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582-05442A-10

Proposed Committee Substitute by the Committee on Ethics and  
Elections

1                                   A bill to be entitled  
2           An act relating to the public trust; amending s.  
3           106.25, F.S.; authorizing the Florida Elections  
4           Commission to determine whether a person's conduct was  
5           willful in an informal hearing following a finding of  
6           probable cause; amending s. 125.69, F.S.; authorizing  
7           a county to specify by ordinance penalties for a  
8           violation of certain county ordinances; amending s.  
9           216.011, F.S.; defining the term "lease or lease-  
10          purchase of equipment"; amending s. 216.023, F.S.;  
11          requiring that specified information relating to  
12          certain contracts be included in an agency's  
13          legislative budget request; amending s. 216.311, F.S.;  
14          defining the terms "contract" and "agreement";  
15          prohibiting an agency or branch of state government,  
16          without legislative authority, from contracting to pay  
17          liquidated damages or early termination fees resulting  
18          from the breach or early termination of a contract or  
19          agreement, from paying interest because of  
20          insufficient budget authority to pay an obligation in  
21          the current year, from obligating the state to make  
22          future payments to cover unpaid payments, or from  
23          granting a party the right to collect fees or other  
24          revenues from nonparties; providing certain  
25          exemptions; prohibiting an agency from entering into  
26          certain leases without authorization by the  
27          Legislature or the Legislative Budget Commission;



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28 creating s. 216.312, F.S.; requiring the executive and  
29 judicial branch to notify the Governor and Legislature  
30 before entering into contracts containing certain  
31 provisions relating to expenditures; requiring that  
32 the Department of Transportation implement the work  
33 program approved by the Legislature by entering into  
34 contracts and agreements subject to certain  
35 requirements; requiring that the department provide  
36 written notification to the Governor and the  
37 Legislature within a specified number of days before  
38 advertising for proposals if the department intends to  
39 procure a contract pursuant to s. 334.30, F.S.;  
40 transferring, renumbering, and amending s. 287.0582,  
41 F.S.; requiring a state contract to identify the  
42 appropriation that funds a contract; expanding the  
43 statement that must be included in state contracts to  
44 include grounds for terminating the contract based on  
45 budget deficits; requiring the judicial branch to  
46 include the statement in its contracts; requiring the  
47 agency head, executive director, or chief judge, as  
48 appropriate, or a designated senior management  
49 employee, to sign contracts that exceed a specified  
50 amount; requiring the agency head, executive director,  
51 or chief judge to review certain contracts and certify  
52 compliance with ch. 216, F.S.; requiring contracts  
53 exceeding a specified amount to require written  
54 acceptance or rejection of contract deliverables;  
55 providing an exception; providing that contracts in  
56 violation of these provisions are null and void;



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57 providing penalties; amending s. 287.063, F.S.;

58 prohibiting certain lease or deferred-payment

59 purchases by state agencies unless expressly

60 authorized by the Legislature in the General

61 Appropriations Act or by the Legislative Budget

62 Commission; amending s. 287.064, F.S.; prohibiting

63 certain master equipment financing agreements unless

64 expressly authorized by the Legislature in the General

65 Appropriations Act or by the Legislative Budget

66 Commission; amending ss. 376.3075 and 403.1837, F.S.;

67 conforming cross-references; providing for

68 application; creating s. 775.0876, F.S.; providing for

69 the reclassification of criminal offenses committed

70 "under color of law"; providing an exception; amending

71 s. 838.022, F.S.; criminalizing certain acts by public

72 servants that constitute official misconduct;

73 prescribing penalties; providing definitions; amending

74 s. 921.0022, F.S., relating to the offense severity

75 ranking chart of the Criminal Punishment Code;

76 conforming provisions to changes made by the act;

77 providing an effective date.

