

2013112er

1  
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

2013112er

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

2013112er

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.

2013112er

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.

2013112er

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.

2013112er

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

2013112er

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

2013112er

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



2013112er

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.

2013112er

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

2013112er

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.
296			
	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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.
298			
	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
299			
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
300			
	409.920	3rd	Medicaid provider fraud; \$10,000 or

2013112er

301	(2) (b) 1.a.		less.
	409.920	2nd	Medicaid provider fraud; more than
302	(2) (b) 1.b.		\$10,000, but less than \$50,000.
	456.065 (2)	3rd	Practicing a health care profession
303			without a license.
	456.065 (2)	2nd	Practicing a health care profession
304			without a license which results in
			serious bodily injury.
305	458.327 (1)	3rd	Practicing medicine without a license.
	459.013 (1)	3rd	Practicing osteopathic medicine without
306			a license.
	460.411 (1)	3rd	Practicing chiropractic medicine
307			without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a
308			license.
	462.17	3rd	Practicing naturopathy without a
309			license.
	463.015 (1)	3rd	Practicing optometry without a license.
310			
	464.016 (1)	3rd	Practicing nursing without a license.

2013112er

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			

2013112er

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.

2013112er

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.

2013112er

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).



2013112er

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

2013112er

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;

2013112er

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

2013112er

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

2013112er

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.



2013112er

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

2013112er

402	(1) (k) 2.a.		grams or more, less than 200 grams.
	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.



2013112er

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.

2013112er

417			
418			
419	(h) LEVEL 8		
420			
	Florida	Felony	
	Statute	Degree	Description
421			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
422			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
423			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
424			
	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
425			
	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
426			
	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.
427			
	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or

2013112er

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.

433

2013112er

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.

2013112er

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.

2013112er

450	<u>817.535 (4) (a) 1.</u>	<u>2nd</u>	<u>Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.</u>
451	<u>817.535 (5) (a)</u>	<u>2nd</u>	<u>Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.</u>
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

2013112er

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.

2013112er

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



2013112er

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 Statute	Felony Degree	Description
-----------------	---------------	-------------

483

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

2013112er

484	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
485	409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
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			

2013112er

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

2013112er

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.

2013112er

507 794.011(8)(b) 1st Sexual battery; engage in sexual  
conduct with minor 12 to 18 years by  
person in familial or custodial  
authority.

508 794.08(2) 1st Female genital mutilation; victim  
younger than 18 years of age.

509 796.035 1st Selling or buying of minors into  
prostitution.

510 800.04(5)(b) Life Lewd or lascivious molestation; victim  
less than 12 years; offender 18 years  
or older.

511 812.13(2)(a) 1st,PBL Robbery with firearm or other deadly  
weapon.

512 812.133(2)(a) 1st,PBL Carjacking; firearm or other deadly  
weapon.

513 812.135(2)(b) 1st Home-invasion robbery with weapon.

514 817.535(3)(b) 1st Filing false lien or other  
unauthorized document; second or  
subsequent offense; property owner is  
a public officer or employee.

515

2013112er

516	<u>817.535 (4) (a) 2.</u>	<u>1st</u>	<u>Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.</u>
517	<u>817.535 (5) (b)</u>	<u>1st</u>	<u>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.</u>
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.

2013112er

522	893.135	1st	Attempted capital trafficking offense.
523	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
524	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
525	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
526	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
527	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
528	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
529	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
530	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
531	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.

2013112er

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.