

By Senator Sebesta

20-820-00

1 A bill to be entitled
2 An act relating to offenses by public servants;
3 amending s. 16.56, F.S.; authorizing the
4 Statewide Prosecutor to prosecute violations of
5 ch. 838, F.S.; amending s. 287.133, F.S.;
6 redefining the term "public entity crime";
7 providing criteria for the placement and
8 removal of names on the convicted vendor list;
9 amending s. 837.02, F.S.; providing for an
10 exception to perjury in official proceedings;
11 creating s. 838.0105, F.S.; providing a short
12 title; amending s. 838.014, F.S.; redefining
13 the terms "benefit," "corruptly," "harm," and
14 "public servant"; amending ss. 838.015, 838.16,
15 F.S.; increasing penalties; creating ss.
16 838.022, 838.20, 838.21, 838.22, 838.23,
17 838.24, F.S.; providing criminal penalties for
18 official misconduct, criminal misuse of
19 official position, disclosure or use of
20 confidential criminal justice information,
21 bid-tampering, and perjury by a public servant
22 in an official proceeding; providing for
23 evidence of governmental function or service;
24 amending s. 921.0022, F.S.; adding specified
25 felonies to the Criminal Punishment Code;
26 repealing s. 838.15, F.S., relating to
27 commercial bribe receiving; repealing s.
28 838.16, F.S., relating to commercial bribery;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Paragraph (a) of subsection (1) of section
2 16.56, Florida Statutes, is amended to read:

3 16.56 Office of Statewide Prosecution.--

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

8 (a) Investigate and prosecute the offenses of:

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

13 2. Any crime involving narcotic or other dangerous
14 drugs;

15 3. Any violation of the provisions of the Florida RICO
16 (Racketeer Influenced and Corrupt Organization) Act, including
17 any offense listed in the definition of racketeering activity
18 in s. 895.02(1)(a), providing such listed offense is
19 investigated in connection with a violation of s. 895.03 and
20 is charged in a separate count of an information or indictment
21 containing a count charging a violation of s. 895.03, the
22 prosecution of which listed offense may continue independently
23 if the prosecution of the violation of s. 895.03 is terminated
24 for any reason;

25 4. Any violation of the provisions of the Florida
26 Anti-Fencing Act;

27 5. Any violation of the provisions of the Florida
28 Antitrust Act of 1980, as amended;

29 6. Any crime involving, or resulting in, fraud or
30 deceit upon any person; or

31

1 7. Any violation of s. 847.0135, relating to computer
2 pornography and child exploitation prevention, or any offense
3 related to a violation of s. 847.0135,

4
5 or any attempt, solicitation, or conspiracy to commit any of
6 the crimes specifically enumerated above. The office shall
7 have such power only when any such offense is occurring, or
8 has occurred, in two or more judicial circuits as part of a
9 related transaction, or when any such offense is connected
10 with an organized criminal conspiracy affecting two or more
11 judicial circuits.

12 Section 2. Paragraph (g) of subsection (1) and
13 paragraph (e) of subsection (3) of section 287.133, are
14 amended to read:

15 287.133 Public entity crime; denial or revocation of
16 the right to transact business with public entities.--

17 (1) As used in this section:

18 (g) "Public entity crime" means a violation of any
19 state or federal law by a person with respect to and directly
20 related to the transaction of business with any public entity
21 or with an agency or political subdivision of any other state
22 or with the United States, including, but not limited to, any
23 bid or contract for goods or services, any lease for real
24 property, or any contract for the construction or repair of a
25 public building or public work, involving antitrust, fraud,
26 theft, bribery or any of the provisions of chapter 838,
27 collusion, racketeering, conspiracy, or material
28 misrepresentation.

