

**By** the Committees on Criminal Justice; and Judiciary; and  
Senator Dean

591-02610A-13

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1                   A bill to be entitled  
2           An act relating to filing false documents against real  
3           or personal property; creating s. 817.535, F.S.;  
4           defining terms; prohibiting a person from filing or  
5           causing to be filed, with intent to defraud another, a  
6           document relating to the ownership, transfer, or  
7           encumbrance of or claim against real or personal  
8           property, or any interest in real or personal  
9           property, which the person knows contains a material  
10          misstatement or misrepresentations; providing criminal  
11          penalties; establishing reclassified penalties that  
12          increase criminal penalties for persons who commit the  
13          specified offenses a second or more times, who are  
14          convicted offenders who commit unlawful acts while  
15          incarcerated in a jail or participating in community  
16          correctional programs, and when the victim of the  
17          offense is a public officer or employee under certain  
18          circumstances; authorizing the court to issue  
19          injunction; authorizing a court to seal specified  
20          public or private records under certain circumstances;  
21          providing that the subject of the false statements has  
22          a cause of action against the perpetrator; providing  
23          for actual and punitive damages; providing that the  
24          prevailing party is entitled to costs and reasonable  
25          attorney fees; providing duties of the custodian of  
26          the official record; providing applicability;  
27          requiring that attorney fees be paid to the government  
28          agency that provides legal representation, under  
29          certain circumstances; amending s. 843.0855, F.S.;

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30 revising definitions; defining the term "public  
31 officer or employee"; providing criminal penalties for  
32 a person who impersonates a public official or  
33 employee or who, under color of law, intimidates  
34 certain specified officials; amending s. 921.0022,  
35 F.S.; revising provisions of the offense severity  
36 ranking chart of the Criminal Punishment Code to  
37 conform to changes made by the act; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Section 817.535, Florida Statutes, is created to  
43 read:

44 817.535 Unlawful filing of false documents or records  
45 against real or personal property.-

46 (1) As used in this section, the term:

47 (a) "File" means to present an instrument for recording in  
48 an official record or to cause an instrument to be presented for  
49 recording in an official record.

50 (b) "Filer" means the person who presents an instrument for  
51 recording in an official record, or causes an instrument to be  
52 presented for recording in an official record.

53 (c) "Instrument" means any judgment, mortgage, assignment,  
54 pledge, lien, financing statement, encumbrance, deed, lease,  
55 bill of sale, agreement, mortgage, notice of claim of lien,  
56 notice of levy, promissory note, mortgage note, release, partial  
57 release or satisfaction of any of the foregoing, or any other  
58 document that relates to or attempts to restrict the ownership,

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59 transfer, encumbrance of or claim against real or personal  
60 property, or any interest in real or personal property.

61 (d) "Official record" means the series of instruments,  
62 regardless of how they are maintained, which a clerk of the  
63 circuit court, or any person or entity designated by general  
64 law, special law, or county charter, is required or authorized  
65 by law to record. The term also includes a series of instruments  
66 pertaining to the Uniform Commercial Code filed with the  
67 Secretary of State or with any entity under contract with the  
68 Secretary of State to maintain Uniform Commercial Code records  
69 and a database of judgment liens maintained by the Secretary of  
70 State.

71 (e) "Public officer or employee" means, but is not limited  
72 to:

73 1. A person elected or appointed to a state or federal  
74 office, including any person serving on an advisory body, board,  
75 commission, committee, council, or authority;

76 2. An employee of a state, county, municipal, political  
77 subdivision, school district, educational institution, or  
78 special district agency or entity, including all judges,  
79 attorneys, law enforcement officers, deputy clerks of court, and  
80 marshals;

81 3. A state or federal executive, legislative, or judicial  
82 officer, employee, or volunteer authorized to perform actions or  
83 services for any executive, legislative, or judicial office,  
84 agency, officer, or employee;

85 4. A person who acts as a general or special magistrate,  
86 auditor, arbitrator, umpire, referee, hearing officer, or  
87 consultant to any state or local governmental entity; and

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88       5. A person who is a candidate for public office or  
89 judicial position.

