

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,
15 838.016, F.S.; increasing penalties; creating
16 ss. 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 creating s. 838.25, F.S.; providing status of
25 confidential informants or confidential
26 sources; authorizing public servants who are
27 subjected to an investigation for official
28 misconduct to recover attorney's fees; amending
29 s. 921.0022, F.S.; deleting specified felonies
30 from and adding specified felonies to the
31 Criminal Punishment Code; repealing s. 838.15,

1 F.S., relating to commercial bribe receiving;
2 repealing s. 838.16, F.S., relating to
3 commercial bribery; repealing s. 839.25, F.S.,
4 relating to official misconduct; providing an
5 effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Paragraph (a) of subsection (1) of section
10 16.56, Florida Statutes, is amended to read:

11 16.56 Office of Statewide Prosecution.--

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

16 (a) Investigate and prosecute the offenses of:

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

21 2. Any crime involving narcotic or other dangerous
22 drugs;

23 3. Any violation of the provisions of the Florida RICO
24 (Racketeer Influenced and Corrupt Organization) Act, including
25 any offense listed in the definition of racketeering activity
26 in s. 895.02(1)(a), providing such listed offense is
27 investigated in connection with a violation of s. 895.03 and
28 is charged in a separate count of an information or indictment
29 containing a count charging a violation of s. 895.03, the
30 prosecution of which listed offense may continue independently
31

1 if the prosecution of the violation of s. 895.03 is terminated
2 for any reason;

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

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

7 6. Any crime involving, or resulting in, fraud or
8 deceit upon any person; or

9 7. Any violation of s. 847.0135, relating to computer
10 pornography and child exploitation prevention, or any offense
11 related to a violation of s. 847.0135,

12

13 or any attempt, solicitation, or conspiracy to commit any of
14 the crimes specifically enumerated above. The office shall
15 have such power only when any such offense is occurring, or
16 has occurred, in two or more judicial circuits as part of a
17 related transaction, or when any such offense is connected
18 with an organized criminal conspiracy affecting two or more
19 judicial circuits.

20 Section 2. Paragraph (g) of subsection (1) and
21 paragraph (e) of subsection (3) of section 287.133, are
22 amended to read:

23 287.133 Public entity crime; denial or revocation of
24 the right to transact business with public entities.--

25 (1) As used in this section:

26 (g) "Public entity crime" means a violation of any
27 state or federal law by a person with respect to and directly
28 related to the transaction of business with any public entity
29 or with an agency or political subdivision of any other state
30 or with the United States, including, but not limited to, any
31 bid or contract for goods or services, any lease for real

1 property, or any contract for the construction or repair of a
2 public building or public work, involving antitrust, fraud,
3 theft, bribery or any of the provisions of chapter 838,
4 collusion, racketeering, conspiracy, or material
5 misrepresentation.

6 (3)

7 (e)1. Upon receipt of information regarding a finding
8 of guilt against a person of a public entity crime, the
9 department shall determine whether the finding has been
10 recorded with the clerk of the court in which the finding was
11 obtained, and if so, shall immediately place the name of that
12 person or affiliate on the convicted vendor list. The
13 department shall also notify the person or affiliate of his or
14 her right to a hearing, the procedure that must be followed,
15 and the applicable time requirements. If the person or
16 affiliate does not request a hearing, the name of that person
17 or affiliate remains on the convicted vendor list unless the
18 finding of guilt is overturned on appeal or has been sealed or
19 expunged by a court of competent jurisdiction. As used in this
20 paragraph, the term "finding of guilt" means any determination
21 of guilt as a result of a trial or the entry of a plea of
22 guilty or nolo contendere, regardless of whether adjudication
23 is withheld, and includes, but is not limited to, a finding of
24 guilt by a federal or military tribunal, including a
25 court-martial conducted by the Armed Forces of the United
26 States, and includes a finding of guilt by a court of any
27 state of the United States.~~Upon receiving reasonable~~
28 ~~information from any source that a person has been convicted,~~
29 ~~the department shall investigate the information and determine~~
30 ~~whether good cause exists to place that person or an affiliate~~
31 ~~of that person on the convicted vendor list. If good cause~~

