

Bill No. CS for SB 2030

Amendment No. \_\_\_\_ Barcode 521048

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Villalobos and Smith moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	On page 2, lines 12, through		
15	page 30, line 21, delete those lines		
16			
17	and insert:		
18	Section 2. Section 838.014, Florida Statutes, is		
19	amended to read:		
20	838.014 Definitions.-- <del>As used in</del> <del>For the purposes of</del>		
21	this chapter, <u>the term</u> <del>unless a different meaning plainly is</del>		
22	<del>required:</del>		
23	(1) "Benefit" means gain or advantage, or anything		
24	regarded by the person to be benefited as a gain or advantage,		
25	including the doing of an act beneficial to any person in		
26	whose welfare he or she is interested, <u>including any</u>		
27	<u>commission, gift, gratuity, property, commercial interest, or</u>		
28	<u>any other thing of economic value not authorized by law.</u>		
29	<u>(2) "Bid" includes a response to an "invitation to</u>		
30	<u>bid," "invitation to negotiate," "request for a quote," or</u>		
31	<u>"request for proposals" as those terms are defined in s.</u>		

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1 287.012.

2       (3) "Commodity" means any goods, merchandise, wares,  
3 produce, chose in action, land, article of commerce, or other  
4 tangible or intangible property, real, personal, or mixed, for  
5 use, consumption, production, enjoyment, or resale.

6       (4) "Corruptly" or "with corrupt intent" means acting  
7 knowingly and dishonestly for a wrongful purpose.

8       (5) "Harm" means pecuniary or other loss,  
9 disadvantage, or injury to the person affected.

10       (6) "Public servant" means:

11       (a) Any officer or employee of a state, county,  
12 municipal, or special district agency or entity;

13       (b) Any legislative or judicial officer or employee;

14       (c) Any person, except a witness, who acts as a  
15 master, receiver, auditor, arbitrator, umpire, referee,  
16 consultant, or hearing officer while performing a governmental  
17 function; or

18       (d) A candidate for election or appointment to any of  
19 the positions listed in this subsection, or an individual who  
20 has been elected to, but has yet to officially assume the  
21 responsibilities of, public office.

22       (7) "Service" means any kind of activity performed in  
23 whole or in part for economic benefit.

24       ~~(2) "Pecuniary benefit" is benefit in the form of any~~  
25 ~~commission, gift, gratuity, property, commercial interest, or~~  
26 ~~any other thing of economic value.~~

27       ~~(3) "Harm" means loss, disadvantage, or injury to the~~  
28 ~~person affected, including loss, disadvantage, or injury to~~  
29 ~~any other person in whose welfare he or she is interested.~~

30       ~~(4) "Public servant" means any public officer, agent,~~  
31 ~~or employee of government, whether elected or appointed,~~

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1 ~~including, but not limited to, any executive, legislative, or~~  
2 ~~judicial officer; any person who holds an office or position~~  
3 ~~in a political party or political party committee, whether~~  
4 ~~elected or appointed; and any person participating as a~~  
5 ~~special master, receiver, auditor, juror, arbitrator, umpire,~~  
6 ~~referee, consultant, administrative law judge, hearing~~  
7 ~~officer, or hearing examiner, or person acting on behalf of~~  
8 ~~any of these, in performing a governmental function; but the~~  
9 ~~term does not include witnesses. Such term shall include a~~  
10 ~~candidate for election or appointment to any such office,~~  
11 ~~including any individual who seeks or intends to occupy any~~  
12 ~~such office. It shall include any person appointed to any of~~  
13 ~~the foregoing offices or employments before and after he or~~  
14 ~~she qualifies.~~

15       ~~(5) "Government" includes the state government and any~~  
16 ~~city or county government or any branch, political~~  
17 ~~subdivision, or agency of the state, county, or city~~  
18 ~~government.~~

