

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Ball offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.--

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, any violation of chapter 838, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO

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1 (Racketeer Influenced and Corrupt Organization) Act, including  
2 any offense listed in the definition of racketeering activity  
3 in s. 895.02(1)(a), providing such listed offense is  
4 investigated in connection with a violation of s. 895.03 and  
5 is charged in a separate count of an information or indictment  
6 containing a count charging a violation of s. 895.03, the  
7 prosecution of which listed offense may continue independently  
8 if the prosecution of the violation of s. 895.03 is terminated  
9 for any reason;

10 4. Any violation of the provisions of the Florida  
11 Anti-Fencing Act;

12 5. Any violation of the provisions of the Florida  
13 Antitrust Act of 1980, as amended;

14 6. Any crime involving, or resulting in, fraud or  
15 deceit upon any person; or

16 7. Any violation of s. 847.0135, relating to computer  
17 pornography and child exploitation prevention, or any offense  
18 related to a violation of s. 847.0135,

19  
20 or any attempt, solicitation, or conspiracy to commit any of  
21 the crimes specifically enumerated above. The office shall  
22 have such power only when any such offense is occurring, or  
23 has occurred, in two or more judicial circuits as part of a  
24 related transaction, or when any such offense is connected  
25 with an organized criminal conspiracy affecting two or more  
26 judicial circuits.

27 Section 2. This act may be cited as the "Citizens'  
28 Right to Honest Government Act."

29 Section 3. Section 838.014, Florida Statutes, is  
30 amended to read:

31 838.014 Definitions.--As used in ~~For the purposes of~~

1 this chapter, the term unless a different meaning plainly is  
2 required:

3 (1) "Benefit" means gain or advantage, or anything  
4 regarded by the person to be benefited as a gain or advantage,  
5 including the doing of an act beneficial to any person in  
6 whose welfare he or she is interested, including any  
7 commission, gift, gratuity, property, commercial interest, or  
8 any other thing of economic value.

9 (2) "Corruptly" or "corrupt intent" means done with  
10 knowledge that the act is wrongful.

11 (3) "Harm" means pecuniary or other loss,  
12 disadvantage, or injury to the person affected, including  
13 loss, disadvantage, or injury to any other person in whose  
14 welfare he or she is interested.

15 (4) "Public servant" means:

16 (a) Any officer or employee of a state, county,  
17 municipal, or special district agency or entity;

18 (b) Any legislative or judicial officer or employee;

19 (c) Any officer, director, partner, manager,  
20 representative, or employee of a nongovernmental entity that  
21 is authorized by law or contract to perform a governmental  
22 function or provide a governmental service on behalf of a  
23 state, county, municipal, or special district agency or  
24 entity;

25 (d) Any person who holds an office in a political  
26 party or political party committee;

27 (e) Any person, except a witness, who acts as a  
28 master, receiver, auditor, juror, arbitrator, umpire, referee,  
29 consultant, or hearing officer while performing a governmental  
30 function; or

31 (f) A candidate for election or appointment to any of

1 the positions listed in this subsection, or an individual who  
2 has been elected to, but has yet to officially assume the  
3 responsibilities of, public office.

4 ~~(2) "Pecuniary benefit" is benefit in the form of any~~  
5 ~~commission, gift, gratuity, property, commercial interest, or~~  
6 ~~any other thing of economic value.~~

7 ~~(3) "Harm" means loss, disadvantage, or injury to the~~  
8 ~~person affected, including loss, disadvantage, or injury to~~  
9 ~~any other person in whose welfare he or she is interested.~~

10 ~~(4) "Public servant" means any public officer, agent,~~  
11 ~~or employee of government, whether elected or appointed,~~  
12 ~~including, but not limited to, any executive, legislative, or~~  
13 ~~judicial officer; any person who holds an office or position~~  
14 ~~in a political party or political party committee, whether~~  
15 ~~elected or appointed; and any person participating as a~~  
16 ~~special master, receiver, auditor, juror, arbitrator, umpire,~~  
17 ~~referee, consultant, administrative law judge, hearing~~  
18 ~~officer, or hearing examiner, or person acting on behalf of~~  
19 ~~any of these, in performing a governmental function; but the~~  
20 ~~term does not include witnesses. Such term shall include a~~  
21 ~~candidate for election or appointment to any such office,~~  
22 ~~including any individual who seeks or intends to occupy any~~  
23 ~~such office. It shall include any person appointed to any of~~  
24 ~~the foregoing offices or employments before and after he or~~  
25 ~~she qualifies.~~

