

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Combee offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 817.535, Florida Statutes, is created
8 to read:

9 817.535 Unlawful filing of false documents or records
10 against real or personal property.-

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

12 (a) "File" means to present an instrument for recording in
13 an official record or to cause an instrument to be presented for
14 recording in an official record.

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

18 (c) "Instrument" means any judgment, mortgage, assignment,
19 pledge, lien, financing statement, encumbrance, deed, lease,

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20 bill of sale, agreement, mortgage, notice of claim of lien,
21 notice of levy, promissory note, mortgage note, release, partial
22 release or satisfaction of any of the foregoing, or any other
23 document that relates to or attempts to restrict the ownership,
24 transfer, or encumbrance of or claim against real or personal
25 property, or any interest in real or personal property.

26 (d) "Official record" means the series of instruments,
27 regardless of how they are maintained, which a clerk of the
28 circuit court, or any person or entity designated by general
29 law, special law, or county charter, is required or authorized
30 by law to record. The term also includes a series of instruments
31 pertaining to the Uniform Commercial Code filed with the
32 Secretary of State or with any entity under contract with the
33 Secretary of State to maintain Uniform Commercial Code records
34 and a database of judgment liens maintained by the Secretary of
35 State.

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

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

41 2. An employee of a state, county, municipal, political
42 subdivision, school district, educational institution, or
43 special district agency or entity, including judges, attorneys,
44 law enforcement officers, deputy clerks of court, and marshals.

45 3. A state or federal executive, legislative, or judicial
46 officer, employee, or volunteer authorized to perform actions or

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47 services for any state or federal executive, legislative, or
48 judicial office, or agency.

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

52 5. A person who is a candidate for public office or
53 judicial position.

54 (2) (a) A person who files or directs a filer to file, with
55 the intent to defraud or harass another, any instrument
56 containing a materially false, fictitious, or fraudulent
57 statement or representation that purports to affect an owner's
58 interest in the property described in the instrument commits a
59 felony of the third degree, punishable as provided in s.
60 775.082, s. 775.083, or s. 775.084.

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

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

68 (a) In the case of a felony of the third degree, to a
69 felony of the second degree, punishable as provided in s.
70 775.082, s. 775.083, or s. 775.084.

71 (b) In the case of a felony of the second degree, to a
72 felony of the first degree, punishable as provided in s.
73 775.082, s. 775.083, or s. 775.084.

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74 (4) (a) If a person is convicted of violating subsection
75 (2) and the person committed the offense while incarcerated in a
76 jail or correctional institution or while participating in a
77 pretrial diversion program under any form of pretrial release or
78 bond, on probation or parole, or under any postrelease
79 supervision, the offense shall be reclassified as follows:

80 1. In the case of a felony of the third degree, to a
81 felony of the second degree, punishable as provided in s.
82 775.082, s. 775.083, or s. 775.084.

83 2. In the case of a felony of the second degree, to a
84 felony of the first degree, punishable as provided in s.
85 775.082, s. 775.083, or s. 775.084.

86 (b) If a person's offense has been reclassified pursuant
87 to this subsection, the sentencing court shall issue a written
88 finding that the offense occurred while incarcerated in a jail
89 or correctional institution and direct that a copy of the
90 written finding and judgment of conviction be forwarded to the
91 appropriate state institution or county facility for
92 consideration of disciplinary action and forfeiture of all gain-
93 time or any early release credits accumulated up to the date of
94 the violation.

95 (5) If the person is convicted of violating subsection (2)
96 and the owner of the property covered by the false instrument
97 incurs financial loss as a result of the instrument being
98 recorded in the official record, including costs and attorney
99 fees incurred in correcting, sealing, or removing the false
100 instrument from the official record as described herein, the
101 offense shall be reclassified as follows:

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

112 (7) If a person is convicted of violating this section,
113 the sentencing court shall issue an order declaring the
114 instrument forming the basis of the conviction null and void and
115 may enjoin the person from filing any instrument in an official
116 record absent prior review and approval for filing by a circuit
117 or county court judge. The sentencing court may also order the
118 instrument forming the basis of the conviction sealed from the
119 official record and removed from any applicable electronic
120 database used for recording instruments in the official record.