78

79 Be It Enacted by the Legislature of the State of Florida:

80

81 Section 1. Subsection (3) of section 106.25, Florida

82 Statutes, is amended to read:

83 106.25 Reports of alleged violations to Florida Elections

84 Commission; disposition of findings.—

85 (3) For the purposes of commission jurisdiction, a



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86 violation shall mean the willful performance of an act  
87 prohibited by this chapter or chapter 104 or the willful failure  
88 to perform an act required by this chapter or chapter 104.  
89 Willfulness is a determination of fact; however, at the request  
90 of the respondent at any time after probable cause is found,  
91 willfulness may be considered and determined in an informal  
92 hearing before the commission.

93 Section 2. Subsection (1) of section 125.69, Florida  
94 Statutes, is amended to read:

95 125.69 Penalties; enforcement by code inspectors.—

96 (1) Violations of county ordinances shall be prosecuted in  
97 the same manner as misdemeanors are prosecuted. Such violations  
98 shall be prosecuted in the name of the state in a court having  
99 jurisdiction of misdemeanors by the prosecuting attorney thereof  
100 and upon conviction shall be punished by a fine not to exceed  
101 \$500 or by imprisonment in the county jail not to exceed 60 days  
102 or by both such fine and imprisonment. However, a county may  
103 specify, by ordinance, a violation of a county ordinance which  
104 is punishable by a fine in an amount exceeding \$500, but not  
105 exceeding \$2,000 a day, if the county must have authority to  
106 punish a violation of that ordinance by a fine in an amount  
107 greater than \$500 in order for the county to carry out a  
108 federally mandated program. A county may also specify, by  
109 ordinance, that a violation of any provision of a county  
110 ordinance imposing standards of conduct and disclosure  
111 requirements as provided in s. 112.326 is punishable by a fine  
112 not to exceed \$1,000 or a term of imprisonment in the county  
113 jail not to exceed 1 year.

114 Section 3. Present paragraph (vv) of subsection (1) of



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115 section 216.011, Florida Statutes, is redesignated as paragraph  
116 (ww), and a new paragraph (vv) is added to that subsection, to  
117 read:

118 216.011 Definitions.—

119 (1) For the purpose of fiscal affairs of the state,  
120 appropriations acts, legislative budgets, and approved budgets,  
121 each of the following terms has the meaning indicated:

122 (vv) "Lease or lease-purchase of equipment" means the  
123 appropriations category used to fund the lease or lease-purchase  
124 of equipment, fixtures, and other tangible personal property.

125 Section 4. Present subsections (6) through (9) of section  
126 216.023, Florida Statutes, are renumbered as subsections (7)  
127 through (10), respectively, and a new subsection (6) is added to  
128 that section, to read:

129 216.023 Legislative budget requests to be furnished to  
130 Legislature by agencies.—

131 (6) As part of the legislative budget request, each state  
132 agency must include the following information for each contract  
133 in which the state agency has granted a concession:

134 (a) The name of the vendor.

135 (b) A brief description of the services provided by the  
136 vendor.

137 (c) The term of the contract and the years remaining on the  
138 contract.

139 (d) The amount of revenue generated or expected to be  
140 generated by the vendor under the contract for the prior fiscal  
141 year, the current fiscal year, and the next fiscal year.

142 (e) The amount of revenue remitted or expected to be  
143 remitted to the state agency by the vendor for the prior fiscal



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144 year, the current fiscal year, and the next fiscal year.

145 (f) The value of capital improvements, if any, on state  
146 property which have been funded by the vendor over the term of  
147 the contract.

148 (g) The remaining amount of capital improvements, if any,  
149 on state property which have not been fully amortized by June 30  
150 of the prior fiscal year.

151 (h) The amount, if any, of state appropriations made to the  
152 state agency to pay for services provided by the vendor.

153 Section 5. Section 216.311, Florida Statutes, is amended to  
154 read:

155 216.311 Unauthorized contracts ~~in excess of appropriations;~~  
156 ~~penalty.-~~

157 (1) As used in this section and ss. 216.312 and 216.313,  
158 the terms "contract" and "agreement" include the initial  
159 contract or agreement, any amendment to the contract or  
160 agreement, and any extension or renewal of the contract or  
161 agreement.

