



CHAMBER ACTION

The Committee on Procedures recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to violations of citizens' right to honest government; providing a popular name; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending s. 838.015, F.S.; revising the definition of "bribery" and increasing the penalty therefor; amending s. 838.016, F.S.; increasing the penalty for unlawful compensation for official behavior; creating ss. 838.022, 838.20, 838.21, 838.22, and 838.23, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; providing status of confidential informants and confidential sources; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 905.34, F.S.; expanding



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29 | the jurisdiction of the statewide grand jury to include
 30 | violations of ch. 838, F.S.; amending s. 921.0022, F.S.;
 31 | deleting specified felonies from and adding specified
 32 | felonies to the Criminal Punishment Code offense severity
 33 | ranking chart; repealing s. 838.15, F.S., relating to
 34 | commercial bribe receiving; repealing s. 838.16, F.S.,
 35 | relating to commercial bribery; repealing s. 839.25, F.S.,
 36 | relating to official misconduct; amending ss. 112.3173,
 37 | 112.534, 117.01, and 121.091, F.S.; deleting and
 38 | conforming cross references to changes made by the act;
 39 | providing an effective date.

40 |
 41 | Be It Enacted by the Legislature of the State of Florida:
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43 | Section 1. This act may be known by the popular name the
 44 | "Citizens' Right to Honest Government Act."

45 | Section 2. Paragraph (a) of subsection (1) of section
 46 | 16.56, Florida Statutes, is amended to read:

47 | 16.56 Office of Statewide Prosecution.--

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

52 | (a) Investigate and prosecute the offenses of:

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



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- 57 | 2. Any crime involving narcotic or other dangerous drugs;
58 | 3. Any violation of the provisions of the Florida RICO
59 | (Racketeer Influenced and Corrupt Organization) Act, including
60 | any offense listed in the definition of racketeering activity in
61 | s. 895.02(1)(a), providing such listed offense is investigated
62 | in connection with a violation of s. 895.03 and is charged in a
63 | separate count of an information or indictment containing a
64 | count charging a violation of s. 895.03, the prosecution of
65 | which listed offense may continue independently if the
66 | prosecution of the violation of s. 895.03 is terminated for any
67 | reason;
- 68 | 4. Any violation of the provisions of the Florida Anti-
69 | Fencing Act;
- 70 | 5. Any violation of the provisions of the Florida
71 | Antitrust Act of 1980, as amended;
- 72 | 6. Any crime involving, or resulting in, fraud or deceit
73 | upon any person;
- 74 | 7. Any violation of s. 847.0135, relating to computer
75 | pornography and child exploitation prevention, or any offense
76 | related to a violation of s. 847.0135; or
- 77 | 8. Any violation of the provisions of chapter 815;
78 |
79 | or any attempt, solicitation, or conspiracy to commit any of the
80 | crimes specifically enumerated above. The office shall have
81 | such power only when any such offense is occurring, or has
82 | occurred, in two or more judicial circuits as part of a related
83 | transaction, or when any such offense is connected with an



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84 organized criminal conspiracy affecting two or more judicial
85 circuits.

86 Section 3. Section 838.014, Florida Statutes, is amended
87 to read:

88 838.014 Definitions.--As used in ~~For the purposes of this~~
89 chapter, the term unless a different meaning plainly is
90 required:

91 (1) "Benefit" means gain or advantage, or anything
92 regarded by the person to be benefited as a gain or advantage,
93 including the doing of an act beneficial to any person in whose
94 welfare he or she is interested, including any commission, gift,
95 gratuity, property, commercial interest, or any other thing of
96 economic value not authorized by law.

97 (2) "Bid" includes a response to an "invitation to bid,"
98 "invitation to negotiate," "request for a quote," or "request
99 for proposals" as those terms are defined in s. 287.012.

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

104 (4) "Corruptly" or "with corrupt intent" means acting
105 knowingly and dishonestly for a wrongful purpose.

106 (5) "Harm" means pecuniary or other loss, disadvantage, or
107 injury to the person affected.

108 (6) "Public servant" means:

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

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



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

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

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

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

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

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



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140 ~~shall include any person appointed to any of the foregoing~~
 141 ~~offices or employments before and after he or she qualifies.~~

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

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

150 Section 4. Subsections (1) and (3) of section 838.015,
 151 Florida Statutes, are amended to read:

152 838.015 Bribery.--

153 (1) "Bribery" means corruptly to give, offer, or promise
 154 to any public servant, or, if a public servant, corruptly to
 155 request, solicit, accept, or agree to accept for himself or
 156 herself or another, any pecuniary or other benefit not
 157 authorized by law with an intent or purpose to influence the
 158 performance of any act or omission which the person believes to
 159 be, or the public servant represents as being, within the
 160 official discretion of a public servant, in violation of a
 161 public duty, or in performance of a public duty.