121 (8) (a) Any person adversely affected by an instrument
122 filed in the official record which contains a materially false,
123 fictitious, or fraudulent statement or representation has a
124 civil cause of action under this section without regard to
125 whether criminal charges are pursued under subsection (2). A
126 notice of lis pendens in accord with s. 48.23 shall be filed
127 which specifically describes the instrument under challenge and
128 the real or personal property affected by the instrument.

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

133 1. The court shall determine whether the entire instrument
134 or certain parts thereof are null and void ab initio. If the
135 court finds the instrument void in its entirety, it may order
136 the instrument sealed from the official record and removed from
137 any electronic database used for indexing or locating
138 instruments in the official record. The court may also,
139 permanently or for a period of time, enjoin the defendant who
140 filed the instrument or who directed the filer to file the
141 instrument from filing or directing a person to file an
142 instrument in the official records without prior review and
143 approval for filing by a circuit or county court judge, provided
144 that as to third parties who may have given value for an
145 interest described or granted by any instrument filed in
146 violation of the injunction, the instrument shall be deemed
147 validly filed and provides constructive notice, notwithstanding
148 any failure to comply with the terms of the injunction.

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

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155 3. The court may grant such other relief or remedy that
156 the court determines is just and proper within its sound
157 judicial discretion.

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

160 (d) The custodian of any official record shall, upon
161 payment of appropriate fees, provide a certified copy of the
162 sealed instrument to the party seeking relief under this section
163 for use in subsequent court proceedings; in addressing or
164 correcting adverse effects upon the person's credit or property
165 rights, or reporting the matter for investigation and
166 prosecution; or in response to a subpoena seeking the instrument
167 for criminal investigative or prosecution purposes.

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

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

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

180 (9) A government agency may provide legal representation
181 to a public officer or employee if the instrument at issue
182 appears to have been filed to defraud or harass the public

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183 officer or employee in his or her official capacity. If the
184 public officer or employee is the prevailing party, the award of
185 reasonable attorney fees shall be paid to the government agency
186 that provided the legal representation.

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

190 Section 2. Section 843.0855, Florida Statutes, is amended
191 to read:

192 843.0855 Criminal actions under color of law or through
193 use of simulated legal process.—

194 (1) As used in this section:

195 (a) The term "legal process" means a document or order
196 issued by a court or filed or recorded with an official court of
197 this state or the United States or with any official
198 governmental entity of this state or the United States for the
199 purpose of exercising jurisdiction or representing a claim
200 against a person or property, or for the purpose of directing a
201 person to appear before a court or tribunal, or to perform or
202 refrain from performing a specified act. "Legal process"
203 includes, but is not limited to, a summons, lien, complaint,
204 warrant, injunction, writ, notice, pleading, subpoena, or order.

205 (b) The term "person" means an individual, public or
206 private group incorporated or otherwise, legitimate or
207 illegitimate legal tribunal or entity, informal organization,
208 official or unofficial agency or body, or any assemblage of
209 individuals.

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

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

215 (2) A ~~Any~~ person who deliberately impersonates or falsely
216 acts as a public officer or employee tribunal, ~~public employee~~
217 ~~or utility employee, including, but not limited to, marshals,~~
218 ~~judges, prosecutors, sheriffs, deputies, court personnel, or any~~
219 ~~law enforcement authority~~ in connection with or relating to any
220 legal process affecting persons and property, or otherwise takes
221 any action under color of law against persons or property,
222 commits a felony of the third degree, punishable as provided in
223 s. 775.082, ~~or~~ s. 775.083, or s. 775.084. It is the intent of
224 the Legislature that this section applies if a person acts as an
225 officer or employee purporting to supersede or override any
226 legislation or statute of this state, or to supersede or
227 override any action of any court of this state.

228 (3) A ~~Any~~ person who simulates legal process, including,
229 but not limited to, actions affecting title to real estate or
230 personal property, indictments, subpoenas, warrants,
231 injunctions, liens, orders, judgments, or any legal documents or
232 proceedings, knowing or having reason to know the contents of
233 any such documents or proceedings or the basis for any action to
234 be fraudulent, commits a felony of the third degree, punishable
235 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

236 (4) A ~~Any~~ person who falsely under color of law attempts
237 in any way to influence, intimidate, harass, retaliate against,

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238 or hinder a public officer or employee involving law enforcement
 239 ~~officer in~~ the discharge of his or her official duties by means
 240 of, but not limited to, threats of or actual physical abuse or
 241 harassment, or through the use of simulated legal process,
 242 commits a felony of the third degree, punishable as provided in
 243 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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

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

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

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

256 921.0022 Criminal Punishment Code; offense severity
 257 ranking chart.—

258 (3) OFFENSE SEVERITY RANKING CHART

259 (g) LEVEL 7

260

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.