162 (2) ~~(1)~~ Unless specifically authorized by law, an ~~no~~ agency  
163 or branch of state government may not enter into any shall  
164 contract ~~to spend,~~ or ~~enter into any~~ agreement:

165 (a) To spend~~7~~ any moneys in excess of the amount  
166 appropriated to such agency or branch ~~unless specifically~~  
167 authorized by law, and any contract or agreement in violation of  
168 this chapter shall be null and void.

169 (b) That requires the state to pay liquidated damages or  
170 early termination fees for a breach or early termination of a  
171 contract or agreement by such agency or branch due to an act of  
172 the Legislature which provides less than full funding for the



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173 contract during the fiscal year.

174 (c) That requires the state to pay interest, other than  
175 interest paid pursuant to s. 215.422, to another party because  
176 the agency or branch has insufficient budget authority to pay  
177 the underlying obligation of the contract or agreement in the  
178 current year.

179 (d) That binds the state to make future-year payments to  
180 offset payments not made in a prior year due to insufficient  
181 budget authority.

182 (e) To grant to any party the right or privilege to collect  
183 and retain fees or other revenues from persons who are not a  
184 party to the contract which would otherwise be payable to the  
185 state and deposited into the State Treasury.

186 (3) Notwithstanding subsection (2), the following agencies  
187 may enter into the following contracts or agreements:

188 (a) The Department of Transportation may enter into  
189 contracts and agreements subject to the requirements in s.  
190 334.30 and chapter 339 to implement the work program approved by  
191 the Legislature in lieu of the limitations provided in  
192 paragraphs (2) (b), (c), (d), and (e).

193 (b) In order to administer the state group insurance  
194 program as provided in s. 110.123, the Department of Management  
195 Services may enter into contracts and other agreements that  
196 permit health care providers, health maintenance organizations,  
197 preferred provider organizations, and insurers to collect  
198 premiums and copayments from participants in the group insurance  
199 program.

200 (c) In order to administer the state Medicaid plan and the  
201 Florida Healthy Kids program, the Agency for Health Care



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202 Administration may enter into contracts and other agreements  
203 that permit health care providers to collect premiums and  
204 copayments from participants in the Medicaid plan and the  
205 Healthy Kids program.

206 (d) In order to administer the state parks system, the  
207 Department of Environmental Protection may enter into contracts  
208 and other agreements that require the state to pay liquidated  
209 damages or early termination fees as a result of a breach of  
210 those contracts or agreements, but only if the vendor makes  
211 significant capital improvements to state property and the costs  
212 of such improvements is amortized over no more than 3 years.  
213 Such contracts are subject to the notice requirements of s.  
214 216.312.

215 (4) Notwithstanding any law authorizing an agency to enter  
216 into a lease, an agency may not enter into a lease or lease-  
217 purchase agreement for tangible personal property which requires  
218 the state to pay more than \$500,000 over the term of the lease  
219 or agreement if the term of the lease or agreement exceeds 1  
220 fiscal year unless such lease or agreement is expressly  
221 authorized by the Legislature or the Legislative Budget  
222 Commission has approved a transfer of budget authority from a  
223 traditional appropriation category to the appropriation category  
224 established for the lease or lease-purchase of equipment.  
225 However, in order to administer the real estate and other  
226 investment portfolios as provided in s. 215.47, the State Board  
227 of Administration may enter into contracts and such other  
228 agreements as necessary to carry out the investment duties of  
229 the board.

230 (5) Any contract or agreement in violation of this section



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231 is null and void.

232 (6) ~~(2)~~ Any public officer or employee person who willfully  
233 enters into a contract or other agreement in violation of this  
234 section commits contracts to spend, or enters into an agreement  
235 to spend, any money in excess of the amount appropriated to the  
236 agency or branch for whom the contract or agreement is executed  
237 is guilty of a misdemeanor of the first degree, punishable as  
238 provided in s. 775.082 or s. 775.083.

