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1 A bill to be entitled
2 An act relating to offenses by public servants; creating
3 the "Citizens' Right to Honest Government Act"; amending
4 s. 16.56, F.S.; authorizing the Office of Statewide
5 Prosecution to prosecute violations of ch. 838, F.S.;
6 amending s. 838.014, F.S.; revising, providing, and
7 deleting definitions; amending ss. 838.015 and 838.016,
8 F.S.; increasing penalties; creating ss. 838.022, 838.20,
9 838.21, 838.22, 838.23, and 838.24, F.S.; providing
10 criminal penalties for official misconduct, criminal
11 misuse of official position, disclosure or use of
12 confidential criminal justice information, and bid
13 tampering; providing definitions; providing status of
14 confidential informants and confidential sources;
15 authorizing public servants who are subjected to an
16 investigation for official misconduct to recover
17 attorney's fees; amending s. 837.02, F.S.; providing a
18 criminal penalty for perjury in an official proceeding by
19 a public servant; amending s. 905.34, F.S.; expanding
20 jurisdiction of the statewide grand jury to include
21 violations of ch. 838, F.S.; amending s. 921.0022, F.S.;
22 deleting specified felonies from and adding specified
23 felonies to the Criminal Punishment Code offense severity
24 ranking chart; repealing s. 838.15, F.S., relating to
25 commercial bribe receiving; repealing s. 838.16, F.S.,
26 relating to commercial bribery; repealing s. 839.25, F.S.,
27 relating to official misconduct; amending ss. 112.3173,
28 112.534, 117.01, and 121.091, F.S.; deleting and
29 conforming cross references to changes made by the act;
30 providing an effective date.



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

Section 1. This act may be cited as the "Citizens' Right to Honest Government Act."

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

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



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- 61 5. Any violation of the provisions of the Florida
- 62 Antitrust Act of 1980, as amended;
- 63 6. Any crime involving, or resulting in, fraud or deceit
- 64 upon any person;
- 65 7. Any violation of s. 847.0135, relating to computer
- 66 pornography and child exploitation prevention, or any offense
- 67 related to a violation of s. 847.0135; or
- 68 8. Any violation of the provisions of chapter 815;

69

70 or any attempt, solicitation, or conspiracy to commit any of the

71 crimes specifically enumerated above. The office shall have

72 such power only when any such offense is occurring, or has

73 occurred, in two or more judicial circuits as part of a related

74 transaction, or when any such offense is connected with an

75 organized criminal conspiracy affecting two or more judicial

76 circuits.

77 Section 3. Section 838.014, Florida Statutes, is amended

78 to read:

79 838.014 Definitions.--As used in ~~For the purposes of this~~

80 chapter, the term unless a different meaning plainly is

81 ~~required~~:

82 (1) "Benefit" means gain or advantage, or anything

83 regarded by the person to be benefited as a gain or advantage,

84 including the doing of an act beneficial to any person in whose

85 welfare he or she is interested, including any commission, gift,

86 gratuity, property, commercial interest, or any other thing of

87 economic value.

88 (2) "Corruptly" or "with corrupt intent" means done with

89 knowledge that the act is wrongful.

90 (3) "Harm" means pecuniary or other loss, disadvantage, or



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91 injury to the person affected, including loss, disadvantage, or
 92 injury to any other person in whose welfare he or she is
 93 interested.

94 (4) "Public servant" means:

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

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

98 (c) Any officer, director, partner, manager,
 99 representative, or employee of a nongovernmental entity that is
 100 authorized by law or contract to perform a governmental function
 101 or provide a governmental service on behalf of a state, county,
 102 municipal, or special district agency or entity to the extent
 103 that the individual's conduct relates to the performance of the
 104 governmental function or provision of the governmental service;

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

107 (e) Any person, except a witness, who acts as a master,
 108 receiver, auditor, juror, arbitrator, umpire, referee,
 109 consultant, or hearing officer while performing a governmental
 110 function; or

111 (f) A candidate for election or appointment to any of the
 112 positions listed in this subsection, or an individual who has
 113 been elected to, but has yet to officially assume the
 114 responsibilities of, public office.