261

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- 316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.
- 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.
- 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.
- 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
- 409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or less.
- 409.920(2)(b)1.b. 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.
- 456.065(2) 3rd Practicing a health care profession without a license.

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270	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
271	458.327 (1)	3rd	Practicing medicine without a license.
272	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
273	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
274	461.012 (1)	3rd	Practicing podiatric medicine without a license.
275	462.17	3rd	Practicing naturopathy without a license.
276	463.015 (1)	3rd	Practicing optometry without a license.
277	464.016 (1)	3rd	Practicing nursing without a license.
278	465.015 (2)	3rd	Practicing pharmacy without a license.
279	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
	467.201	3rd	Practicing midwifery without a license.

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280	468.366	3rd	Delivering respiratory care services without a license.
281	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
282	483.901 (9)	3rd	Practicing medical physics without a license.
283	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
284	484.053	3rd	Dispensing hearing aids without a license.
285	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.
286	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.
287	560.125 (5) (a)	3rd	Money services business by unauthorized

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person, currency or payment instruments
exceeding \$300 but less than \$20,000.

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

289

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

290

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

291

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

292

782.051(3) 2nd Attempted felony murder of a person by
a person other than the perpetrator or
the perpetrator of an attempted felony.

293

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

294

782.071 2nd Killing of a human being or viable

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fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

295

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

296

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

297

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

298

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

299

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

300

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

301

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

302

784.074 (1) (a) 1st Aggravated battery on sexually violent

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predators facility staff.

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

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

305

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

306

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

307

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

308

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.

309

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

310

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

311

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312	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
313	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
314	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
315	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
316	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
317	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.
318	796.03	2nd	Procuring any person under 16 years for prostitution.

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

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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.

321

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

322

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

323

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

324

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

325

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

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- 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating

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in an intentional motor vehicle
collision.

335

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

336

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.

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

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

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340

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.

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

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

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|-----|----------------|---------|--|
| 353 | 847.0135(4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 354 | 872.06 | 2nd | Abuse of a dead human body. |
| 355 | 874.10 | 1st,PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. |
| 356 | 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. |
| 357 | 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. |
| | 893.13(4)(a) | 1st | Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), |

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(2) (b), or (2) (c) 4. drugs).

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

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

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

361

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

362

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

363

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

364

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

365

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

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893.135 1st Trafficking in 1,4-Butanediol, 1

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(1) (j) 1.a.

kilogram or more, less than 5 kilograms.

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893.135

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

(1) (k) 2.a.

368

893.1351(2)

2nd

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

369

896.101(5) (a)

3rd

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

370

896.104(4) (a) 1.

3rd

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

371

943.0435(4) (c)

2nd

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

372

943.0435(8)

2nd

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

373

943.0435(9) (a)

3rd

Sexual offender; failure to comply with

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reporting requirements.

374

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

375

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

376

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

377

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

378

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

379

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

380

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

381

985.4815(12) 3rd Failure to report or providing false

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instruments totaling or exceeding
\$20,000, but less than \$100,000 by
money transmitter.

393

560.125 (5) (b)

2nd

Money transmitter business by
unauthorized person, currency or
payment instruments totaling or
exceeding \$20,000, but less than
\$100,000.

394

655.50 (10) (b) 2.

2nd

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

395

777.03 (2) (a)

1st

Accessory after the fact, capital
felony.

396

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.

397

782.051 (2)

1st

Attempted felony murder while

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

398

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

399

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

400

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

401

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

402

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.

403

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

404

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405	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
406	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
407	800.04(4)	2nd	Lewd or lascivious battery.
408	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
409	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
410	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
411	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
412	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
	812.13(2)(b)	1st	Robbery with a weapon.