1 ~~exists, the department shall notify the person or affiliate in~~
2 ~~writing of its intent to place the name of that person or~~
3 ~~affiliate on the convicted vendor list, and of the person's or~~
4 ~~affiliate's right to a hearing, the procedure that must be~~
5 ~~followed, and the applicable time requirements. If the person~~
6 ~~or affiliate does not request a hearing, the department shall~~
7 ~~enter a final order placing the name of the person or~~
8 ~~affiliate on the convicted vendor list. No person or~~
9 ~~affiliate may be placed on the convicted vendor list without~~
10 ~~receiving an individual notice of intent from the department.~~

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

22 a. The petition shall be filed with the department.
23 The department shall be a party to the proceeding for all
24 purposes.

25 b. Within 5 days after the filing of the petition, the
26 department shall notify the Division of Administrative
27 Hearings of the request for a formal hearing. The director of
28 the Division of Administrative Hearings shall, within 5 days
29 after receipt of notice from the department, assign an
30 administrative law judge to preside over the proceeding. The

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1 administrative law judge, upon request by a party, may
2 consolidate related proceedings.

3 c. The administrative law judge shall conduct the
4 formal hearing within 30 days after being assigned, unless
5 otherwise stipulated by the parties.

6 d. Within 30 days after the formal hearing or receipt
7 of the hearing transcript, whichever is later, the
8 administrative law judge shall enter a final order, which
9 shall consist of findings of fact, conclusions of law,
10 interpretation of agency rules, and any other information
11 required by law or rule to be contained in the final order.
12 Such final order shall place or not place the person or
13 affiliate on the convicted vendor list.

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

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

21 3. In determining whether there is a substantial ~~it is~~
22 ~~in the~~ public purpose or interest justifying the removal of
23 the name of the ~~to place~~ a person or affiliate on the
24 convicted vendor list, the administrative law judge may ~~shall~~
25 consider the following factors:

26 a. Whether the person or affiliate committed a public
27 entity crime.

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

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

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1 d. Prompt or voluntary payment of any damages or
2 penalty as a result of the conviction.

3 e. Cooperation with state or federal investigation or
4 prosecution of any public entity crime, provided that a good
5 faith exercise of any constitutional, statutory, or other
6 right during any portion of the investigation or prosecution
7 of any public entity crime shall not be considered a lack of
8 cooperation.

9 f. Disassociation from any other persons or affiliates
10 convicted of the public entity crime.

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

13 h. Reinstatement or clemency in any jurisdiction in
14 relation to the public entity crime at issue in the
15 proceeding.

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

18 j. The needs of public entities for additional
19 competition in the procurement of goods and services in their
20 respective markets.

21 k. Mitigation based upon any demonstration of good
22 citizenship by the person or affiliate.

23 4. In any proceeding under this section, the person to
24 whom notice was given ~~department~~ shall be required to prove
25 that there is a substantial ~~it is in the~~ public purpose or
26 interest ~~justifying the removal of the name of~~ ~~for~~ the person
27 ~~to whom it has given notice under this section to be placed on~~
28 from the convicted vendor list. ~~Proof of a conviction of the~~
29 ~~person or that one is an affiliate of such person shall~~
30 ~~constitute a prima facie case that it is in the public~~
31 ~~interest for the person or affiliate to whom the department~~

1 ~~has given notice to be put on the convicted vendor list.~~
2 ~~Prompt payment of damages or posting of a bond, cooperation~~
3 ~~with investigation, and termination of the employment or other~~
4 ~~relationship with the employee or other natural person~~
5 ~~responsible for the public entity crime shall create a~~
6 ~~rebuttable presumption that it is not in the public interest~~
7 ~~to place a person or affiliate on the convicted vendor list.~~
8 ~~Status as an affiliate must be proven by clear and convincing~~
9 ~~evidence.~~ If the administrative law judge determines that the
10 person was not convicted or is not an affiliate of such
11 person, that person or affiliate shall be removed from ~~not be~~
12 ~~placed on the convicted vendor list.~~