90       (2) (a) A person who files or directs a filer to file, with  
91 the intent to defraud or harass another, any instrument  
92 containing a materially false, fictitious, or fraudulent  
93 statement or representation that purports to affect the owner's  
94 interest in the property described in the instrument commits a  
95 felony of the third degree, punishable as provided in s.  
96 775.082, s. 775.083, or s. 775.084.

97       (b) A person who violates paragraph (a) a second or  
98 subsequent time commits a felony of the second degree,  
99 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

100       (3) If a person is convicted of violating subsection (2)  
101 and the owner of the property subject to the false instrument is  
102 a public officer or employee, such offense shall be reclassified  
103 as follows:

104       (a) In the case of a felony of the third degree, to a  
105 felony of the second degree, punishable as provided in s.  
106 775.082, s. 775.083, or s. 775.084.

107       (b) In the case of a felony of the second degree, to a  
108 felony of the first degree, punishable as provided in s.  
109 775.082, s. 775.083, or s. 775.084.

110       (4) If a person is convicted of violating subsection (2)  
111 while incarcerated in a jail or correctional institution or  
112 while participating in a pretrial diversion program under any  
113 form of pretrial release or bond, on probation or parole, or  
114 under any postrelease supervision, the offense for which the  
115 person is convicted shall be reclassified as follows:

116       (a) In the case of a felony of the third degree, to a

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117 felony of the second degree, punishable as provided in s.  
118 775.082, s. 775.083, or s. 775.084.

119 (b) In the case of a felony of the second degree, to a  
120 felony of the first degree, punishable as provided in s.  
121 775.082, s. 775.083, or s. 775.084.

122  
123 If a person convicted of violating this subsection committed the  
124 offense while incarcerated in a jail or correctional  
125 institution, the sentencing court shall issue a written finding  
126 that the offense occurred while the person was incarcerated in a  
127 jail or correctional institution and direct that a copy of the  
128 written finding and judgment of conviction be forwarded to the  
129 appropriate state institution or county facility for  
130 consideration of disciplinary action, including forfeiture of  
131 all gain-time or any early release credits accumulated up to the  
132 date of the violation.

133 (5) If the person is convicted of violating subsection (2)  
134 and the owner of property covered by the false instrument incurs  
135 financial loss as a result of the instrument being recorded in  
136 the official record, including costs and attorney fees incurred  
137 in correcting, sealing, or removing the false instrument from  
138 the official record as described herein, such an offense shall  
139 be reclassified as follows:

140 (a) In the case of a felony of the third degree, to a  
141 felony of the second degree, punishable as provided in s.  
142 775.082, s. 775.083, or s. 775.084.

143 (b) In the case of a felony of the second degree, to a  
144 felony of the first degree, punishable as provided in s.  
145 775.082, s. 775.083, or s. 775.084.

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146 (6) A person who fraudulently records a claim of lien in  
147 the official records pursuant to part I of chapter 713 is  
148 subject to the fraud provisions of s. 713.31 and not this  
149 section.

150 (7) If a person is convicted of violating this section, the  
151 court shall issue an order declaring the instrument forming the  
152 basis of the conviction null and void and may enjoin the person  
153 from filing any instrument in an official record absent prior  
154 review and approval by a circuit or county court judge. The  
155 court may also order the instrument forming the basis of the  
156 conviction sealed from the official record and removed from any  
157 applicable electronic database used for recording instruments in  
158 the official record.

159 (8) (a) Any person adversely affected by an instrument filed  
160 in the official record which contains a materially false,  
161 fictitious, or fraudulent statement or representation has a  
162 civil cause of action under this section without regard to  
163 whether criminal charges are pursued under subsection (2). A  
164 notice of lis pendens in accord with s. 48.23 shall be filed  
165 which specifically describes the instrument under challenge and  
166 the real or personal property affected by the instrument.

