

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

29 | s. 843.0855, F.S.; revising definitions; defining the
 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
 42 | to 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
 50 | for recording in an official record, or causes an instrument to
 51 | be 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, encumbrance of, or claim against real or personal
 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 state or federal
 73 | office, including any person serving on an advisory body, board,
 74 | 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.

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
109 (2) 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
115 felony of the second degree, punishable as provided in s.
116 775.082, s. 775.083, or s. 775.084.

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
121 to 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 property covered by the false instrument incurs
131 financial loss as a result of the instrument being recorded in
132 the official record, including costs and attorney fees incurred
133 in correcting, sealing, or removing the false instrument from
134 the official record as described herein, the offense shall be
135 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.

146 (7) If a person is convicted of violating this section,
147 the sentencing court shall issue an order declaring the
148 instrument forming the basis of the conviction null and void and
149 may enjoin the person from filing any instrument in an official
150 record absent prior review and approval for filing by a circuit
151 or 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
156 filed 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
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
184 court or jury shall award actual damages and punitive damages,
185 subject to the criteria in s. 768.72, to the person adversely
186 affected by the instrument. The court may also levy a civil
187 penalty of \$2,500 for each instrument determined to be in
188 violation of subsection (2).

189 3. The court may grant such other relief or remedy that
190 the court determines is just and proper within its sound
191 judicial 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
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
207 where the instrument is recorded shall record any court order
208 finding that the instrument is null and void in its entirety or
209 in 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
215 to a public officer or employee if the instrument at issue
216 appears to have been filed to defraud or harass the public
217 officer or employee in their official capacity. If the public
218 officer or employee is the prevailing party, the award of
219 reasonable attorney fees shall be paid to the government agency
220 that 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
 227 use 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
 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.

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
271 in any way to influence, intimidate, harass, retaliate against,
272 or 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
279 unlawful any act of any law enforcement officer or legal
280 tribunal which 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
 291 ranking chart.—

292 (3) OFFENSE SEVERITY RANKING CHART

293 (g) LEVEL 7

294

| 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 |

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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 disfiguration,
 permanent disability, or death.

300 409.920 3rd Medicaid provider fraud;
 (2) (b) 1.a. \$10,000 or less.

301 409.920 2nd Medicaid provider fraud; more
 (2) (b) 1.b. than \$10,000, but less than
 \$50,000.

302 456.065 (2) 3rd Practicing a health care
 profession without a license.

303 456.065 (2) 2nd Practicing a health care
 profession without a license
 which results in serious bodily
 injury.

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| 305 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 306 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 307 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 308 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |
| 309 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 310 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 311 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 312 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 313 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| | 467.201 | 3rd | Practicing midwifery without a |

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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

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a

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money services business.

321

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

322

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

323

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

324

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

325

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

326

782.051 (3) 2nd Attempted felony murder of a

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person by a person other than
the perpetrator or the
perpetrator of an attempted
felony.

327 782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

328 782.071 2nd Killing of a human being or
viable fetus by the operation
of a motor vehicle in a
reckless manner (vehicular
homicide).

329 782.072 2nd Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

330 784.045(1)(a)1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

331 784.045(1)(a)2. 2nd Aggravated battery; using
deadly weapon.

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

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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. |
| 347 | 790.166(3) | 2nd | Possessing, selling, using, or |

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attempting to use a hoax weapon
of mass destruction.

348

790.166(4)

2nd

Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

349

790.23

1st, PBL

Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

350

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.

351

796.03

2nd

Procuring any person under 16
years for prostitution.

352

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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|-----|--------------------|-----|---|
| 354 | 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. |
| 355 | 806.01 (2) | 2nd | Maliciously damage structure by fire or explosive. |
| 356 | 810.02 (3) (a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 357 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 358 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 359 | 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; 1st degree |

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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

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accident victims with intent to defraud.

368

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

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

825.103 (2) (b) 2nd Exploiting an elderly person or

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disabled adult and property is
valued at \$20,000 or more, but
less than \$100,000.

374

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

375

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

376

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

377

838.015 2nd Bribery.

378

838.016 2nd Unlawful compensation or reward
for official behavior.

379

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

380

838.22 2nd Bid tampering.

381

843.0855(2) 3rd Impersonation of public officer

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or employee.

382

843.0855 (3)

3rd

Unlawful simulation of legal process.

383

843.0855 (4)

3rd

Intimidation of public officer or employee.

384

847.0135 (3)

3rd

Solicitation of a child, via a computer service, to commit an unlawful sex act.

