

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Combee offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 817.535, Florida Statutes, is created
8 to read:

9 817.535 Unlawful filing of false documents or records
10 against real or personal property.-

11 (1) As used in this section, the term:

12 (a) "File" means to present an instrument for recording in
13 an official record or to cause an instrument to be presented for
14 recording in an official record.

15 (b) "Filer" means the person who presents an instrument for
16 recording in an official record, or causes an instrument to be
17 presented for recording in an official record.

18 (c) "Instrument" means any judgment, mortgage, assignment,
19 pledge, lien, financing statement, encumbrance, deed, lease,

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20 bill of sale, agreement, mortgage, notice of claim of lien,
21 notice of levy, promissory note, mortgage note, release, partial
22 release or satisfaction of any of the foregoing, or any other
23 document that relates to or attempts to restrict the ownership,
24 transfer, encumbrance of, or claim against real or personal
25 property, or any interest in real or personal property.

26 (d) "Official record" means the series of instruments,
27 regardless of how they are maintained, which a clerk of the
28 circuit court, or any person or entity designated by general
29 law, special law, or county charter, is required or authorized
30 by law to record. The term also includes a series of
31 instruments pertaining to the Uniform Commercial Code filed with
32 the Secretary of State or with any entity under contract with
33 the Secretary of State to maintain Uniform Commercial Code
34 records and a database of judgment liens maintained by the
35 Secretary of State.

36 (e) "Public officer or employee" means, but is not limited
37 to:

38 1. A person elected or appointed to a state or federal
39 office, including any person serving on an advisory body, board,
40 commission, committee, council, or authority;

41 2. An employee of a state, county, municipal, political
42 subdivision, school district, educational institution, or
43 special district agency or entity, including judges, attorneys,
44 law enforcement officers, deputy clerks of court, and marshals;

45 3. A state or federal executive, legislative, or judicial
46 officer, employee, or volunteer authorized to perform actions or

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47 services for any state or federal executive, legislative, or
48 judicial office, or agency;

49 4. A person who acts as a general or special magistrate,
50 auditor, arbitrator, umpire, referee, hearing officer, or
51 consultant to any state or local governmental entity; and

52 5. A person who is a candidate for public office or
53 judicial position.

54 (2) (a) A person who files or directs a filer to file, with
55 the intent to defraud or harass another, any instrument
56 containing a materially false, fictitious, or fraudulent
57 statement or representation that purports to affect an owner's
58 interest in the property described in the instrument commits a
59 felony of the third degree, punishable as provided in s.
60 775.082, s. 775.083, or s. 775.084.

61 (b) A person who violates paragraph (a) a second or
62 subsequent time commits a felony of the second degree,
63 punishable as provided in ss. 775.082, 775.083, or 775.084.

64 (3) If a person is convicted of violating subsection (2)
65 and the owner of the property subject to the false instrument is
66 a public officer or employee, the offense shall be reclassified
67 as follows:

68 (a) In the case of a felony of the third degree, to a
69 felony of the second degree, punishable as provided in ss.
70 775.082, 775.083, or 775.084.

71 (b) In the case of a felony of the second degree, to a
72 felony of the first degree, punishable as provided in ss.
73 775.082, 775.083, or 775.084.

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74 (4) (a) If a person is convicted of violating subsection (2)
75 and the person committed the offense while incarcerated in a
76 jail or correctional institution or while participating in a
77 pretrial diversion program under any form of pretrial release or
78 bond, on probation or parole, or under any postrelease
79 supervision, the offense shall be reclassified as follows:

80 1. In the case of a felony of the third degree, to a felony
81 of the second degree, punishable as provided in ss. 775.082,
82 775.083, or 775.084.

83 2. In the case of a felony of the second degree, to a
84 felony of the first degree, punishable as provided in ss.
85 775.082, 775.083, or 775.084.

86 (b) If a person's offense has been reclassified pursuant to
87 this subsection, the sentencing court shall issue a written
88 finding that the offense occurred while incarcerated in a jail
89 or correctional institution and direct that a copy of the
90 written finding and judgment of conviction be forwarded to the
91 appropriate state institution or county facility for
92 consideration of disciplinary action and forfeiture of all gain-
93 time or any early release credits accumulated up to the date of
94 the violation.