239 Section 6. Section 216.312, Florida Statutes, is created to  
240 read:

241 216.312 Reporting contract expenditures.-

242 (1) A state agency must provide written notification of the  
243 terms and conditions of the contract to the Governor, the  
244 President of the Senate, and the Speaker of the House of  
245 Representatives at least 30 days before executing a contract, or  
246 a series of contracts between the same parties, for the purchase  
247 of services or tangible personal property that:

248 (a) Requires payments by the state in excess of \$10 million  
249 in any fiscal year;

250 (b) Requires minimal or no payments by the state during the  
251 fiscal year;

252 (c) Authorizes the other party to make expenditures in  
253 anticipation of collecting revenues from a third party,  
254 including other state agencies, rather than receiving payments  
255 from the state agency executing the contract; or

256 (d) Requires initial expenditures by the other party and  
257 for which the other party will not receive payment from the  
258 state within 180 days after the expenditure.

259 (2) The execution of any contract or agreement described in



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260 subsection (1) is an action or proposed action subject to s.  
261 216.177(2) (b) .

262 (3) In lieu of the notice requirements provided in this  
263 section, the Department of Transportation shall implement the  
264 work program approved by the Legislature by entering into  
265 contracts and agreements subject to the requirements in s.  
266 334.30 and chapter 339; however, when the Department of  
267 Transportation intends to procure a contract pursuant to s.  
268 334.30, the department must provide written notification to the  
269 Governor, the President of the Senate, the Speaker of the House  
270 of Representatives, and the chairs of the legislative  
271 appropriations committees at least 30 days before advertising  
272 for proposals.

273 Section 7. Section 287.0582, Florida Statutes, is  
274 transferred, renumbered as section 216.313, Florida Statutes,  
275 and amended to read:

276 216.313 287.0582 Contract appropriation Contracts which  
277 require annual appropriation; contingency statement;  
278 requirements; penalty.-

279 (1) An executive or judicial branch public officer or  
280 employee may not enter into any contract or agreement on behalf  
281 of the state or judicial branch which binds the state or its  
282 executive agencies or the judicial branch for the purchase of  
283 services or tangible personal property unless the contract  
284 identifies the specific appropriation of state funds from which  
285 the state will make payment under the contract in the first year  
286 of the contract, or unless the Legislature expressly authorizes  
287 the agency or the judicial branch to enter into such contract  
288 absent a specific appropriation of funds.



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289           (2) An ~~Ne~~ executive or judicial branch public officer or  
290 employee may not ~~shall~~ enter into any contract or agreement on  
291 behalf of the state, which ~~contract~~ binds the state ~~or its~~  
292 ~~executive agencies~~ for the purchase of services or tangible  
293 personal property ~~for a period in excess of 1 fiscal year,~~  
294 unless the following statements are ~~statement is~~ included in the  
295 contract:

296           (a) "The State of Florida's performance and obligation to  
297 pay under this contract is contingent upon an annual  
298 appropriation by the Legislature."

299           (b) "This contract may be terminated by the state upon 10  
300 days' written notice if funding for this contract is  
301 specifically eliminated pursuant to a deficit reduction plan  
302 implemented by:

303           1. The Governor or the Chief Justice or by an act of the  
304 Legislature after certification pursuant to section 216.221,  
305 Florida Statutes, that a deficit will occur in the General  
306 Revenue Fund; or

307           2. The Governor or Chief Justice pursuant to section  
308 216.221(10), Florida Statutes, or by an act of the Legislature,  
309 after a determination by the Chief Financial Officer that a  
310 deficit will occur with respect to appropriations from a  
311 specific trust fund in the current fiscal year."

312  
313 Paragraph (b) does not apply to a contract or agreement entered  
314 into pursuant to s. 334.30.

315           (3) A contract or other agreement that exceeds:

316           (a) The CATEGORY TWO threshold amount provided in s.  
317 287.017 must be signed by the agency head, executive director,



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318 or chief judge, as appropriate, or a designated senior  
319 management employee.

320 (b) A term of 12 months may not be executed by any  
321 executive or judicial branch agency unless the agency head,  
322 executive director, or chief judge, as appropriate, or a  
323 designated senior management employee, determines that the  
324 contract is in compliance with the requirements of this chapter  
325 and certifies such compliance in writing within the contract or  
326 agreement.