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

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



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121 ~~(4) "Public servant" means any public officer, agent, or~~
 122 ~~employee of government, whether elected or appointed, including,~~
 123 ~~but not limited to, any executive, legislative, or judicial~~
 124 ~~officer; any person who holds an office or position in a~~
 125 ~~political party or political party committee, whether elected or~~
 126 ~~appointed; and any person participating as a special master,~~
 127 ~~receiver, auditor, juror, arbitrator, umpire, referee,~~
 128 ~~consultant, administrative law judge, hearing officer, or~~
 129 ~~hearing examiner, or person acting on behalf of any of these, in~~
 130 ~~performing a governmental function; but the term does not~~
 131 ~~include witnesses. Such term shall include a candidate for~~
 132 ~~election or appointment to any such office, including any~~
 133 ~~individual who seeks or intends to occupy any such office. It~~
 134 ~~shall include any person appointed to any of the foregoing~~
 135 ~~offices or employments before and after he or she qualifies.~~

136 ~~(5) "Government" includes the state government and any~~
 137 ~~city or county government or any branch, political subdivision,~~
 138 ~~or agency of the state, county, or city government.~~

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

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

146 838.015 Bribery.--

147 (3) Any person who commits bribery commits ~~is guilty of a~~
 148 ~~felony of the~~ second ~~third~~ degree, punishable as provided in s.
 149 775.082, s. 775.083, or s. 775.084.

150 Section 5. Subsection (4) of section 838.016, Florida



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151 Statutes, is amended to read:

152 838.016 Unlawful compensation or reward for official
153 behavior.--

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

157 Section 6. Sections 838.022, 838.20, 838.21, 838.22,
158 838.23, and 838.24, Florida Statutes, are created to read:

159 838.022 Official misconduct.--

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

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

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

168 (c) Obstruct, delay, or prevent the communication of
169 information relating to the commission of a felony that directly
170 involves or affects the public agency or public entity served by
171 the public servant.

172 (2) For the purposes of this section:

173 (a) The term "public servant," as defined in s. 838.014,
174 shall not include a candidate who does not otherwise qualify as
175 a public servant.

176 (b) An official record or official document includes only
177 public records.

178 (3) Any person who violates this section commits a felony
179 of the second degree, punishable as provided in s. 775.082, s.
180 775.083, or s. 775.084.



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181 838.20 Criminal misuse of official position.--

182 (1) It is unlawful for any public servant, as defined in
 183 s. 838.014(4) (a) and (b), to corruptly use or attempt to use his
 184 or her official position, or any public property or public
 185 resource that is within his or her trust, to:

186 (a) Establish any business relationship between the public
 187 servant's own agency and any business entity in which the public
 188 servant receives or has an expectation of receiving a benefit;
 189 or

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

193 (2) Any person who violates this section commits a felony
 194 of the second degree, punishable as provided in s. 775.082, s.
 195 775.083, or s. 775.084.

196 838.21 Disclosure or use of confidential criminal justice
 197 information.--It is unlawful for a public servant, with intent
 198 to obstruct, impede, or prevent a criminal investigation or a
 199 criminal prosecution, to disclose active criminal investigative
 200 or intelligence information as defined in chapter 119 or to
 201 disclose or use information regarding either the efforts to
 202 secure or the issuance of a warrant, subpoena, or other court
 203 process or court order relating to a criminal investigation or
 204 criminal prosecution when such information is not available to
 205 the general public and is gained by reason of the public
 206 servant's official position. Any person who violates this
 207 section commits a felony of the third degree, punishable as
 208 provided in s. 775.082, s. 775.083, or s. 775.084.

209 838.22 Bid tampering.--

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



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211 (a) "Bid" includes a response to an "invitation to bid" or
 212 "request for proposals" as those terms are defined in s.
 213 287.012.

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

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

220 (2) It is unlawful for a public servant, with corrupt
 221 intent to influence or attempt to influence the competitive
 222 bidding process undertaken by any state, county, municipal, or
 223 special district agency, or any other public entity, for the
 224 procurement of commodities or services, to:

225 (a) Disclose material information concerning a bid or
 226 other aspects of the competitive bidding process when such
 227 information is not publicly disclosed.

228 (b) Establish a bid specification, contract specification,
 229 request for proposal, invitation to bid, or other material
 230 aspect of the competitive bidding process that provides an
 231 unfair competitive advantage to any person who submits a bid.

232 (c) Alter or amend a submitted bid, documents or other
 233 materials supporting a submitted bid, or bid results for the
 234 purpose of providing an unfair competitive advantage to any
 235 person who submits a bid.

236 (3) It is unlawful for a public servant, with corrupt
 237 intent to obtain a benefit for any person or to cause unlawful
 238 harm to another, to circumvent a competitive bidding process
 239 required by law or rule by using a sole-source contract for
 240 commodities or services.