29 (3)

30 (e)1. Upon receipt of information regarding a finding
31 of guilt against a person of a public entity crime, the

1 department shall determine whether the finding has been
2 recorded with the clerk of the court in which the finding was
3 obtained, and if so, shall immediately place the name of that
4 person or affiliate on the convicted vendor list. The
5 department shall also notify the person or affiliate of his or
6 her right to a hearing, the procedure that must be followed,
7 and the applicable time requirements. If the person or
8 affiliate does not request a hearing, the name of that person
9 or affiliate remains on the convicted vendor list unless the
10 finding of guilt is overturned on appeal or has been sealed or
11 expunged by a court of competent jurisdiction. As used in this
12 paragraph, the term "finding of guilt" means any determination
13 of guilt as a result of a trial or the entry of a plea of
14 guilty or nolo contendere, regardless of whether adjudication
15 is withheld, and includes, but is not limited to, a finding of
16 guilt by a federal or military tribunal, including a
17 court-martial conducted by the Armed Forces of the United
18 States, and includes a finding of guilt by a court of any
19 state of the United States.~~Upon receiving reasonable~~
20 ~~information from any source that a person has been convicted,~~
21 ~~the department shall investigate the information and determine~~
22 ~~whether good cause exists to place that person or an affiliate~~
23 ~~of that person on the convicted vendor list. If good cause~~
24 ~~exists, the department shall notify the person or affiliate in~~
25 ~~writing of its intent to place the name of that person or~~
26 ~~affiliate on the convicted vendor list, and of the person's or~~
27 ~~affiliate's right to a hearing, the procedure that must be~~
28 ~~followed, and the applicable time requirements. If the person~~
29 ~~or affiliate does not request a hearing, the department shall~~
30 ~~enter a final order placing the name of the person or~~
31 ~~affiliate on the convicted vendor list. No person or~~

1 ~~affiliate may be placed on the convicted vendor list without~~
2 ~~receiving an individual notice of intent from the department.~~

3 2. Within 21 days after ~~of~~ receipt of the notice of
4 ~~intent~~, the person or affiliate may file a petition for a
5 formal hearing pursuant to ss. 120.569 and 120.57(1) to
6 determine whether there is any substantial ~~whether it is in~~
7 ~~the public~~ purpose or interest in removing the name of ~~for~~
8 that person or affiliate from ~~to be placed on~~ the convicted
9 vendor list. A person or affiliate may not file a petition
10 for an informal hearing under s. 120.57(2). The procedures of
11 chapter 120 shall apply to any formal hearing under this
12 section except where they are in conflict with the following
13 provisions:

14 a. The petition shall be filed with the department.
15 The department shall be a party to the proceeding for all
16 purposes.

17 b. Within 5 days after the filing of the petition, the
18 department shall notify the Division of Administrative
19 Hearings of the request for a formal hearing. The director of
20 the Division of Administrative Hearings shall, within 5 days
21 after receipt of notice from the department, assign an
22 administrative law judge to preside over the proceeding. The
23 administrative law judge, upon request by a party, may
24 consolidate related proceedings.

25 c. The administrative law judge shall conduct the
26 formal hearing within 30 days after being assigned, unless
27 otherwise stipulated by the parties.

28 d. Within 30 days after the formal hearing or receipt
29 of the hearing transcript, whichever is later, the
30 administrative law judge shall enter a final order, which
31 shall consist of findings of fact, conclusions of law,

1 interpretation of agency rules, and any other information
2 required by law or rule to be contained in the final order.
3 Such final order shall place or not place the person or
4 affiliate on the convicted vendor list.

5 e. The final order of the administrative law judge
6 shall be final agency action for purposes of s. 120.68.

7 f. At any time after the filing of the petition,
8 informal disposition may be made pursuant to s. 120.57(4). In
9 that event, the administrative law judge shall enter a final
10 order adopting the stipulation, agreed settlement, or consent
11 order.

12 3. In determining whether there is a substantial ~~it is~~
13 ~~in the~~ public interest justifying the removal of the name of
14 ~~the to place a~~ person or affiliate on the convicted vendor
15 list, the administrative law judge may ~~shall~~ consider the
16 following factors:

17 a. Whether the person or affiliate committed a public
18 entity crime.

19 b. The nature and details of the public entity crime.

20 c. The degree of culpability of the person or
21 affiliate proposed to be placed on the convicted vendor list.

22 d. Prompt or voluntary payment of any damages or
23 penalty as a result of the conviction.

24 e. Cooperation with state or federal investigation or
25 prosecution of any public entity crime, provided that a good
26 faith exercise of any constitutional, statutory, or other
27 right during any portion of the investigation or prosecution
28 of any public entity crime shall not be considered a lack of
29 cooperation.

30 f. Disassociation from any other persons or affiliates
31 convicted of the public entity crime.

1 g. Prior or future self-policing by the person or
2 affiliate to prevent public entity crimes.

3 h. Reinstatement or clemency in any jurisdiction in
4 relation to the public entity crime at issue in the
5 proceeding.

