



764996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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	.	
	.	

The Committee on Rules (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

817.535 Unlawful filing of false documents or records
against real or personal property.—

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

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

(b) "Filer" means the person who presents an instrument for



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14 recording in an official record, or causes an instrument to be
15 presented for recording in an official record.

16 (c) "Instrument" means any judgment, mortgage, assignment,
17 pledge, lien, financing statement, encumbrance, deed, lease,
18 bill of sale, agreement, mortgage, notice of claim of lien,
19 notice of levy, promissory note, mortgage note, release, partial
20 release or satisfaction of any of the foregoing, or any other
21 document that relates to or attempts to restrict the ownership,
22 transfer, or encumbrance of or claim against real or personal
23 property, or any interest in real or personal property.

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

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

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

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



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43 3. A state or federal executive, legislative, or judicial
44 officer, employee, or volunteer authorized to perform actions or
45 services for any state or federal executive, legislative, or
46 judicial office, or agency.

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

50 5. A person who is a candidate for public office or
51 judicial position.

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

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

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

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

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



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

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

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

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

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

100 (a) In the case of a felony of the third degree, to a



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101 felony of the second degree, punishable as provided in s.
102 775.082, s. 775.083, or s. 775.084.

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

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

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

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

127 (b) Upon a finding that the instrument contains a
128 materially false, fictitious, or fraudulent statement or
129 representation such that the instrument does not establish a



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130 legitimate property or lien interest in favor of another person:

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

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

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

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

158 (d) The custodian of any official record shall, upon



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

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

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

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

178 (9) A government agency may provide legal representation to
179 a public officer or employee if the instrument at issue appears
180 to have been filed to defraud or harass the public officer or
181 employee in his or her official capacity. If the public officer
182 or employee is the prevailing party, the award of reasonable
183 attorney fees shall be paid to the government agency that
184 provided the legal representation.

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



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188 Section 2. Section 843.0855, Florida Statutes, is amended
189 to read:

190 843.0855 Criminal actions under color of law or through use
191 of simulated legal process.-

192 (1) As used in this section:

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

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

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

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

213 (2) A ~~Any~~ person who deliberately impersonates or falsely
214 acts as a public officer or employee ~~tribunal, public employee~~
215 ~~or utility employee, including, but not limited to, marshals,~~
216 ~~judges, prosecutors, sheriffs, deputies, court personnel, or any~~



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217 ~~law enforcement authority~~ in connection with or relating to any
218 legal process affecting persons and property, or otherwise takes
219 any action under color of law against persons or property,
220 commits a felony of the third degree, punishable as provided in
221 s. 775.082, ~~or~~ s. 775.083, or s. 775.084. It is the intent of
222 the Legislature that this section applies if a person acts as an
223 officer or employee purporting to supersede or override any
224 legislation or statute of this state, or to supersede or
225 override any action of any court of this state.

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

234 (4) A ~~Any~~ person who falsely under color of law attempts in
235 any way to influence, intimidate, harass, retaliate against, or
236 hinder a public officer or employee involving law enforcement
237 ~~officer in~~ the discharge of his or her official duties by means
238 of, but not limited to, threats of or actual physical abuse or
239 harassment, or through the use of simulated legal process,
240 commits a felony of the third degree, punishable as provided in
241 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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

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



246 individuals from assembling freely to express opinions or
247 designate group affiliation or association.

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

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

254 921.0022 Criminal Punishment Code; offense severity ranking
255 chart.—

256 (3) OFFENSE SEVERITY RANKING CHART

257 (g) LEVEL 7

258

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

262



263	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
264	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
265	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
266	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
267	456.065(2)	3rd	Practicing a health care profession without a license.
268	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
269	458.327(1)	3rd	Practicing medicine without a license.
270	459.013(1)	3rd	Practicing osteopathic medicine without a license.
271	460.411(1)	3rd	Practicing chiropractic medicine without a license.



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272	461.012 (1)	3rd	Practicing podiatric medicine without a license.
273	462.17	3rd	Practicing naturopathy without a license.
274	463.015 (1)	3rd	Practicing optometry without a license.
275	464.016 (1)	3rd	Practicing nursing without a license.
276	465.015 (2)	3rd	Practicing pharmacy without a license.
277	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
278	467.201	3rd	Practicing midwifery without a license.
279	468.366	3rd	Delivering respiratory care services without a license.
280	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
281	483.901 (9)	3rd	Practicing medical physics without a license.
282	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.



283	484.053	3rd	Dispensing hearing aids without a license.
284	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.
285	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
286	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
287	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
288	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.