26 ~~(5) "Government" includes the state government and any~~  
27 ~~city or county government or any branch, political~~  
28 ~~subdivision, or agency of the state, county, or city~~  
29 ~~government.~~

30 ~~(6) "Corruptly" means done with a wrongful intent and~~  
31 ~~for the purpose of obtaining or compensating or receiving~~

1 ~~compensation for any benefit resulting from some act or~~  
2 ~~omission of a public servant which is inconsistent with the~~  
3 ~~proper performance of his or her public duties.~~

4 Section 4. Subsection (3) of section 838.015, Florida  
5 Statutes, is amended to read:

6 838.015 Bribery.--

7 (3) Any person who commits bribery commits ~~is guilty~~  
8 ~~of~~ a felony of the second ~~third~~ degree, punishable as provided  
9 in s. 775.082, s. 775.083, or s. 775.084.

10 Section 5. Subsection (4) of section 838.016, Florida  
11 Statutes, is amended to read:

12 838.016 Unlawful compensation or reward for official  
13 behavior.--

14 (4) Whoever violates the provisions of this section  
15 commits ~~shall be guilty of~~ a felony of the second ~~third~~  
16 degree, punishable as provided in s. 775.082, s. 775.083, or  
17 s. 775.084.

18 Section 6. Sections 838.022, 838.20, 838.21, and  
19 838.23, Florida Statutes, are created to read:

20 838.022 Official misconduct.--

21 (1) It is unlawful for a public servant, with corrupt  
22 intent to obtain a benefit for any person or to cause harm to  
23 another, to:

24 (a) Falsify, or cause another person to falsify, any  
25 official record or official document;

26 (b) Conceal, cover up, destroy, mutilate, or alter any  
27 official record or official document or cause another person  
28 to perform such an act;

29 (c) Obstruct, delay, or prevent the communication of  
30 information relating to the commission of a felony that  
31 directly involves or affects the public agency or public

1 entity served by the public servant; or

2 (2) For the purposes of this section:

3 (a) A candidate shall not be included in the term  
4 "public servant."

5 (b) An official record or official document includes  
6 only public records.

7 (3) Any person who violates this section commits a  
8 felony of the second degree, punishable as provided in s.  
9 775.082, s. 775.083, or s. 775.084.

10 838.20 Criminal misuse of official position.--

11 (1) It is unlawful for any public officer or public  
12 employee to corruptly use or attempt to use his or her  
13 official position, or any public property or public resource  
14 that is within his or her trust, to:

15 (a) Establish any business relationship between the  
16 public officer's or public employee's own agency and any  
17 business entity in which the public officer or public employee  
18 receives or has an expectation of receiving a benefit; or

19 (b) Perform his or her official duties to secure for  
20 himself or herself a benefit that is not generally available  
21 to the public.

22 (2) Any person who violates this section commits a  
23 felony of the second degree, punishable as provided in s.  
24 775.082, s. 775.083, or s. 775.084.

25 838.21 Disclosure or use of confidential criminal  
26 justice information.--It is unlawful for a public servant,  
27 with intent to obstruct, impede, or prevent a criminal  
28 investigation or a criminal prosecution, to disclose active  
29 criminal investigative or intelligence information as defined  
30 in chapter 119 or to disclose or use information regarding  
31 either the efforts to secure or the issuance of a warrant,

1 subpoena, or other court process or court order relating to a  
2 criminal investigation or criminal prosecution when such  
3 information is not available to the general public and is  
4 gained by reason of the public servant's official position.  
5 Any person who violates this section commits a felony of the  
6 third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

8 838.23 Bid tampering.--

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

10 (a) "Bid" includes a response to an "invitation to  
11 bid" or "request for proposals" as those terms are defined in  
12 s. 287.012.

