

1 A bill to be entitled
 2 An act relating to public procurement; amending s. 838.22,
 3 F.S.; providing that a public servant who fails to
 4 advertise, publicly announce, or electronically post a
 5 solicitation for commodities or contractual services
 6 commits a felony of the second degree under certain
 7 circumstances; imposing criminal penalties; reenacting s.
 8 921.0022(3)(g), F.S., relating to the offense severity
 9 ranking chart of the Criminal Punishment Code, to
 10 incorporate the amendment made to s. 838.22, F.S., in a
 11 reference thereto; providing an effective date.

12

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

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15 Section 1. Section 838.22, Florida Statutes, is amended to
 16 read:

17 838.22 Bid tampering.—

18 (1) It is unlawful for a public servant, with corrupt
 19 intent to influence or attempt to influence the competitive
 20 bidding process undertaken by any state, county, municipal, or
 21 special district agency, or any other public entity, for the
 22 procurement of commodities or services, to:

23 (a) Disclose material information concerning a bid or
 24 other aspects of the competitive bidding process when such
 25 information is not publicly disclosed.

26 (b) Alter or amend a submitted bid, documents or other
 27 materials supporting a submitted bid, or bid results for the
 28 purpose of intentionally providing a competitive advantage to

29 any person who submits a bid.

30 (c) Fail to advertise, publicly announce, or
 31 electronically post a solicitation for the procurement of
 32 commodities or contractual services which must be advertised,
 33 publicly announced, or electronically posted by statute or rule.

34 (2) It is unlawful for a public servant, with corrupt
 35 intent to obtain a benefit for any person or to cause unlawful
 36 harm to another, to circumvent a competitive bidding process
 37 required by law or rule by using a sole-source contract for
 38 commodities or services.

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

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

46 (5) Any person who violates this section commits a felony
 47 of the second degree, punishable as provided in s. 775.082, s.
 48 775.083, or s. 775.084.

49 Section 2. For the purpose of incorporating the amendment
 50 made by this act to section 838.22, Florida Statutes, in a
 51 reference thereto, paragraph (g) of subsection (3) of section
 52 921.0022, Florida Statutes, is reenacted to read:

53 921.0022 Criminal Punishment Code; offense severity
 54 ranking chart.—

55 (3) OFFENSE SEVERITY RANKING CHART

56 (g) LEVEL 7

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	Florida Statute	Felony Degree	Description
57	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
58	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
59	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.
60	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
61	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
62	409.920(2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
63	409.920(2)(b)1.b.	2nd	Medicaid provider fraud; more than

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			\$10,000, but less than \$50,000.
64	456.065 (2)	3rd	Practicing a health care profession without a license.
65	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
66	458.327 (1)	3rd	Practicing medicine without a license.
67	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
68	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
69	461.012 (1)	3rd	Practicing podiatric medicine without a license.
70	462.17	3rd	Practicing naturopathy without a license.
71	463.015 (1)	3rd	Practicing optometry without a license.
72	464.016 (1)	3rd	Practicing nursing without a license.
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74	465.015 (2)	3rd	Practicing pharmacy without a license.
75	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
76	467.201	3rd	Practicing midwifery without a license.
77	468.366	3rd	Delivering respiratory care services without a license.
78	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
79	483.901 (9)	3rd	Practicing medical physics without a license.
80	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
81	484.053	3rd	Dispensing hearing aids without a license.
82	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.

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83	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.
84	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
85	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
86	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
87	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
88	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
89	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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90	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
91	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
92	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
93	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
94	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
95	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
96	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
97	784.048(7)	3rd	Aggravated stalking; violation of court order.

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98	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
99	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
100	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
101	784.081(1)	1st	Aggravated battery on specified official or employee.
102	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
103	784.083(1)	1st	Aggravated battery on code inspector.
104	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
105	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
106	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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107	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
108	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
109	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
110	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
111	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.
112	796.03	2nd	Procuring any person under 16 years for prostitution.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less

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113	800.04 (5) (c) 2.	2nd	than 18 years.
114	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
115	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
116	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
117	810.02 (3) (c)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
118	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
119	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
120	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.

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121	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
122	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
123	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
124	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
125	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
126	812.131 (2) (a)	2nd	Robbery by sudden snatching.
127	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
128	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

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			collision.
129	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
130	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.
131	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
132	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.
133	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
134	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
135	837.05 (2)	3rd	Giving false information about alleged

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			capital felony to a law enforcement officer.
136	838.015	2nd	Bribery.
137	838.016	2nd	Unlawful compensation or reward for official behavior.
138	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
139	838.22	2nd	Bid tampering.
140	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
141	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
142	872.06	2nd	Abuse of a dead human body.
143	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
144	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s.

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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
 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.

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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).

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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.a. 1st Trafficking in cocaine, more than 28
 grams, less than 200 grams.

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

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151	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
152	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
153	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
154	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
155	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
156	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
157	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
158	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

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159	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
160	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
161	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
162	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
163	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
164	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
165	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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166 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

167 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

168 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

169 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

170 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

171 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

172 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

173 Section 3. This act shall take effect July 1, 2010.