

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

595-03405-13

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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 or harass
6 another, a document relating to the ownership,
7 transfer, or encumbrance of, or claim against, real or
8 personal property, or any interest in real or personal
9 property; providing criminal penalties; establishing
10 reclassified penalties for persons who commit the
11 specified offenses a second or subsequent time when
12 the person is a convicted offender who commits the
13 specified offenses while incarcerated in a jail or
14 participating in a community correctional program and
15 when the victim of the offense is a public officer or
16 employee or incurs financial losses under certain
17 circumstances; authorizing the court to issue an
18 injunction; authorizing a court to seal specified
19 public or private records under certain circumstances;
20 providing that the subject of the false statements has
21 a civil cause of action against the perpetrator;
22 providing for actual and punitive damages; providing
23 that the prevailing party is entitled to costs and
24 reasonable attorney fees; providing duties of the
25 custodian of the official record; providing
26 applicability; requiring that attorney fees be paid to
27 the government agency that provides legal
28 representation under certain circumstances; amending
29 s. 843.0855, F.S.; revising definitions; defining the

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30 term "public officer or employee"; revising criminal
31 penalties for criminal actions under color of law or
32 through use of simulated legal process; providing
33 legislative intent; amending s. 921.0022, F.S.;

34 revising provisions of the offense severity ranking
35 chart of the Criminal Punishment Code to conform to
36 changes made by the act; providing severability;
37 providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 817.535, Florida Statutes, is created to
42 read:

43 817.535 Unlawful filing of false documents or records
44 against real or personal property.-

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

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

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

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

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59 property, or any interest in real or personal property.

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

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

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

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

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

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

86 5. A person who is a candidate for public office or
87 judicial position.

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

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

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

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

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

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

114 1. In the case of a felony of the third degree, to a felony
115 of the second degree, punishable as provided in s. 775.082, s.
116 775.083, or s. 775.084.

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117 2. In the case of a felony of the second degree, to a
118 felony of the first degree, punishable as provided in s.
119 775.082, s. 775.083, or s. 775.084.

120 (b) If a person's offense has been reclassified pursuant to
121 this subsection, the sentencing court shall issue a written
122 finding that the offense occurred while incarcerated in a jail
123 or correctional institution and direct that a copy of the
124 written finding and judgment of conviction be forwarded to the
125 appropriate state institution or county facility for
126 consideration of disciplinary action and forfeiture of all gain-
127 time or any early release credits accumulated up to the date of
128 the violation.

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

136 (a) In the case of a felony of the third degree, to a
137 felony of the second degree, punishable as provided in s.
138 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

167 1. The court shall determine whether the entire instrument
168 or certain parts thereof are null and void ab initio. If the
169 court finds the instrument void in its entirety, it may order
170 the instrument sealed from the official record and removed from
171 any electronic database used for indexing or locating
172 instruments in the official record. The court may also,
173 permanently or for a period of time, enjoin the defendant who
174 filed the instrument or who directed the filer to file the

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175 instrument from filing or directing a person to file an
176 instrument in the official records without prior review and
177 approval for filing by a circuit or county court judge, provided
178 that as to third parties who may have given value for an
179 interest described or granted by any instrument filed in
180 violation of the injunction, the instrument shall be deemed
181 validly filed and provides constructive notice, notwithstanding
182 any failure to comply with the terms of the injunction.

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

189 3. The court may grant such other relief or remedy that the
190 court determines is just and proper within its sound judicial
191 discretion.

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

194 (d) The custodian of any official record shall, upon
195 payment of appropriate fees, provide a certified copy of the
196 sealed instrument to the party seeking relief under this section
197 for use in subsequent court proceedings; in addressing or
198 correcting adverse effects upon the person's credit or property
199 rights, or reporting the matter for investigation and
200 prosecution; or in response to a subpoena seeking the instrument
201 for criminal investigative or prosecution purposes.