95 (5) If the person is convicted of violating subsection (2)
96 and the owner of property covered by the false instrument incurs
97 financial loss as a result of the instrument being recorded in
98 the official record, including costs and attorney fees incurred
99 in correcting, sealing, or removing the false instrument from
100 the official record as described herein, the offense shall be
101 reclassified as follows:

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102 (a) In the case of a felony of the third degree, to a
103 felony of the second degree, punishable as provided in ss.
104 775.082, 775.083, or 775.084.

105 (b) In the case of a felony of the second degree, to a
106 felony of the first degree, punishable as provided in ss.
107 775.082, 775.083, or 775.084.

108 (6) A person who fraudulently records a claim of lien in
109 the official records pursuant to part I of chapter 713 is
110 subject to the fraud provisions of s. 713.31 and not this
111 section.

112 (7) If a person is convicted of violating this section, the
113 sentencing court shall issue an order declaring the instrument
114 forming the basis of the conviction null and void and may enjoin
115 the person from filing any instrument in an official record
116 absent prior review and approval for filing by a circuit or
117 county court judge. The sentencing court may also order the
118 instrument forming the basis of the conviction sealed from the
119 official record and removed from any applicable electronic
120 database used for recording instruments in the official record.

121 (8) (a) Any person adversely affected by an instrument filed
122 in the official record which contains a materially false,
123 fictitious, or fraudulent statement or representation has a
124 civil cause of action under this section without regard to
125 whether criminal charges are pursued under subsection (2). A
126 notice of lis pendens in accord with s. 48.23 shall be filed
127 which specifically describes the instrument under challenge and
128 the real or personal property affected by the instrument.

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129 (b) Upon a finding that the instrument contains a
130 materially false, fictitious, or fraudulent statement or
131 representation such that the instrument does not establish a
132 legitimate property or lien interest in favor of another person:

133 1. The court shall determine whether the entire instrument
134 or certain parts thereof are null and void ab initio. If the
135 court finds the instrument void in its entirety, it may order
136 the instrument sealed from the official record and removed from
137 any electronic database used for indexing or locating
138 instruments in the official record. The court may also,
139 permanently or for a period of time, enjoin the defendant who
140 filed the instrument or who directed the filer to file the
141 instrument, from filing or directing a person to file an
142 instrument in the official records, without prior review and
143 approval for filing by a circuit or county court judge, provided
144 that as to third parties who may have given value for an
145 interest described or granted by any instrument filed in
146 violation of the injunction, the instrument shall be deemed
147 validly filed and provides constructive notice, notwithstanding
148 any failure to comply with the terms of the injunction.

149 2. Upon a finding of intent to defraud or harass, the court
150 or jury shall award actual damages and punitive damages, subject
151 to the criteria in s. 768.72, to the person adversely affected
152 by the instrument. The court may also levy a civil penalty of
153 \$2,500 for each instrument determined to be in violation of
154 subsection (2).

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155 3. The court may grant such other relief or remedy that the
156 court determines is just and proper within its sound judicial
157 discretion.

158 (c) The prevailing party in such a suit is entitled to
159 recover costs and reasonable attorney fees.

160 (d) The custodian of any official record shall, upon
161 payment of appropriate fees, provide a certified copy of the
162 sealed instrument to the party seeking relief under this section
163 for use in subsequent court proceedings, in addressing or
164 correcting adverse effects upon the person's credit or property
165 rights, or reporting the matter for investigation and
166 prosecution; or in response to a subpoena seeking the instrument
167 for criminal investigative or prosecution purposes.

168 (e) Upon request, the custodian of any official record
169 shall, upon payment of appropriate fees, provide a certified
170 copy of the sealed instrument to any federal, state, or local
171 law enforcement agency.

172 (f) If feasible, the custodian of the official record where
173 the instrument is recorded shall record any court order finding
174 that the instrument is null and void in its entirety or in
175 certain parts thereof.

176 (g) An instrument removed from an electronic database used
177 for recording instruments in the public record pursuant to this
178 section shall be maintained in a manner in which the instrument
179 can be reduced to paper form.

180 (9) A government agency may provide legal representation to
181 a public officer or employee if the instrument at issue appears
182 to have been filed to defraud or harass the public officer or

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183 employee in their official capacity. If the public officer or
184 employee is the prevailing party, the award of reasonable
185 attorney fees shall be paid to the government agency that
186 provided the legal representation.

