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1 A bill to be entitled

2 An act relating to offenses by public servants; providing
3 a popular name; amending s. 16.56, F.S.; authorizing the
4 Office of Statewide Prosecution to prosecute violations of
5 ch. 838, F.S.; amending s. 838.014, F.S.; revising,
6 providing, and deleting definitions; amending ss. 838.015
7 and 838.016, F.S.; increasing penalties for bribery and
8 unlawful compensation for official behavior; creating ss.
9 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.;
10 providing criminal penalties for official misconduct,
11 criminal 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 the
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



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29 conforming cross references to changes made by the act;
30 providing an effective date.
31

32 Be It Enacted by the Legislature of the State of Florida:
33

34 Section 1. This act may be known by the popular name the
35 "Citizens' Right to Honest Government Act."

36 Section 2. Paragraph (a) of subsection (1) of section
37 16.56, Florida Statutes, is amended to read:

38 16.56 Office of Statewide Prosecution.--

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

43 (a) Investigate and prosecute the offenses of:

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

48 2. Any crime involving narcotic or other dangerous drugs;

49 3. Any violation of the provisions of the Florida RICO
50 (Racketeer Influenced and Corrupt Organization) Act, including
51 any offense listed in the definition of racketeering activity in
52 s. 895.02(1)(a), providing such listed offense is investigated
53 in connection with a violation of s. 895.03 and is charged in a
54 separate count of an information or indictment containing a
55 count charging a violation of s. 895.03, the prosecution of
56 which listed offense may continue independently if the
57 prosecution of the violation of s. 895.03 is terminated for any



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58 reason;

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

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



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87 economic value.

88 (2) "Bid" includes a response to an "invitation to bid" or
89 "request for proposals" as those terms are defined in s.
90 287.012.

91 (3) "Commodity" means any goods, merchandise, wares,
92 produce, chose in action, land, article of commerce, or other
93 tangible or intangible property, real, personal, or mixed, for
94 use, consumption, production, enjoyment, or resale.

95 (4) "Corruptly" or "with corrupt intent" means done with
96 knowledge that the act is wrongful.

97 (5) "Harm" means pecuniary or other loss, disadvantage, or
98 injury to the person affected, including loss, disadvantage, or
99 injury to any other person in whose welfare he or she is
100 interested.

101 (6) "Public servant" means:

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

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

105 (c) Any officer, director, partner, manager,
106 representative, or employee of a nongovernmental entity that is
107 authorized by law or contract to perform a governmental function
108 or provide a governmental service on behalf of a state, county,
109 municipal, or special district agency or entity to the extent
110 that the individual's conduct relates to the performance of the
111 governmental function or provision of the governmental service;

112 (d) Any person, except a witness, who acts as a master,
113 receiver, auditor, juror, arbitrator, umpire, referee,
114 consultant, or hearing officer while performing a governmental
115 function; or



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116 (e) A candidate for election or appointment to any of the
117 positions listed in this subsection, or an individual who has
118 been elected to, but has yet to officially assume the
119 responsibilities of, public office.

120 (7) "Service" means any kind of activity performed in
121 whole or in part for economic benefit.

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

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

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

143 ~~(5) "Government" includes the state government and any~~
144 ~~city or county government or any branch, political subdivision,~~



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145 ~~or agency of the state, county, or city government.~~

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

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

153 838.015 Bribery.--

154 (3) Any person who commits bribery commits ~~is guilty of a~~
 155 ~~felony of the~~ second ~~third~~ degree, punishable as provided in s.
 156 775.082, s. 775.083, or s. 775.084.

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

159 838.016 Unlawful compensation or reward for official
 160 behavior.--

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

164 Section 6. Sections 838.022, 838.20, 838.21, 838.22,
 165 838.23, and 838.24, Florida Statutes, are created to read:

166 838.022 Official misconduct.--

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

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

172 (b) Conceal, cover up, destroy, mutilate, or alter any
 173 official record or official document or cause another person to



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174 perform such an act; or

175 (c) Obstruct, delay, or prevent the communication of
176 information relating to the commission of a felony that directly
177 involves or affects the public agency or public entity served by
178 the public servant.

179 (2) For the purposes of this section:

180 (a) The term "public servant" does not include a candidate
181 who does not otherwise qualify as a public servant.

182 (b) An official record or official document includes only
183 public records.

184 (3) Any person who violates this section commits a felony
185 of the second degree, punishable as provided in s. 775.082, s.
186 775.083, or s. 775.084.