162 (3) Any person who commits bribery commits ~~is guilty of~~ a
 163 felony of the second ~~third~~ degree, punishable as provided in s.
 164 775.082, s. 775.083, or s. 775.084.

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



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167 838.016 Unlawful compensation or reward for official
168 behavior.--

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

172 Section 6. Sections 838.022, 838.20, 838.21, 838.22, and
173 838.23, Florida Statutes, are created to read:

174 838.022 Official misconduct.--

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

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

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

183 (c) Obstruct, delay, or prevent the communication of
184 information relating to the commission of a felony that directly
185 involves or affects the public agency or public entity served by
186 the public servant.

187 (2) For the purposes of this section:

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

190 (b) An official record or official document includes only
191 public records.

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



195 838.20 Criminal misuse of official position.--
 196 (1) It is unlawful for any public officer or public
 197 employee to corruptly use or attempt to use his or her official
 198 position, or any public property or public resource that is
 199 within his or her trust, to establish any business relationship
 200 between the public officer's or public employee's own agency and
 201 any business entity in which the public officer or public
 202 employee receives or has an expectation of receiving a benefit.
 203 (2) Any person who violates this section commits a felony
 204 of the second degree, punishable as provided in s. 775.082, s.
 205 775.083, or s. 775.084.
 206 838.21 Disclosure or use of confidential criminal justice
 207 information.--It is unlawful for a public servant, with intent
 208 to obstruct, impede, or prevent a criminal investigation or a
 209 criminal prosecution, to disclose active criminal investigative
 210 or intelligence information as defined in chapter 119 or to
 211 disclose or use information regarding either the efforts to
 212 secure or the issuance of a warrant, subpoena, or other court
 213 process or court order relating to a criminal investigation or
 214 criminal prosecution when such information is not available to
 215 the general public and is gained by reason of the public
 216 servant's official position. Any person who violates this
 217 section commits a felony of the third degree, punishable as
 218 provided in s. 775.082, s. 775.083, or s. 775.084.
 219 838.22 Bid tampering.--
 220 (1) 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



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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) Alter or amend a submitted bid, documents or other
229 materials supporting a submitted bid, or bid results for the
230 purpose of intentionally providing a competitive advantage to
231 any person who submits a bid.

232 (2) It is unlawful for a public servant, with corrupt
233 intent to obtain a benefit for any person or to cause unlawful
234 harm to another, to circumvent a competitive bidding process
235 required by law or rule by using a sole-source contract for
236 commodities or services.

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

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

244 (5) Any person who violates this section commits a felony
245 of the second degree, punishable as provided in s. 775.082, s.
246 775.083, or s. 775.084.

247 838.23 Status of confidential informants and confidential
248 sources.--A person who provides information regarding suspected
249 criminal violations committed by a public servant as defined in



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250 s. 838.014 shall be considered a confidential informant or
251 confidential source pursuant to s. 119.07(3)(c).

252 Section 7. Section 837.02, Florida Statutes, is amended to
253 read:

254 837.02 Perjury in official proceedings.--

255 (1) Except as provided in subsections ~~subsection~~ (2) and
256 (3), whoever makes a false statement, which he or she does not
257 believe to be true, under oath in an official proceeding in
258 regard to any material matter, commits a felony of the third
259 degree, punishable as provided in s. 775.082, s. 775.083, or s.
260 775.084.

261 (2) Whoever makes a false statement, which he or she does
262 not believe to be true, under oath in an official proceeding
263 that relates to the prosecution of a capital felony, commits a
264 felony of the second degree, punishable as provided in s.
265 775.082, s. 775.083, or s. 775.084.

266 (3) Any public servant, as defined in s. 838.014, who
267 gives false testimony, which he or she does not believe to be
268 true, under oath in an official proceeding in regard to any
269 material matter that relates to his or her duties or actions as
270 a public servant commits a felony of the second degree,
271 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

272 (4)~~(3)~~ Knowledge of the materiality of the statement is
273 not an element of the crime of perjury under subsection (1), ~~or~~
274 subsection (2), or subsection (3) and the defendant's mistaken
275 belief that the statement was not material is not a defense.