187 (10) This section does not apply to the procedures for
188 sealing or expunging criminal history records as provided in ss.
189 943.0585 and 943.059.

190 (11) If any section, subsection, sentence, clause, phrase,
191 or word of this statute is for any reason held or declared to be
192 unconstitutional, invalid, inoperative, ineffective,
193 inapplicable, or void, such invalidity or unconstitutionality
194 shall not affect the portions of this statute not so held to be
195 unconstitutional, void, invalid, or ineffective, or affect the
196 application of this statute to other circumstances not so held
197 to be invalid, it being the express legislative intent that any
198 such unconstitutional, illegal, invalid, ineffective,
199 inapplicable, or void portion or portions of this statute did
200 not induce its passage, and that without the inclusion of any
201 such unconstitutional, illegal, invalid, ineffective, or void
202 portions of this statute, the Legislature would have enacted the
203 valid and constitutional portions thereof.

204 Section 2. Section 843.0855, Florida Statutes, is amended
205 to read:

206 843.0855 Criminal actions under color of law or through
207 use of simulated legal process.—

208 (1) As used in this section:

209 (a) The term "legal process" means a document or order
210 issued by a court or filed or recorded with an official court of

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211 this state or the United States or with any official
212 governmental entity of this state or the United States for the
213 purpose of exercising jurisdiction or representing a claim
214 against a person or property, or for the purpose of directing a
215 person to appear before a court or tribunal, or to perform or
216 refrain from performing a specified act. "Legal process"
217 includes, but is not limited to, a summons, lien, complaint,
218 warrant, injunction, writ, notice, pleading, subpoena, or order.

219 (b) The term "person" means an individual, public or
220 private group incorporated or otherwise, legitimate or
221 illegitimate legal tribunal or entity, informal organization,
222 official or unofficial agency or body, or any assemblage of
223 individuals.

224 (c) The term "public officer or employee" includes, but is
225 not limited to:

226 1. A person elected or appointed to a state or federal
227 office, including a person serving on an advisory body, board,
228 commission, committee, council, or authority;

229 2. An employee of a state, county, municipal, political
230 subdivision, school district, educational institution, or
231 special district agency or entity, including all judges,
232 attorneys, law enforcement officers, deputy clerks of court, or
233 marshals;

234 3. A state or federal executive, legislative, or judicial
235 officer, employee, or volunteer authorized to perform actions or
236 services for any state or federal executive, legislative, or
237 judicial office, or agency;

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238 4. A person who acts as a general or special magistrate,
239 auditor, arbitrator, umpire, referee, hearing officer, or
240 consultant to any state or local governmental entity; and

241 5. A person who is a candidate for public office or
242 judicial position means a public officer as defined by s.
243 112.061.

244 ~~(d) The term "public employee" means a public employee as~~
245 ~~defined by s. 112.061.~~

246 (2) A Any person who deliberately impersonates or falsely
247 acts as a public officer or employee tribunal, public employee
248 or utility employee, including, but not limited to, marshals,
249 judges, prosecutors, sheriffs, deputies, court personnel, or any
250 law enforcement authority in connection with or relating to any
251 legal process affecting persons and property, or otherwise takes
252 any action under color of law against persons or property,
253 commits a felony of the third degree, punishable as provided in
254 s. 775.082, ~~or~~ s. 775.083 or s. 775.084. It is the intent of
255 the Legislature that this section applies if a person acts as an
256 officer or employee purporting to supersede or override any
257 legislation or statute of this state, or to supersede or
258 override any action of any court, of this state.

259 (3) A Any person who simulates legal process, including,
260 but not limited to, actions affecting title to real estate or
261 personal property, indictments, subpoenas, warrants,
262 injunctions, liens, orders, judgments, or any legal documents or
263 proceedings, knowing or having reason to know the contents of
264 any such documents or proceedings or the basis for any action to

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265 be fraudulent, commits a felony of the third degree, punishable
 266 as provided in s. 775.082, ~~or~~ s. 775.083 or s. 775.084.

267 (4) A ~~Any~~ person who falsely under color of law attempts
 268 in any way to influence, intimidate, harass, retaliate against,
 269 or hinder a public officer or employee involving law enforcement
 270 ~~officer in~~ the discharge of his or her official duties by means
 271 of, but not limited to, threats of or actual physical abuse or
 272 harassment, or through the use of simulated legal process,
 273 commits a felony of the third degree, punishable as provided in
 274 s. 775.082, ~~or~~ s. 775.083 or s. 775.084.