167 (b) Upon a finding that the instrument contains a  
168 materially false, fictitious, or fraudulent statement or  
169 representation such that the instrument does not establish a  
170 legitimate property or lien interest in favor of another person:

171 1. The court shall determine whether the entire instrument  
172 or certain parts thereof are null and void ab initio. If the  
173 court finds the instrument null and void in its entirety, it may  
174 order the instrument sealed from the official record and removed

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175 from any electronic database used for indexing or locating  
176 instruments in the official record. The court may also,  
177 permanently or for a period of time, enjoin the defendant who  
178 filed the instrument or who directed the filer to file the  
179 instrument, from filing or directing a person to file an  
180 instrument in the official records, without prior review and  
181 approval for filing by a circuit or county court judge, provided  
182 that as to third parties who may have given value for an  
183 interest described or granted by any instrument filed in  
184 violation of the injunction, the instrument shall be deemed  
185 validly filed and provides constructive notice, notwithstanding  
186 any failure to comply with the terms of the injunction.

187 2. The court, upon a finding of intent to defraud or  
188 harass, shall award actual damages and punitive damages, subject  
189 to the criteria in s. 768.72, to the person adversely affected  
190 by the instrument. The court may also levy a civil penalty of  
191 \$2,500 for each instrument determined to be in violation of  
192 subsection (2).

193 3. The court may grant such other relief or remedy that the  
194 court determines is just and proper within its sound judicial  
195 discretion.

196 (c) The prevailing party in such a suit is entitled to  
197 recover costs and reasonable attorney fees.

198 (d) The custodian of any official record shall, upon  
199 payment of appropriate fees, provide a certified copy of the  
200 sealed instrument to the party seeking relief under this section  
201 for use in subsequent court proceedings, in addressing or  
202 correcting adverse effects upon the person's credit or property  
203 rights, or reporting the matter for investigation and

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204 prosecution; or in response to a subpoena seeking the instrument  
205 for criminal investigative or prosecution purposes.

206 (e) Upon request, the custodian of any official record  
207 shall, upon payment of appropriate fees, provide a certified  
208 copy of the sealed instrument to any federal state or local law  
209 enforcement agency.

210 (f) If feasible, the custodian of the official record where  
211 the instrument is recorded shall record any court order finding  
212 that the instrument is null and void in its entirety or in  
213 certain parts thereof.

214 (g) An instrument removed from an electronic database used  
215 for recording instruments in the public record pursuant to this  
216 section shall be maintained in a manner in which the instrument  
217 can be reduced to paper form.

218 (9) A government agency may provide legal representation to  
219 a public officer or employee if the instrument at issue appears  
220 to have been filed to defraud or harass the public officer or  
221 employee on account of the performance in that officer's or  
222 employee's official duties. If the public officer or employee is  
223 the prevailing party, the award of reasonable attorney fees  
224 shall be paid to the government agency that provided the legal  
225 representation.

226 (10) This section does not apply to the procedures for  
227 sealing or expunging criminal history records as provided in ss.  
228 943.0585 and 943.059.

229 (11) If any provision of this section or its application to  
230 any person or circumstance is held invalid, the invalidity shall  
231 not affect other provisions or applications of this section  
232 which can be given effect without the invalid provision or



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233 application, and to this end the provisions of this section are  
234 severable.

235 Section 2. Section 843.0855, Florida Statutes, is amended  
236 to read:

237 843.0855 Criminal actions under color of law or through use  
238 of simulated legal process.—

239 (1) As used in this section:

240 (a) The term "legal process" means a document or order  
241 issued by a court or filed or recorded with an official court of  
242 this state or the United States or with any official  
243 governmental entity of this state or the United States for the  
244 purpose of exercising jurisdiction or representing a claim  
245 against a person or property, or for the purpose of directing a  
246 person to appear before a court or tribunal, or to perform or  
247 refrain from performing a specified act. "Legal process"  
248 includes, but is not limited to, a summons, lien, complaint,  
249 warrant, injunction, writ, notice, pleading, subpoena, or order.

