



348012

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/30/2011	.	
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The Committee on Rules (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 775.0876, Florida Statutes, is created
to read:

775.0876 Offenses committed using public authority or
position to facilitate the offense; reclassification.—The
penalty for any felony or misdemeanor offense shall be
reclassified if a public servant, as defined in s. 838.014, uses
his or her public authority or position to further or facilitate
such felony or misdemeanor.

(1) The reclassification of the felony or misdemeanor is as



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14 follows:

15 (a) A misdemeanor of the second degree is reclassified as a
16 misdemeanor of the first degree.

17 (b) A misdemeanor of the first degree is reclassified as a
18 felony of the third degree.

19 (c) A felony of the third degree is reclassified as a
20 felony of the second degree.

21 (d) A felony of the second degree is reclassified as a
22 felony of the first degree.

23 (e) A felony of the first degree is reclassified as a life
24 felony.

25 (2) For purposes of sentencing under chapter 921, a felony
26 offense that is reclassified under this section shall be ranked
27 one level above its ranking under s. 921.0022 or s. 921.0023.

28 (3) Reclassification does not apply if the underlying
29 misdemeanor or felony offense has conduct committed under color
30 of law as one of its necessary elements. The term "under color
31 of law" means conduct based on public authority or position or
32 the assertion of such authority or position.

33 Section 2. This act shall take effect July 1, 2011.

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35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause
38 and insert:

39 A bill to be entitled

40 An act relating to public corruption; creating s.

41 775.0876, F.S.; providing for the reclassification of

42 a criminal offense committed by a public servant who



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uses his or her public authority or position to
further or facilitate the offense; providing an
effective date.