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

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

248 (6) Any person who violates this section commits a felony
 249 of the second degree, punishable as provided in s. 775.082, s.
 250 775.083, or s. 775.084.

251 838.23 Status of confidential informants and confidential
 252 sources.--A person who provides information regarding suspected
 253 criminal violations committed by a public servant as defined in
 254 s. 838.014 shall be considered a confidential informant or
 255 confidential source pursuant to s. 119.07(3)(c).

256 838.24 Attorney's fees.--If a public servant is arrested
 257 or prosecuted for an alleged violation of this chapter and
 258 either the criminal charges are dismissed or the public servant
 259 is acquitted, the public servant may petition the employing
 260 public agency to award reasonable attorney's fees and costs
 261 incurred by the public servant in defending against those
 262 charges. The employing public agency may award reasonable
 263 attorney's fees to the public servant upon a finding that the
 264 public servant's actions arose out of or in connection with the
 265 performance of his or her official duties and served a public
 266 purpose.

267 Section 7. Section 837.02, Florida Statutes, is amended to
 268 read:

269 837.02 Perjury in official proceedings.--

270 (1) Except as provided in subsections ~~subsection~~ (2) and



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271 (3), whoever makes a false statement, which he or she does not
 272 believe to be true, under oath in an official proceeding in
 273 regard to any material matter, commits a felony of the third
 274 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 275 775.084.

276 (2) Whoever makes a false statement, which he or she does
 277 not believe to be true, under oath in an official proceeding
 278 that relates to the prosecution of a capital felony, commits a
 279 felony of the second degree, punishable as provided in s.
 280 775.082, s. 775.083, or s. 775.084.

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

287 (4)~~(3)~~ Knowledge of the materiality of the statement is
 288 not an element of the crime of perjury under subsection (1), ~~or~~
 289 subsection (2), or subsection (3) and the defendant's mistaken
 290 belief that the statement was not material is not a defense.

291 Section 8. Subsection (1) of section 905.34, Florida
 292 Statutes, is amended to read:

293 905.34 Powers and duties; law applicable.--The
 294 jurisdiction of a statewide grand jury impaneled under this
 295 chapter shall extend throughout the state. The subject matter
 296 jurisdiction of the statewide grand jury shall be limited to the
 297 offenses of:

298 (1) Bribery, any violation of chapter 838, burglary,
 299 carjacking, home-invasion robbery, criminal usury, extortion,
 300 gambling, kidnapping, larceny, murder, prostitution, perjury,



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301 and robbery;
 302
 303 or any attempt, solicitation, or conspiracy to commit any
 304 violation of the crimes specifically enumerated above, when any
 305 such offense is occurring, or has occurred, in two or more
 306 judicial circuits as part of a related transaction or when any
 307 such offense is connected with an organized criminal conspiracy
 308 affecting two or more judicial circuits. The statewide grand
 309 jury may return indictments and presentments irrespective of the
 310 county or judicial circuit where the offense is committed or
 311 triable. If an indictment is returned, it shall be certified
 312 and transferred for trial to the county where the offense was
 313 committed. The powers and duties of, and law applicable to,
 314 county grand juries shall apply to a statewide grand jury except
 315 when such powers, duties, and law are inconsistent with the
 316 provisions of ss. 905.31-905.40.

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

319 921.0022 Criminal Punishment Code; offense severity
 320 ranking chart.--

321 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax;



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325			limitations, administration, and collection.
326	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
327	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
328	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
329	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
330	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
331	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
332	322.212 (5) (a)	3rd	False application for driver's license or identification card.



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333	370.13 (3) (a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
334	370.135 (1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
335	372.663 (1)	3rd	Poach any alligator or crocodilia.
336	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
337	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
338	443.071 (1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
339	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
340	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
341	562.27 (1)	3rd	Possess still or still apparatus.



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342	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
343	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
344	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
345	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
346	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
347	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
348	826.01	3rd	Bigamy.
349	828.122(3)	3rd	Fighting or baiting animals.
350	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s.