250 (b) The term "person" means an individual, public or  
251 private group incorporated or otherwise, legitimate or  
252 illegitimate legal tribunal or entity, informal organization,  
253 official or unofficial agency or body, or any group of  
254 individuals associated in fact, whether a legal entity or not  
255 assemblage of individuals.

256 (c) The term "public officer or employee" includes, but is  
257 not limited to:

258 1. A person elected or appointed to a state or federal  
259 office, including a person serving on an advisory body, board,  
260 commission, committee, council, or authority;

261 2. An employee of a state, county, municipal, political

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262 subdivision, school district, educational institution, or  
263 special district agency or entity, including all judges,  
264 attorneys, law enforcement officers, deputy clerks of court, or  
265 marshals;

266 3. A state or federal executive, legislative, or judicial  
267 officer, employee, or volunteer authorized to perform actions or  
268 services for any executive, legislative, or judicial office,  
269 agency, officer, or employee;

270 4. A person who acts as a general or special magistrate,  
271 auditor, arbitrator, umpire, referee, hearing officer, or  
272 consultant to any state or local governmental entity; and

273 5. A person who is a candidate for public office or  
274 judicial position

275 ~~(c) The term "public officer" means a public officer as~~  
276 ~~defined by s. 112.061.~~

277 ~~(d) The term "public employee" means a public employee as~~  
278 ~~defined by s. 112.061.~~

279 (2) A Any person who deliberately impersonates or falsely  
280 acts as a public officer or employee tribunal, public employee  
281 or utility employee, including, but not limited to, marshals,  
282 judges, prosecutors, sheriffs, deputies, court personnel, or any  
283 law enforcement authority in connection with or relating to any  
284 legal process affecting persons and property, or otherwise takes  
285 any action under color of law against persons or property,  
286 commits a felony of the third degree, punishable as provided in  
287 s. 775.082, ~~or~~ s. 775.083, or s. 775.084. It is the intent of  
288 the Legislature that this section applies if a person acts as an  
289 officer or employee purporting to supersede or override any  
290 legislation or statute of this state, or to supersede or

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291 override any action of any court, of this state.

292 (3) A ~~Any~~ person who simulates legal process, including,  
293 but not limited to, actions affecting title to real estate or  
294 personal property, indictments, subpoenas, warrants,  
295 injunctions, liens, orders, judgments, or any legal documents or  
296 proceedings, knowing or having reason to know the contents of  
297 any such documents or proceedings or the basis for any action to  
298 be fraudulent, commits a felony of the third degree, punishable  
299 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

300 (4) A ~~Any~~ person who falsely under color of law attempts in  
301 any way to influence, intimidate, harass, retaliate against, or  
302 hinder a public officer or employee involving ~~or law enforcement~~  
303 ~~officer~~ in the discharge of his or her official duties by means  
304 of, but not limited to, threats of or actual physical abuse or  
305 harassment, or through the use of simulated legal process,  
306 commits a felony of the third degree, punishable as provided in  
307 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

308 (5) (a) ~~Nothing in~~ This section does not shall make unlawful  
309 any act of any law enforcement officer or legal tribunal which  
310 is performed under lawful authority.

311 (b) ~~Nothing in~~ This section does not shall prohibit  
312 individuals from assembling freely to express opinions or  
313 designate group affiliation or association.

314 (c) ~~Nothing in~~ This section does not shall prohibit or in  
315 any way limit a person's lawful and legitimate access to the  
316 courts or prevent a person from instituting or responding to  
317 legitimate and lawful legal process.