289	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
290	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
291	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
292	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
293	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
294	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
295	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
296			



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297	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
298	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
299	784.048 (7)	3rd	Aggravated stalking; violation of court order.
300	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
301	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
302	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
303	784.081 (1)	1st	Aggravated battery on specified official or employee.
304	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
305	784.083 (1)	1st	Aggravated battery on code inspector.
306	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.



307	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.
308	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
309	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
310	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
311	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
312	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
313	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st,PBL	Possession of a firearm by a person who



qualifies for the penalty enhancements
provided for in s. 874.04.

314

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.

315

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

316

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

317

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.

318

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

319

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

320

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

321

810.02(3)(d) 2nd Burglary of occupied conveyance;



unarmed; no assault or battery.

322

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

323

812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

324

812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

325

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

326

812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

327

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

328

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

329



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330	812.131 (2) (a)	2nd	Robbery by sudden snatching.
331	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
332	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
333	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
334	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
335	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
336	<u>817.535 (2) (a)</u>	<u>3rd</u>	<u>Filing false lien or other unauthorized document.</u>
337	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
338			



339	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
340	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
341	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
342	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
343	838.015	2nd	Bribery.
344	838.016	2nd	Unlawful compensation or reward for official behavior.
345	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
346	838.22	2nd	Bid tampering.
347	<u>843.0855 (2)</u>	<u>3rd</u>	<u>Impersonation of a public officer or employee.</u>
	<u>843.0855 (3)</u>	<u>3rd</u>	<u>Unlawful simulation of legal process.</u>



(2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.

355

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).

356

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

357

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

358

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

359

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

360

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

361

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

362

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

363



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364	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
365	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
366	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
367	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
368	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
369	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
370	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
	943.0435 (8)	2nd	Sexual offender; remains in state after



indicating intent to leave; failure to
comply with reporting requirements.

371

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

372

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

373

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

374

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

375

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

376

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

377

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

378

985.4815(10) 3rd Sexual offender; failure to submit to



the taking of a digitized photograph.

379

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

380

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

381

382 (h) LEVEL 8

383

Florida Statute	Felony Degree	Description
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384

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

385

316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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386

327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
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387

499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
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499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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- 390 560.123 (8) (b) 2. 2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
- 391 560.125 (5) (b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
- 392 655.50 (10) (b) 2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
- 393 777.03 (2) (a) 1st Accessory after the fact, capital felony.
- 394 782.04 (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.
- 782.051 (2) 1st Attempted felony murder while



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

395

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

396

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

397

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

398

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

399

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.

400

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

401

794.011(5) 2nd Sexual battery, victim 12 years or



over, offender does not use physical force likely to cause serious injury.

402

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

403

800.04(4) 2nd Lewd or lascivious battery.

404

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

405

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

406

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

407

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

408

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

409

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

410

812.135(2)(c) 1st Home-invasion robbery, no firearm,



deadly weapon, or other weapon.

411

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

412

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

413

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

414

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

415

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

416

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

417

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

418

825.103 (2) (a) 1st Exploiting an elderly person or



disabled adult and property is valued
at \$100,000 or more.

419

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

420

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

421

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

422

860.16 1st Aircraft piracy.

423

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).

424

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

425

893.13 (6) (c) 1st Possess in excess of 10 grams of any
substance specified in s. 893.03(1) (a)
or (b).

426



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427 893.135 (1) (a) 2. 1st Trafficking in cannabis, more than
2,000 lbs., less than 10,000 lbs.

428 893.135 1st Trafficking in cocaine, more than 200
(1) (b) 1.b. grams, less than 400 grams.

429 893.135 1st Trafficking in illegal drugs, more than
(1) (c) 1.b. 14 grams, less than 28 grams.

430 893.135 1st Trafficking in phencyclidine, more than
(1) (d) 1.b. 200 grams, less than 400 grams.

431 893.135 1st Trafficking in methaqualone, more than
(1) (e) 1.b. 5 kilograms, less than 25 kilograms.

432 893.135 1st Trafficking in amphetamine, more than
(1) (f) 1.b. 28 grams, less than 200 grams.

433 893.135 1st Trafficking in flunitrazepam, 14 grams
(1) (g) 1.b. or more, less than 28 grams.

434 893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.b. acid (GHB), 5 kilograms or more, less
than 10 kilograms.

435 893.135 1st Trafficking in 1,4-Butanediol, 5
(1) (j) 1.b. kilograms or more, less than 10
kilograms.



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436	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
437	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
438	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
439	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
440	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
441	896.101(5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
442	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.



	Florida Statute	Felony Degree	Description
443	(i) LEVEL 9		
444			
445	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
446	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
447	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
448	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
449	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
450	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
451	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding



\$100,000 by financial institution.

452

775.0844 1st Aggravated white collar crime.

453

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

454

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.