187 838.20 Criminal misuse of official position.--

188 (1) It is unlawful for any public officer or public
189 employee to corruptly use or attempt to use his or her official
190 position, or any public property or public resource that is
191 within his or her trust, to establish any business relationship
192 between the public officer's or public employee's own agency and
193 any business entity in which the public officer or public
194 employee receives or has an expectation of receiving a benefit.

195 (2) Any person who violates this section commits a felony
196 of the second degree, punishable as provided in s. 775.082, s.
197 775.083, or s. 775.084.

198 838.21 Disclosure or use of confidential criminal justice
199 information.--It is unlawful for a public servant, with intent
200 to obstruct, impede, or prevent a criminal investigation or a
201 criminal prosecution, to disclose active criminal investigative
202 or intelligence information as defined in chapter 119 or to



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203 disclose or use information regarding either the efforts to
 204 secure or the issuance of a warrant, subpoena, or other court
 205 process or court order relating to a criminal investigation or
 206 criminal prosecution when such information is not available to
 207 the general public and is gained by reason of the public
 208 servant's official position. Any person who violates this
 209 section commits a felony of the third degree, punishable as
 210 provided in s. 775.082, s. 775.083, or s. 775.084.

211 838.22 Bid tampering.--

212 (1) It is unlawful for a public servant, with corrupt
 213 intent to influence or attempt to influence the competitive
 214 bidding process undertaken by any state, county, municipal, or
 215 special district agency, or any other public entity, for the
 216 procurement of commodities or services, to:

217 (a) Disclose material information concerning a bid or
 218 other aspects of the competitive bidding process when such
 219 information is not publicly disclosed.

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

224 (c) Alter or amend a submitted bid, documents or other
 225 materials supporting a submitted bid, or bid results for the
 226 purpose of providing an unfair competitive advantage to any
 227 person who submits a bid.

228 (2) It is unlawful for a public servant, with corrupt
 229 intent to obtain a benefit for any person or to cause unlawful
 230 harm to another, to circumvent a competitive bidding process
 231 required by law or rule by using a sole-source contract for



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232 commodities or services.

233 (3) It is unlawful for any person to knowingly agree,
234 conspire, combine, or confederate, directly or indirectly, with
235 a public servant to violate subsection (1) or subsection (2).

236 (4) It is unlawful for any person to knowingly enter into
237 a contract for commodities or services which was secured by a
238 public servant acting in violation of subsection (1) or
239 subsection (2).

240 (5) Any person who violates this section commits a felony
241 of the second degree, punishable as provided in s. 775.082, s.
242 775.083, or s. 775.084.

243 838.23 Status of confidential informants and confidential
244 sources.--A person who provides information regarding suspected
245 criminal violations committed by a public servant as defined in
246 s. 838.014 shall be considered a confidential informant or
247 confidential source pursuant to s. 119.07(3)(c).

248 838.24 Attorney's fees.--If a public servant is arrested
249 or prosecuted for an alleged violation of this chapter and
250 either the criminal charges are dismissed or the public servant
251 is acquitted, the public servant may petition the employing
252 public agency to award reasonable attorney's fees and costs
253 incurred by the public servant in defending against those
254 charges. The employing public agency may award reasonable
255 attorney's fees to the public servant upon a finding that the
256 public servant's actions arose out of or in connection with the
257 performance of his or her official duties and served a public
258 purpose.

259 Section 7. Section 837.02, Florida Statutes, is amended to
260 read:



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261 837.02 Perjury in official proceedings.--

262 (1) Except as provided in subsections ~~subsection~~ (2) and
 263 (3), whoever makes a false statement, which he or she does not
 264 believe to be true, under oath in an official proceeding in
 265 regard to any material matter, commits a felony of the third
 266 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 267 775.084.

268 (2) Whoever makes a false statement, which he or she does
 269 not believe to be true, under oath in an official proceeding
 270 that relates to the prosecution of a capital felony, commits a
 271 felony of the second degree, punishable as provided in s.
 272 775.082, s. 775.083, or s. 775.084.

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

279 (4)~~(3)~~ Knowledge of the materiality of the statement is
 280 not an element of the crime of perjury under subsection (1), ~~or~~
 281 subsection (2), or subsection (3) and the defendant's mistaken
 282 belief that the statement was not material is not a defense.

