

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to ethics; creating s. 112.3131, F.S.;
3 defining terms; prohibiting candidates, elected public
4 officers, appointed public officers, and public
5 employees from knowingly misrepresenting their Armed
6 Forces of the United States service records, awards,
7 or qualifications or wearing any uniform, medal, or
8 insignia that they are not authorized to wear;
9 providing applicability; providing civil penalties;
10 providing construction; amending s. 112.317, F.S.;
11 requiring the Attorney General to attempt to determine
12 whether an individual owing certain penalties is a
13 current public officer or public employee; requiring
14 the Attorney General to notify the Chief Financial
15 Officer or the governing body of a county,
16 municipality, school district, or special district of
17 the total amount of any such penalty owed by a current
18 public officer or public employee; requiring the Chief
19 Financial Officer or the governing body to begin
20 withholding portions of any salary-related payment
21 that would otherwise be paid to the officer or
22 employee; requiring that the withheld payments be
23 remitted to the commission until the penalty is
24 satisfied; authorizing the Chief Financial Officer or
25 the governing body to retain a portion of each
26 retained payment for administrative costs; authorizing
27 the Attorney General to refer certain unpaid fines to
28 a collection agency; authorizing the collection agency
29 to use any lawful collection method; authorizing the

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30 Attorney General to collect an unpaid fine within a
31 specified period after issuance of the civil penalty
32 or restitution penalty; providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
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36 Section 1. Section 112.3131, Florida Statutes, is created
37 to read:

38 112.3131 Stolen valor.-

39 (1) For the purposes of this section, the term:

40 (a) "Armed Forces of the United States" has the same
41 meaning as the term "armed forces" in s. 250.01 and includes the
42 National Guard of any state.

43 (b) "Material gain" means any thing of value, regardless of
44 whether such value is monetary, remunerative, or tangible, which
45 is received by or given to, or is intended to be received by or
46 given to, an individual. The term includes, but is not limited
47 to, food; lodging; compensation; travel expenses; placards;
48 public benefits; public relief; financial relief; obtaining or
49 retaining employment or a promotion in such individual's current
50 employment or public employment, including gaining a position in
51 state or local government with authority over another person,
52 regardless of whether the individual receives compensation or
53 remuneration for his or her service in the position; obtaining
54 or retaining state or local public office through election or
55 appointment; or any thing in which or for which a tangible
56 benefit was gained, even if the value of such benefit is de
57 minimis.

58 (c) "Servicemember" has the same meaning as in s. 250.01.

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59 (2) (a) A candidate, an elected public officer, an appointed
60 public officer, or a public employee may not, for the purpose of
61 material gain, knowingly do any of the following:

62 1. Misrepresent by making false, fictitious, or fraudulent
63 statements or representations, directly or indirectly, that he
64 or she is or was a servicemember or veteran of the Armed Forces
65 of the United States.

66 2. Misrepresent by making false, fictitious, or fraudulent
67 statements or representations, directly or indirectly, that he
68 or she is or was the recipient of a decoration, medal, title, or
69 honor from the Armed Forces of the United States or otherwise
70 related to military service, including, but not limited to, any
71 of the following:

72 a. Air Force Combat Action Medal.

73 b. Air Force Cross.

74 c. Combat Action Badge.

75 d. Combat Action Ribbon.

76 e. Combat Infantryman Badge.

77 f. Combat Medical Badge.

78 g. Distinguished Service Cross.

79 h. Medal of Honor.

80 i. Navy Cross.

81 j. Purple Heart.

82 k. Silver Star Medal.

83 3. Misrepresent by making false, fictitious, or fraudulent
84 statements or representations, directly or indirectly, that he
85 or she is a holder of an awarded qualification or military
86 occupational specialty, including, but not limited to, any of
87 the following:

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- 88 a. Aircraft pilot, navigator, or crew member.
89 b. Explosive Ordinance Disposal Technician.
90 c. Parachutist.
91 d. United States Army Ranger.
92 e. United States Navy Seal or Diver.
93 f. United States special operations forces member.
94 4. Misrepresent by making false, fictitious, or fraudulent
95 statements or representations, directly or indirectly, that he
96 or she actively served in the Armed Forces of the United States
97 during a wartime era, regardless of whether there was a declared
98 war, or served in combat operations in a warzone, or was a
99 prisoner of war.
100 5. Wear the uniform or any medal or insignia authorized for
101 use by members or veterans of the Armed Forces of the United
102 States which he or she is not authorized to wear.
103 (b) This subsection does not prohibit individuals in the
104 theatrical profession from wearing such uniforms, medals, or
105 insignia during a performance while engaged in such profession.
106 (3) A candidate, an elected public officer, an appointed
107 public officer, or a public employee who violates subsection (2)
108 is subject to the penalties in s. 112.317.
109 (4) This section does not preclude prosecution of an
110 individual for any action under subsection (2) which is
111 prohibited by another law.
112 Section 2. Subsection (2) of section 112.317, Florida
113 Statutes, is amended to read:
114 112.317 Penalties.—
115 (2) (a) In any case in which the commission finds a
116 violation of this part or of s. 8, Art. II of the State

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117 Constitution and the proper disciplinary official or body under
118 s. 112.324 imposes a civil penalty or restitution penalty, the
119 Attorney General shall bring a civil action to recover such
120 penalty. No defense may be raised in the civil action to enforce
121 the civil penalty or order of restitution that could have been
122 raised by judicial review of the administrative findings and
123 recommendations of the commission by certiorari to the district
124 court of appeal. The Attorney General shall collect any costs,
125 attorney fees, expert witness fees, or other costs of collection
126 incurred in bringing the action.

127 (b) Before referring a delinquent civil penalty or
128 restitution penalty to the Department of Financial Services, the
129 Attorney General shall attempt to determine whether the
130 individual owing such penalty is a current public officer or
131 current public employee, and, if so, the Attorney General must
132 notify the Chief Financial Officer or the governing body of the
133 appropriate county, municipality, school district, or special
134 district of the total amount of the penalty owed by such
135 individual.

136 1. After receipt and verification of the notice from the
137 Attorney General, the Chief Financial Officer or the governing
138 body of the county, municipality, school district, or special
139 district shall begin withholding the lesser of 25 percent or the
140 maximum amount allowed under federal law from any salary-related
141 payment. The withheld payments must be remitted to the
142 commission until the fine is satisfied.

143 2. The Chief Financial Officer or the governing body of the
144 county, municipality, school district, or special district may
145 retain an amount of each withheld payment, as provided in s.

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146 77.0305, to cover the administrative costs incurred under this
147 section.

148 (c) The Attorney General may refer any unpaid civil penalty
149 or restitution penalty to the appropriate collection agency as
150 directed by the Chief Financial Officer, and, except as
151 expressly limited by this section, such collection agency may
152 use any collection method authorized by law.

153 (d) The Attorney General may take any action to collect any
154 unpaid civil penalty or restitution penalty imposed within 20
155 years after the date the civil penalty or restitution penalty is
156 imposed.

157 Section 3. This act shall take effect July 1, 2025.