19       ~~(6) "Corruptly" means done with a wrongful intent and~~  
20 ~~for the purpose of obtaining or compensating or receiving~~  
21 ~~compensation for any benefit resulting from some act or~~  
22 ~~omission of a public servant which is inconsistent with the~~  
23 ~~proper performance of his or her public duties.~~

24       Section 3. Subsections (1) and (3) of section 838.015,  
25 Florida Statutes, are amended to read:

26       838.015 Bribery.--

27       (1) "Bribery" means corruptly to give, offer, or  
28 promise to any public servant, or, if a public servant,  
29 corruptly to request, solicit, accept, or agree to accept for  
30 himself or herself or another, any pecuniary or other benefit  
31 not authorized by law with an intent or purpose to influence

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1 the performance of any act or omission which the person  
2 believes to be, or the public servant represents as being,  
3 within the official discretion of a public servant, in  
4 violation of a public duty, or in performance of a public  
5 duty.

6 (3) Any person who commits bribery ~~commits is guilty~~  
7 ~~of~~ a felony of the second ~~third~~ degree, punishable as provided  
8 in s. 775.082, s. 775.083, or s. 775.084.

9 Section 4. Subsection (4) of section 838.016, Florida  
10 Statutes, is amended to read:

11 838.016 Unlawful compensation or reward for official  
12 behavior.--

13 (4) Whoever violates the provisions of this section  
14 ~~commits shall be guilty of~~ a felony of the second ~~third~~  
15 degree, punishable as provided in s. 775.082, s. 775.083, or  
16 s. 775.084.

17 Section 5. Sections 838.022, 838.21, and 838.22,  
18 Florida Statutes, are created to read:

19 838.022 Official misconduct.--

20 (1) It is unlawful for a public servant, with corrupt  
21 intent to obtain a benefit for any person or to cause harm to  
22 another, to:

23 (a) Falsify, or cause another person to falsify, any  
24 official record or official document;

25 (b) Conceal, cover up, destroy, mutilate, or alter any  
26 official record or official document or cause another person  
27 to perform such an act; or

28 (c) Obstruct, delay, or prevent the communication of  
29 information relating to the commission of a felony that  
30 directly involves or affects the public agency or public  
31 entity served by the public servant.

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1       (2) For the purposes of this section:

2       (a) The term "public servant" does not include a  
3 candidate who does not otherwise qualify as a public servant.

4       (b) An official record or official document includes  
5 only public records.

6       (3) Any person who violates this section commits a  
7 felony of the third degree, punishable as provided in s.  
8 775.082, s. 775.083, or s. 775.084.

9           838.21 Disclosure or use of confidential criminal  
10 justice information.--It is unlawful for a public servant,  
11 with intent to obstruct, impede, or prevent a criminal  
12 investigation or a criminal prosecution, to disclose active  
13 criminal investigative or intelligence information as defined  
14 in chapter 119 or to disclose or use information regarding  
15 either the efforts to secure or the issuance of a warrant,  
16 subpoena, or other court process or court order relating to a  
17 criminal investigation or criminal prosecution when such  
18 information is not available to the general public and is  
19 gained by reason of the public servant's official position.  
20 Any person who violates this section commits a felony of the  
21 third degree, punishable as provided in s. 775.082, s.  
22 775.083, or s. 775.084.

23           838.22 Bid tampering.--

24       (1) It is unlawful for a public servant, with corrupt  
25 intent to influence or attempt to influence the competitive  
26 bidding process undertaken by any state, county, municipal, or  
27 special district agency, or any other public entity, for the  
28 procurement of commodities or services, to:

29       (a) Disclose material information concerning a bid or  
30 other aspects of the competitive bidding process when such  
31 information is not publicly disclosed.

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1        (b) Alter or amend a submitted bid, documents or other  
2 materials supporting a submitted bid, or bid results for the  
3 purpose of intentionally providing a competitive advantage to  
4 any person who submits a bid.