13 (b) "Commodity" means any goods, merchandise, wares,  
14 produce, chose in action, land, article of commerce, or other  
15 tangible or intangible property, real, personal, or mixed, for  
16 use, consumption, production, enjoyment, or resale.

17 (c) "Service" means any kind of activity performed in  
18 whole or in part for economic benefit.

19 (2) It is unlawful for a public servant, with corrupt  
20 intent to influence or attempt to influence the competitive  
21 bidding process undertaken by any state, county, municipal, or  
22 special district agency, or any other public entity, for the  
23 procurement of commodities or services, to:

24 (a) Disclose material information concerning a bid or  
25 other aspects of the competitive bidding process when such  
26 information is not publicly disclosed.

27 (b) Establish a bid specification, contract  
28 specification, request for proposal, invitation to bid, or  
29 other material aspect of the competitive bidding process that  
30 provides an unfair competitive advantage to any person who  
31 submits a bid.

1           (c) Alter or amend a submitted bid, documents or other  
2 materials supporting a submitted bid, or bid results for the  
3 purpose of providing an unfair competitive advantage to any  
4 person who submits a bid.

5           (3) It is unlawful for a public servant, with corrupt  
6 intent to obtain a benefit for any person or to cause unlawful  
7 harm to another, to circumvent a competitive bidding process  
8 required by law or rule by using a sole-source contract for  
9 commodities or services.

10           (4) It is unlawful for any person to knowingly agree,  
11 conspire, combine, or confederate, directly or indirectly,  
12 with a public servant to violate subsection (2) or subsection  
13 (3).

14           (5) It is unlawful for any person to knowingly enter  
15 into a contract for commodities or services which was secured  
16 by a public servant acting in violation of subsection (2) or  
17 subsection (3).

18           (6) Any person who violates this section commits a  
19 felony of the second degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084.

21           Section 7. Section 837.02, Florida Statutes, is  
22 amended to read:

23           837.02 Perjury in official proceedings.--

24           (1) Except as provided in subsections ~~subsection~~ (2)  
25 and (3), whoever makes a false statement, which he or she does  
26 not believe to be true, under oath in an official proceeding  
27 in regard to any material matter, commits a felony of the  
28 third degree, punishable as provided in s. 775.082, s.  
29 775.083, or s. 775.084.

30           (2) Whoever makes a false statement, which he or she  
31 does not believe to be true, under oath in an official



1 proceeding that relates to the prosecution of a capital  
2 felony, commits a felony of the second degree, punishable as  
3 provided in s. 775.082, s. 775.083, or s. 775.084.

4 (3) Any public servant, as defined in s. 838.014, who  
5 makes a false statement, which he or she does not believe to  
6 be true, under oath in an official proceeding in regard to any  
7 material matter that relates to his or her duties or actions  
8 as a public servant commits a felony of the second degree,  
9 punishable as provided in s. 775.082, s. 775.083, or s.  
10 775.084.

11 (4)(3) Knowledge of the materiality of the statement  
12 is not an element of the crime of perjury under subsection  
13 (1), or subsection (2), or subsection (3) and the defendant's  
14 mistaken belief that the statement was not material is not a  
15 defense.

16 Section 8. Section 838.25, Florida Statutes, is  
17 created to read:

18 838.25 Status of confidential informants and  
19 confidential sources. Any person who provides information  
20 regarding suspected criminal violations committed by a public  
21 servant as defined in s. 838.014 shall be considered a  
22 confidential informant or confidential source pursuant to s.  
23 119.07(3)(c).

24 Section 9. Section 838.30, Florida Statutes, is  
25 created to read:

26 838.30 Attorney's fees.--If a public servant is  
27 arrested or prosecuted for any alleged violation of this  
28 chapter and either the criminal charges are dismissed or the  
29 public servant is acquitted, the public servant may petition  
30 the employing public agency to award attorney's fees for the  
31 cost of defending against those charges. The employing public

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1 agency shall award attorney's fees to the public servant upon  
 2 a finding that the public servant's actions arose out of or in  
 3 connection with the performance of his or her official duties  
 4 and served a public purpose.

5 Section 10. Paragraphs (a), (f), and (g) of subsection  
 6 (3) of section 921.0022, Florida Statutes, are amended to  
 7 read:

8 921.0022 Criminal Punishment Code; offense severity  
 9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.