13 5. ~~Any person or affiliate who has been notified by~~
14 ~~the department of its intent to place his or her name on the~~
15 ~~convicted vendor list may offer evidence on any relevant~~
16 ~~issue. An affidavit alone shall not constitute competent~~
17 ~~substantial evidence that the person has not been convicted or~~
18 ~~is not an affiliate of a person so convicted. Upon~~
19 ~~establishment of a prima facie case that it is in the public~~
20 ~~interest for the person or affiliate to whom the department~~
21 ~~has given notice to be put on the convicted vendor list, that~~
22 ~~person or affiliate may prove by a preponderance of the~~
23 ~~evidence that it would not be in the public interest to put~~
24 ~~him or her on the convicted vendor list, based upon evidence~~
25 ~~addressing the factors in subparagraph 3.~~

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

28 837.02 Perjury in official proceedings.--

29 (1) Except as provided in subsection (2) and s.
30 838.24, whoever makes a false statement, which he or she does
31 not believe to be true, under oath in an official proceeding

1 in regard to any material matter, commits a felony of the
2 third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

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

6 838.0105 Short title.--This chapter may be cited as
7 the "Citizens' Right to Honest Government Act."

8 Section 5. Section 838.014, Florida Statutes, is
9 amended to read:

10 838.014 Definitions.--As used in ~~For the purposes of~~
11 ~~this chapter, the term unless a different meaning plainly is~~
12 ~~required:~~

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

19 (2) "Corruptly" or "corrupt intent" means done with a
20 wrongful intent and for the purpose of obtaining,
21 compensating, or receiving compensation for any benefit
22 resulting from some act or omission of a public servant which
23 is inconsistent with the proper performance of his or her
24 public duties.

25 (3) "Harm" means pecuniary or other loss,
26 disadvantage, or injury to the person affected, including
27 loss, disadvantage, or injury to any other person in whose
28 welfare he or she is interested.

29 (4) "Public servant" means:

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

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

2 or

3 (c) Any person, including any officer, director,
4 partner, manager, representative, or employee of a
5 nongovernmental entity, who is authorized by law or contract
6 to perform a governmental function, including a judicial or
7 quasi-judicial function, or provide a governmental service on
8 behalf of a state, county, municipal, or special district
9 agency or entity.

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

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

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

1 ~~(5) "Government" includes the state government and any~~
2 ~~city or county government or any branch, political~~
3 ~~subdivision, or agency of the state, county, or city~~
4 ~~government.~~

5 ~~(6) "Corruptly" means done with a wrongful intent and~~
6 ~~for the purpose of obtaining or compensating or receiving~~
7 ~~compensation for any benefit resulting from some act or~~
8 ~~omission of a public servant which is inconsistent with the~~
9 ~~proper performance of his or her public duties.~~

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

12 838.015 Bribery.--

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

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

18 838.016 Unlawful compensation or reward for official
19 behavior.--

20 (4) Whoever violates the provisions of this section is
21 ~~shall be~~ guilty of a felony of the second ~~third~~ degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 Section 8. Sections 838.022, 838.20, 838.21, 838.22,
25 838.23, and 838.24, Florida Statutes, are created to read:

26 838.022 Official misconduct.--

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

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

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

4 (c) Obstruct, delay, or prevent the communication of
5 information relating to the commission of a felony that
6 directly involves or affects the public agency or public
7 entity served by the public servant.

8 (2) Any person who violates this section commits a
9 felony of the second degree, punishable as provided in s.
10 775.082, s. 775.083, or s. 775.084.

11 838.20 Criminal misuse of official position.--

12 (1) It is unlawful for any public servant to corruptly
13 use or attempt to use his or her official position or any
14 public property or public resource that is within his or her
15 trust, to establish any business relationship between the
16 public servant's own agency and any private business entity in
17 which the public servant receives or has an expectation of
18 receiving a benefit.

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 (3) Knowledge of the materiality of the statement is
7 not an element of the crime of perjury under this section, and
8 the defendant's mistaken belief that the statement was not
9 material is not a defense.

10 Section 9. Section 838.25, Florida Statutes, is
11 created to read:

12 838.25 Status of confidential informants and
13 confidential sources. Any person who provides information
14 regarding suspected criminal violations committed by a public
15 servant as defined in s. 838.014 shall be considered a
16 confidential informant or confidential source pursuant to s.
17 119.07(3)(c).