5        (2) It is unlawful for a public servant, with corrupt  
6 intent to obtain a benefit for any person or to cause unlawful  
7 harm to another, to circumvent a competitive bidding process  
8 required by law or rule by using a sole-source contract for  
9 commodities or services.

10       (3) It is unlawful for any person to knowingly agree,  
11 conspire, combine, or confederate, directly or indirectly,  
12 with a public servant to violate subsection (1) or subsection  
13 (2).

14       (4) It is unlawful for any person to knowingly enter  
15 into a contract for commodities or services which was secured  
16 by a public servant acting in violation of subsection (1) or  
17 subsection (2).

18       (5) Any person who violates this section commits a  
19 felony of the second degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084.

21       Section 6. Paragraphs (a), (d), and (g) of subsection  
22 (3) of section 921.0022, Florida Statutes, are amended to  
23 read:

24       921.0022 Criminal Punishment Code; offense severity  
25 ranking chart.--

26       (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	
		(a) LEVEL 1
24.118(3)(a)	3rd	(a) Counterfeit or altered state lottery ticket.

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1	212.054(2)(b)	3rd	Discretionary sales surtax;
2			limitations, administration, and
3			collection.
4	212.15(2)(b)	3rd	Failure to remit sales taxes,
5			amount greater than \$300 but less
6			than \$20,000.
7	319.30(5)	3rd	Sell, exchange, give away
8			certificate of title or
9			identification number plate.
10	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
11			odometer.
12	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
13			registration license plates or
14			validation stickers.
15	322.212(1)(a)-(c)	3rd	Possession of forged, stolen,
16			counterfeit, or unlawfully issued
17			driver's license; possession of
18			simulated identification.
19	322.212(4)	3rd	Supply or aid in supplying
20			unauthorized driver's license or
21			identification card.
22	322.212(5)(a)	3rd	False application for driver's
23			license or identification card.
24	370.13(3)(a)	3rd	Molest any stone crab trap, line,
25			or buoy which is property of
26			licenseholder.
27	370.135(1)	3rd	Molest any blue crab trap, line, or
28			buoy which is property of
29			licenseholder.
30	372.663(1)	3rd	Poach any alligator or crocodilia.
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1	414.39(2)	3rd	Unauthorized use, possession,
2			forgery, or alteration of food
3			stamps, Medicaid ID, value greater
4			than \$200.
5	414.39(3)(a)	3rd	Fraudulent misappropriation of
6			public assistance funds by
7			employee/official, value more than
8			\$200.
9	443.071(1)	3rd	False statement or representation
10			to obtain or increase unemployment
11			compensation benefits.
12	509.151(1)	3rd	Defraud an innkeeper, food or
13			lodging value greater than \$300.
14	517.302(1)	3rd	Violation of the Florida Securities
15			and Investor Protection Act.
16	562.27(1)	3rd	Possess still or still apparatus.
17	713.69	3rd	Tenant removes property upon which
18			lien has accrued, value more than
19			\$50.
20	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft
21			of any property not specified in
22			subsection (2).
23	812.081(2)	3rd	Unlawfully makes or causes to be
24			made a reproduction of a trade
25			secret.
26	815.04(4)(a)	3rd	Offense against intellectual
27			property (i.e., computer programs,
28			data).
29	817.52(2)	3rd	Hiring with intent to defraud,
30			motor vehicle services.
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1	817.569(2)	3rd	Use of public record or public
2			records information to facilitate
3			commission of a felony.
4	826.01	3rd	Bigamy.
5	828.122(3)	3rd	Fighting or baiting animals.
6	831.04(1)	3rd	Any erasure, alteration, etc., of
7			any replacement deed, map, plat, or
8			other document listed in s. 92.28.
9	831.31(1)(a)	3rd	Sell, deliver, or possess
10			counterfeit controlled substances,
11			all but s. 893.03(5) drugs.
12	832.041(1)	3rd	Stopping payment with intent to
13			defraud \$150 or more.
14	832.05(2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless
15			checks \$150 or more or obtaining
16			property in return for worthless
17			check \$150 or more.
18	<del>838.015(3)</del>	<del>3rd</del>	<del>Bribery.</del>
19	<del>838.016(1)</del>	<del>3rd</del>	<del>Public servant receiving unlawful</del>
20			<del>compensation.</del>
21	838.15(2)	3rd	Commercial bribe receiving.
22	838.16	3rd	Commercial bribery.
23	843.18	3rd	Fleeing by boat to elude a law
24			enforcement officer.
25	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
26			lewd, etc., material (2nd
27			conviction).
28	849.01	3rd	Keeping gambling house.
29	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or
30			assist therein, conduct or
31			advertise drawing for prizes, or