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1	322.212(1)	3rd	Possession of forged, stolen,
2			counterfeit, or unlawfully issued
3			driver's license; possession of
4			simulated identification.
5	322.212(4)	3rd	Supply or aid in supplying
6			unauthorized driver's license or
7			identification card.
8	322.212(5)(a)	3rd	False application for driver's
9			license or identification card.
10	370.13(3)(a)	3rd	Molest any stone crab trap, line,
11			or buoy which is property of
12			licenseholder.
13	370.135(1)	3rd	Molest any blue crab trap, line,
14			or buoy which is property of
15			licenseholder.
16	372.663(1)	3rd	Poach any alligator or
17			crocodilia.
18	414.39(2)	3rd	Unauthorized use, possession,
19			forgery, or alteration of food
20			stamps, Medicaid ID, value
21			greater than \$200.
22	414.39(3)(a)	3rd	Fraudulent misappropriation of
23			public assistance funds by
24			employee/official, value more
25			than \$200.
26	443.071(1)	3rd	False statement or representation
27			to obtain or increase
28			unemployment compensation
29			benefits.
30	458.327(1)(a)	3rd	Unlicensed practice of medicine.
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1	466.026(1)(a)	3rd	Unlicensed practice of dentistry
2			or dental hygiene.
3	509.151(1)	3rd	Defraud an innkeeper, food or
4			lodging value greater than \$300.
5	517.302(1)	3rd	Violation of the Florida
6			Securities and Investor
7			Protection Act.
8	562.27(1)	3rd	Possess still or still apparatus.
9	713.69	3rd	Tenant removes property upon
10			which lien has accrued, value
11			more than \$50.
12	812.014(3)(c)	3rd	Petit theft (3rd conviction);
13			theft of any property not
14			specified in subsection (2).
15	812.081(2)	3rd	Unlawfully makes or causes to be
16			made a reproduction of a trade
17			secret.
18	815.04(4)(a)	3rd	Offense against intellectual
19			property (i.e., computer
20			programs, data).
21	817.52(2)	3rd	Hiring with intent to defraud,
22			motor vehicle services.
23	826.01	3rd	Bigamy.
24	828.122(3)	3rd	Fighting or baiting animals.
25	831.04(1)	3rd	Any erasure, alteration, etc., of
26			any replacement deed, map, plat,
27			or other document listed in s.
28			92.28.
29	831.31(1)(a)	3rd	Sell, deliver, or possess
30			counterfeit controlled
31			substances, all but s. 893.03(5)

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1			drugs.
2	832.041(1)	3rd	Stopping payment with intent to
3			defraud \$150 or more.
4	832.05		
5	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
6			worthless checks \$150 or more or
7			obtaining property in return for
8			worthless check \$150 or more.
9	<del>838.015(3)</del>	<del>3rd</del>	<del>Bribery.</del>
10	<del>838.016(1)</del>	<del>3rd</del>	<del>Public servant receiving unlawful</del>
11			<del>compensation.</del>
12	838.15(2)	3rd	Commercial bribe receiving.
13	838.16	3rd	Commercial bribery.
14	843.18	3rd	Fleeing by boat to elude a law
15			enforcement officer.
16	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
17			lewd, etc., material (2nd
18			conviction).
19	849.01	3rd	Keeping gambling house.
20	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
21			or assist therein, conduct or
22			advertise drawing for prizes, or
23			dispose of property or money by
24			means of lottery.
25	849.23	3rd	Gambling-related machines;
26			"common offender" as to property
27			rights.
28	849.25(2)	3rd	Engaging in bookmaking.
29	860.08	3rd	Interfere with a railroad signal.
30	860.13(1)(a)	3rd	Operate aircraft while under the
31			influence.