327 (c) The CATEGORY FIVE threshold amount provided in s.  
328 287.017 must require the written acceptance or rejection of  
329 contract deliverables.

330 (4) Any contract or other agreement in violation of this  
331 section is null and void.

332 (5) Any public officer or employee who willfully enters  
333 into a contract or other agreement in violation of this section  
334 commits a misdemeanor of the first degree, punishable as  
335 provided in s. 775.082 or s. 775.083.

336 Section 8. Subsection (4) of section 287.063, Florida  
337 Statutes, is amended to read:

338 287.063 Deferred-payment commodity contracts; preaudit  
339 review.—

340 (4) Beginning July 1, 2010, an agency may not enter into a  
341 lease or deferred-payment purchase arrangement for the  
342 acquisition of equipment which has a total cost greater than  
343 \$500,000 unless the Legislature has expressly authorized such  
344 lease or deferred-payment purchase arrangement in the General  
345 Appropriations Act or the Legislative Budget Commission has  
346 approved a transfer of budget authority from a traditional



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347 appropriation category to the special appropriation category for  
348 deferred-payment commodity contracts. For purposes of this  
349 section, deferred payment commodity contracts for replacing the  
350 state accounting and cash management systems may include  
351 equipment, accounting software, and implementation and project  
352 management services.

353 Section 9. Subsection (9) of section 287.064, Florida  
354 Statutes, is amended to read:

355 287.064 Consolidated financing of deferred-payment  
356 purchases.—

357 (9) Beginning July 1, 2010, an agency may not enter into a  
358 master equipment financing agreement that has a total cost  
359 greater than \$500,000 unless the Legislature has expressly  
360 authorized such agreement in the General Appropriations Act or  
361 the Legislative Budget Commission has approved a transfer of  
362 budget authority from a traditional appropriation category to  
363 the special appropriation category for deferred-payment  
364 commodity contracts. For purposes of this section, deferred-  
365 payment commodity contracts for replacing the state accounting  
366 and cash management systems may include equipment, accounting  
367 software, and implementation and project management services.

368 Section 10. Subsections (4) and (9) of section 376.3075,  
369 Florida Statutes, are amended to read:

370 376.3075 Inland Protection Financing Corporation.—

371 (4) The corporation may enter into one or more service  
372 contracts with the department to provide services to the  
373 department in connection with financing the functions and  
374 activities provided in ss. 376.30-376.317. The department may  
375 ~~enter into one or more such service contracts with the~~



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376 ~~corporation and provide payment for payments~~ under such  
377 contracts pursuant to s. 376.3071(4)(o), subject to annual  
378 appropriation by the Legislature. The proceeds from such service  
379 contracts may be used for the corporation's administrative costs  
380 and expenses after payments as set forth in subsection (5). Each  
381 service contract may have a term of up to 20 years. Amounts  
382 annually appropriated and applied to make payments under such  
383 service contracts may not include any funds derived from  
384 penalties or other payments received from any property owner or  
385 private party, including payments received under s.  
386 376.3071(6)(b). In compliance with s. 216.313 ~~287.0641~~ and other  
387 applicable provisions of law, the obligations of the department  
388 under such service contracts do not constitute a general  
389 obligation of the state or a pledge of the faith and credit or  
390 taxing power of the state nor may such obligations be construed  
391 in any manner as an obligation of the State Board of  
392 Administration or entities for which it invests funds, other  
393 than the department as provided in this section, but are payable  
394 solely from amounts available in the Inland Protection Trust  
395 Fund, subject to annual appropriation. ~~In compliance with this~~  
396 ~~subsection and s. 287.0582,~~ The service contract must expressly  
397 include the statements required under s. 216.313. ~~following~~  
398 ~~statement: "The State of Florida's performance and obligation to~~  
399 ~~pay under this contract is contingent upon an annual~~  
400 ~~appropriation by the Legislature."~~

401 (9) The corporation is not a special district for the  
402 purposes of chapter 189 or a unit of local government for the  
403 purposes of part III of chapter 218. The provisions of chapters  
404 120 and 215, except the limitation on interest rates provided by



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405 s. 215.84 which applies to obligations of the corporation issued  
406 pursuant to this section, and part I of chapter 287, except s.  
407 ~~ss. 287.0582 and 287.0641~~, does ~~de~~ not apply to this section,  
408 the corporation, the service contracts entered into pursuant to  
409 this section, or debt obligations issued by the corporation as  
410 contemplated in this section.