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

285 905.34 Powers and duties; law applicable.--The
 286 jurisdiction of a statewide grand jury impaneled under this
 287 chapter shall extend throughout the state. The subject matter
 288 jurisdiction of the statewide grand jury shall be limited to the
 289 offenses of:



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290 (1) Bribery, any violation of chapter 838, burglary,
 291 carjacking, home-invasion robbery, criminal usury, extortion,
 292 gambling, kidnapping, larceny, murder, prostitution, perjury,
 293 and robbery;

294
 295 or any attempt, solicitation, or conspiracy to commit any
 296 violation of the crimes specifically enumerated above, when any
 297 such offense is occurring, or has occurred, in two or more
 298 judicial circuits as part of a related transaction or when any
 299 such offense is connected with an organized criminal conspiracy
 300 affecting two or more judicial circuits. The statewide grand
 301 jury may return indictments and presentments irrespective of the
 302 county or judicial circuit where the offense is committed or
 303 triable. If an indictment is returned, it shall be certified
 304 and transferred for trial to the county where the offense was
 305 committed. The powers and duties of, and law applicable to,
 306 county grand juries shall apply to a statewide grand jury except
 307 when such powers, duties, and law are inconsistent with the
 308 provisions of ss. 905.31-905.40.

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

311 921.0022 Criminal Punishment Code; offense severity
 312 ranking chart.--

313 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

314

(a) LEVEL 1

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24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification



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323			card.
	322.212(5)(a)	3rd	False application for driver's license or identification card.
324			
	370.13(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
325			
	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
326			
	372.663(1)	3rd	Poach any alligator or crocodilia.
327			
	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
328			
	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
329			
	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
330			
	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.



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331	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
332	562.27(1)	3rd	Possess still or still apparatus.
333	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
334	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
335	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
336	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
337	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
338	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
339	826.01	3rd	Bigamy.
340	828.122(3)	3rd	Fighting or baiting animals.



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341	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
342	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
343	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
344	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.
345	838.015(3)	3rd	Bribery.
346	838.016(1)	3rd	Public servant receiving unlawful compensation.
347	838.15(2)	3rd	Commercial bribe receiving.
348	838.16	3rd	Commercial bribery.
349	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
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351	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
352	849.01	3rd	Keeping gambling house.
353	849.09(1)(a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
354	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
355	849.25(2)	3rd	Engaging in bookmaking.
356	860.08	3rd	Interfere with a railroad signal.
357	860.13(1)(a)	3rd	Operate aircraft while under the influence.
358	893.13(2)(a)2.	3rd	Purchase of cannabis.
359	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
360	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.



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(f) LEVEL 6

361

316.027(1)(b) 2nd Accident involving death, failure to stop; leaving scene.

362

316.193(2)(b) 3rd Felony DUI, 4th or subsequent conviction.

363

775.0875(1) 3rd Taking firearm from law enforcement officer.

364

775.21(10) 3rd Sexual predators; failure to register; failure to renew driver's license or identification card.

365

784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.

366

784.021(1)(b) 3rd Aggravated assault; intent to commit felony.

367

784.041 3rd Felony battery.

368

784.048(3) 3rd Aggravated stalking; credible threat.

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784.048(5) 3rd Aggravated stalking of person under 16.

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784.07(2)(c) 2nd Aggravated assault on law enforcement officer.



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371	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
372	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
373	784.081(2)	2nd	Aggravated assault on specified official or employee.
374	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
375	784.083(2)	2nd	Aggravated assault on code inspector.
376	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
377	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
378	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
379	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
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381	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
382	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
383	794.05(1)	2nd	Unlawful sexual activity with specified minor.
384	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
385	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
386	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
387	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
388	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.



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812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
827.03(1)	3rd	Abuse of a child.



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399	827.03(3)(c)	3rd	Neglect of a child.
400	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
401	836.05	2nd	Threats; extortion.
402	836.10	2nd	Written threats to kill or do bodily injury.
403	<u>838.21</u>	<u>3rd</u>	<u>Disclosure or use of confidential criminal justice information.</u>
404	843.12	3rd	Aids or assists person to escape.
405	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
406	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
407	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
	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



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408			harm.
409	944.40	2nd	Escapes.
410	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
411	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
412	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
413			(g) LEVEL 7
414	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
415	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
416	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
417	409.920(2)	3rd	Medicaid provider fraud.
	456.065(2)	3rd	Practicing a health care profession



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418			without a license.
	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
419			
	458.327(1)	3rd	Practicing medicine without a license.
420			
	459.013(1)	3rd	Practicing osteopathic medicine without a license.
421			
	460.411(1)	3rd	Practicing chiropractic medicine without a license.
422			
	461.012(1)	3rd	Practicing podiatric medicine without a license.
423			
	462.17	3rd	Practicing naturopathy without a license.
424			
	463.015(1)	3rd	Practicing optometry without a license.
425			
	464.016(1)	3rd	Practicing nursing without a license.
426			
	465.015(2)	3rd	Practicing pharmacy without a license.
427			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
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429	467.201	3rd	Practicing midwifery without a license.
	468.366	3rd	Delivering respiratory care services without a license.
430	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
431	483.901(9)	3rd	Practicing medical physics without a license.
432	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
433	484.053	3rd	Dispensing hearing aids without a license.
434	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.
435	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
436	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or



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437			payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
438			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
439			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
440			
	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
441			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
442			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
443			
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.



