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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/27/2011	.	
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The Committee on Rules (Siplin) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 318 - 332

and insert:

Section 9. Subsection (1) of section 838.022, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

838.022 Official misconduct.—

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

(a) Falsify, or cause another person to falsify, any official record or official document.~~.~~



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14 (b) Conceal, cover up, destroy, mutilate, or alter any  
15 official record or official document or cause another person to  
16 perform such an act.~~;~~~~or~~

17 (c) Obstruct, delay, or prevent the communication of  
18 information relating to the commission of a felony that directly  
19 involves or affects the public agency or public entity served by  
20 the public servant.

21 (d) Render any ruling, order or opinion, action or inaction  
22 adversely or contrary to the doctrine of stare decisis, binding  
23 precedent, the Supremacy Clause of the United States  
24 Constitution, or oath of office when clearly informed of such  
25 evidence or information, unless having the authority to overrule  
26 or recede from such rule of law, or distinguish such rule of law  
27 or set forth some other intervening or superseding evidence or  
28 information, and does so by such ruling, order, or opinion, or  
29 action or inaction.

30 (e) Commit or cause any act in violation of 18 U.S.C. 241  
31 or 18 U.S.C. 242 under federal law.

32 (4) This section must be strictly enforced by law  
33 enforcement and state attorneys without discretion.

34 Section 10. Section 839.24, Florida Statutes, is amended to  
35 read:

36 839.24 Penalty for failure to perform duty required of  
37 officer.—A sheriff, judicial officer, quasi-judicial officer,  
38 ~~county court judge,~~ prosecuting officer, court reporter,  
39 stenographer, interpreter, or other officer required to perform  
40 any duty under any provision of the Rules of Court or chapter  
41 120 the criminal procedure law who willfully or negligently  
42 fails or knowingly refuses to perform his or her duty is shall



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43 ~~be~~ guilty of a misdemeanor of the first ~~second~~ degree,  
44 punishable as provided in s. 775.082 or s. 775.083. This section  
45 must be strictly enforced by law enforcement and state  
46 attorney's without discretion.

47 Section 11. Subsection (4) of section 843.0855, Florida  
48 Statutes, is amended to read:

49 843.0855 Criminal actions under color of law or through use  
50 of simulated legal process.—

51 (4) (a) Any person who falsely under color of law attempts  
52 in any way to influence, intimidate, or hinder a public officer  
53 or law enforcement officer in the discharge of his or her  
54 official duties by means of, but not limited to, threats of or  
55 actual physical abuse or harassment, or through the use of  
56 simulated legal process, commits a felony of the third degree,  
57 punishable as provided in s. 775.082 or s. 775.083.

58 (b) Any public servant or employee who, under color of law,  
59 in any manner intentionally obstructs or attempts to obstruct  
60 the due execution of the law, or with the intent to intimidate,  
61 hinder, deprive, or interrupt any officer, beverage enforcement  
62 agent, or other person or party in the legal performance of his  
63 or her duty or the exercise of his or her rights under the  
64 constitution or laws of this state or the United States, in  
65 connection with or relating to any legal process, whether such  
66 intent is effected or not, commits a felony of the third degree,  
67 punishable as provided in s. 775.082 or s. 775.083.

68 (c) Any public servant or employee who, under color of law,  
69 in any manner intentionally renders any ruling, order or  
70 opinion, or action or inaction adverse or contrary to the  
71 doctrines of stare decisis, binding precedent, the Supremacy



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72 Clause of the United States Constitution, or oath of office, in  
73 connection with or relating to any legal process affecting  
74 persons or property, when clearly informed of such evidence or  
75 information, unless having the authority to overrule or recede  
76 from such rule of law, or distinguish such rule of law or set  
77 forth some other intervening or superseding evidence or  
78 information, and does so by such ruling, order or opinion, or  
79 action or inaction, commits a felony of the second degree,  
80 punishable as provided in s. 775.082 or s. 775.083.

81 (d) Any public servant or employee or person who commits or  
82 causes any act in violation of 18 U.S.C. 241 or 18 U.S.C. 242  
83 under federal law, in connection with or relating to any legal  
84 process affecting a person or property, is guilty of a felony of  
85 the second degree, punishable as provided in s. 775.082 or s.  
86 775.083.

87 (e) This section must be strictly enforced by law  
88 enforcement and state attorneys without discretion.

89  
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete lines 74 - 78

93 and insert:

94 of bribery; amending s. 838.016, F.S.; revising  
95 provisions relating to the requisite mental state for  
96 the offenses of unlawful compensation and reward for  
97 official behavior and official misconduct, to conform  
98 to changes made by the act; amending s. 838.022, F.S.;  
99 revising provisions relating to the requisite mental  
100 state for the offenses of unlawful compensation and



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101 reward for official behavior and official misconduct,  
102 to conform to changes made by the act; adding actions  
103 by a public servant that are illegal; requiring the  
104 section be strictly enforced without discretion;  
105 amending s. 839.24, F.S.; revising the public servants  
106 who are affected and duties for which failure of  
107 performance is a misdemeanor of the first degree;  
108 requiring the section be strictly enforced without  
109 discretion; amending s. 843.0855, F.S.; adding certain  
110 actions under color of law by a public servant or  
111 employee to be unlawful; providing penalties;  
112 requiring the section be strictly enforced without  
113 discretion; providing an