6 i. Compliance by the person or affiliate with the
7 notification provisions of paragraph (b).

8 j. The needs of public entities for additional
9 competition in the procurement of goods and services in their
10 respective markets.

11 k. Mitigation based upon any demonstration of good
12 citizenship by the person or affiliate.

13 4. In any proceeding under this section, the
14 department shall be required to prove that it is in the public
15 interest for the person to whom it has given notice under this
16 section to be placed on the convicted vendor list. Proof of a
17 conviction of the person or that one is an affiliate of such
18 person shall constitute a prima facie case that it is in the
19 public interest for the person or affiliate to whom the
20 department has given notice to be put on the convicted vendor
21 list. Prompt payment of damages or posting of a bond,
22 cooperation with investigation, and termination of the
23 employment or other relationship with the employee or other
24 natural person responsible for the public entity crime shall
25 create a rebuttable presumption that it is not in the public
26 interest to place a person or affiliate on the convicted
27 vendor list. Status as an affiliate must be proven by clear
28 and convincing evidence. If the administrative law judge
29 determines that the person was not convicted or is not an
30 affiliate of such person, that person or affiliate shall not
31 be placed on the convicted vendor list.

1 5. Any person or affiliate who has been notified by
2 the department of its intent to place his or her name on the
3 convicted vendor list may offer evidence on any relevant
4 issue. An affidavit alone shall not constitute competent
5 substantial evidence that the person has not been convicted or
6 is not an affiliate of a person so convicted. Upon
7 establishment of a prima facie case that it is in the public
8 interest for the person or affiliate to whom the department
9 has given notice to be put on the convicted vendor list, that
10 person or affiliate may prove by a preponderance of the
11 evidence that it would not be in the public interest to put
12 him or her on the convicted vendor list, based upon evidence
13 addressing the factors in subparagraph 3.

14 Section 3. Subsection (1) of section 837.02, Florida
15 Statutes, is amended to read:

16 837.02 Perjury in official proceedings.--

17 (1) Except as provided in subsection (2) and s.
18 838.24, whoever makes a false statement, which he or she does
19 not believe to be true, under oath in an official proceeding
20 in regard to any material matter, commits a felony of the
21 third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 Section 4. Section 838.0105, Florida Statutes, is
24 created to read:

25 838.0105 Short title.--This chapter may be cited as
26 the "Citizens' Right to Honest Government Act."

27 Section 5. Section 838.014, Florida Statutes, is
28 amended to read:

29 838.014 Definitions.--As used in ~~For the purposes of~~
30 this chapter, the term ~~unless a different meaning plainly is~~
31 ~~required:~~

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

7 (2) "Corruptly" or "corrupt intent" means done with
8 knowledge that the act is wrongful and with improper motives.

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

13 (4) "Public servant" means:

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

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

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

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

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

29 (f) A candidate for election or appointment to any of
30 the positions listed in this subsection, or an individual who
31

1 has been elected to, but has yet to officially assume the
2 responsibilities of, public office.

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

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

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

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

29 ~~(6) "Corruptly" means done with a wrongful intent and~~
30 ~~for the purpose of obtaining or compensating or receiving~~
31 ~~compensation for any benefit resulting from some act or~~

1 ~~omission of a public servant which is inconsistent with the~~
2 ~~proper performance of his or her public duties.~~

3 Section 6. Subsection (3) of section 838.015, Florida
4 Statutes, is amended to read:

5 838.015 Bribery.--

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

9 Section 7. Subsection (4) of section 838.016, Florida
10 Statutes, is amended to read:

11 838.016 Unlawful compensation or reward for official
12 behavior.--

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

17 Section 8. Sections 838.022, 838.20, 838.21, 838.22,
18 838.23, and 838.24, Florida Statutes, are created to read:

19 838.022 Official misconduct.--

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

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

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

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

1 (d) Refrain from performing a mandatory constitutional
2 or statutory duty or cause another person to refrain from
3 performing such duty.

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

7 838.20 Criminal misuse of official position.--

8 (1) It is unlawful for any public servant to corruptly
9 use or attempt to use his or her official position or any
10 public property or public resource that is within his or her
11 trust, to:

12 (a) Establish any business relationship between the
13 public servant's own agency and any business entity in which
14 the public servant receives or has an expectation of receiving
15 a benefit; or

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

19 (2) Any person who violates this section commits a
20 felony of the second degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084.