275 (5) (a) ~~Nothing in~~ This section does not shall make
 276 unlawful any act of any law enforcement officer or legal
 277 tribunal which is performed under lawful authority.

278 (b) ~~Nothing in~~ This section does not shall prohibit
 279 individuals from assembling freely to express opinions or
 280 designate group affiliation or association.

281 (c) ~~Nothing in~~ This section does not shall prohibit or in
 282 any way limit a person's lawful and legitimate access to the
 283 courts or prevent a person from instituting or responding to
 284 legitimate and lawful legal process.

285 Section 3. Paragraphs (g), (h), and (i) of subsection (3)
 286 of section 921.0022, Florida Statutes, are amended to read:

287 921.0022 Criminal Punishment Code; offense severity
 288 ranking chart.—

289 (3) OFFENSE SEVERITY RANKING CHART

290 (g) LEVEL 7

291

Florida	Felony	Description
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Bill No. HB 915 (2013)

	Amendment No. 1 Statute	Degree	
292	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
293	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
294	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
295	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
296	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
297	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

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298

409.920 2nd Medicaid provider fraud; more
(2) (b) 1.b. than \$10,000, but less than
\$50,000.

299

456.065 (2) 3rd Practicing a health care
profession without a license.

300

456.065 (2) 2nd Practicing a health care
profession without a license
which results in serious bodily
injury.

301

458.327 (1) 3rd Practicing medicine without a
license.

302

459.013 (1) 3rd Practicing osteopathic medicine
without a license.

303

460.411 (1) 3rd Practicing chiropractic
medicine without a license.

304

461.012 (1) 3rd Practicing podiatric medicine
without a license.

305

462.17 3rd Practicing naturopathy without
a license.

306

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307	463.015(1)	3rd	Practicing optometry without a license.
308	464.016(1)	3rd	Practicing nursing without a license.
309	465.015(2)	3rd	Practicing pharmacy without a license.
310	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
311	467.201	3rd	Practicing midwifery without a license.
312	468.366	3rd	Delivering respiratory care services without a license.
313	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
314	483.901(9)	3rd	Practicing medical physics without a license.
315	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.

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316	484.053	3rd	Dispensing hearing aids without a license.
317	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
318	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
319	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
320	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew

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driver's license or
identification card; other
registration violations.

321

775.21(10)(b) 3rd Sexual predator working where
children regularly congregate.

322

775.21(10)(g) 3rd Failure to report or providing
false information about a
sexual predator; harbor or
conceal a sexual predator.

323

782.051(3) 2nd Attempted felony murder of a
person by a person other than
the perpetrator or the
perpetrator of an attempted
felony.

324

782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

325

782.071 2nd Killing of a human being or
viable fetus by the operation
of a motor vehicle in a
reckless manner (vehicular
homicide).

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334

784.08(2)(a) 1st Aggravated battery on a person
65 years of age or older.

335

784.081(1) 1st Aggravated battery on specified
official or employee.

336

784.082(1) 1st Aggravated battery by detained
person on visitor or other
detainee.

337

784.083(1) 1st Aggravated battery on code
inspector.

338

787.06(3)(a) 1st Human trafficking using
coercion for labor and
services.

339

787.06(3)(e) 1st Human trafficking using
coercion for labor and services
by the transfer or transport of
any individual from outside
Florida to within the state.

340

790.07(4) 1st Specified weapons violation
subsequent to previous
conviction of s. 790.07(1) or
(2).

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341	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
342	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
343	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
344	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
345	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
346	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
347	794.08(4)	3rd	Female genital mutilation;

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consent by a parent, guardian,
or a person in custodial
authority to a victim younger
than 18 years of age.

348

796.03 2nd Procuring any person under 16
years for prostitution.

349

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victim less than 12 years of
age; offender less than 18
years.

350

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years;
offender 18 years or older.

351

806.01 (2) 2nd Maliciously damage structure by
fire or explosive.

352

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

353

810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

354

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355	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
356	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
357	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
358	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
359	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
360	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
	812.0145 (2) (a)	1st	Theft from person 65 years of

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age or older; \$50,000 or more.

361

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

362

812.131 (2) (a) 2nd Robbery by sudden snatching.