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1	893.13(2)(a)2.	3rd	Purchase of cannabis.
2	893.13(6)(a)	3rd	Possession of cannabis (more than
3			20 grams).
4	893.13(7)(a)10.	3rd	Affix false or forged label to
5			package of controlled substance.
6	934.03(1)(a)	3rd	Intercepts, or procures any other
7			person to intercept, any wire or
8			oral communication.
9			(f) LEVEL 6
10	316.027(1)(b)	2nd	Accident involving death, failure
11			to stop; leaving scene.
12	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
13			conviction.
14	775.0875(1)	3rd	Taking firearm from law
15			enforcement officer.
16	775.21(10)	3rd	Sexual predators; failure to
17			register; failure to renew
18			driver's license or
19			identification card.
20	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
21			without intent to kill.
22	784.021(1)(b)	3rd	Aggravated assault; intent to
23			commit felony.
24	784.041	3rd	Felony battery.
25	784.048(3)	3rd	Aggravated stalking; credible
26			threat.
27	784.048(5)	3rd	Aggravated stalking of person
28			under 16.
29	784.07(2)(c)	2nd	Aggravated assault on law
30			enforcement officer.
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1	784.08(2)(b)	2nd	Aggravated assault on a person 65
2			years of age or older.
3	784.081(2)	2nd	Aggravated assault on specified
4			official or employee.
5	784.082(2)	2nd	Aggravated assault by detained
6			person on visitor or other
7			detainee.
8	784.083(2)	2nd	Aggravated assault on code
9			inspector.
10	787.02(2)	3rd	False imprisonment; restraining
11			with purpose other than those in
12			s. 787.01.
13	790.115(2)(d)	2nd	Discharging firearm or weapon on
14			school property.
15	790.161(2)	2nd	Make, possess, or throw
16			destructive device with intent to
17			do bodily harm or damage
18			property.
19	790.164(1)	2nd	False report of deadly explosive
20			or act of arson or violence to
21			state property.
22	790.19	2nd	Shooting or throwing deadly
23			missiles into dwellings, vessels,
24			or vehicles.
25	794.011(8)(a)	3rd	Solicitation of minor to
26			participate in sexual activity by
27			custodial adult.
28	794.05(1)	2nd	Unlawful sexual activity with
29			specified minor.
30	800.04(5)(d)	3rd	Lewd or lascivious molestation;
31			victim 12 years of age or older

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1			but less than 16 years; offender
2			less than 18 years.
3	800.04(6)(b)	2nd	Lewd or lascivious conduct;
4			offender 18 years of age or
5			older.
6	806.031(2)	2nd	Arson resulting in great bodily
7			harm to firefighter or any other
8			person.
9	810.02(3)(c)	2nd	Burglary of occupied structure;
10			unarmed; no assault or battery.
11	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
12			but less than \$100,000, grand
13			theft in 2nd degree.
14	812.13(2)(c)	2nd	Robbery, no firearm or other
15			weapon (strong-arm robbery).
16	817.034(4)(a)1.	1st	Communications fraud, value
17			greater than \$50,000.
18	817.4821(5)	2nd	Possess cloning paraphernalia
19			with intent to create cloned
20			cellular telephones.
21	825.102(1)	3rd	Abuse of an elderly person or
22			disabled adult.
23	825.102(3)(c)	3rd	Neglect of an elderly person or
24			disabled adult.
25	825.1025(3)	3rd	Lewd or lascivious molestation of
26			an elderly person or disabled
27			adult.
28	825.103(2)(c)	3rd	Exploiting an elderly person or
29			disabled adult and property is
30			valued at less than \$20,000.
31	827.03(1)	3rd	Abuse of a child.