22 838.21 Disclosure or use of confidential criminal
23 justice information.--It is unlawful for a public servant,
24 with corrupt intent to obtain a benefit for any person or to
25 cause harm to another, to disclose active criminal
26 investigative or intelligence information as defined in
27 chapter 119 or to disclose or use information regarding either
28 the efforts to secure or the issuance of a warrant, subpoena,
29 or other court process or court order relating to a criminal
30 investigation or criminal prosecution when such information is
31 not available to the general public and is gained by reason of

1 the public servant's official position. Any person who
2 violates this section commits a felony of the third degree,
3 punishable as provided in s. 775.082, s. 775.083, or s.
4 775.084.

5 838.22 Evidence of performing a governmental function
6 or providing a governmental service.--Use of the term
7 "privatize" or "privatization" in a statute, ordinance,
8 resolution, or contract providing for a private entity to
9 perform a function or provide a service on behalf of a state,
10 county, municipal, or special district agency or entity gives
11 rise to an inference that the private entity is performing a
12 governmental function or providing a governmental service.

13 838.23 Bid-tampering.--

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

15 (a) "Bid" includes a response to an "invitation to
16 bid" or "request for proposal" as those terms are defined in
17 s. 287.012.

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

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

24 (2) It is unlawful for a public servant, with corrupt
25 intent to influence or attempt to influence the competitive
26 bidding process undertaken by any state, county, municipal, or
27 special district agency, or any other public entity, for the
28 procurement of commodities or services, to:

29 (a) Disclose material information concerning a bid or
30 other aspects of the competitive bidding process when such
31 information is not publicly disclosed.

1 (b) Establish a bid specification, contract
2 specification, request for proposal, invitation to bid, or
3 other material aspect of the competitive bidding process that
4 provides an unfair competitive advantage to any person who
5 submits a bid.

6 (c) Alter or amend a submitted bid, documents or other
7 materials supporting a submitted bid, or bid results for the
8 purpose of providing an unfair competitive advantage to any
9 person who submits a bid.

10 (3) It is unlawful for a public servant, with corrupt
11 intent to obtain a benefit for any person or to cause unlawful
12 harm to another, to circumvent a competitive bidding process
13 required by law or rule by using a sole-source contract for
14 commodities or services.

15 (4) It is unlawful for any person to knowingly agree,
16 conspire, combine, or confederate, directly or indirectly,
17 with a public servant to violate subsection (2) or subsection
18 (3).

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

23 (6) Any person who violates this section commits a
24 felony of the second degree, punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084.

26 838.24 Perjury by public servant in an official
27 proceeding.--

28 (1) A public servant who under oath in an official
29 proceeding makes a false statement, which he or she does not
30 believe to be true, in regard to any material matter that
31 relates to his or her duties or actions as a public servant

1 commits a felony of the second degree, punishable as provided
2 in s. 775.082, s. 775.083, or s. 775.084.

3 (2) As used in this section, the terms "official
4 proceeding," "oath," and "material matter" have the same
5 meanings as provided in s. 837.011.

6 Section 9. Paragraphs (f) and (g) of subsection (3) of
7 section 921.0022, Florida Statutes, are amended to read:

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

10 (3) OFFENSE SEVERITY RANKING CHART

12 Florida	Felony	
13 Statute	Degree	Description
		(f) LEVEL 6
17 316.027(1)(b)	2nd	Accident involving death, failure 18 to stop; leaving scene.
19 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 20 conviction.
21 775.0875(1)	3rd	Taking firearm from law 22 enforcement officer.
23 775.21(10)	3rd	Sexual predators; failure to 24 register; failure to renew 25 driver's license or 26 identification card.
27 784.021(1)(a)	3rd	Aggravated assault; deadly weapon 28 without intent to kill.
29 784.021(1)(b)	3rd	Aggravated assault; intent to 30 commit felony.
31 784.041	3rd	Felony battery.