363

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

364

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

365

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

366

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

367

817.2341 1st Making false entries of
(2) (b) & material fact or false
(3) (b) statements regarding property values relating to the solvency of an insuring entity which are

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a significant cause of the
insolvency of that entity.

368

817.535 (2) (a)3rdFiling false lien or other
unauthorized document.

369

825.102 (3) (b)

2nd

Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

370

825.103 (2) (b)

2nd

Exploiting an elderly person or
disabled adult and property is
valued at \$20,000 or more, but
less than \$100,000.

371

827.03 (2) (b)

2nd

Neglect of a child causing
great bodily harm, disability,
or disfigurement.

372

827.04 (3)

3rd

Impregnation of a child under
16 years of age by person 21
years of age or older.

373

837.05 (2)

3rd

Giving false information about
alleged capital felony to a law
enforcement officer.

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374	838.015	2nd	Bribery.
375	838.016	2nd	Unlawful compensation or reward for official behavior.
376	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
377	838.22	2nd	Bid tampering.
378	<u>843.0855 (2)</u>	<u>3rd</u>	<u>Impersonation of public officer or employee.</u>
379	<u>843.0855 (3)</u>	<u>3rd</u>	<u>Unlawful simulation of legal process.</u>
380	<u>843.0855 (4)</u>	<u>3rd</u>	<u>Intimidation of public officer or employee.</u>
381	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
382	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.

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387

893.13(4) (a) 1st Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

388

893.135(1) (a) 1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

389

893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

390

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

391

893.135(1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

392

893.135(1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

393

893.135(1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than

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28 grams.

394

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

395

893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

396

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

397

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

398

893.1351 (2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

399

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

400

896.104 (4) (a) 1. 3rd Structuring transactions to

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evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

401

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

402

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

403

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

404

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

405

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

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406

944.607(9) 3rd Sexual offender; failure to
comply with reporting
requirements.

407

944.607(10)(a) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

408

944.607(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

409

944.607(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

410

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

411

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

412

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985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

413

414

(h) LEVEL 8

415

Florida

Felony

Description

Statute

Degree

416

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

417

316.1935(4) (b)

1st

Aggravated fleeing or attempted eluding with serious bodily injury or death.

418

327.35(3) (c) 3.

2nd

Vessel BUI manslaughter.

419

499.0051(7)

1st

Knowing trafficking in contraband prescription drugs.

420

499.0051(8)

1st

Knowing forgery of prescription labels or prescription drug labels.

421

560.123(8) (b) 2.

2nd

Failure to report currency or payment instruments totaling or

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exceeding \$20,000, but less
than \$100,000 by money
transmitter.

422

560.125 (5) (b) 2nd Money transmitter business by
unauthorized person, currency
or payment instruments totaling
or exceeding \$20,000, but less
than \$100,000.

423

655.50 (10) (b) 2. 2nd Failure to report financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000 by financial
institutions.

424

777.03 (2) (a) 1st Accessory after the fact,
capital felony.

425

782.04 (4) 2nd Killing of human without design
when engaged in act or attempt
of any felony other than arson,
sexual battery, robbery,
burglary, kidnapping,
aggravated fleeing or eluding
with serious bodily injury or
death, aircraft piracy, or
unlawfully discharging bomb.

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426

782.051(2) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony not
enumerated in s. 782.04(3).

427

782.071(1)(b) 1st Committing vehicular homicide
and failing to render aid or
give information.

428

782.072(2) 1st Committing vessel homicide and
failing to render aid or give
information.

429

787.06(3)(b) 1st Human trafficking using
coercion for commercial sexual
activity.

430

787.06(3)(c) 1st Human trafficking using
coercion for labor and services
of an unauthorized alien.

431

787.06(3)(f) 1st Human trafficking using
coercion for commercial sexual
activity by the transfer or
transport of any individual
from outside Florida to within
the state.

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432

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

433

794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

434

794.08(3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

435

800.04(4) 2nd Lewd or lascivious battery.

436

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

437

810.02(2)(a) 1st,PBL Burglary with assault or battery.

438

810.02(2)(b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

439

810.02(2)(c) 1st Burglary of a dwelling or

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structure causing structural
damage or \$1,000 or more
property damage.

440

812.014(2)(a)2. 1st Property stolen; cargo valued
at \$50,000 or more, grand theft
in 1st degree.

441

812.13(2)(b) 1st Robbery with a weapon.