18 Section 10. If a public servant is subjected to an
19 investigation in any action brought against the public servant
20 under sections 838.022, 838.20, 838.21, 838.22, 838.23, and
21 838.24, Florida Statutes, for official misconduct, the public
22 servant may petition the public agency employing the public
23 servant to award attorney's fees if the charges of official
24 misconduct are withdrawn or the public servant is acquitted in
25 a legal proceeding. The employing public agency shall pay the
26 attorney's fees if the charges are withdrawn or unfounded.

27 Section 11. Paragraphs (a), (f) and (g) of subsection
28 (3) of section 921.0022, Florida Statutes, are amended to
29 read:

30 921.0022 Criminal Punishment Code; offense severity
31 ranking chart.--

1	(3) OFFENSE SEVERITY RANKING CHART		
2			
3	Florida	Felony	
4	Statute	Degree	Description
5			(a) LEVEL 1
6	24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
7			
8	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
9			
10			
11	212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
12			
13			
14	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
15			
16			
17	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
18			
19	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
20			
21			
22	322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
23			
24			
25			
26	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
27			
28			
29	322.212(5)(a)	3rd	False application for driver's license or identification card.
30			
31			

1	370.13(3)(a)	3rd	Molest any stone crab trap, line,
2			or buoy which is property of
3			licenseholder.
4	370.135(1)	3rd	Molest any blue crab trap, line,
5			or buoy which is property of
6			licenseholder.
7	372.663(1)	3rd	Poach any alligator or
8			crocodilia.
9	414.39(2)	3rd	Unauthorized use, possession,
10			forgery, or alteration of food
11			stamps, Medicaid ID, value
12			greater than \$200.
13	414.39(3)(a)	3rd	Fraudulent misappropriation of
14			public assistance funds by
15			employee/official, value more
16			than \$200.
17	443.071(1)	3rd	False statement or representation
18			to obtain or increase
19			unemployment compensation
20			benefits.
21	458.327(1)(a)	3rd	Unlicensed practice of medicine.
22	466.026(1)(a)	3rd	Unlicensed practice of dentistry
23			or dental hygiene.
24	509.151(1)	3rd	Defraud an innkeeper, food or
25			lodging value greater than \$300.
26	517.302(1)	3rd	Violation of the Florida
27			Securities and Investor
28			Protection Act.
29	562.27(1)	3rd	Possess still or still apparatus.
30			
31			

1	713.69	3rd	Tenant removes property upon
2			which lien has accrued, value
3			more than \$50.
4	812.014(3)(c)	3rd	Petit theft (3rd conviction);
5			theft of any property not
6			specified in subsection (2).
7	812.081(2)	3rd	Unlawfully makes or causes to be
8			made a reproduction of a trade
9			secret.
10	815.04(4)(a)	3rd	Offense against intellectual
11			property (i.e., computer
12			programs, data).
13	817.52(2)	3rd	Hiring with intent to defraud,
14			motor vehicle services.
15	826.01	3rd	Bigamy.
16	828.122(3)	3rd	Fighting or baiting animals.
17	831.04(1)	3rd	Any erasure, alteration, etc., of
18			any replacement deed, map, plat,
19			or other document listed in s.
20			92.28.
21	831.31(1)(a)	3rd	Sell, deliver, or possess
22			counterfeit controlled
23			substances, all but s. 893.03(5)
24			drugs.
25	832.041(1)	3rd	Stopping payment with intent to
26			defraud \$150 or more.
27	832.05		
28	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
29			worthless checks \$150 or more or
30			obtaining property in return for
31			worthless check \$150 or more.

1	838.015(3)	3rd	Bribery.
2	838.016(1)	3rd	Public servant receiving unlawful
3			compensation.
4	838.15(2)	3rd	Commercial bribe receiving.
5	838.16	3rd	Commercial bribery.
6	843.18	3rd	Fleeing by boat to elude a law
7			enforcement officer.
8	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
9			lewd, etc., material (2nd
10			conviction).
11	849.01	3rd	Keeping gambling house.
12	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
13			or assist therein, conduct or
14			advertise drawing for prizes, or
15			dispose of property or money by
16			means of lottery.
17	849.23	3rd	Gambling-related machines;
18			"common offender" as to property
19			rights.
20	849.25(2)	3rd	Engaging in bookmaking.
21	860.08	3rd	Interfere with a railroad signal.
22	860.13(1)(a)	3rd	Operate aircraft while under the
23			influence.
24	893.13(2)(a)2.	3rd	Purchase of cannabis.
25	893.13(6)(a)	3rd	Possession of cannabis (more than
26			20 grams).
27	893.13(7)(a)10.	3rd	Affix false or forged label to
28			package of controlled substance.
29	934.03(1)(a)	3rd	Intercepts, or procures any other
30			person to intercept, any wire or
31			oral communication.

