

By the Committee on Ethics and Elections; and Senators Gelber, Rich, Smith, Ring, Hill, Storms, Wilson, Villalobos, and Bullard

582-04697-10

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1                   A bill to be entitled  
2           An act relating to public servants; providing a short  
3           title; amending s. 838.022, F.S.; providing that it is  
4           a third-degree felony for a public servant, with  
5           corrupt intent, to fail to disclose certain direct or  
6           indirect financial interests or benefits; providing  
7           that it is a third-degree felony for a public servant,  
8           with corrupt intent, to fail to disclose a fact or  
9           information concerning an official act which is  
10          required to be disclosed by law; providing that such  
11          action is a second-degree felony if the financial  
12          interest is greater than or equal to a specified  
13          amount; defining the terms "financial disclosure" and  
14          "participate"; amending s. 921.0022, F.S., relating to  
15          the offense severity ranking chart of the Criminal  
16          Punishment Code; conforming provisions to changes made  
17          by the act; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. This act may be cited as the "Restoring Faith in  
22 Public Office Act."

23           Section 2. Section 838.022, Florida Statutes, is amended to  
24 read:

25           838.022 Official misconduct.—

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

29           (a) Falsify, or cause another person to falsify, any

582-04697-10

20101076c1

30 official record or official document;

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

34 (c) Obstruct, delay, or prevent the communication of  
35 information relating to the commission of a felony that directly  
36 involves or affects the public agency or public entity served by  
37 the public servant.

38 (2) It is unlawful for a public servant, with corrupt  
39 intent, to participate or abstain in a matter falling within the  
40 public servant's duties, and in furtherance of such corrupt  
41 intent, willfully fail to make a financial disclosure otherwise  
42 required by state law or county or local ordinance concerning  
43 the matter.

44 (3)~~(2)~~ For the purposes of this section:

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

47 (b) An official record or official document includes only  
48 public records.

49 (c) The term "participate" means voting, deciding,  
50 advocating, opposing, or attempting to influence the decision or  
51 result by oral or written communication, whether made by the  
52 public servant or at the public servant's direction.

53 (d) The term "financial disclosure" means any disclosure  
54 relating to financial interests, foreseeable financial benefits,  
55 or special private gain or loss to the public servant or the  
56 public servant's relatives. For purposes of this section,  
57 "relative" has the same meaning as defined in s. 112.3143(1).

58 (4) (a)~~(3)~~ Any person who violates subsection (1) or

582-04697-10

20101076c1

59 subsection (2) ~~this section~~ commits a felony of the third  
 60 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 61 775.084.

62 (b) Any person who violates subsection (2) when the amount  
 63 of the undisclosed financial interest or benefit or private gain  
 64 or loss is valued at \$10,000 or more commits a felony of the  
 65 second degree, punishable as provided in s. 775.082, s. 775.083,  
 66 or s. 775.084.

67 Section 3. Paragraphs (g) and (h) of subsection (3) of  
 68 section 921.0022, Florida Statutes, are amended to read:

69 921.0022 Criminal Punishment Code; offense severity ranking  
 70 chart.—

71 (3) OFFENSE SEVERITY RANKING CHART

72 (g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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582-04697-10

20101076c1

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

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

409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or less.

409.920(2)(b)1.b. 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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

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

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

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

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

582-04697-10

20101076c1

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461.012 (1) 3rd Practicing podiatric medicine without a license.

462.17 3rd Practicing naturopathy without a license.

463.015 (1) 3rd Practicing optometry without a license.

464.016 (1) 3rd Practicing nursing without a license.

465.015 (2) 3rd Practicing pharmacy without a license.

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

467.201 3rd Practicing midwifery without a license.

468.366 3rd Delivering respiratory care services without a license.

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

483.901 (9) 3rd Practicing medical physics without a license.

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

582-04697-10 20101076c1

97	484.053	3rd	Dispensing hearing aids without a license.
98	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.
99	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
100	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
101	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
102	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
103	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.

582-04697-10 20101076c1

104	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
105	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
106	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
107	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
108	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
109	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
110	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
111	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.

582-04697-10

20101076c1

784.048 (4) 3rd Aggravated stalking; violation of  
injunction or court order.

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784.048 (7) 3rd Aggravated stalking; violation of court  
order.

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784.07 (2) (d) 1st Aggravated battery on law enforcement  
officer.

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784.074 (1) (a) 1st Aggravated battery on sexually violent  
predators facility staff.

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784.08 (2) (a) 1st Aggravated battery on a person 65 years  
of age or older.

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784.081 (1) 1st Aggravated battery on specified official  
or employee.

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784.082 (1) 1st Aggravated battery by detained person on  
visitor or other detainee.

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784.083 (1) 1st Aggravated battery on code inspector.

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790.07 (4) 1st Specified weapons violation subsequent  
to previous conviction of s. 790.07 (1)  
or (2).

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790.16 (1) 1st Discharge of a machine gun under  
specified circumstances.



582-04697-10

20101076c1

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790.165 (2) 2nd Manufacture, sell, possess, or deliver  
hoax bomb.

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790.165 (3) 2nd Possessing, displaying, or threatening  
to use any hoax bomb while committing or  
attempting to commit a felony.

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790.166 (3) 2nd Possessing, selling, using, or  
attempting to use a hoax weapon of mass  
destruction.