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- 812.135 (2) (c) 1st Home-invasion robbery, no firearm,
deadly weapon, or other weapon.
- 817.535 (2) (b) 2nd Filing false lien or other unauthorized
document; second or subsequent offense.
- 817.535 (3) (a) 2nd Filing false lien or other unauthorized
document; property owner is a public
officer or employee.
- 817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized
document; defendant is incarcerated or
under supervision.
- 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.
- 817.568 (6) 2nd Fraudulent use of personal
identification information of an
individual under the age of 18.
- 825.102 (2) 1st Aggravated abuse of an elderly person
or disabled adult.
- 825.1025 (2) 2nd Lewd or lascivious battery upon an

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elderly person or disabled adult.

421

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

422

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

423

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

424

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

425

860.16 1st Aircraft piracy.

426

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).

427

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

428

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429	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
430	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
431	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
432	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
433	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
434	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
435	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
436	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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- 893.135 (1) (j) 1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
- 893.135 (1) (k) 2.b. 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
- 893.1351 (3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.
- 895.03 (1) 1st Use or invest proceeds derived from pattern of racketeering activity.
- 895.03 (2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
- 895.03 (3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.
- 896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

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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.

445

446

447 (i) LEVEL 9

448

Florida	Felony	
Statute	Degree	Description

449

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

450

327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
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451

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

452

499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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453

560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
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454

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

455

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

456

775.0844 1st Aggravated white collar crime.

457

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

458

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.

459

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

460

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

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461

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

462

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

463

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

464

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.

465

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

466

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

467

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

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

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

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817.568 (7) 2nd, Fraudulent use of personal
PBL identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

484

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

485

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

486

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

487

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.

488

893.135 1st Attempted capital trafficking offense.

489

893.135 (1) (a) 3. 1st Trafficking in cannabis, more than
10,000 lbs.

490

893.135 1st Trafficking in cocaine, more than 400
(1) (b) 1.c. grams, less than 150 kilograms.

491

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492	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
493	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
494	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
495	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
496	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
497	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
498	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
499	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions

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totaling or exceeding \$100,000.

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Section 4. If any section, subsection, sentence, clause, phrase, or word of this act is for any reason held or declared to be unconstitutional, illegal, invalid, inoperative, ineffective, inapplicable, or void, such invalidity or unconstitutionality shall not affect the portions of this act not so held to be unconstitutional, illegal, invalid, inoperative, ineffective, inapplicable, or void, or affect the application of this act to other circumstances not so held to be invalid, it being the express legislative intent that any such unconstitutional, illegal, invalid, inoperative, ineffective, inapplicable, or void portion or portions of this act did not induce its passage, and that without the inclusion of any such unconstitutional, illegal, invalid, inoperative, ineffective, inapplicable, or void portions of this act, the Legislature would have enacted the valid and constitutional portions thereof.

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

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to filing false documents against real or personal property; creating s. 817.535, F.S.; defining terms; prohibiting a person from filing or causing to be filed, with intent to defraud or harass

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527 another, a document relating to the ownership,
528 transfer, or encumbrance of, or claim against, real or
529 personal property, or any interest in real or personal
530 property; providing criminal penalties; establishing
531 reclassified penalties for persons who commit the
532 specified offenses a second or subsequent time when
533 the person is a convicted offender who commits the
534 specified offenses while incarcerated in a jail or
535 participating in a community correctional program and
536 when the victim of the offense is a public officer or
537 employee or incurs financial losses under certain
538 circumstances; authorizing the court to issue an
539 injunction; authorizing a court to seal specified
540 public or private records under certain circumstances;
541 providing that the subject of the false statements has
542 a civil cause of action against the perpetrator;
543 providing for actual and punitive damages; providing
544 that the prevailing party is entitled to costs and
545 reasonable attorney fees; providing duties of the
546 custodian of the official record; providing
547 applicability; requiring that attorney fees be paid to
548 the government agency that provides legal
549 representation under certain circumstances; amending
550 s. 843.0855, F.S.; revising definitions; defining the
551 term "public officer or employee"; revising criminal
552 penalties for criminal actions under color of law or
553 through use of simulated legal process; providing
554 legislative intent; amending s. 921.0022, F.S.;

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555 | revising provisions of the offense severity ranking
556 | chart of the Criminal Punishment Code to conform to
557 | changes made by the act; providing severability;
558 | providing an effective date.