318 Section 3. Paragraphs (g) through (i) of subsection (3) of  
319 section 921.0022, Florida Statutes, are amended to read:

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320 921.0022 Criminal Punishment Code; offense severity ranking  
 321 chart.-

322 (3) OFFENSE SEVERITY RANKING CHART

323 (g) LEVEL 7

324

Florida	Felony	
Statute	Degree	Description

325

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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326

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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327

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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328

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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329

402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
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331 409.920 3rd Medicaid provider fraud; \$10,000 or  
(2) (b) 1.a. less.

332 409.920 2nd Medicaid provider fraud; more than  
(2) (b) 1.b. \$10,000, but less than \$50,000.

333 456.065 (2) 3rd Practicing a health care profession  
without a license.

334 456.065 (2) 2nd Practicing a health care profession  
without a license which results in  
serious bodily injury.

335 458.327 (1) 3rd Practicing medicine without a license.

336 459.013 (1) 3rd Practicing osteopathic medicine without  
a license.

337 460.411 (1) 3rd Practicing chiropractic medicine  
without a license.

338 461.012 (1) 3rd Practicing podiatric medicine without a  
license.

339 462.17 3rd Practicing naturopathy without a  
license.

340 463.015 (1) 3rd Practicing optometry without a license.

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341	464.016(1)	3rd	Practicing nursing without a license.
342	465.015(2)	3rd	Practicing pharmacy without a license.
343	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
344	467.201	3rd	Practicing midwifery without a license.
345	468.366	3rd	Delivering respiratory care services without a license.
346	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
347	483.901(9)	3rd	Practicing medical physics without a license.
348	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
349	484.053	3rd	Dispensing hearing aids without a license.
	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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350

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.

351

560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

352

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

353

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

354

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

355

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

356

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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357

782.07(1) 2nd Killing of a human being by the act,  
procurement, or culpable negligence of  
another (manslaughter).

358

782.071 2nd Killing of a human being or viable  
fetus by the operation of a motor  
vehicle in a reckless manner (vehicular  
homicide).

359

782.072 2nd Killing of a human being by the  
operation of a vessel in a reckless  
manner (vessel homicide).

360

784.045(1)(a)1. 2nd Aggravated battery; intentionally  
causing great bodily harm or  
disfigurement.

361

784.045(1)(a)2. 2nd Aggravated battery; using deadly  
weapon.

362

784.045(1)(b) 2nd Aggravated battery; perpetrator aware  
victim pregnant.

363

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

364

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



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365

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

366

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

367

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

368

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

369

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

370

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

371

787.06(3)(a) 1st Human trafficking using coercion for labor and services.

372

787.06(3)(e) 1st Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.

373

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

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374

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

375

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

376

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

377

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

378

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

379

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

380

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.

381

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382 796.03 2nd Procuring any person under 16 years for prostitution.

383 800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

384 800.04 (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.

385 806.01 (2) 2nd Maliciously damage structure by fire or explosive.

386 810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

387 810.02 (3) (b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

388 810.02 (3) (d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

389 810.02 (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

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while causing other property damage;  
1st degree grand theft.

390

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

391

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

392

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

393

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

394

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

395

812.131 (2) (a) 2nd Robbery by sudden snatching.

396

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

397

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

398

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399 817.234 (9) 2nd Organizing, planning, or participating  
in an intentional motor vehicle  
collision.

400 817.234 (11) (c) 1st Insurance fraud; property value  
\$100,000 or more.

401 817.2341 1st Making false entries of material fact  
(2) (b) & or false statements regarding property  
(3) (b) values relating to the solvency of an  
insuring entity which are a significant  
cause of the insolvency of that entity.

402 817.535 (2) (a) 3rd Filing false lien or other unauthorized  
403 document.

404 825.102 (3) (b) 2nd Neglecting an elderly person or  
disabled adult causing great bodily  
harm, disability, or disfigurement.

405 825.103 (2) (b) 2nd Exploiting an elderly person or  
disabled adult and property is valued  
at \$20,000 or more, but less than  
\$100,000.

406 827.03 (2) (b) 2nd Neglect of a child causing great bodily  
harm, disability, or disfigurement.