202 (e) Upon request, the custodian of any official record
203 shall, upon payment of appropriate fees, provide a certified

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204 copy of the sealed instrument to any federal, state, or local
205 law enforcement agency.

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

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

214 (9) A government agency may provide legal representation to
215 a public officer or employee if the instrument at issue appears
216 to have been filed to defraud or harass the public officer or
217 employee in his or her official capacity. If the public officer
218 or employee is the prevailing party, the award of reasonable
219 attorney fees shall be paid to the government agency that
220 provided the legal representation.

221 (10) This section does not apply to the procedures for
222 sealing or expunging criminal history records as provided in
223 chapter 943.

224 Section 2. Section 843.0855, Florida Statutes, is amended
225 to read:

226 843.0855 Criminal actions under color of law or through use
227 of simulated legal process.-

228 (1) As used in this section:

229 (a) The term "legal process" means a document or order
230 issued by a court or filed or recorded with an official court of
231 this state or the United States or with any official
232 governmental entity of this state or the United States for the

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233 purpose of exercising jurisdiction or representing a claim
234 against a person or property, or for the purpose of directing a
235 person to appear before a court or tribunal, or to perform or
236 refrain from performing a specified act. "Legal process"
237 includes, but is not limited to, a summons, lien, complaint,
238 warrant, injunction, writ, notice, pleading, subpoena, or order.

239 (b) The term "person" means an individual, public or
240 private group incorporated or otherwise, legitimate or
241 illegitimate legal tribunal or entity, informal organization,
242 official or unofficial agency or body, or any assemblage of
243 individuals.

244 (c) The term "public officer or employee" has the same
245 meaning as provided in s. 817.535 ~~means a public officer as~~
246 ~~defined by s. 112.061.~~

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

249 (2) A ~~Any~~ person who deliberately impersonates or falsely
250 acts as a public officer or employee ~~tribunal, public employee~~
251 ~~or utility employee, including, but not limited to, marshals,~~
252 ~~judges, prosecutors, sheriffs, deputies, court personnel, or any~~
253 ~~law enforcement authority~~ in connection with or relating to any
254 legal process affecting persons and property, or otherwise takes
255 any action under color of law against persons or property,
256 commits a felony of the third degree, punishable as provided in
257 s. 775.082, ~~or~~ s. 775.083, or s. 775.084. It is the intent of
258 the Legislature that this section applies if a person acts as an
259 officer or employee purporting to supersede or override any
260 legislation or statute of this state, or to supersede or
261 override any action of any court of this state.

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262 (3) A ~~Any~~ person who simulates legal process, including,
263 but not limited to, actions affecting title to real estate or
264 personal property, indictments, subpoenas, warrants,
265 injunctions, liens, orders, judgments, or any legal documents or
266 proceedings, knowing or having reason to know the contents of
267 any such documents or proceedings or the basis for any action to
268 be fraudulent, commits a felony of the third degree, punishable
269 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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

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

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

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

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

290 921.0022 Criminal Punishment Code; offense severity ranking

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291

chart.—

292

(3) OFFENSE SEVERITY RANKING CHART

293

(g) LEVEL 7

294

Florida	Felony	
Statute	Degree	Description

295

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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296

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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297

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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298

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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299

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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300

409.920	3rd	Medicaid provider fraud; \$10,000 or
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301

(2) (b) 1.a. less.

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

302

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

303

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

304

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

305

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

306

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

307

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

308

462.17 3rd Practicing naturopathy without a
license.

309

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

310

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

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311

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

312

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

313

467.201 3rd Practicing midwifery without a license.

314

468.366 3rd Delivering respiratory care services without a license.

315

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

316

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

317

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

318

484.053 3rd Dispensing hearing aids without a license.

319

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.

320

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321

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.

322

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

323

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

324

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

325

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

326

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

327

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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328 782.07(1) 2nd Killing of a human being by the act,
procurement, or culpable negligence of
another (manslaughter).