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351			893.03(5) drugs.
	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
352			
	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
353			
	838.015(3)	3rd	Bribery.
354			
	838.016(1)	3rd	Public servant receiving unlawful compensation.
355			
	838.15(2)	3rd	Commercial bribe receiving.
356			
	838.16	3rd	Commercial bribery.
357			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
358			
	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
359			
	849.01	3rd	Keeping gambling house.
360			
	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of



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			property or money by means of lottery.
361			
	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
362			
	849.25 (2)	3rd	Engaging in bookmaking.
363			
	860.08	3rd	Interfere with a railroad signal.
364			
	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
365			
	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
366			
	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
367			
	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
368			
			(f) LEVEL 6
369			
	316.027 (1) (b)	2nd	Accident involving death, failure to stop; leaving scene.
370			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
371			
	775.0875 (1)	3rd	Taking firearm from law enforcement



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372			officer.
	775.21 (10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
373			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
374			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
375			
	784.041	3rd	Felony battery.
376			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
377			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
378			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
379			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
380			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
381			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
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383	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
384	784.083 (2)	2nd	Aggravated assault on code inspector.
385	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
386	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
387	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
388	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
389	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
390	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
391	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than



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392			16 years; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
393			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
394			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
395			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
396			
	812.014 (2) (b) 2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
397			
	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
398			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
399			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
400			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular



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			telephones.
401	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
402	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
403	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
404	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
405	827.03 (1)	3rd	Abuse of a child.
406	827.03 (3) (c)	3rd	Neglect of a child.
407	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
408	836.05	2nd	Threats; extortion.
409	836.10	2nd	Written threats to kill or do bodily injury.
410	<u>838.21</u>	<u>3rd</u>	<u>Disclosure or use of confidential criminal justice information.</u>



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411	843.12	3rd	Aids or assists person to escape.
412	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
413	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
414	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
415	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
416	944.40	2nd	Escapes.
417	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
418	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
419	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
420			



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(g) LEVEL 7

421

316.193 (3) (c) 2. 3rd DUI resulting in serious bodily injury.

422

327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious bodily injury.

423

402.319 (2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

424

409.920 (2) 3rd Medicaid provider fraud.

425

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

426

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

427

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

428

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

429

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

430

461.012 (1) 3rd Practicing podiatric medicine without a



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431			license.
	462.17	3rd	Practicing naturopathy without a license.
432			
	463.015 (1)	3rd	Practicing optometry without a license.
433			
	464.016 (1)	3rd	Practicing nursing without a license.
434			
	465.015 (2)	3rd	Practicing pharmacy without a license.
435			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
436			
	467.201	3rd	Practicing midwifery without a license.
437			
	468.366	3rd	Delivering respiratory care services without a license.
438			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
439			
	483.901 (9)	3rd	Practicing medical physics without a license.
440			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
441			
	484.053	3rd	Dispensing hearing aids without a license.



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442

494.0018(2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

443

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

444

560.125(5)(a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

445

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

446

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

447

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

448

782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in



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449			a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
450			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
451			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
452			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
453			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
454			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
455			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
456			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
457			
	784.081 (1)	1st	Aggravated battery on specified official or employee.



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458	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
459	784.083 (1)	1st	Aggravated battery on code inspector.
460	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
461	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
462	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
463	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
464	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
465	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
466	796.03	2nd	Procuring any person under 16 years for



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prostitution.

467

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

468

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

469

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

470

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

471

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

472

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

473

812.014 (2) (a) 1st Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.

474

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.



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812.0145(2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2) (a)	2nd	Robbery by sudden snatching.
812.133(2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(11) (c)	1st	Insurance fraud; property value \$100,000 or more.
825.102(3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
827.03(3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or



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older.

484

837.02 (3) 2nd Perjury by a public servant in an official proceeding.

485

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

486

838.015 2nd Bribery.

487

838.016 2nd Unlawful compensation or reward for official behavior.

488

838.021 (3) (a) 2nd Unlawful harm to a public servant.

489

838.022 2nd Official misconduct.

490

838.20 2nd Criminal misuse of official position.

491

838.22 2nd Bid tampering.

492

872.06 2nd Abuse of a dead human body.

493

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility or school.

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	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
495	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
496	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
497	893.135(1)(b)1. a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
498	893.135(1)(c)1. a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
499	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
500	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
501	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
502	893.135(1)(g)1.	1st	Trafficking in flunitrazepam, 4 grams



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- 503 a. or more, less than 14 grams.
- 893.135(1)(h)1. 1st Trafficking in gamma-hydroxybutyric
- 504 a. acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(j)1. 1st Trafficking in 1,4-Butanediol, 1
- 505 a. kilogram or more, less than 5 kilograms.
- 893.135(1)(k)2. 1st Trafficking in Phenethylamines, 10
- 506 a. grams or more, less than 200 grams.
- 896.101(5)(a) 3rd Money laundering, financial
- 507 transactions exceeding \$300 but less than \$20,000.
- 896.104(4)(a)1. 3rd Structuring transactions to evade
- reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