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407	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
408	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
409	838.015	2nd	Bribery.
410	838.016	2nd	Unlawful compensation or reward for official behavior.
411	838.021(3)(a)	2nd	Unlawful harm to a public servant.
412	838.22	2nd	Bid tampering.
413	<u>843.0855(2)</u>	<u>3rd</u>	<u>Impersonation of a public officer or employee.</u>
414	<u>843.0855(3)</u>	<u>3rd</u>	<u>Unlawful simulation of legal process.</u>
415	<u>843.0855(4)</u>	<u>3rd</u>	<u>Intimidation of a public officer or employee.</u>
416	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
417			

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418 847.0135(4) 2nd Traveling to meet a minor to commit an  
unlawful sex act.

419 872.06 2nd Abuse of a dead human body.

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

420 893.13(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  
state, county, or municipal park or  
publicly owned recreational facility or  
community center.

421 893.13(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.

422 893.13(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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423

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

424

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

425

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

426

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

427

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

428

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than  
14 grams, less than 28 grams.

429

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams  
or more, less than 14 grams.

430

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

431

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



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432

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

433

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

434

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

435

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

436

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

437

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

438

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

439

943.0435 (13) 3rd Failure to report or providing false

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information about a sexual offender;  
harbor or conceal a sexual offender.

440

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

441

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

442

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

443

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

444

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

445

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

446

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

447

985.4815(13) 3rd Sexual offender; failure to report and

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reregister; failure to respond to  
address verification.

448

449 (h) LEVEL 8

450

Florida	Felony	
Statute	Degree	Description

451

316.193	2nd	DUI manslaughter.
(3) (c) 3.a.		

452

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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453

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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454

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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455

499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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456

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.
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457

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

458

655.50(10)(b)2. 2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

459

777.03(2)(a) 1st

Accessory after the fact, capital felony.

460

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, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

461

782.051(2) 1st

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

462

782.071(1)(b) 1st

Committing vehicular homicide and failing to render aid or give information.

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463

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

464

787.06 (3) (b) 1st Human trafficking using coercion for commercial sexual activity.

465

787.06 (3) (c) 1st Human trafficking using coercion for labor and services of an unauthorized alien.

466

787.06 (3) (f) 1st Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.

467

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

468

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

469

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

470

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471	800.04(4)	2nd	Lewd or lascivious battery.
472	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
473	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
474	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
475	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
476	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
477	812.13(2)(b)	1st	Robbery with a weapon.
478	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
479	<u>817.535(2)(b)</u>	<u>2nd</u>	<u>Second or subsequent offense issuing or filing false document.</u>
	<u>817.535(3)(a)</u>	<u>2nd</u>	<u>Filing false lien or other unauthorized document; property owner is a public</u>

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officer or employee.

480

817.568 (6) 2nd Fraudulent use of personal  
identification information of an  
individual under the age of 18.

481

825.102 (2) 1st Aggravated abuse of an elderly person  
or disabled adult.

482

825.1025 (2) 2nd Lewd or lascivious battery upon an  
elderly person or disabled adult.

483

825.103 (2) (a) 1st Exploiting an elderly person or  
disabled adult and property is valued  
at \$100,000 or more.

484

837.02 (2) 2nd Perjury in official proceedings  
relating to prosecution of a capital  
felony.

485

837.021 (2) 2nd Making contradictory statements in  
official proceedings relating to  
prosecution of a capital felony.

486

860.121 (2) (c) 1st Shooting at or throwing any object in  
path of railroad vehicle resulting in  
great bodily harm.

487

860.16 1st Aircraft piracy.

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488

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).