1			(f) LEVEL 6
2	316.027(1)(b)	2nd	Accident involving death, failure
3			to stop; leaving scene.
4	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
5			conviction.
6	775.0875(1)	3rd	Taking firearm from law
7			enforcement officer.
8	775.21(10)	3rd	Sexual predators; failure to
9			register; failure to renew
10			driver's license or
11			identification card.
12	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
13			without intent to kill.
14	784.021(1)(b)	3rd	Aggravated assault; intent to
15			commit felony.
16	784.041	3rd	Felony battery.
17	784.048(3)	3rd	Aggravated stalking; credible
18			threat.
19	784.048(5)	3rd	Aggravated stalking of person
20			under 16.
21	784.07(2)(c)	2nd	Aggravated assault on law
22			enforcement officer.
23	784.08(2)(b)	2nd	Aggravated assault on a person 65
24			years of age or older.
25	784.081(2)	2nd	Aggravated assault on specified
26			official or employee.
27	784.082(2)	2nd	Aggravated assault by detained
28			person on visitor or other
29			detainee.
30	784.083(2)	2nd	Aggravated assault on code
31			inspector.

1	787.02(2)	3rd	False imprisonment; restraining
2			with purpose other than those in
3			s. 787.01.
4	790.115(2)(d)	2nd	Discharging firearm or weapon on
5			school property.
6	790.161(2)	2nd	Make, possess, or throw
7			destructive device with intent to
8			do bodily harm or damage
9			property.
10	790.164(1)	2nd	False report of deadly explosive
11			or act of arson or violence to
12			state property.
13	790.19	2nd	Shooting or throwing deadly
14			missiles into dwellings, vessels,
15			or vehicles.
16	794.011(8)(a)	3rd	Solicitation of minor to
17			participate in sexual activity by
18			custodial adult.
19	794.05(1)	2nd	Unlawful sexual activity with
20			specified minor.
21	800.04(5)(d)	3rd	Lewd or lascivious molestation;
22			victim 12 years of age or older
23			but less than 16 years; offender
24			less than 18 years.
25	800.04(6)(b)	2nd	Lewd or lascivious conduct;
26			offender 18 years of age or
27			older.
28	806.031(2)	2nd	Arson resulting in great bodily
29			harm to firefighter or any other
30			person.
31			

1	810.02(3)(c)	2nd	Burglary of occupied structure;
2			unarmed; no assault or battery.
3	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
4			but less than \$100,000, grand
5			theft in 2nd degree.
6	812.13(2)(c)	2nd	Robbery, no firearm or other
7			weapon (strong-arm robbery).
8	817.034(4)(a)1.	1st	Communications fraud, value
9			greater than \$50,000.
10	817.4821(5)	2nd	Possess cloning paraphernalia
11			with intent to create cloned
12			cellular telephones.
13	825.102(1)	3rd	Abuse of an elderly person or
14			disabled adult.
15	825.102(3)(c)	3rd	Neglect of an elderly person or
16			disabled adult.
17	825.1025(3)	3rd	Lewd or lascivious molestation of
18			an elderly person or disabled
19			adult.
20	825.103(2)(c)	3rd	Exploiting an elderly person or
21			disabled adult and property is
22			valued at less than \$20,000.
23	827.03(1)	3rd	Abuse of a child.
24	827.03(3)(c)	3rd	Neglect of a child.
25	827.071(2)&(3)	2nd	Use or induce a child in a sexual
26			performance, or promote or direct
27			such performance.
28	836.05	2nd	Threats; extortion.
29	836.10	2nd	Written threats to kill or do
30			bodily injury.
31			

