

By the Committee on Law Enforcement & Crime Prevention and
Representative Trovillion

1 A bill to be entitled
2 An act relating to arrests; amending s. 901.02,
3 F.S., relating to issuance of arrest warrants;
4 providing that the court may issue a warrant
5 for the defendant's arrest under specified
6 circumstances when a complaint has been filed
7 charging the commission of a misdemeanor only
8 and the summons issued to the defendant is
9 returned unserved; creating s. 901.36, F.S.;
10 prohibiting a person who has been arrested or
11 lawfully detained by a law enforcement officer
12 from giving a false name or otherwise falsely
13 identifying himself or herself to the law
14 enforcement officer or county jail personnel;
15 providing penalties; prohibiting a person who
16 has been arrested or lawfully detained by a law
17 enforcement officer from adversely affecting
18 another person by giving a false name belonging
19 to another person or otherwise falsely
20 identifying himself or herself to the law
21 enforcement officer or county jail personnel;
22 providing penalties; permitting the adversely
23 affected person to obtain court orders to
24 correct public records under specified
25 circumstances; authorizing issuance of such
26 court orders by the sentencing court; providing
27 for restitution orders; providing an effective
28 date.
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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 901.02, Florida Statutes, is
2 amended to read:

3 901.02 When warrant of arrest to be issued.--

4 (1) A warrant may be issued for the arrest of the
5 person complained against if the magistrate, from the
6 examination of the complainant and other witnesses, reasonably
7 believes that the person complained against has committed an
8 offense within the magistrate's jurisdiction.

9 (2) The court may issue a warrant for the defendant's
10 arrest when all of the following circumstances apply:

11 (a) A complaint has been filed charging the commission
12 of a misdemeanor only;

13 (b) The summons issued to the defendant has been
14 returned unserved or there is evidence of avoidance of
15 service; and

16 (c) The conditions of subsection (1) are met.

17 Section 2. Section 901.36, Florida Statutes, is
18 created to read:

19 901.36 Prohibition against giving false name or false
20 identification by person arrested or lawfully detained;
21 penalties; court orders.--

22 (1) It is unlawful for a person who has been arrested
23 or lawfully detained by a law enforcement officer to give a
24 false name, or otherwise falsely identify himself or herself
25 in any way, to the law enforcement officer or any county jail
26 personnel. Except as provided in subsection (2), any person
27 who violates this subsection commits a misdemeanor of the
28 first degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 (2) It is unlawful for a person who has been arrested
31 or lawfully detained by a law enforcement officer to adversely

1 affect another person by giving a false name belonging to
2 another person, or by otherwise falsely identifying himself or
3 herself in any way as another person, to the law enforcement
4 officer or any county jail personnel. A person who violates
5 this subsection commits a felony of the third degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (3)(a) In sentencing a person for violation of this
9 section, a court may order restitution.

10 (b) The sentencing court may issue such orders as are
11 necessary to correct any public record because it contains a
12 false name or other false identification information given in
13 violation of this section.

14 (c) Upon application to the court, a person adversely
15 affected by the unlawful use of his or her name or other
16 identification in violation of this section may obtain from
17 the court orders necessary to correct any public record, as
18 described in paragraph (b).

19 Section 3. This act shall take effect July 1, 1999.
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