489

893.13(2)(b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

490

893.13(6)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

491

893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

492

893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

493

893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

494

893.135(1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

495

893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

496

893.135 1st Trafficking in amphetamine, more than



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- 497 (1) (f) 1.b. 28 grams, less than 200 grams.
- 893.135 1st Trafficking in flunitrazepam, 14 grams
- 498 (1) (g) 1.b. or more, less than 28 grams.
- 893.135 1st Trafficking in gamma-hydroxybutyric
- 499 (1) (h) 1.b. acid (GHB), 5 kilograms or more, less than 10 kilograms.
- 893.135 1st Trafficking in 1,4-Butanediol, 5
- 500 (1) (j) 1.b. kilograms or more, less than 10 kilograms.
- 893.135 1st Trafficking in Phenethylamines, 200
- 501 (1) (k) 2.b. grams or more, less than 400 grams.
- 893.1351(3) 1st Possession of a place used to
- 502 manufacture controlled substance when minor is present or resides there.
- 895.03(1) 1st Use or invest proceeds derived from
- 503 pattern of racketeering activity.
- 895.03(2) 1st Acquire or maintain through
- 504 racketeering activity any interest in or control of any enterprise or real property.
- 895.03(3) 1st Conduct or participate in any

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enterprise through pattern of racketeering activity.

505

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

506

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.

507

508 (i) LEVEL 9

509

Florida	Felony	
Statute	Degree	Description

510

316.193	1st	DUI manslaughter; failing to render aid or give information.
(3)(c)3.b.		

511

327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
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512

409.920	1st	Medicaid provider fraud; \$50,000 or more.
(2)(b)1.c.		

513

499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great
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bodily harm.

514

560.123 (8) (b) 3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

515

560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

516

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

517

775.0844 1st Aggravated white collar crime.

518

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

519

782.04 (3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

520

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s.

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782.04(3).

521

782.07(2)                    1st    Aggravated manslaughter of an elderly person or disabled adult.

522

787.01(1)(a)1.            1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

523

787.01(1)(a)2.            1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

524

787.01(1)(a)4.            1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

525

787.02(3)(a)                1st    False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

526

787.06(3)(d)                1st    Human trafficking using coercion for commercial sexual activity of an unauthorized alien.

527

787.06(3)(g)                1st,PBL Human trafficking for commercial sexual activity of a child under the age of 18.

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536

787.06(4)	1st	Selling or buying of minors into human trafficking.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.

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537	796.035	1st	Selling or buying of minors into prostitution.
538	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
539	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
540	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
541	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
542	<u>817.535 (3) (b)</u>	<u>1st</u>	<u>Second or subsequent offense issuing or filing false document; property owner is a public officer or employee.</u>
543	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
544	827.03 (2) (a)	1st	Aggravated child abuse.
545	847.0145 (1)	1st	Selling, or otherwise transferring

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custody or control, of a minor.

546

847.0145 (2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

547

859.01

1st

Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.

548

893.135

1st

Attempted capital trafficking offense.

549

893.135 (1) (a) 3.

1st

Trafficking in cannabis, more than 10,000 lbs.

550

893.135

1st

(1) (b) 1.c.

Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

551

893.135

1st

(1) (c) 1.c.

Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

552

893.135

1st

(1) (d) 1.c.

Trafficking in phencyclidine, more than 400 grams.

553

893.135

1st

(1) (e) 1.c.

Trafficking in methaqualone, more than 25 kilograms.

554

893.135

1st

Trafficking in amphetamine, more than

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(1) (f) 1.c. 200 grams.

555

893.135 1st Trafficking in gamma-hydroxybutyric  
(1) (h) 1.c. acid (GHB), 10 kilograms or more.

556

893.135 1st Trafficking in 1,4-Butanediol, 10  
(1) (j) 1.c. kilograms or more.

557

893.135 1st Trafficking in Phenethylamines, 400  
(1) (k) 2.c. grams or more.

558

896.101 (5) (c) 1st Money laundering, financial  
instruments totaling or exceeding  
\$100,000.

559

896.104 (4) (a) 3. 1st Structuring transactions to evade  
reporting or registration  
requirements, financial transactions  
totaling or exceeding \$100,000.

560

561

562 Section 4. This act shall take effect October 1, 2013.