

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: CS/SB 352

INTRODUCER: Military and Veterans Affairs and Space Committee and Senator Hutson

SUBJECT: Unlawful Use of Uniforms, Medals, or Insignia

DATE: January 24, 2020 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Fav/CS
2.	<u>Mitchell</u>	<u>Roberts</u>	<u>EE</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 352 revises the prohibition on a person misrepresenting himself or herself as a member or veteran of the United States Armed Forces. The bill specifies that the material gain prohibited from unlawfully wearing a military uniform, medals, or insignia, includes obtaining paid employment or public office.

A person who violates this provision commits a third degree felony, punishable by up to 5 years in prison and a \$5,000 fine.

The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a positive insignificant prison bed impact.

The bill takes effect October 1, 2020.

II. Present Situation:

A person commits a third degree felony if he or she:

- Misrepresents himself or herself as a member or veteran of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corp, United States Navy, or National Guard; or
- Wears the uniform of or any medal or insignia of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corp, United States Navy, or

National Guard in an unauthorized manner while soliciting for charitable contributions or for the purpose of material gain.¹

A third degree felony is punishable by up to five years' incarceration and a \$5,000 fine.²

III. Effect of Proposed Changes:

This bill revises the prohibition on a person misrepresenting himself or herself as a member or veteran of the United States Armed Forces. The bill specifies that the material gain prohibited from unlawfully wearing a military uniform, medals, or insignia, includes obtaining paid employment or public office.

A person who violates this provision commits a third degree felony, punishable by up to 5 years in prison and a \$5,000 fine.

The bill takes effect October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹ Section 817.132, F.S.

² Section 775.082(3)(e), F.S.; Section 775.083(1)(c), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a positive insignificant prison bed impact, meaning an increase of 10 or fewer beds.³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 817.312 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs and Space on January 15, 2020:

The CS removed the prohibition on a person misrepresenting himself or herself as a member or veteran of the Armed Forces in order to obtain a professional or political benefit. The CS replaced this language with a delineation of what is meant by material gain from misrepresentation to include obtaining employment or public office resulting in receiving compensation.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³ Per the Department of Corrections, in FY 18-19, the court sentenced no offenders to prison for a violation of s. 817.312, F.S. Given this, expansion of the statute should not have a significant impact on prison beds (Nov. 5, 2019) (on file with the Senate Committee on Military and Veterans Affairs and Space).