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1	827.03(3)(c)	3rd	Neglect of a child.
2	827.071(2)&(3)	2nd	Use or induce a child in a sexual
3			performance, or promote or direct
4			such performance.
5	836.05	2nd	Threats; extortion.
6	836.10	2nd	Written threats to kill or do
7			bodily injury.
8	<u>838.21</u>	<u>3rd</u>	<u>Disclosure of confidential</u>
9			<u>criminal justice information.</u>
10	843.12	3rd	Aids or assists person to escape.
11	847.0135(3)	3rd	Solicitation of a child, via a
12			computer service, to commit an
13			unlawful sex act.
14	914.23	2nd	Retaliation against a witness,
15			victim, or informant, with bodily
16			injury.
17	943.0435(9)	3rd	Sex offenders; failure to comply
18			with reporting requirements.
19	944.35(3)(a)2.	3rd	Committing malicious battery upon
20			or inflicting cruel or inhuman
21			treatment on an inmate or
22			offender on community
23			supervision, resulting in great
24			bodily harm.
25	944.40	2nd	Escapes.
26	944.46	3rd	Harboring, concealing, aiding
27			escaped prisoners.
28	944.47(1)(a)5.	2nd	Introduction of contraband
29			(firearm, weapon, or explosive)
30			into correctional facility.
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1	951.22(1)	3rd	Intoxicating drug, firearm, or
2			weapon introduced into county
3			facility.
4			(g) LEVEL 7
5	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
6			injury.
7	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
8			bodily injury.
9	402.319(2)	2nd	Misrepresentation and negligence
10			or intentional act resulting in
11			great bodily harm, permanent
12			disfiguration, permanent
13			disability, or death.
14	409.920(2)	3rd	Medicaid provider fraud.
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	782.051(3)	2nd	Attempted felony murder of a
22			person by a person other than the
23			perpetrator or the perpetrator of
24			an attempted felony.
25	782.07(1)	2nd	Killing of a human being by the
26			act, procurement, or culpable
27			negligence of another
28			(manslaughter).
29	782.071	2nd	Killing of human being or viable
30			fetus by the operation of a motor
31			vehicle in a reckless manner

Amendment No. \_\_\_\_ (for drafter's use only)

1			(vehicular homicide).
2	782.072	2nd	Killing of a human being by the
3			operation of a vessel in a
4			reckless manner (vessel
5			homicide).
6	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
7			causing great bodily harm or
8			disfigurement.
9	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
10			weapon.
11	784.045(1)(b)	2nd	Aggravated battery; perpetrator
12			aware victim pregnant.
13	784.048(4)	3rd	Aggravated stalking; violation of
14			injunction or court order.
15	784.07(2)(d)	1st	Aggravated battery on law
16			enforcement officer.
17	784.08(2)(a)	1st	Aggravated battery on a person 65
18			years of age or older.
19	784.081(1)	1st	Aggravated battery on specified
20			official or employee.
21	784.082(1)	1st	Aggravated battery by detained
22			person on visitor or other
23			detainee.
24	784.083(1)	1st	Aggravated battery on code
25			inspector.
26	790.07(4)	1st	Specified weapons violation
27			subsequent to previous conviction
28			of s. 790.07(1) or (2).
29	790.16(1)	1st	Discharge of a machine gun under
30			specified circumstances.
31			

HOUSE AMENDMENT

Bill No. CS for SB 946, 2nd Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

1	796.03	2nd	Procuring any person under 16
2			years for prostitution.
3	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
4			victim less than 12 years of age;
5			offender less than 18 years.
6	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			18 years or older.
10	806.01(2)	2nd	Maliciously damage structure by
11			fire or explosive.
12	810.02(3)(a)	2nd	Burglary of occupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
15			unarmed; no assault or battery.
16	810.02(3)(d)	2nd	Burglary of occupied conveyance;
17			unarmed; no assault or battery.
18	812.014(2)(a)	1st	Property stolen, valued at
19			\$100,000 or more; property stolen
20			while causing other property
21			damage; 1st degree grand theft.
22	812.019(2)	1st	Stolen property; initiates,
23			organizes, plans, etc., the theft
24			of property and traffics in
25			stolen property.
26	812.131(2)(a)	2nd	Robbery by sudden snatching.
27	812.133(2)(b)	1st	Carjacking; no firearm, deadly
28			weapon, or other weapon.
29	825.102(3)(b)	2nd	Neglecting an elderly person or
30			disabled adult causing great
31			bodily harm, disability, or

Amendment No. \_\_\_\_ (for drafter's use only)