442

812.135(2)(c) 1st Home-invasion robbery, no
firearm, deadly weapon, or
other weapon.

443

817.535(2)(b) 2nd Second or subsequent offense
filing false lien or other
unauthorized document.

444

817.535(3)(a) 2nd Filing false lien or other
unauthorized document; property
owner is public officer or
employee.

445

446

817.535(4)(a) 2nd Filing false lien or other
unauthorized document;

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defendant is incarcerated or
under supervision.

447

817.535 (5) (a)2nd

Filing false lien or other
unauthorized document; owner of
property incurs financial loss
as a result of the false
instrument.

448

817.568 (6)

2nd

Fraudulent use of personal
identification information of
an individual under the age of
18.

449

825.102 (2)

1st

Aggravated abuse of an elderly
person or disabled adult.

450

825.1025 (2)

2nd

Lewd or lascivious battery upon
an elderly person or disabled
adult.

451

825.103 (2) (a)

1st

Exploiting an elderly person or
disabled adult and property is
valued at \$100,000 or more.

452

837.02 (2)

2nd

Perjury in official proceedings
relating to prosecution of a

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capital felony.

453

837.021(2) 2nd Making contradictory statements
in official proceedings
relating to prosecution of a
capital felony.

454

860.121(2)(c) 1st Shooting at or throwing any
object in path of railroad
vehicle resulting in great
bodily harm.

455

860.16 1st Aircraft piracy.

456

893.13(1)(b) 1st Sell or deliver in excess of 10
grams of any substance
specified in s. 893.03(1)(a) or
(b).

457

893.13(2)(b) 1st Purchase in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

458

893.13(6)(c) 1st Possess in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

459

893.135(1)(a)2. 1st Trafficking in cannabis, more

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than 2,000 lbs., less than
10,000 lbs.

460

893.135 1st Trafficking in cocaine, more
(1) (b) 1.b. than 200 grams, less than 400
grams.

461

893.135 1st Trafficking in illegal drugs,
(1) (c) 1.b. more than 14 grams, less than
28 grams.

462

893.135 1st Trafficking in phencyclidine,
(1) (d) 1.b. more than 200 grams, less than
400 grams.

463

893.135 1st Trafficking in methaqualone,
(1) (e) 1.b. more than 5 kilograms, less
than 25 kilograms.

464

893.135 1st Trafficking in amphetamine,
(1) (f) 1.b. more than 28 grams, less than
200 grams.

465

893.135 1st Trafficking in flunitrazepam,
(1) (g) 1.b. 14 grams or more, less than 28
grams.

466

893.135 1st Trafficking in gamma-

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467	Amendment No. 1		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	(1) (h) 1.b.		
468	893.135	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	(1) (j) 1.b.		
469	893.135	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	(1) (k) 2.b.		
470	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
471	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
472	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of

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racketeering activity.

473

896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

474

896.104 (4) (a) 2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

475

476 (i) LEVEL 9

477

Florida	Felony	Description
Statute	Degree	

478

316.193	1st	DUI manslaughter; failing to render aid or give information.
(3) (c) 3.b.		

479

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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480

409.920	1st	Medicaid provider fraud;
(2) (b) 1.c.		\$50,000 or more.

481

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482	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
483	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
484	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
485	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
486	775.0844	1st	Aggravated white collar crime.
487	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding

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with serious bodily injury or death, and other specified felonies.

488

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

489

782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

490

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

491

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

492

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

493

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also

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commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

494

787.06(3)(d) 1st Human trafficking using
coercion for commercial sexual
activity of an unauthorized
alien.

495

787.06(3)(g) 1st,PBL Human trafficking for
commercial sexual activity of a
child under the age of 18.

496

787.06(4) 1st Selling or buying of minors
into human trafficking.

497

790.161 1st Attempted capital destructive
device offense.

498

790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of
mass destruction.

499

794.011(2) 1st Attempted sexual battery;
victim less than 12 years of
age.

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500

794.011(2) Life Sexual battery; offender
younger than 18 years and
commits sexual battery on a
person less than 12 years.

501

794.011(4) 1st Sexual battery; victim 12 years
or older, certain
circumstances.

502

794.011(8)(b) 1st Sexual battery; engage in
sexual conduct with minor 12 to
18 years by person in familial
or custodial authority.

503

794.08(2) 1st Female genital mutilation;
victim younger than 18 years of
age.