329 782.071 2nd Killing of a human being or viable
fetus by the operation of a motor
vehicle in a reckless manner (vehicular
homicide).

330 782.072 2nd Killing of a human being by the
operation of a vessel in a reckless
manner (vessel homicide).

331 784.045(1)(a)1. 2nd Aggravated battery; intentionally
causing great bodily harm or
disfigurement.

332 784.045(1)(a)2. 2nd Aggravated battery; using deadly
weapon.

333 784.045(1)(b) 2nd Aggravated battery; perpetrator aware
victim pregnant.

334 784.048(4) 3rd Aggravated stalking; violation of
injunction or court order.

335 784.048(7) 3rd Aggravated stalking; violation of court
order.

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336

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

337

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

338

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

339

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

340

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

341

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

342

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

343

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.

344

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

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345

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

346

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

347

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

348

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

349

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

350

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

351

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.

796.03 2nd Procuring any person under 16 years for

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prostitution.

352

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

353

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.

354

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

355

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

356

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

357

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

358

810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.

359

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;

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1st degree grand theft.

360

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

361

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

362

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

363

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

364

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

365

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

366

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

367

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

368

817.234 (9) 2nd Organizing, planning, or participating

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in an intentional motor vehicle collision.

369

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

370

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.

371

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

372

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

373

374

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.

375

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

376

827.04 (3) 3rd Impregnation of a child under 16 years

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of age by person 21 years of age or older.

377

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

378

838.015 2nd Bribery.

379

838.016 2nd Unlawful compensation or reward for official behavior.

380

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

381

838.22 2nd Bid tampering.

382

843.0855 (2) 3rd Impersonation of a public officer or employee.

383

843.0855 (3) 3rd Unlawful simulation of legal process.

384

843.0855 (4) 3rd Intimidation of a public officer or employee.

385

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

386

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

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387

872.06 2nd Abuse of a dead human body.

388

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

389

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.

390

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.

391

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).

392

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25

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lbs., less than 2,000 lbs.

393

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

394

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

395

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

396

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

397

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

398

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

399

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

400

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

401

893.135 1st Trafficking in Phenethylamines, 10

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(1) (k) 2.a.

grams or more, less than 200 grams.

402

893.1351 (2)

2nd

Possession of place for trafficking in or manufacturing of controlled substance.

403

896.101 (5) (a)

3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

404

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

405

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

406

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

407

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

408

943.0435 (13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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409

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

410

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

411

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

412

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

413

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

414

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

415

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

416

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

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(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 prescription drugs.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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.
560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or

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exceeding \$20,000, but less than \$100,000.

428

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

429

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

430

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.

431

782.051 (2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).

432

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

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434 782.072 (2) 1st Committing vessel homicide and failing to render aid or give information.

435 787.06 (3) (b) 1st Human trafficking using coercion for commercial sexual activity.

436 787.06 (3) (c) 1st Human trafficking using coercion for labor and services of an unauthorized alien.

437 787.06 (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.

438 790.161 (3) 1st Discharging a destructive device which results in bodily harm or property damage.

439 794.011 (5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

440 794.08 (3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

800.04 (4) 2nd Lewd or lascivious battery.

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441

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

442

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

443

810.02(2)(b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

444

810.02(2)(c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

445

812.014(2)(a)2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

446

812.13(2)(b) 1st Robbery with a weapon.

447

812.135(2)(c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

448

817.535(2)(b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

449

817.535(3)(a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

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450

817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

451

817.535 (5) (a) 2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

452

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

453

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

454

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

455

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

456

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

457

837.021 (2) 2nd Making contradictory statements in

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official proceedings relating to
prosecution of a capital felony.

458

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

459

860.16 1st Aircraft piracy.

460

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).