1	<u>838.21</u>	<u>3rd</u>	<u>Disclosure of confidential</u>
2			<u>criminal justice information.</u>
3	843.12	3rd	Aids or assists person to escape.
4	847.0135(3)	3rd	Solicitation of a child, via a
5			computer service, to commit an
6			unlawful sex act.
7	914.23	2nd	Retaliation against a witness,
8			victim, or informant, with bodily
9			injury.
10	943.0435(9)	3rd	Sex offenders; failure to comply
11			with reporting requirements.
12	944.35(3)(a)2.	3rd	Committing malicious battery upon
13			or inflicting cruel or inhuman
14			treatment on an inmate or
15			offender on community
16			supervision, resulting in great
17			bodily harm.
18	944.40	2nd	Escapes.
19	944.46	3rd	Harboring, concealing, aiding
20			escaped prisoners.
21	944.47(1)(a)5.	2nd	Introduction of contraband
22			(firearm, weapon, or explosive)
23			into correctional facility.
24	951.22(1)	3rd	Intoxicating drug, firearm, or
25			weapon introduced into county
26			facility.
27			(g) LEVEL 7
28	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
29			injury.
30	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
31			bodily injury.

1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.08(2)(a)	1st	Aggravated battery on a person 65
10			years of age or older.
11	784.081(1)	1st	Aggravated battery on specified
12			official or employee.
13	784.082(1)	1st	Aggravated battery by detained
14			person on visitor or other
15			detainee.
16	784.083(1)	1st	Aggravated battery on code
17			inspector.
18	790.07(4)	1st	Specified weapons violation
19			subsequent to previous conviction
20			of s. 790.07(1) or (2).
21	790.16(1)	1st	Discharge of a machine gun under
22			specified circumstances.
23	796.03	2nd	Procuring any person under 16
24			years for prostitution.
25	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
26			victim less than 12 years of age;
27			offender less than 18 years.
28	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
29			victim 12 years of age or older
30			but less than 16 years; offender
31			18 years or older.

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	825.102(3)(b)	2nd	Neglecting an elderly person or
21			disabled adult causing great
22			bodily harm, disability, or
23			disfigurement.
24	825.1025(2)	2nd	Lewd or lascivious battery upon
25			an elderly person or disabled
26			adult.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.
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1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	<u>838.015</u>	<u>2nd</u>	<u>Bribery.</u>
11	<u>838.016</u>	<u>2nd</u>	<u>Unlawful compensation or reward</u>
12			<u>for official behavior.</u>
13	<u>838.021(3)(a)</u>	<u>2nd</u>	<u>Corruption by threat against</u>
14			<u>public servant.</u>
15	<u>838.022</u>	<u>2nd</u>	<u>Official misconduct.</u>
16	<u>838.20</u>	<u>2nd</u>	<u>Criminal misuse of official</u>
17			<u>position.</u>
18	<u>838.23</u>	<u>2nd</u>	<u>Bid-tampering.</u>
19	<u>838.24</u>	<u>2nd</u>	<u>Perjury by a public servant in an</u>
20			<u>official proceeding.</u>
21	872.06	2nd	Abuse of a dead human body.
22	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other drug prohibited
24			under s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), or (2)(b)) within
26			1,000 feet of a child care
27			facility or school.
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1	893.13(1)(e)	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), or (2)(b), within
5			1,000 feet of property used for
6			religious services or a specified
7			business site.
8	893.13(4)(a)	1st	Deliver to minor cocaine (or
9			other s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), or (2)(b) drugs).
11	893.135(1)(a)1.	1st	Trafficking in cannabis, more
12			than 50 lbs., less than 2,000
13			lbs.
14	893.135		
15	(1)(b)1.a.	1st	Trafficking in cocaine, more than
16			28 grams, less than 200 grams.
17	893.135		
18	(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135		
22	(1)(d)1.	1st	Trafficking in phencyclidine,
23			more than 28 grams, less than 200
24			grams.
25	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
26			than 200 grams, less than 5
27			kilograms.
28	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
29			than 14 grams, less than 28
30			grams.
31			

1 893.135

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

5 Section 12. Sections 838.15, 838.16, and 839.25,
6 Florida Statutes, are repealed.

7 Section 13. This act shall take effect October 1,
8 2000.

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