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1			dispose of property or money by
2			means of lottery.
3	849.23	3rd	Gambling-related machines; "common
4			offender" as to property rights.
5	849.25(2)	3rd	Engaging in bookmaking.
6	860.08	3rd	Interfere with a railroad signal.
7	860.13(1)(a)	3rd	Operate aircraft while under the
8			influence.
9	893.13(2)(a)2.	3rd	Purchase of cannabis.
10	893.13(6)(a)	3rd	Possession of cannabis (more than
11			20 grams).
12	934.03(1)(a)	3rd	Intercepts, or procures any other
13			person to intercept, any wire or
14			oral communication.
15			(d) LEVEL 4
16	316.1935(3)	2nd	Driving at high speed or with
17			wanton disregard for safety while
18			fleeing or attempting to elude law
19			enforcement officer who is in a
20			marked patrol vehicle with siren
21			and lights activated.
22	784.07(2)(b)	3rd	Battery of law enforcement officer,
23			firefighter, intake officer, etc.
24	784.074(1)(c)	3rd	Battery of sexually violent
25			predators facility staff.
26	784.075	3rd	Battery on detention or commitment
27			facility staff.
28	784.078	3rd	Battery of facility employee by
29			throwing, tossing, or expelling
30			certain fluids or materials.
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1	784.08(2)(c)	3rd	Battery on a person 65 years of age
2			or older.
3	784.081(3)	3rd	Battery on specified official or
4			employee.
5	784.082(3)	3rd	Battery by detained person on
6			visitor or other detainee.
7	784.083(3)	3rd	Battery on code inspector.
8	784.085	3rd	Battery of child by throwing,
9			tossing, projecting, or expelling
10			certain fluids or materials.
11	787.03(1)	3rd	Interference with custody; wrongly
12			takes child from appointed
13			guardian.
14	787.04(2)	3rd	Take, entice, or remove child
15			beyond state limits with criminal
16			intent pending custody proceedings.
17	787.04(3)	3rd	Carrying child beyond state lines
18			with criminal intent to avoid
19			producing child at custody hearing
20			or delivering to designated person.
21	790.115(1)	3rd	Exhibiting firearm or weapon within
22			1,000 feet of a school.
23	790.115(2)(b)	3rd	Possessing electric weapon or
24			device, destructive device, or
25			other weapon on school property.
26	790.115(2)(c)	3rd	Possessing firearm on school
27			property.
28	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
29			offender less than 18 years.
30	810.02(4)(a)	3rd	Burglary, or attempted burglary, of
31			an unoccupied structure; unarmed;

