

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

29 | revising definitions; defining the term "public
 30 | officer or employee"; revising criminal penalties for
 31 | criminal actions under color of law or through use of
 32 | simulated legal process; providing legislative intent;
 33 | amending s. 921.0022, F.S.; revising provisions of the
 34 | offense severity ranking chart of the Criminal
 35 | Punishment Code to conform to changes made by the act;
 36 | providing severability; providing an effective date.

37 |

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

39 |

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

42 | 817.535 Unlawful filing of false documents or records
 43 | against real or personal property.-

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

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

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

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

57 or encumbrance of or claim against real or personal property, or
58 any interest in real or personal property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

166 1. The court shall determine whether the entire instrument
167 or certain parts thereof are null and void ab initio. If the
168 court finds the instrument void in its entirety, it may order

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

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

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

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

193 | (d) The custodian of any official record shall, upon
194 | payment of appropriate fees, provide a certified copy of the
195 | sealed instrument to the party seeking relief under this section
196 | for use in subsequent court proceedings; in addressing or

197 correcting adverse effects upon the person's credit or property
198 rights, or reporting the matter for investigation and
199 prosecution; or in response to a subpoena seeking the instrument
200 for criminal investigative or prosecution purposes.

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

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

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

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

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

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

225 843.0855 Criminal actions under color of law or through
 226 use of simulated legal process.—

227 (1) As used in this section:

228 (a) The term "legal process" means a document or order
 229 issued by a court or filed or recorded with an official court of
 230 this state or the United States or with any official
 231 governmental entity of this state or the United States for the
 232 purpose of exercising jurisdiction or representing a claim
 233 against a person or property, or for the purpose of directing a
 234 person to appear before a court or tribunal, or to perform or
 235 refrain from performing a specified act. "Legal process"
 236 includes, but is not limited to, a summons, lien, complaint,
 237 warrant, injunction, writ, notice, pleading, subpoena, or order.

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

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

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

248 (2) A ~~Any~~ person who deliberately impersonates or falsely
 249 acts as a public officer or employee ~~tribunal, public employee~~
 250 ~~or utility employee, including, but not limited to, marshals,~~
 251 ~~judges, prosecutors, sheriffs, deputies, court personnel, or any~~
 252 ~~law enforcement authority~~ in connection with or relating to any

253 | legal process affecting persons and property, or otherwise takes
 254 | any action under color of law against persons or property,
 255 | commits a felony of the third degree, punishable as provided in
 256 | s. 775.082, ~~or~~ s. 775.083, or s. 775.084. It is the intent of
 257 | the Legislature that this section applies if a person acts as an
 258 | officer or employee purporting to supersede or override any
 259 | legislation or statute of this state, or to supersede or
 260 | override any action of any court of this state.

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

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

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

280 | (b) ~~Nothing in~~ This section does not shall prohibit

281 individuals from assembling freely to express opinions or
 282 designate group affiliation or association.

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

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

289 921.0022 Criminal Punishment Code; offense severity
 290 ranking chart.—

291 (3) OFFENSE SEVERITY RANKING CHART

292 (g) LEVEL 7

293

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

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who is in a patrol vehicle with
siren and lights activated.

297

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

298

402.319 (2) 2nd Misrepresentation and
negligence or intentional act
resulting in great bodily harm,
permanent disfiguration,
permanent disability, or death.

299

409.920 3rd Medicaid provider fraud;
(2) (b) 1.a. \$10,000 or less.

300

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

301

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

302

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

303

458.327 (1) 3rd Practicing medicine without a

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license.

304

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

305

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

306

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

307

462.17 3rd Practicing naturopathy without
a license.

308

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

309

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

310

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

311

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

312

467.201 3rd Practicing midwifery without a
license.

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313	468.366	3rd	Delivering respiratory care services without a license.
314	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
315	483.901 (9)	3rd	Practicing medical physics without a license.
316	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
317	484.053	3rd	Dispensing hearing aids without a license.
318	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.
319	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.

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320	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
321	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
322	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
323	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
324	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
325	782.051 (3)	2nd	Attempted felony murder of a person by a person other than

the perpetrator or the perpetrator of an attempted felony.

326

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

327

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

328

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

329

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

330

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

331

784.045(1)(b) 2nd Aggravated battery; perpetrator

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aware victim pregnant.

332

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

333

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

334

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

335

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

336

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

337

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

338

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

339

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

340

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341	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.
342	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.
343	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
344	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
345	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
346	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon

of mass destruction.

347

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

348

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

349

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.

350

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

351

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

352

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation;

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victim 12 years of age or older
but less than 16 years;
offender 18 years or older.

353

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

354

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

355

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

356

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

357

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

358

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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359	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
360	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
361	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
362	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
363	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
364	812.131 (2) (a)	2nd	Robbery by sudden snatching.
365	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
366	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to

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defraud.

367

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

368

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

369

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

370

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

371

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

372

825.103 (2) (b) 2nd Exploiting an elderly person or disabled adult and property is

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valued at \$20,000 or more, but
less than \$100,000.