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



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278 905.34 Powers and duties; law applicable.--The
279 jurisdiction of a statewide grand jury impaneled under this
280 chapter shall extend throughout the state. The subject matter
281 jurisdiction of the statewide grand jury shall be limited to the
282 offenses of:

283 (1) Bribery, any violation of chapter 838, burglary,
284 carjacking, home-invasion robbery, criminal usury, extortion,
285 gambling, kidnapping, larceny, murder, prostitution, perjury,
286 and robbery;

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

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

304 921.0022 Criminal Punishment Code; offense severity
305 ranking chart.--



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Florida Statute	Felony Degree	Description
(3) OFFENSE SEVERITY RANKING CHART		
	(a) LEVEL 1	
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)(a)-	3rd	Possession of forged, stolen,



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	(c)		counterfeit, or unlawfully issued driver's license; possession of simulated identification.
316	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
317	322.212(5)(a)	3rd	False application for driver's license or identification card.
318	370.13(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
319	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
320	372.663(1)	3rd	Poach any alligator or crocodilia.
321	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
322	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.



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323	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
324	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
325	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
326	562.27(1)	3rd	Possess still or still apparatus.
327	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
328	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
329	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
330	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
331	817.52(2)	3rd	Hiring with intent to defraud,



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			motor vehicle services.
332	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
333	826.01	3rd	Bigamy.
334	828.122(3)	3rd	Fighting or baiting animals.
335	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
336	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
337	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
338	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.
339	838.015(3)	3rd	Bribery.
340	838.016(1)	3rd	Public servant receiving unlawful compensation.



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341	838.15(2)	3rd	Commercial bribe receiving.
342	838.16	3rd	Commercial bribery.
343	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
344	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
345	849.01	3rd	Keeping gambling house.
346	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.
347	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
348	849.25(2)	3rd	Engaging in bookmaking.
349	860.08	3rd	Interfere with a railroad signal.
350	860.13(1)(a)	3rd	Operate aircraft while under the influence.
351	893.13(2)(a)2.	3rd	Purchase of cannabis.
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353	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
354	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
355		(f) LEVEL 6	
356	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
357	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
358	775.0875(1)	3rd	Taking firearm from law enforcement officer.
359	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
360	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
361	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
362	784.041	3rd	Felony battery.



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363	784.048(3)	3rd	Aggravated stalking; credible threat.
364	784.048(5)	3rd	Aggravated stalking of person under 16.
365	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
366	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
367	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
368	784.081(2)	2nd	Aggravated assault on specified official or employee.
369	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
370	784.083(2)	2nd	Aggravated assault on code inspector.
371	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.



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372	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
373	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
374	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
375	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
376	794.05(1)	2nd	Unlawful sexual activity with specified minor.
377	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.
378	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
379	806.031(2)	2nd	Arson resulting in great bodily



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			harm to firefighter or any other person.
380	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
381	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
382	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
383	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
384	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
385	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
386	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
387	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
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389	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
390	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
391	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
392	827.03(1)	3rd	Abuse of a child.
393	827.03(3)(c)	3rd	Neglect of a child.
394	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
395	836.05	2nd	Threats; extortion.
396	<u>838.21</u>	<u>3rd</u>	<u>Disclosure or use of confidential criminal justice information.</u>
397	843.12	3rd	Aids or assists person to escape.
398	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
	914.23	2nd	Retaliation against a witness,



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			victim, or informant, with bodily injury.
399	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
400	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.
401	944.40	2nd	Escapes.
402	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
403	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
404	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
405		(g) LEVEL 7	
406	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
407	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious



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408			bodily injury.
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409	409.920(2)	3rd	Medicaid provider fraud.
410	456.065(2)	3rd	Practicing a health care profession without a license.
411	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
412	458.327(1)	3rd	Practicing medicine without a license.
413	459.013(1)	3rd	Practicing osteopathic medicine without a license.
414	460.411(1)	3rd	Practicing chiropractic medicine without a license.
415	461.012(1)	3rd	Practicing podiatric medicine without a license.
416	462.17	3rd	Practicing naturopathy without a license.



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417	463.015(1)	3rd	Practicing optometry without a license.
418	464.016(1)	3rd	Practicing nursing without a license.
419	465.015(2)	3rd	Practicing pharmacy without a license.
420	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
421	467.201	3rd	Practicing midwifery without a license.
422	468.366	3rd	Delivering respiratory care services without a license.
423	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
424	483.901(9)	3rd	Practicing medical physics without a license.
425	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
426	484.053	3rd	Dispensing hearing aids without a license.
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	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.
428	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
429	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
430	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
431	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
432	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable



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			negligence of another (manslaughter).
433	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
434	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
435	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
436	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
437	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
438	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
439	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
440	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
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442	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
443	784.081(1)	1st	Aggravated battery on specified official or employee.
444	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
445	784.083(1)	1st	Aggravated battery on code inspector.
446	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
447	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
448	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
449	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of