411 Section 11. Subsections (5) and (10) of section 403.1837,  
412 Florida Statutes, are amended to read:

413 403.1837 Florida Water Pollution Control Financing  
414 Corporation.—

415 (5) The corporation may enter into one or more service  
416 contracts with the department under which the corporation shall  
417 provide services to the department in connection with financing  
418 the functions, projects, and activities provided ~~for~~ in s.  
419 403.1835. The department may ~~enter into one or more service~~  
420 ~~contracts with the corporation and provide payment for payments~~  
421 under those contracts pursuant to s. 403.1835(9), subject to  
422 annual appropriation by the Legislature. The service contracts  
423 may provide for the transfer of all or a portion of the funds in  
424 the Wastewater Treatment and Stormwater Management Revolving  
425 Loan Trust Fund to the corporation for use by the corporation  
426 for costs incurred by the corporation in its operations,  
427 including, but not limited to, payment of debt service,  
428 reserves, or other costs in relation to bonds issued by the  
429 corporation, for use by the corporation at the request of the  
430 department to directly provide the types of local financial  
431 assistance provided for in s. 403.1835(3), or for payment of the  
432 administrative costs of the corporation. The department may not  
433 transfer funds under any service contract with the corporation



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434 without specific appropriation for such purpose in the General  
435 Appropriations Act, except for administrative expenses incurred  
436 by the State Board of Administration or other expenses necessary  
437 under documents authorizing or securing previously issued bonds  
438 of the corporation. The service contracts may also provide for  
439 the assignment or transfer to the corporation of any loans made  
440 by the department. The service contracts may establish the  
441 operating relationship between the department and the  
442 corporation and must ~~shall~~ require the department to request the  
443 corporation to issue bonds before any issuance of bonds by the  
444 corporation, to take any actions necessary to enforce the  
445 agreements entered into between the corporation and other  
446 parties, and to take all other actions necessary to assist the  
447 corporation in its operations. In compliance with s. 287.0641  
448 and other applicable provisions of law, the obligations of the  
449 department under the service contracts do not constitute a  
450 general obligation of the state or a pledge of the faith and  
451 credit or taxing power of the state, nor may the obligations be  
452 construed in any manner as an obligation of the State Board of  
453 Administration or entities for which it invests funds, or of the  
454 department except as provided in this section as payable solely  
455 from amounts available under any service contract between the  
456 corporation and the department, subject to appropriation. The ~~In~~  
457 ~~compliance with this subsection and s. 287.0582,~~ service  
458 contracts must expressly include the statements required under  
459 s. 216.313. ~~following statement: "The State of Florida's~~  
460 ~~performance and obligation to pay under this contract is~~  
461 ~~contingent upon an annual appropriation by the Legislature."~~

462 (10) The corporation is not a special district for purposes



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463 of chapter 189 or a unit of local government for purposes of  
464 part III of chapter 218. The provisions of chapters 120 and 215,  
465 except the limitation on interest rates provided by s. 215.84,  
466 which applies to obligations of the corporation issued under  
467 this section, and part I of chapter 287, except s. ~~ss.~~ 287.0582  
468 ~~and~~ 287.0641, does ~~do~~ not apply to this section, the corporation  
469 created in this section, the service contracts entered into  
470 under this section, or debt obligations issued by the  
471 corporation as provided in this section.

472 Section 12. Sections 4 through 11 of this act apply to  
473 initial contracts and agreements, amendments to a contract or  
474 agreement, and extensions or renewals of a contract or agreement  
475 which are executed on or after July 1, 2010.