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1			no assault or battery.
2	810.02(4)(b)	3rd	Burglary, or attempted burglary, of
3			an unoccupied conveyance; unarmed;
4			no assault or battery.
5	810.06	3rd	Burglary; possession of tools.
6	810.08(2)(c)	3rd	Trespass on property, armed with
7			firearm or dangerous weapon.
8	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or
9			more but less than \$20,000.
10	812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
11			firearm, motor vehicle, livestock,
12			etc.
13	812.0195(2)	3rd	Dealing in stolen property by use
14			of the Internet; property stolen
15			\$300 or more.
16	817.563(1)	3rd	Sell or deliver substance other
17			than controlled substance agreed
18			upon, excluding s. 893.03(5) drugs.
19	817.568(2)(a)	3rd	Fraudulent use of personal
20			identification information.
21	817.625(2)(a)	3rd	Fraudulent use of scanning device
22			or reencoder.
23	828.125(1)	2nd	Kill, maim, or cause great bodily
24			harm or permanent breeding
25			disability to any registered horse
26			or cattle.
27	837.02(1)	3rd	Perjury in official proceedings.
28	837.021(1)	3rd	Make contradictory statements in
29			official proceedings.
30	<u>838.022</u>	<u>3rd</u>	<u>Official misconduct.</u>
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1	839.13(2)(a)	3rd	Falsifying records of an individual
2			in the care and custody of a state
3			agency.
4	839.13(2)(c)	3rd	Falsifying records of the
5			Department of Children and Family
6			Services.
7	843.021	3rd	Possession of a concealed handcuff
8			key by a person in custody.
9	843.025	3rd	Deprive law enforcement,
10			correctional, or correctional
11			probation officer of means of
12			protection or communication.
13	843.15(1)(a)	3rd	Failure to appear while on bail for
14			felony (bond estreature or bond
15			jumping).
16	874.05(1)	3rd	Encouraging or recruiting another
17			to join a criminal street gang.
18	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
19			893.03(1)(a), (b), or (d), (2)(a),
20			(2)(b), or (2)(c)4. drugs).
21	914.14(2)	3rd	Witnesses accepting bribes.
22	914.22(1)	3rd	Force, threaten, etc., witness,
23			victim, or informant.
24	914.23(2)	3rd	Retaliation against a witness,
25			victim, or informant, no bodily
26			injury.
27	918.12	3rd	Tampering with jurors.
28	934.215	3rd	Use of two-way communications
29			device to facilitate commission of
30			a crime.
31			(g) LEVEL 7

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1	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
2			injury.
3	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
4			bodily injury.
5	402.319(2)	2nd	Misrepresentation and negligence or
6			intentional act resulting in great
7			bodily harm, permanent
8			disfiguration, permanent
9			disability, or death.
10	409.920(2)	3rd	Medicaid provider fraud.
11	456.065(2)	3rd	Practicing a health care profession
12			without a license.
13	456.065(2)	2nd	Practicing a health care profession
14			without a license which results in
15			serious bodily injury.
16	458.327(1)	3rd	Practicing medicine without a
17			license.
18	459.013(1)	3rd	Practicing osteopathic medicine
19			without a license.
20	460.411(1)	3rd	Practicing chiropractic medicine
21			without a license.
22	461.012(1)	3rd	Practicing podiatric medicine
23			without a license.
24	462.17	3rd	Practicing naturopathy without a
25			license.
26	463.015(1)	3rd	Practicing optometry without a
27			license.
28	464.016(1)	3rd	Practicing nursing without a
29			license.
30	465.015(2)	3rd	Practicing pharmacy without a
31			license.

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1	466.026(1)	3rd	Practicing dentistry or dental
2			hygiene without a license.
3	467.201	3rd	Practicing midwifery without a
4			license.
5	468.366	3rd	Delivering respiratory care
6			services without a license.
7	483.828(1)	3rd	Practicing as clinical laboratory
8			personnel without a license.
9	483.901(9)	3rd	Practicing medical physics without
10			a license.
11	484.013(1)(c)	3rd	Preparing or dispensing optical
12			devices without a prescription.
13	484.053	3rd	Dispensing hearing aids without a
14			license.
15	494.0018(2)	1st	Conviction of any violation of ss.
16			494.001-494.0077 in which the total
17			money and property unlawfully
18			obtained exceeded \$50,000 and there
19			were five or more victims.
20	560.123(8)(b)1.	3rd	Failure to report currency or
21			payment instruments exceeding \$300
22			but less than \$20,000 by money
23			transmitter.
24	560.125(5)(a)	3rd	Money transmitter business by
25			unauthorized person, currency or
26			payment instruments exceeding \$300
27			but less than \$20,000.
28	655.50(10)(b)1.	3rd	Failure to report financial
29			transactions exceeding \$300 but
30			less than \$20,000 by financial
31			institution.