385

847.0135 (4)

2nd

Traveling to meet a minor to commit an unlawful sex act.

386

872.06

2nd

Abuse of a dead human body.

387

874.10

1st, PBL

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

388

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.

389

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.

390

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).

391

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

392

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. |
| 399 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 |

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kilograms.

400

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

401

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

402

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

403

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

404

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

405

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

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with reporting requirements.

406

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

407

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

408

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

409

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

410

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

411

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

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

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

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

(h) LEVEL 8

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

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

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| | | | |
|-----|--------------------|-----|---|
| 421 | 316.1935 (4) (b) | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death. |
| 422 | 327.35 (3) (c) 3. | 2nd | Vessel BUI manslaughter. |
| 423 | 499.0051 (7) | 1st | Knowing trafficking in contraband prescription drugs. |
| 424 | 499.0051 (8) | 1st | Knowing forgery of prescription labels or prescription drug labels. |
| 425 | 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. |
| 426 | 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. |
| | 655.50 (10) (b) 2. | 2nd | Failure to report financial transactions totaling or exceeding \$20,000, but less |

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than \$100,000 by financial institutions.

427

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

428

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.

429

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

430

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

431

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

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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.

437

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

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state.

438

800.04 (4) 2nd Lewd or lascivious battery.

439

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

440

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

441

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

442

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

443

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

444

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

445

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

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446

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

447

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

448

449

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

450

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

451

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

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18.

452

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

453

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

454

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

455

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

456

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

457

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

458

860.16 1st Aircraft piracy.

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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. |
| 465 | 893.135 (1)(d)1.b. | 1st | Trafficking in phencyclidine, more than 200 grams, less than |

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400 grams.

466

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

467

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

468

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

469

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

470

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

471

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

472

893.1351 (3) 1st Possession of a place used to

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manufacture controlled
 substance when minor is present
 or resides there.

473

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

474

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

475

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

476

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

477

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.

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(i) LEVEL 9

| Florida Statute | Felony Degree | Description |
|----------------------|---------------|--|
| 316.193 (3) (c) 3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 327.35 (3) (c) 3.b. | 1st | BUI manslaughter; failing to render aid or give information. |
| 409.920 (2) (b) 1.c. | 1st | Medicaid provider fraud; \$50,000 or more. |
| 499.0051 (9) | 1st | Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm. |
| 560.123 (8) (b) 3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 560.125 (5) (c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |

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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. |
| 493 | | | |

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| 494 | 787.01(1)(a)1. | 1st, PBL | Kidnapping; hold for ransom or reward or as a shield or hostage. |
| 495 | 787.01(1)(a)2. | 1st, PBL | Kidnapping with intent to commit or facilitate commission of any felony. |
| 496 | 787.01(1)(a)4. | 1st, PBL | Kidnapping with intent to interfere with performance of any governmental or political function. |
| 497 | 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. |
| 498 | 787.06(3)(d) | 1st | Human trafficking using coercion for commercial sexual activity of an unauthorized alien. |
| 499 | 787.06(3)(g) | 1st, PBL | Human trafficking for commercial sexual activity of a |

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child under the age of 18.

499

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

500

790.161 1st Attempted capital destructive device offense.

501

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

502

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

503

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

504

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

505

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

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or custodial authority.

506

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

507

796.035 1st Selling or buying of minors
into prostitution.

508

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

509

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

510

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

511

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

512

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

513

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|-----|---------------------------|-------------|--|
| 514 | <u>817.535 (4) (a) 2.</u> | <u>1st</u> | <u>Filing false lien or other unauthorized document; second or subsequent offense; defendant is incarcerated or under supervision.</u> |
| 515 | <u>817.535 (5) (b)</u> | <u>1st</u> | <u>Filing false lien or other unauthorized document; second or subsequent offense; owner of property incurs financial loss as a result of the false instrument.</u> |
| 516 | 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. |
| 517 | 827.03 (2) (a) | 1st | Aggravated child abuse. |
| 518 | 847.0145 (1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| | 847.0145 (2) | 1st | Purchasing, or otherwise obtaining custody or control, |

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of a minor.

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

523

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

524

893.135 1st Trafficking in phencyclidine,
(1) (d) 1.c. more than 400 grams.

525

893.135 1st Trafficking in methaqualone,

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526 (1) (e) 1.c. more than 25 kilograms.

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

533 Section 4. If any section, subsection, sentence, clause,
 534 phrase, or word of this act is for any reason held or declared
 535 to be unconstitutional, illegal, invalid, inoperative,

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

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