476 Section 13. Section 775.0876, Florida Statutes, is created  
477 to read:

478 775.0876 Offenses committed under color of law;  
479 reclassification.—The penalty for any felony offense shall be  
480 reclassified if the commission of such offense was furthered or  
481 facilitated by a person acting or purporting to act in the  
482 performance of official duties under any law, ordinance, or  
483 regulation.

484 (1) The reclassification of the felony is as follows:

485 (a) A felony of the third degree is reclassified as a  
486 felony of the second degree.

487 (b) A felony of the second degree is reclassified as a  
488 felony of the first degree.

489 (c) A felony of the first degree is reclassified as a life  
490 felony.

491 (2) For purposes of sentencing under chapter 921, a felony



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492 offense that is reclassified under this section shall be ranked  
493 one level above its ranking under s. 921.0022 or s. 921.0023.

494 (3) If the underlying offense includes acting or purporting  
495 to act in the performance of official duties under any law,  
496 ordinance, or regulation as an essential element, the  
497 reclassification does not apply.

498 Section 14. Section 838.022, Florida Statutes, is amended  
499 to read:

500 838.022 Official misconduct.—

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

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

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

509 (c) Obstruct, delay, or prevent the communication of  
510 information relating to the commission of a felony that directly  
511 involves or affects the public agency or public entity served by  
512 the public servant.

513 (2) It is unlawful for a public servant, with corrupt  
514 intent, to participate in a matter falling within the public  
515 servant's duties, and in furtherance of such corrupt intent,  
516 willfully fail to make a financial disclosure required by state  
517 law.

518 (3)~~(2)~~ For the purposes of this section:

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



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521 (b) An official record or official document includes only  
522 public records.

523 (c) The term "participate" means voting, deciding,  
524 advocating, opposing, or attempting to influence the decision or  
525 result by oral or written communication, whether made by the  
526 public servant or at the public servant's direction.

527 (d) The term "financial disclosure" means any disclosure  
528 relating to financial interests, foreseeable financial benefits,  
529 or special private gain or loss to the public servant or the  
530 public servant's relatives. For purposes of this section,  
531 "relative" has the same meaning as defined in s. 112.3143(1).

532 (4) (a) ~~(3)~~ Any person who violates subsection (1) ~~this~~  
533 section commits a felony of the third degree, punishable as  
534 provided in s. 775.082, s. 775.083, or s. 775.084.

535 (b) Any person who violates subsection (2) when the amount  
536 of the undisclosed financial interest or benefit or private gain  
537 or loss is valued at less than \$10,000 commits a misdemeanor of  
538 the first degree, punishable as provided in s. 775.082, s.  
539 775.083, or s. 775.084.

540 (c) Any person who violates subsection (2) when the amount  
541 of the undisclosed financial interest or benefit or private gain  
542 or loss is valued at \$10,000 or more commits a felony of the  
543 third degree, punishable as provided in s. 775.082, s. 775.083,  
544 or s. 775.084.

545 Section 15. Paragraphs (d) and (e) of subsection (3) of  
546 section 921.0022, Florida Statutes, are amended to read:

547 921.0022 Criminal Punishment Code; offense severity ranking  
548 chart.—

549 (3) OFFENSE SEVERITY RANKING CHART



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550	(d) LEVEL 4		
	Florida	Felony	
	Statute	Degree	Description
551	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
552	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
553	499.0051(2)	3rd	Failure to authenticate pedigree papers.
554	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
555	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
556	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
557	784.075	3rd	Battery on detention or commitment facility staff.
558	784.078	3rd	Battery of facility employee by



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throwing, tossing, or expelling certain fluids or materials.

559

784.08(2)(c) 3rd Battery on a person 65 years of age or older.

560

784.081(3) 3rd Battery on specified official or employee.

561

784.082(3) 3rd Battery by detained person on visitor or other detainee.

562

784.083(3) 3rd Battery on code inspector.

563

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

564

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

565

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

566

787.04(3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.



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- 790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.
- 790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.
- 790.115 (2) (c) 3rd Possessing firearm on school property.
- 800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.
- 810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
- 810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
- 810.06 3rd Burglary; possession of tools.
- 810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.
- 812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.