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			mass destruction.
450	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
451	796.03	2nd	Procuring any person under 16 years for prostitution.
452	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
453	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.
454	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
455	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
456	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
457	810.02(3)(d)	2nd	Burglary of occupied conveyance;



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458	812.014(2)(a)	1st	unarmed; no assault or battery. 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.
459	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
460	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
461	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
462	812.131(2)(a)	2nd	Robbery by sudden snatching.
463	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
464	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
465	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great



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			bodily harm, disability, or disfigurement.
466	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.
467	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
468	<u>837.02(3)</u>	<u>2nd</u>	<u>Perjury by a public servant in an official proceeding.</u>
469	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
470	<u>838.015</u>	<u>2nd</u>	<u>Bribery.</u>
471	<u>838.016</u>	<u>2nd</u>	<u>Unlawful compensation or reward for official behavior.</u>
472	<u>838.021(3)(a)</u>	<u>2nd</u>	<u>Unlawful harm to a public servant.</u>
473	<u>838.022</u>	<u>2nd</u>	<u>Official misconduct.</u>



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474	<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>
475	872.06	2nd	Abuse of a dead human body.
476	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.
477	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.
478	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).
479	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.



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480	893.135(1)(b)1. 1st a.	Trafficking in cocaine, more than 28 grams, less than 200 grams.
481	893.135(1)(c)1. 1st a.	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
482	893.135(1)(d)1. 1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
483	893.135(1)(e)1. 1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
484	893.135(1)(f)1. 1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
485	893.135(1)(g)1. 1st a.	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
486	893.135(1)(h)1. 1st a.	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
487	893.135(1)(j)1. 1st a.	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
488	893.135(1)(k)2. 1st	Trafficking in Phenethylamines, 10



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489 a. grams or more, less than 200
grams.

490 896.101(5)(a) 3rd Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

491 896.104(4)(a)1. 3rd Structuring transactions to evade
reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

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

494 Section 11. Paragraph (e) of subsection (2) of section
495 112.3173, Florida Statutes, is amended to read:

496 112.3173 Felonies involving breach of public trust and
497 other specified offenses by public officers and employees;
498 forfeiture of retirement benefits.--

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

501 (e) "Specified offense" means:

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

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

506 3. Bribery in connection with the employment of a public
507 officer or employee;



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

510 5. The committing of an impeachable offense; or

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

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

523 112.534 Failure to comply; official misconduct.--

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

526 Section 13. Paragraph (d) of subsection (4) of section
527 117.01, Florida Statutes, is amended to read:

528 117.01 Appointment, application, suspension, revocation,
529 application fee, bond, and oath.--

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

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



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535 Section 14. Paragraph (f) of subsection (5) of section
536 121.091, Florida Statutes, is amended to read:

537 121.091 Benefits payable under the system.--Benefits may
538 not be paid under this section unless the member has terminated
539 employment as provided in s. 121.021(39)(a) or begun
540 participation in the Deferred Retirement Option Program as
541 provided in subsection (13), and a proper application has been
542 filed in the manner prescribed by the department. The department
543 may cancel an application for retirement benefits when the
544 member or beneficiary fails to timely provide the information
545 and documents required by this chapter and the department's
546 rules. The department shall adopt rules establishing procedures
547 for application for retirement benefits and for the cancellation
548 of such application when the required information or documents
549 are not received.

550 (5) TERMINATION BENEFITS.--A member whose employment is
551 terminated prior to retirement retains membership rights to
552 previously earned member-noncontributory service credit, and to
553 member-contributory service credit, if the member leaves the
554 member contributions on deposit in his or her retirement
555 account. If a terminated member receives a refund of member
556 contributions, such member may reinstate membership rights to
557 the previously earned service credit represented by the refund
558 by completing 1 year of creditable service and repaying the
559 refunded member contributions, plus interest.

560 (f) Any member who has been found guilty by a verdict of a
561 jury, or by the court trying the case without a jury, of
562 committing, aiding, or abetting any embezzlement or theft from



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563 | his or her employer, bribery in connection with the employment,
564 | or other felony specified in chapter 838, ~~except ss. 838.15 and~~
565 | ~~838.16,~~ committed prior to retirement, or who has entered a plea
566 | of guilty or of nolo contendere to such crime, or any member
567 | whose employment is terminated by reason of the member's
568 | admitted commitment, aiding, or abetting of an embezzlement or
569 | theft from his or her employer, bribery, or other felony
570 | specified in chapter 838, ~~except ss. 838.15 and 838.16,~~ shall
571 | forfeit all rights and benefits under this chapter, except the
572 | return of his or her accumulated contributions as of the date of
573 | termination.

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