504

796.035 1st Selling or buying of minors
into prostitution.

505

800.04(5)(b) Life Lewd or lascivious molestation;
victim less than 12 years;
offender 18 years or older.

506

812.13(2)(a) 1st, PBL Robbery with firearm or other
deadly weapon.

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507

812.133 (2) (a) 1st, PBL Carjacking; firearm or other
deadly weapon.

508

812.135 (2) (b) 1st Home-invasion robbery with
weapon.

509

817.535 (3) (b) 1st Second or subsequent offense,
filing false lien or other
unauthorized document; property
owner is public officer or
employee.

510

817.535 (4) (b) 1st Second or subsequent offense,
filing false lien or other
unauthorized document;
defendant is incarcerated or
under supervision.

511

817.535 (5) (b) 1st Second or subsequent offense,
Filing false lien or other
unauthorized document; owner of
property incurs financial loss
as a result of the false
instrument.

512

817.568 (7) 2nd, Fraudulent use of personal
PBL identification information of

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an individual under the age of
18 by his or her parent, legal
guardian, or person exercising
custodial authority.

513

827.03(2)(a) 1st Aggravated child abuse.

514

847.0145(1) 1st Selling, or otherwise
transferring custody or
control, of a minor.

515

847.0145(2) 1st Purchasing, or otherwise
obtaining custody or control,
of a minor.

516

859.01 1st Poisoning or introducing
bacteria, radioactive
materials, viruses, or chemical
compounds into food, drink,
medicine, or water with intent
to kill or injure another
person.

517

893.135 1st Attempted capital trafficking
offense.

518

893.135(1)(a)3. 1st Trafficking in cannabis, more
than 10,000 lbs.

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519

893.135 1st Trafficking in cocaine, more
(1) (b) 1.c. than 400 grams, less than 150
kilograms.

520

893.135 1st Trafficking in illegal drugs,
(1) (c) 1.c. more than 28 grams, less than
30 kilograms.

521

893.135 1st Trafficking in phencyclidine,
(1) (d) 1.c. more than 400 grams.

522

893.135 1st Trafficking in methaqualone,
(1) (e) 1.c. more than 25 kilograms.

523

893.135 1st Trafficking in amphetamine,
(1) (f) 1.c. more than 200 grams.

524

893.135 1st Trafficking in gamma-
(1) (h) 1.c. hydroxybutyric acid (GHB), 10
kilograms or more.

525

893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.c. 10 kilograms or more.

526

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.c. 400 grams or more.

527

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896.101(5)(c) 1st Money laundering, financial
instruments totaling or
exceeding \$100,000.

528

896.104(4)(a)3. 1st Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$100,000.

529

530

531

532

533

T I T L E A M E N D M E N T

534

Remove everything before the enacting clause and insert:

535

A bill to be entitled

536

An act relating to filing false documents against real

537

or personal property; creating s. 817.535, F.S.;

538

defining terms; prohibiting a person from filing or

539

causing to be filed, with intent to defraud another, a

540

document relating to the ownership, transfer, or

541

encumbrance of, or claim against real or personal

542

property, or any interest in real or personal

543

property; providing criminal penalties; establishing

544

reclassified penalties for persons who commit the

545

specified offenses a second or subsequent times, when

546

the person is a convicted offender who commits the

547

specified offenses while incarcerated in a jail or

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548 participating in community correctional programs, and
549 when the victim of the offense is a public officer or
550 employee under certain circumstances; authorizing the
551 court to issue injunction; authorizing a court to seal
552 specified public or private records under certain
553 circumstances; providing that the subject of the false
554 statements has a civil cause of action against the
555 perpetrator; providing for actual and punitive
556 damages; providing that the prevailing party is
557 entitled to costs and reasonable attorney fees;
558 providing duties of the custodian of the official
559 record; providing applicability; requiring that
560 attorney fees be paid to the government agency that
561 provides legal representation, under certain
562 circumstances; providing a severability clause;
563 amending s. 843.0855, F.S.; revising definitions;
564 defining the term "public officer or employee";
565 amending s. 921.0022, F.S.; revising provisions of the
566 offense severity ranking chart of the Criminal
567 Punishment Code to conform to changes made by the act;
568 adding all subsections of s. 817.535 to the offense
569 severity ranking chart; adding all subsections of s.
570 843.0855 to the offense severity ranking chart;
571 providing an effective date.