1	784.048(3)	3rd	Aggravated stalking; credible
2			threat.
3	784.048(5)	3rd	Aggravated stalking of person
4			under 16.
5	784.07(2)(c)	2nd	Aggravated assault on law
6			enforcement officer.
7	784.08(2)(b)	2nd	Aggravated assault on a person 65
8			years of age or older.
9	784.081(2)	2nd	Aggravated assault on specified
10			official or employee.
11	784.082(2)	2nd	Aggravated assault by detained
12			person on visitor or other
13			detainee.
14	784.083(2)	2nd	Aggravated assault on code
15			inspector.
16	787.02(2)	3rd	False imprisonment; restraining
17			with purpose other than those in
18			s. 787.01.
19	790.115(2)(d)	2nd	Discharging firearm or weapon on
20			school property.
21	790.161(2)	2nd	Make, possess, or throw
22			destructive device with intent to
23			do bodily harm or damage
24			property.
25	790.164(1)	2nd	False report of deadly explosive
26			or act of arson or violence to
27			state property.
28	790.19	2nd	Shooting or throwing deadly
29			missiles into dwellings, vessels,
30			or vehicles.
31			

1	794.011(8)(a)	3rd	Solicitation of minor to
2			participate in sexual activity by
3			custodial adult.
4	794.05(1)	2nd	Unlawful sexual activity with
5			specified minor.
6	800.04(5)(d)	3rd	Lewd or lascivious molestation;
7			victim 12 years of age or older
8			but less than 16 years; offender
9			less than 18 years.
10	800.04(6)(b)	2nd	Lewd or lascivious conduct;
11			offender 18 years of age or
12			older.
13	806.031(2)	2nd	Arson resulting in great bodily
14			harm to firefighter or any other
15			person.
16	810.02(3)(c)	2nd	Burglary of occupied structure;
17			unarmed; no assault or battery.
18	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
19			but less than \$100,000, grand
20			theft in 2nd degree.
21	812.13(2)(c)	2nd	Robbery, no firearm or other
22			weapon (strong-arm robbery).
23	817.034(4)(a)1.	1st	Communications fraud, value
24			greater than \$50,000.
25	817.4821(5)	2nd	Possess cloning paraphernalia
26			with intent to create cloned
27			cellular telephones.
28	825.102(1)	3rd	Abuse of an elderly person or
29			disabled adult.
30	825.102(3)(c)	3rd	Neglect of an elderly person or
31			disabled adult.

1	825.1025(3)	3rd	Lewd or lascivious molestation of
2			an elderly person or disabled
3			adult.
4	825.103(2)(c)	3rd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at less than \$20,000.
7	827.03(1)	3rd	Abuse of a child.
8	827.03(3)(c)	3rd	Neglect of a child.
9	827.071(2)&(3)	2nd	Use or induce a child in a sexual
10			performance, or promote or direct
11			such performance.
12	836.05	2nd	Threats; extortion.
13	836.10	2nd	Written threats to kill or do
14			bodily injury.
15	<u>838.21</u>	<u>3rd</u>	<u>Disclosure of confidential</u>
16			<u>criminal justice information.</u>
17	843.12	3rd	Aids or assists person to escape.
18	847.0135(3)	3rd	Solicitation of a child, via a
19			computer service, to commit an
20			unlawful sex act.
21	914.23	2nd	Retaliation against a witness,
22			victim, or informant, with bodily
23			injury.
24	943.0435(9)	3rd	Sex offenders; failure to comply
25			with reporting requirements.
26	944.35(3)(a)2.	3rd	Committing malicious battery upon
27			or inflicting cruel or inhuman
28			treatment on an inmate or
29			offender on community
30			supervision, resulting in great
31			bodily harm.

1	944.40	2nd	Escapes.
2	944.46	3rd	Harboring, concealing, aiding
3			escaped prisoners.
4	944.47(1)(a)5.	2nd	Introduction of contraband
5			(firearm, weapon, or explosive)
6			into correctional facility.
7	951.22(1)	3rd	Intoxicating drug, firearm, or
8			weapon introduced into county
9			facility.
10			(g) LEVEL 7
11	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
12			injury.
13	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
14			bodily injury.
15	402.319(2)	2nd	Misrepresentation and negligence
16			or intentional act resulting in
17			great bodily harm, permanent
18			disfiguration, permanent
19			disability, or death.
20	409.920(2)	3rd	Medicaid provider fraud.
21	494.0018(2)	1st	Conviction of any violation of
22			ss. 494.001-494.0077 in which the
23			total money and property
24			unlawfully obtained exceeded
25			\$50,000 and there were five or
26			more victims.
27	782.051(3)	2nd	Attempted felony murder of a
28			person by a person other than the
29			perpetrator or the perpetrator of
30			an attempted felony.
31			