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1	782.051(3)	2nd	Attempted felony murder of a person
2			by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	2nd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	2nd	Killing of a human being by the
14			operation of a vessel in a reckless
15			manner (vessel homicide).
16	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
17			causing great bodily harm or
18			disfigurement.
19	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
20			weapon.
21	784.045(1)(b)	2nd	Aggravated battery; perpetrator
22			aware victim pregnant.
23	784.048(4)	3rd	Aggravated stalking; violation of
24			injunction or court order.
25	784.07(2)(d)	1st	Aggravated battery on law
26			enforcement officer.
27	784.074(1)(a)	1st	Aggravated battery on sexually
28			violent predators facility staff.
29	784.08(2)(a)	1st	Aggravated battery on a person 65
30			years of age or older.
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1	784.081(1)	1st	Aggravated battery on specified
2			official or employee.
3	784.082(1)	1st	Aggravated battery by detained
4			person on visitor or other
5			detainee.
6	784.083(1)	1st	Aggravated battery on code
7			inspector.
8	790.07(4)	1st	Specified weapons violation
9			subsequent to previous conviction
10			of s. 790.07(1) or (2).
11	790.16(1)	1st	Discharge of a machine gun under
12			specified circumstances.
13	790.165(2)	2nd	Manufacture, sell, possess, or
14			deliver hoax bomb.
15	790.165(3)	2nd	Possessing, displaying, or
16			threatening to use any hoax bomb
17			while committing or attempting to
18			commit a felony.
19	790.166(3)	2nd	Possessing, selling, using, or
20			attempting to use a hoax weapon of
21			mass destruction.
22	790.166(4)	2nd	Possessing, displaying, or
23			threatening to use a hoax weapon of
24			mass destruction while committing
25			or attempting to commit a felony.
26	796.03	2nd	Procuring any person under 16 years
27			for prostitution.
28	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
29			victim less than 12 years of age;
30			offender less than 18 years.
31			

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1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older but
3			less than 16 years; offender 18
4			years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a)	1st	Property stolen, valued at \$100,000
14			or more; cargo stolen valued at
15			\$50,000 or more; property stolen
16			while causing other property
17			damage; 1st degree grand theft.
18	812.014(2)(b)3.	2nd	Property stolen, emergency medical
19			equipment; 2nd degree grand theft.
20	812.0145(2)(a)	1st	Theft from person 65 years of age
21			or older; \$50,000 or more.
22	812.019(2)	1st	Stolen property; initiates,
23			organizes, plans, etc., the theft
24			of property and traffics in stolen
25			property.
26	812.131(2)(a)	2nd	Robbery by sudden snatching.
27	812.133(2)(b)	1st	Carjacking; no firearm, deadly
28			weapon, or other weapon.
29	817.234(11)(c)	1st	Insurance fraud; property value
30			\$100,000 or more.
31			

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1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great bodily
3			harm, disability, or disfigurement.
4	825.103(2)(b)	2nd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$20,000 or more, but less
7			than \$100,000.
8	827.03(3)(b)	2nd	Neglect of a child causing great
9			bodily harm, disability, or
10			disfigurement.
11	827.04(3)	3rd	Impregnation of a child under 16
12			years of age by person 21 years of
13			age or older.
14	837.05(2)	3rd	Giving false information about
15			alleged capital felony to a law
16			enforcement officer.
17	<u>838.015</u>	<u>2nd</u>	<u>Bribery.</u>
18	<u>838.016</u>	<u>2nd</u>	<u>Unlawful compensation or reward for</u>
19			<u>official behavior.</u>
20	<u>838.021(3)(a)</u>	<u>2nd</u>	<u>Unlawful harm to a public servant.</u>
21	<u>838.22</u>	<u>2nd</u>	<u>Bid tampering.</u>
22	872.06	2nd	Abuse of a dead human body.
23	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
24			cocaine (or other drug prohibited
25			under s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), (2)(b), or
27			(2)(c)4.) within 1,000 feet of a
28			child care facility or school.
29	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
30			cocaine or other drug prohibited
31			under s. 893.03(1)(a), (1)(b),