373

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

374

827.04 (3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

375

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

376

838.015 2nd Bribery.

377

838.016 2nd Unlawful compensation or reward
for official behavior.

378

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

379

838.22 2nd Bid tampering.

380

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

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381	<u>843.0855(3)</u>	<u>3rd</u>	<u>Unlawful simulation of legal process.</u>
382	<u>843.0855(4)</u>	<u>3rd</u>	<u>Intimidation of a public officer or employee.</u>
383	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
384	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
385	872.06	2nd	Abuse of a dead human body.
386	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
387	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.

388

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.

389

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).

390

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

391

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

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393	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
394	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
395	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
396	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
397	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
398	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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399	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
400	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
401	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
402	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
403	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
404	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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411

943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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412	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
413	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
414	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
415	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
416	(h) LEVEL 8		
417	Florida Statute	Felony Degree	Description
418	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
419	316.1935(4) (b)	1st	Aggravated fleeing or attempted

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cluding with serious bodily
injury or death.

420

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

421

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

422

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

423

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.

424

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.

425

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

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institutions.

426

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

427

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.

428

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

429

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

430

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

431

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432	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
433	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
434	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.
435	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
436	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.

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437	800.04 (4)	2nd	Lewd or lascivious battery.
438	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
439	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
440	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
441	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
442	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
443	812.13 (2) (b)	1st	Robbery with a weapon.
444	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
445			

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446	<u>817.535 (2) (b)</u>	<u>2nd</u>	<u>Filing false lien or other unauthorized document; second or subsequent offense.</u>
447	<u>817.535 (3) (a)</u>	<u>2nd</u>	<u>Filing false lien or other unauthorized document; property owner is a public officer or employee.</u>
448	<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>
449	<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>
450	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.

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451	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
452	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
453	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
454	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
455	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
456	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
457	860.16	1st	Aircraft piracy.
458			

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459	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).
460	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
461	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
462	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
463	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
464	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

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465	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
466	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
467	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
468	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
469	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
470	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
471	893.1351 (3)	1st	Possession of a place used to manufacture controlled

substance when minor is present
or resides there.

472

895.03 (1) 1st Use or invest proceeds derived
from pattern of racketeering
activity.

473

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

474

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

475

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

476

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.

477

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478 (i) LEVEL 9

479

Florida	Felony	Description
Statute	Degree	

480

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

481

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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482

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

483

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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484

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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485

560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
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486

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487	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
488	775.0844	1st	Aggravated white collar crime.
489	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
490	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.
491	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
492	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or

reward or as a shield or
hostage.

493

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

494

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

495

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.

496

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

497

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

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498	787.06(4)	1st	Selling or buying of minors into human trafficking.
499	790.161	1st	Attempted capital destructive device offense.
500	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
501	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
502	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
503	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
504	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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505	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
506	796.035	1st	Selling or buying of minors into prostitution.
507	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
508	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
509	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
510	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
511	<u>817.535 (3) (b)</u>	<u>1st</u>	<u>Filing false lien or other</u> <u>unauthorized document; second</u> <u>or subsequent offense; property</u> <u>owner is a public officer or</u> <u>employee.</u>
512	<u>817.535 (4) (a) 2.</u>	<u>1st</u>	<u>Filing false claim or other</u>

unauthorized document;
defendant is incarcerated or
under supervision.

513

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.

514

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.

515

827.03 (2) (a)

1st

Aggravated child abuse.

516

847.0145 (1)

1st

Selling, or otherwise
transferring custody or
control, of a minor.

517

847.0145 (2)

1st

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

518

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519	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.
520	893.135	1st	Attempted capital trafficking offense.
521	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
522	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
523	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
524	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
525	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

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- 526 893.135 1st Trafficking in amphetamine,
(1) (f) 1.c. more than 200 grams.
- 527 893.135 1st Trafficking in gamma-
(1) (h) 1.c. hydroxybutyric acid (GHB), 10
kilograms or more.
- 528 893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.c. 10 kilograms or more.
- 529 893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.c. 400 grams or more.
- 530 896.101 (5) (c) 1st Money laundering, financial
instruments totaling or
exceeding \$100,000.
- 531 896.104 (4) (a) 3. 1st Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$100,000.

532 Section 4. If any section, subsection, sentence, clause,
 533 phrase, or word of this act is for any reason held or declared
 534 to be unconstitutional, illegal, invalid, inoperative,
 535 ineffective, inapplicable, or void, such invalidity or
 536 unconstitutionality shall not affect the portions of this act

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537 not so held to be unconstitutional, illegal, invalid,
538 inoperative, ineffective, inapplicable, or void, or affect the
539 application of this act to other circumstances not so held to be
540 invalid, it being the express legislative intent that any such
541 unconstitutional, illegal, invalid, inoperative, ineffective,
542 inapplicable, or void portion or portions of this act did not
543 induce its passage, and that without the inclusion of any such
544 unconstitutional, illegal, invalid, inoperative, ineffective,
545 inapplicable, or void portions of this act, the Legislature
546 would have enacted the valid and constitutional portions
547 thereof.

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