1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
31			

1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	796.03	2nd	Procuring any person under 16
9			years for prostitution.
10	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
11			victim less than 12 years of age;
12			offender less than 18 years.
13	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
14			victim 12 years of age or older
15			but less than 16 years; offender
16			18 years or older.
17	806.01(2)	2nd	Maliciously damage structure by
18			fire or explosive.
19	810.02(3)(a)	2nd	Burglary of occupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
22			unarmed; no assault or battery.
23	810.02(3)(d)	2nd	Burglary of occupied conveyance;
24			unarmed; no assault or battery.
25	812.014(2)(a)	1st	Property stolen, valued at
26			\$100,000 or more; property stolen
27			while causing other property
28			damage; 1st degree grand theft.
29			
30			
31			

1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	825.102(3)(b)	2nd	Neglecting an elderly person or
9			disabled adult causing great
10			bodily harm, disability, or
11			disfigurement.
12	825.1025(2)	2nd	Lewd or lascivious battery upon
13			an elderly person or disabled
14			adult.
15	825.103(2)(b)	2nd	Exploiting an elderly person or
16			disabled adult and property is
17			valued at \$20,000 or more, but
18			less than \$100,000.
19	827.03(3)(b)	2nd	Neglect of a child causing great
20			bodily harm, disability, or
21			disfigurement.
22	827.04(3)	3rd	Impregnation of a child under 16
23			years of age by person 21 years
24			of age or older.
25	837.05(2)	3rd	Giving false information about
26			alleged capital felony to a law
27			enforcement officer.
28	<u>838.015</u>	<u>2nd</u>	<u>Bribery.</u>
29	<u>838.016</u>	<u>2nd</u>	<u>Unlawful compensation or reward</u>
30			<u>for official behavior.</u>
31			

1	<u>838.021</u>	<u>2nd</u>	<u>Corruption by threat against</u>
2			<u>public servant.</u>
3	<u>838.022</u>	<u>2nd</u>	<u>Official misconduct.</u>
4	<u>838.20</u>	<u>2nd</u>	<u>Criminal misuse of official</u>
5			<u>position.</u>
6	<u>838.23</u>	<u>2nd</u>	<u>Bid-tampering.</u>
7	<u>838.24</u>	<u>2nd</u>	<u>Perjury by a public servant in an</u>
8			<u>official proceeding.</u>
9	872.06	2nd	Abuse of a dead human body.
10	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other drug prohibited
12			under s. 893.03(1)(a), (1)(b),
13			(1)(d), (2)(a), or (2)(b)) within
14			1,000 feet of a child care
15			facility or school.
16	893.13(1)(e)	1st	Sell, manufacture, or deliver
17			cocaine or other drug prohibited
18			under s. 893.03(1)(a), (1)(b),
19			(1)(d), (2)(a), or (2)(b), within
20			1,000 feet of property used for
21			religious services or a specified
22			business site.
23	893.13(4)(a)	1st	Deliver to minor cocaine (or
24			other s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), or (2)(b) drugs).
26	893.135(1)(a)1.	1st	Trafficking in cannabis, more
27			than 50 lbs., less than 2,000
28			lbs.
29	893.135		
30	(1)(b)1.a.	1st	Trafficking in cocaine, more than
31			28 grams, less than 200 grams.

1 893.135
2 (1)(c)1.a. 1st Trafficking in illegal drugs,
3 more than 4 grams, less than 14
4 grams.
5 893.135
6 (1)(d)1. 1st Trafficking in phencyclidine,
7 more than 28 grams, less than 200
8 grams.
9 893.135(1)(e)1. 1st Trafficking in methaqualone, more
10 than 200 grams, less than 5
11 kilograms.
12 893.135(1)(f)1. 1st Trafficking in amphetamine, more
13 than 14 grams, less than 28
14 grams.
15 893.135
16 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
17 grams or more, less than 14
18 grams.

19 Section 10. Sections 838.15 and 838.16, Florida
20 Statutes, are repealed.

21 Section 11. This act shall take effect October 1,
22 2000.

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24 *****

25 SENATE SUMMARY

26 Creates the "Citizens' Right to Honest Government Act."
27 Creates, amends, and repeals various sections of the law
28 involving crimes by public servants and punishment for
29 those crimes.
30
31