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1			(1)(d), (2)(a), (2)(b), or
2			(2)(c)4., within 1,000 feet of
3			property used for religious
4			services or a specified business
5			site.
6	893.13(4)(a)	1st	Deliver to minor cocaine (or other
7			s. 893.03(1)(a), (1)(b), (1)(d),
8			(2)(a), (2)(b), or (2)(c)4. drugs).
9	893.135(1)(a)1.	1st	Trafficking in cannabis, more than
10			25 lbs., less than 2,000 lbs.
11	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than
12			28 grams, less than 200 grams.
13	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more
14			than 4 grams, less than 14 grams.
15	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more
16			than 28 grams, less than 200 grams.
17	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
18			than 200 grams, less than 5
19			kilograms.
20	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
21			than 14 grams, less than 28 grams.
22	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14 grams.
24	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric
25			acid (GHB), 1 kilogram or more,
26			less than 5 kilograms.
27	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
28			kilogram or more, less than 5
29			kilograms.
30	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10
31			grams or more, less than 200 grams.

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- 1 896.101(5)(a) 3rd Money laundering, financial
- 2 transactions exceeding \$300 but
- 3 less than \$20,000.
- 4 896.104(4)(a)1. 3rd Structuring transactions to evade
- 5 reporting or registration
- 6 requirements, financial
- 7 transactions exceeding \$300 but
- 8 less than \$20,000.

9 Section 7. Section 839.25, Florida Statutes, is  
10 repealed.

11 Section 8. Subsection (2) of section 112.534, Florida  
12 Statutes, is amended to read:

13 112.534 Failure to comply; official misconduct.--

14 (2) All the provisions of s. 838.022 ~~839.25~~ shall  
15 apply to this part.

16 Section 9. Paragraph (d) of subsection (4) of section  
17 117.01, Florida Statutes, is amended to read:

18 117.01 Appointment, application, suspension,  
19 revocation, application fee, bond, and oath.--

20 (4) The Governor may suspend a notary public for any  
21 of the grounds provided in s. 7, Art. IV of the State  
22 Constitution. Grounds constituting malfeasance, misfeasance,  
23 or neglect of duty include, but are not limited to, the  
24 following:

25 (d) Official misconduct as defined in s. 838.022  
26 ~~839.25~~.

27 Section 10. This act shall take effect October 1,  
28 2003.

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

2 And the title is amended as follows:

3            On page 1, line 4, through  
4            page 2, line 6, delete those lines

5

6 and insert:

7            name; amending s. 838.014, F.S.; revising,  
8            providing, and deleting definitions; amending  
9            s. 838.015, F.S.; revising the definition of  
10            "bribery" and increasing the penalty therefor;  
11            amending s. 838.016, F.S.; increasing the  
12            penalty for unlawful compensation for official  
13            behavior; creating ss. 838.022, 838.21, and  
14            838.22, F.S.; providing criminal penalties for  
15            official misconduct, disclosure or use of  
16            confidential criminal justice information, and  
17            bid tampering; providing definitions; amending  
18            s. 921.0022, F.S.; deleting specified felonies  
19            from and adding specified felonies to the  
20            Criminal Punishment Code offense severity  
21            ranking chart; repealing s. 839.25, F.S.,  
22            relating to official misconduct; amending ss.  
23            112.534 and 117.01, F.S.; conforming cross  
24            references to changes made by the act;  
25            providing an effective date.

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