455

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

456

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

457

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

458

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

459

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



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or political function.

460

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.

461

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

462

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

463

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

464

790.161 1st Attempted capital destructive device offense.

465

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

466

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



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467	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
468	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
469	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
470	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
471	796.035	1st	Selling or buying of minors into prostitution.
472	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
473	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
474	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
475			



476 812.135 (2) (b) 1st Home-invasion robbery with weapon.

477 817.535 (3) (b) 1st Filing false lien or other
unauthorized document; second or
subsequent offense; property owner is
a public officer or employee.

478 817.535 (4) (a) 2. 1st Filing false claim or other
unauthorized document; defendant is
incarcerated or under supervision.

479 817.535 (5) (b) 1st Filing false lien or other
unauthorized document; second or
subsequent offense; owner of the
property incurs financial loss as a
result of the false instrument.

480 817.568 (7) 2nd, Fraudulent use of personal
PBL identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

481 827.03 (2) (a) 1st Aggravated child abuse.

482 847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

847.0145 (2) 1st Purchasing, or otherwise obtaining



custody or control, of a minor.

483

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.

484

893.135 1st Attempted capital trafficking offense.

485

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

486

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

487

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

488

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

489

893.135 1st Trafficking in methaqualone, more than
(1) (e) 1.c. 25 kilograms.

490

893.135 1st Trafficking in amphetamine, more than
(1) (f) 1.c. 200 grams.

491

893.135 1st Trafficking in gamma-hydroxybutyric



- 492 (1) (h) 1.c. acid (GHB), 10 kilograms or more.
- 893.135 1st Trafficking in 1,4-Butanediol, 10
- 493 (1) (j) 1.c. kilograms or more.
- 893.135 1st Trafficking in Phenethylamines, 400
- 494 (1) (k) 2.c. grams or more.
- 896.101 (5) (c) 1st Money laundering, financial
- 495 instruments totaling or exceeding
- \$100,000.
- 896.104 (4) (a) 3. 1st Structuring transactions to evade
- 496 reporting or registration
- 497 requirements, financial transactions
- 498 totaling or exceeding \$100,000.

497 Section 4. If any section, subsection, sentence, clause,
498 phrase, or word of this act is for any reason held or declared
499 to be unconstitutional, illegal, invalid, inoperative,
500 ineffective, inapplicable, or void, such invalidity or
501 unconstitutionality shall not affect the portions of this act
502 not so held to be unconstitutional, illegal, invalid,
503 inoperative, ineffective, inapplicable, or void, or affect the
504 application of this act to other circumstances not so held to be
505 invalid, it being the express legislative intent that any such
506 unconstitutional, illegal, invalid, inoperative, ineffective,
507 inapplicable, or void portion or portions of this act did not
508 induce its passage, and that without the inclusion of any such



509 unconstitutional, illegal, invalid, inoperative, ineffective,
510 inapplicable, or void portions of this act, the Legislature
511 would have enacted the valid and constitutional portions
512 thereof.

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

514
515 ===== T I T L E A M E N D M E N T =====

516 And the title is amended as follows:

517 Delete everything before the enacting clause
518 and insert:

519 A bill to be entitled
520 An act relating to filing false documents against real
521 or personal property; creating s. 817.535, F.S.;

522 defining terms; prohibiting a person from filing or
523 causing to be filed, with intent to defraud or harass
524 another, a document relating to the ownership,
525 transfer, or encumbrance of, or claim against, real or
526 personal property, or any interest in real or personal
527 property; providing criminal penalties; establishing
528 reclassified penalties for persons who commit the
529 specified offenses a second or subsequent time when
530 the person is a convicted offender who commits the
531 specified offenses while incarcerated in a jail or
532 participating in a community correctional program and
533 when the victim of the offense is a public officer or
534 employee or incurs financial losses under certain
535 circumstances; authorizing the court to issue an
536 injunction; authorizing a court to seal specified
537 public or private records under certain circumstances;



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538 providing that the subject of the false statements has
539 a civil cause of action against the perpetrator;
540 providing for actual and punitive damages; providing
541 that the prevailing party is entitled to costs and
542 reasonable attorney fees; providing duties of the
543 custodian of the official record; providing
544 applicability; requiring that attorney fees be paid to
545 the government agency that provides legal
546 representation under certain circumstances; amending
547 s. 843.0855, F.S.; revising definitions; defining the
548 term "public officer or employee"; revising criminal
549 penalties for criminal actions under color of law or
550 through use of simulated legal process; providing
551 legislative intent; amending s. 921.0022, F.S.;
552 revising provisions of the offense severity ranking
553 chart of the Criminal Punishment Code to conform to
554 changes made by the act; providing severability;
555 providing an effective date.