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444	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
445	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
446	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
447	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
448	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
449	784.081(1)	1st	Aggravated battery on specified official or employee.
450	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
451	784.083(1)	1st	Aggravated battery on code inspector.
452	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
453	790.16(1)	1st	Discharge of a machine gun under



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454			specified circumstances.
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
455			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
456			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
457			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
458			
	796.03	2nd	Procuring any person under 16 years for prostitution.
459			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
460			
	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.
461			



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462	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
463	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
464	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
465	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
466	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.
467	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
468	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
469	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.



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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 older.
<u>837.02(3)</u>	<u>2nd</u>	<u>Perjury by a public servant in an official proceeding.</u>
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.



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<u>838.015</u>	<u>2nd</u>	<u>Bribery.</u>
<u>838.016</u>	<u>2nd</u>	<u>Unlawful compensation or reward for official behavior.</u>
<u>838.021(3)(a)</u>	<u>2nd</u>	<u>Unlawful harm to a public servant.</u>
<u>838.022</u>	<u>2nd</u>	<u>Official misconduct.</u>
<u>838.20</u>	<u>2nd</u>	<u>Criminal misuse of official position.</u>
<u>838.22</u>	<u>2nd</u>	<u>Bid tampering.</u>
872.06	2nd	Abuse of a dead human body.
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.
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.



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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).

489

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

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

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

492

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

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

494

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

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

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



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

498

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

499

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

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896.104(4)(a)1. 3rd Structuring transactions to evade
 reporting or registration requirements,
 financial transactions exceeding \$300
 but less than \$20,000.

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

502

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

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

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

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(e) "Specified offense" means:

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

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

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514 3. Bribery in connection with the employment of a public
515 officer or employee;

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

518 5. The committing of an impeachable offense; or

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

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

531 112.534 Failure to comply; official misconduct.--

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

534 Section 13. Paragraph (d) of subsection (4) of section
535 117.01, Florida Statutes, is amended to read:

536 117.01 Appointment, application, suspension, revocation,
537 application fee, bond, and oath.--

538 (4) The Governor may suspend a notary public for any of
539 the grounds provided in s. 7, Art. IV of the State Constitution.
540 Grounds constituting malfeasance, misfeasance, or neglect of
541 duty include, but are not limited to, the following:

542 (d) Official misconduct as defined in s. 838.022 ~~839.25~~.



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543 Section 14. Paragraph (f) of subsection (5) of section
544 121.091, Florida Statutes, is amended to read:

545 121.091 Benefits payable under the system.--Benefits may
546 not be paid under this section unless the member has terminated
547 employment as provided in s. 121.021(39)(a) or begun
548 participation in the Deferred Retirement Option Program as
549 provided in subsection (13), and a proper application has been
550 filed in the manner prescribed by the department. The department
551 may cancel an application for retirement benefits when the
552 member or beneficiary fails to timely provide the information
553 and documents required by this chapter and the department's
554 rules. The department shall adopt rules establishing procedures
555 for application for retirement benefits and for the cancellation
556 of such application when the required information or documents
557 are not received.

558 (5) TERMINATION BENEFITS.--A member whose employment is
559 terminated prior to retirement retains membership rights to
560 previously earned member-noncontributory service credit, and to
561 member-contributory service credit, if the member leaves the
562 member contributions on deposit in his or her retirement
563 account. If a terminated member receives a refund of member
564 contributions, such member may reinstate membership rights to
565 the previously earned service credit represented by the refund
566 by completing 1 year of creditable service and repaying the
567 refunded member contributions, plus interest.

568 (f) Any member who has been found guilty by a verdict of a
569 jury, or by the court trying the case without a jury, of
570 committing, aiding, or abetting any embezzlement or theft from
571 his or her employer, bribery in connection with the employment,



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572 or other felony specified in chapter 838, ~~except ss. 838.15 and~~
 573 ~~838.16~~, committed prior to retirement, or who has entered a plea
 574 of guilty or of nolo contendere to such crime, or any member
 575 whose employment is terminated by reason of the member's
 576 admitted commitment, aiding, or abetting of an embezzlement or
 577 theft from his or her employer, bribery, or other felony
 578 specified in chapter 838, ~~except ss. 838.15 and 838.16~~, shall
 579 forfeit all rights and benefits under this chapter, except the
 580 return of his or her accumulated contributions as of the date of
 581 termination.

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