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790.166 (4) 2nd Possessing, displaying, or threatening  
to use a hoax weapon of mass destruction  
while committing or attempting to commit  
a felony.

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790.23 1st,PBL Possession of a firearm by a person who  
qualifies for the penalty enhancements  
provided for in s. 874.04.

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794.08 (4) 3rd Female genital mutilation; consent by a  
parent, guardian, or a person in  
custodial authority to a victim younger  
than 18 years of age.

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796.03 2nd Procuring any person under 16 years for  
prostitution.

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582-04697-10

20101076c1

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- 800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
- 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.
- 806.01(2) 2nd Maliciously damage structure by fire or explosive.
- 810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.
- 810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.
- 810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.
- 810.02(3)(e) 2nd Burglary of authorized emergency vehicle.
- 812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

582-04697-10

20101076c1

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- 812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 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(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

582-04697-10 20101076c1

146	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
147	817.2341(2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
148	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
149	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.
150	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
151	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
152	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
	838.015	2nd	Bribery.

582-04697-10

20101076c1

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838.016            2nd            Unlawful compensation or reward for  
official behavior.

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

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838.022 (4) (a)    3rd            Failure of public servant to make  
financial disclosure.

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838.22            2nd            Bid tampering.

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847.0135 (3)       3rd            Solicitation of a child, via a computer  
service, to commit an unlawful sex act.

158

847.0135 (4)       2nd            Traveling to meet a minor to commit an  
unlawful sex act.

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872.06            2nd            Abuse of a dead human body.

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874.10            1st,PBL       Knowingly initiates, organizes, plans,  
finances, directs, manages, or  
supervises criminal gang-related  
activity.

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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, school, or

582-04697-10

20101076c1

state, county, or municipal park or publicly owned recreational facility or community center.

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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.

163

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).

164

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

165

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

166

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

167

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

168

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

582-04697-10

20101076c1

169

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.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

171

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

172

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

173

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

174

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

175

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

176

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

582-04697-10

20101076c1

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943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

179

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

180

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

181

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

182

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

183

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

184

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.



582-04697-10

20101076c1

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944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193(3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(7)	1st	Knowing trafficking in contraband

582-04697-10

20101076c1

prescription drugs.

196

499.0051(8) 1st Knowing forgery of prescription labels or prescription drug labels.

197

560.123(8)(b)2. 2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

198

560.125(5)(b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

199

655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

200

777.03(2)(a) 1st Accessory after the fact, capital felony.

201

782.04(4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

202

782.051(2) 1st Attempted felony murder while

582-04697-10

20101076c1

perpetrating or attempting to perpetrate  
a felony not enumerated in s. 782.04(3).

203

782.071(1)(b) 1st Committing vehicular homicide and  
failing to render aid or give  
information.

204

782.072(2) 1st Committing vessel homicide and failing  
to render aid or give information.

205

790.161(3) 1st Discharging a destructive device which  
results in bodily harm or property  
damage.

206

794.011(5) 2nd Sexual battery, victim 12 years or over,  
offender does not use physical force  
likely to cause serious injury.

207

794.08(3) 2nd Female genital mutilation, removal of a  
victim younger than 18 years of age from  
this state.

208

800.04(4) 2nd Lewd or lascivious battery.

209

806.01(1) 1st Maliciously damage dwelling or structure  
by fire or explosive, believing person  
in structure.

210

810.02(2)(a) 1st,PBL Burglary with assault or battery.

582-04697-10

20101076c1

211	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
212	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
213	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
214	812.13 (2) (b)	1st	Robbery with a weapon.
215	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
216	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
217	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
218	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
219	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

582-04697-10

20101076c1

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- 837.02 (2)            2nd            Perjury in official proceedings relating to prosecution of a capital felony.
- 837.021 (2)           2nd            Making contradictory statements in official proceedings relating to prosecution of a capital felony.
- 838.022 (4) (b)      2nd            Failure to make financial disclosure; \$10,000 or more.
- 860.121 (2) (c)      1st            Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
- 860.16                1st            Aircraft piracy.
- 893.13 (1) (b)        1st            Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
- 893.13 (2) (b)        1st            Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
- 893.13 (6) (c)        1st            Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).

582-04697-10

20101076c1

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- 893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
- 893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.
- 893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
- 893.135(1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
- 893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
- 893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
- 893.135(1)(g)1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
- 893.135(1)(h)1.b. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
- 893.135(1)(j)1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

582-04697-10

20101076c1

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893.135(1)(k)2.b. 1st Trafficking in Phenethylamines, 200  
grams or more, less than 400 grams.

893.1351(3) 1st Possession of a place used to  
manufacture controlled substance when  
minor is present or resides there.

895.03(1) 1st Use or invest proceeds derived from  
pattern of racketeering activity.

895.03(2) 1st Acquire or maintain through racketeering  
activity any interest in or control of  
any enterprise or real property.

895.03(3) 1st Conduct or participate in any enterprise  
through pattern of racketeering  
activity.

896.101(5)(b) 2nd Money laundering, financial transactions  
totaling or exceeding \$20,000, but less  
than \$100,000.

896.104(4)(a)2. 2nd Structuring transactions to evade  
reporting or registration requirements,  
financial transactions totaling or  
exceeding \$20,000 but less than  
\$100,000.

582-04697-10

20101076c1

246

Section 4. This act shall take effect July 1, 2010.