
27
28
29
30
31