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577

812.014(2)(c)4.- 3rd Grand theft, 3rd degree, a will,  
10. firearm, motor vehicle, livestock, etc.

578

812.0195(2) 3rd Dealing in stolen property by use of the  
Internet; property stolen \$300 or more.

579

817.563(1) 3rd Sell or deliver substance other than  
controlled substance agreed upon,  
excluding s. 893.03(5) drugs.

580

817.568(2)(a) 3rd Fraudulent use of personal  
identification information.

581

817.625(2)(a) 3rd Fraudulent use of scanning device or  
reencoder.

582

828.125(1) 2nd Kill, maim, or cause great bodily harm  
or permanent breeding disability to any  
registered horse or cattle.

583

837.02(1) 3rd Perjury in official proceedings.

584

837.021(1) 3rd Make contradictory statements in  
official proceedings.

585

~~838.022 3rd Official misconduct.~~

839.13(2)(a) 3rd Falsifying records of an individual in  
the care and custody of a state agency.



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586

839.13(2)(c) 3rd Falsifying records of the Department of  
Children and Family Services.

587

843.021 3rd Possession of a concealed handcuff key  
by a person in custody.

588

843.025 3rd Deprive law enforcement, correctional,  
or correctional probation officer of  
means of protection or communication.

589

843.15(1)(a) 3rd Failure to appear while on bail for  
felony (bond estreature or bond  
jumping).

590

847.0135(5)(c) 3rd Lewd or lascivious exhibition using  
computer; offender less than 18 years.

591

874.05(1) 3rd Encouraging or recruiting another to  
join a criminal gang.

592

893.13(2)(a)1. 2nd Purchase of cocaine (or other s.  
893.03(1)(a), (b), or (d), (2)(a),  
(2)(b), or (2)(c)4. drugs).

593

914.14(2) 3rd Witnesses accepting bribes.

594

914.22(1) 3rd Force, threaten, etc., witness, victim,  
or informant.



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914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
(e) LEVEL 5		
Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.



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440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

608

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

609

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

610

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

611

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

612

790.01 (2) 3rd Carrying a concealed firearm.

613

790.162 2nd Threat to throw or discharge destructive device.

614

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.



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- 790.23                    2nd            Felons in possession of firearms, ammunition, or electronic weapons or devices.
- 800.04 (6) (c)            3rd            Lewd or lascivious conduct; offender less than 18 years.
- 800.04 (7) (b)            2nd            Lewd or lascivious exhibition; offender 18 years or older.
- 806.111 (1)                3rd            Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
- 812.0145 (2) (b)           2nd            Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
- 812.015 (8)                3rd            Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
- 812.019 (1)                2nd            Stolen property; dealing in or trafficking in.
- 812.131 (2) (b)            3rd            Robbery by sudden snatching.
- 812.16 (2)                  3rd            Owning, operating, or conducting a chop



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shop.

624

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

625

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

626

817.2341(1), 3rd Filing false financial statements,  
(2)(a) & (3)(a) making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

627

817.568(2)(b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

628

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

629

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

630



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827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

631

827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

632

838.022 3rd Official misconduct.

633

839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

634

843.01 3rd Resist officer with violence to person; resist arrest with violence.

635

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

636

847.0137 (2) & 3rd Transmission of pornography by  
(3) electronic device or equipment.

637

847.0138 (2) & 3rd Transmission of material harmful to  
(3) minors to a minor by electronic device or equipment.

638

874.05 (2) 2nd Encouraging or recruiting another to



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join a criminal gang; second or subsequent offense.

639

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

640

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

641

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

642

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for



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religious services or a specified  
business site.

643

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine  
(or other s. 893.03(1)(a), (1)(b),  
(1)(d), or (2)(a), (2)(b), or (2)(c)4.  
drugs) within 1,000 feet of public  
housing facility.

644

893.13(4)(b) 2nd Deliver to minor cannabis (or other s.  
893.03(1)(c), (2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or (4) drugs).

645

893.1351(1) 3rd Ownership, lease, or rental for  
trafficking in or manufacturing of  
controlled substance.

646

647

Section 16. This act shall take effect July 1, 2010.