508 Section 10. Sections 838.15, 838.16, and 839.25, Florida
 509 Statutes, are repealed.

510 Section 11. Paragraph (e) of subsection (2) of section
 511 112.3173, Florida Statutes, is amended to read:

512 112.3173 Felonies involving breach of public trust and
 513 other specified offenses by public officers and employees;
 514 forfeiture of retirement benefits.--

515 (2) DEFINITIONS.--As used in this section, unless the
 516 context otherwise requires, the term:



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517 (e) "Specified offense" means:

518 1. The committing, aiding, or abetting of an embezzlement
519 of public funds;

520 2. The committing, aiding, or abetting of any theft by a
521 public officer or employee from his or her employer;

522 3. Bribery in connection with the employment of a public
523 officer or employee;

524 4. Any felony specified in chapter 838, ~~except ss. 838.15~~
525 ~~and 838.16~~;

526 5. The committing of an impeachable offense; or

527 6. The committing of any felony by a public officer or
528 employee who, willfully and with intent to defraud the public or
529 the public agency for which the public officer or employee acts
530 or in which he or she is employed of the right to receive the
531 faithful performance of his or her duty as a public officer or
532 employee, realizes or obtains, or attempts to realize or obtain,
533 a profit, gain, or advantage for himself or herself or for some
534 other person through the use or attempted use of the power,
535 rights, privileges, duties, or position of his or her public
536 office or employment position.

537 Section 12. Subsection (2) of section 112.534, Florida
538 Statutes, is amended to read:

539 112.534 Failure to comply; official misconduct.--

540 (2) All the provisions of s. 838.022 ~~839.25~~ shall apply to
541 this part.

542 Section 13. Paragraph (d) of subsection (4) of section
543 117.01, Florida Statutes, is amended to read:

544 117.01 Appointment, application, suspension, revocation,
545 application fee, bond, and oath.--

546 (4) The Governor may suspend a notary public for any of



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547 the grounds provided in s. 7, Art. IV of the State Constitution.
 548 Grounds constituting malfeasance, misfeasance, or neglect of
 549 duty include, but are not limited to, the following:

550 (d) Official misconduct as defined in s. 838.022 ~~839.25~~.
 551 Section 14. Paragraph (f) of subsection (5) of section
 552 121.091, Florida Statutes, is amended to read:

553 121.091 Benefits payable under the system.--Benefits may
 554 not be paid under this section unless the member has terminated
 555 employment as provided in s. 121.021(39) (a) or begun
 556 participation in the Deferred Retirement Option Program as
 557 provided in subsection (13), and a proper application has been
 558 filed in the manner prescribed by the department. The department
 559 may cancel an application for retirement benefits when the
 560 member or beneficiary fails to timely provide the information
 561 and documents required by this chapter and the department's
 562 rules. The department shall adopt rules establishing procedures
 563 for application for retirement benefits and for the cancellation
 564 of such application when the required information or documents
 565 are not received.

566 (5) TERMINATION BENEFITS.--A member whose employment is
 567 terminated prior to retirement retains membership rights to
 568 previously earned member-noncontributory service credit, and to
 569 member-contributory service credit, if the member leaves the
 570 member contributions on deposit in his or her retirement
 571 account. If a terminated member receives a refund of member
 572 contributions, such member may reinstate membership rights to
 573 the previously earned service credit represented by the refund
 574 by completing 1 year of creditable service and repaying the
 575 refunded member contributions, plus interest.

576 (f) Any member who has been found guilty by a verdict of a



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577 jury, or by the court trying the case without a jury, of
578 committing, aiding, or abetting any embezzlement or theft from
579 his or her employer, bribery in connection with the employment,
580 or other felony specified in chapter 838, ~~except ss. 838.15 and~~
581 ~~838.16~~, committed prior to retirement, or who has entered a plea
582 of guilty or of nolo contendere to such crime, or any member
583 whose employment is terminated by reason of the member's
584 admitted commitment, aiding, or abetting of an embezzlement or
585 theft from his or her employer, bribery, or other felony
586 specified in chapter 838, ~~except ss. 838.15 and 838.16~~, shall
587 forfeit all rights and benefits under this chapter, except the
588 return of his or her accumulated contributions as of the date of
589 termination.

590 Section 15. This act shall take effect October 1, 2003.