1			disfigurement.
2	825.1025(2)	2nd	Lewd or lascivious battery upon
3			an elderly person or disabled
4			adult.
5	825.103(2)(b)	2nd	Exploiting an elderly person or
6			disabled adult and property is
7			valued at \$20,000 or more, but
8			less than \$100,000.
9	827.03(3)(b)	2nd	Neglect of a child causing great
10			bodily harm, disability, or
11			disfigurement.
12	827.04(3)	3rd	Impregnation of a child under 16
13			years of age by person 21 years
14			of age or older.
15	<u>837.02(3)</u>	<u>2nd</u>	<u>Perjury by a public servant in an</u>
16			<u>official proceeding.</u>
17	837.05(2)	3rd	Giving false information about
18			alleged capital felony to a law
19			enforcement officer.
20	<u>838.015</u>	<u>2nd</u>	<u>Bribery.</u>
21	<u>838.016</u>	<u>2nd</u>	<u>Unlawful compensation or reward</u>
22			<u>for official behavior.</u>
23	<u>838.021(3)(a)</u>	<u>2nd</u>	<u>Unlawful harm to a public</u>
24			<u>servant.</u>
25	<u>838.022</u>	<u>2nd</u>	<u>Official misconduct.</u>
26	<u>838.20</u>	<u>2nd</u>	<u>Criminal misuse of official</u>
27			<u>position.</u>
28	<u>838.23</u>	<u>2nd</u>	<u>Bid tampering.</u>
29	872.06	2nd	Abuse of a dead human body.
30	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
31			cocaine (or other drug prohibited

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1			under s. 893.03(1)(a), (1)(b),
2			(1)(d), (2)(a), or (2)(b)) within
3			1,000 feet of a child care
4			facility or school.
5	893.13(1)(e)	1st	Sell, manufacture, or deliver
6			cocaine or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), or (2)(b), within
9			1,000 feet of property used for
10			religious services or a specified
11			business site.
12	893.13(4)(a)	1st	Deliver to minor cocaine (or
13			other s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), or (2)(b) drugs).
15	893.135(1)(a)1.	1st	Trafficking in cannabis, more
16			than 50 lbs., less than 2,000
17			lbs.
18	893.135		
19	(1)(b)1.a.	1st	Trafficking in cocaine, more than
20			28 grams, less than 200 grams.
21	893.135		
22	(1)(c)1.a.	1st	Trafficking in illegal drugs,
23			more than 4 grams, less than 14
24			grams.
25	893.135		
26	(1)(d)1.	1st	Trafficking in phencyclidine,
27			more than 28 grams, less than 200
28			grams.
29	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
30			than 200 grams, less than 5
31			kilograms.

Amendment No. \_\_\_\_ (for drafter's use only)

1 893.135(1)(f)1. 1st Trafficking in amphetamine, more  
2 than 14 grams, less than 28  
3 grams.

4 893.135

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

8 Section 11. Sections 838.15, 838.16 and 839.25,  
9 Florida Statutes, are repealed.

10 Section 12. This act shall take effect October 1,  
11 2000.

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

15 And the title is amended as follows:

16 On page 1,

17 remove from the title of the bill: entire title

18

19 and insert in lieu thereof:

20 An act relating to offenses by public servants;  
21 amending s. 16.56, F.S.; authorizing the Office  
22 of Statewide Prosecution to prosecute  
23 violations of ch. 838, F.S.; providing a short  
24 title; amending s. 838.014, F.S.; redefining  
25 the terms "benefit," "corruptly," "harm," and  
26 "public servant"; deleting definitions;  
27 amending ss. 838.015 and 838.016, F.S.;  
28 increasing penalties; creating ss. 838.022,  
29 838.20, 838.21, and 838.23, F.S.; providing  
30 criminal penalties for official misconduct,  
31 criminal misuse of official position,

Amendment No. \_\_\_\_ (for drafter's use only)

1 disclosure or use of confidential criminal  
2 justice information, and bid tampering;  
3 amending s. 837.02, F.S.; providing a criminal  
4 penalty for perjury in an official proceeding  
5 by a public servant; creating s. 838.25, F.S.;  
6 providing status of confidential informants or  
7 confidential sources; creating s. 838.30, F.S.;  
8 authorizing public servants who are subjected  
9 to an investigation for official misconduct to  
10 recover attorney's fees; amending s. 921.0022,  
11 F.S.; deleting specified felonies from and  
12 adding specified felonies to the Criminal  
13 Punishment Code; repealing s.838.15, F.S.,  
14 relating to commercial bribe receiving;  
15 repealing s.838.16, F.S., relating to  
16 commercial bribery; repealing s. 839.25, F.S.,  
17 relating to official misconduct; providing an  
18 effective date.

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