461

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

462

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

463

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

464

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

465

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

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466

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

467

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

468

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

469

893.135 1st Trafficking in flunitrazepam, 14 grams
(1) (g) 1.b. or more, less than 28 grams.

470

893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.b. acid (GHB), 5 kilograms or more, less
than 10 kilograms.

471

893.135 1st Trafficking in 1,4-Butanediol, 5
(1) (j) 1.b. kilograms or more, less than 10
kilograms.

472

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

473

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

474

895.03(1) 1st Use or invest proceeds derived from

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pattern of racketeering activity.

475

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

476

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

477

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

478

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.

479

480

481 (i) LEVEL 9

482

Florida	Felony	
Statute	Degree	Description

483

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

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484

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

485

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

486

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

487

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

488

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

489

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

490

775.0844 1st Aggravated white collar crime.

491

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

492

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493 782.04(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.

494 782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

495 782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

496 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

497 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

498 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

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

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exhibition.

499

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

500

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

501

787.06(4) 1st Selling or buying of minors into human trafficking.

502

790.161 1st Attempted capital destructive device offense.

503

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

504

794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.

505

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

506

794.011(4) 1st Sexual battery; victim 12 years or older, certain circumstances.

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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.

796.035 1st Selling or buying of minors into
prostitution.

800.04 (5) (b) Life Lewd or lascivious molestation; victim
less than 12 years; offender 18 years
or older.

812.13 (2) (a) 1st,PBL Robbery with firearm or other deadly
weapon.

812.133 (2) (a) 1st,PBL Carjacking; firearm or other deadly
weapon.

812.135 (2) (b) 1st Home-invasion robbery with weapon.

817.535 (3) (b) 1st Filing false lien or other
unauthorized document; second or
subsequent offense; property owner is
a public officer or employee.

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516

817.535 (4) (a) 2. 1st Filing false claim or other
unauthorized document; defendant is
incarcerated or under supervision.

517

817.535 (5) (b) 1st Filing false lien or other
unauthorized document; second or
subsequent offense; owner of the
property incurs financial loss as a
result of the false instrument.

518

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.

519

827.03 (2) (a) 1st Aggravated child abuse.

520

847.0145 (1) 1st Selling, or otherwise transferring
 custody or control, of a minor.

521

847.0145 (2) 1st Purchasing, or otherwise obtaining
 custody or control, of a minor.

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.

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- 893.135 1st Attempted capital trafficking offense.
- 893.135 (1) (a) 3. 1st Trafficking in cannabis, more than 10,000 lbs.
- 893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
- 893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
- 893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.
- 893.135 (1) (e) 1.c. 1st Trafficking in methaqualone, more than 25 kilograms.
- 893.135 (1) (f) 1.c. 1st Trafficking in amphetamine, more than 200 grams.
- 893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
- 893.135 (1) (j) 1.c. 1st Trafficking in 1,4-Butanediol, 10 kilograms or more.
- 893.135 (1) (k) 2.c. 1st Trafficking in Phenethylamines, 400 grams or more.

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532

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

533

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

534

535 Section 4. If any section, subsection, sentence, clause,
536 phrase, or word of this act is for any reason held or declared
537 to be unconstitutional, illegal, invalid, inoperative,
538 ineffective, inapplicable, or void, such invalidity or
539 unconstitutionality shall not affect the portions of this act
540 not so held to be unconstitutional, illegal, invalid,
541 inoperative, ineffective, inapplicable, or void, or affect the
542 application of this act to other circumstances not so held to be
543 invalid, it being the express legislative intent that any such
544 unconstitutional, illegal, invalid, inoperative, ineffective,
545 inapplicable, or void portion or portions of this act did not
546 induce its passage, and that without the inclusion of any such
547 unconstitutional, illegal, invalid, inoperative, ineffective,
548 inapplicable, or void portions of this act, the Legislature
549 would have enacted the valid and constitutional portions
550 thereof.

551

Section 5. This act shall take effect October 1, 2013.