

By the Committee on Judiciary; and Senator Dean

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

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30 revising definitions; defining the term "public  
31 officer or employee"; providing criminal penalties for  
32 a person who impersonates a public official or  
33 employee or who, under color of law, intimidates  
34 certain specified officials; amending s. 921.0022,  
35 F.S.; revising provisions of the offense severity  
36 ranking chart of the Criminal Punishment Code to  
37 conform to changes made by the act; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Section 817.535, Florida Statutes, is created to  
43 read:

44 817.535 Unlawful filing of false documents or records  
45 against real or personal property.—

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

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

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

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

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59 transfer, encumbrance of or claim against real or personal  
60 property, or any interest in real or personal property.

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

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

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

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

81 3. A state or federal executive, legislative, or judicial  
82 officer, employee, or volunteer authorized to perform actions or  
83 services for any executive, legislative, or judicial office,  
84 agency, officer, or employee;

85 4. A person who acts as a general or special magistrate,  
86 auditor, arbitrator, umpire, referee, hearing officer, or  
87 consultant to any state or local governmental entity; and

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88 5. A person who is a candidate for public office or  
89 judicial position.

90 (2) (a) A person who files or directs a filer to file, with  
91 the intent to defraud or harass another, any instrument  
92 containing a materially false, fictitious, or fraudulent  
93 statement or representation that purports to affect the owner's  
94 interest in the property described in the instrument commits a  
95 felony of the third degree, punishable as provided in s.  
96 775.082, s. 775.083, or s. 775.084.

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

100 (3) If the owner of the property subject to the false  
101 instrument is a public officer or employee, such offense shall  
102 be reclassified as follows:

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

106 (b) In the case of a felony of the second degree, to a  
107 felony of the first degree, punishable as provided in s.  
108 775.082, s. 775.083, or s. 775.084.

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

115 (a) In the case of a felony of the third degree, to a  
116 felony of the second degree, punishable as provided in s.

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117 775.082, s. 775.083, or s. 775.084.

118 (b) In the case of a felony of the second degree, to a  
119 felony of the first degree, punishable as provided in s.  
120 775.082, s. 775.083, or s. 775.084.

121  
122 Any person convicted of violating this subsection while  
123 incarcerated in a jail or correctional institution shall forfeit  
124 all gain-time or any early release credits accumulated before  
125 the date of the violation.

126 (5) If the owner of the property covered by the false  
127 instrument incurs financial loss as a result of the instrument  
128 being recorded in the official record, including costs and  
129 attorney fees incurred in correcting, sealing, or removing the  
130 false instrument from the official record as described herein,  
131 such an offense shall be reclassified as follows:

132 (a) In the case of a felony of the third degree, to a  
133 felony of the second degree, punishable as provided in s.  
134 775.082, s. 775.083, or s. 775.084.

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

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

142 (7) If a person is convicted of violating this section, the  
143 court shall issue an order declaring the instrument forming the  
144 basis of the conviction null and void and may enjoin the person  
145 from filing any instrument in an official record absent prior

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146 review and approval by a circuit or county court judge. The  
147 court may also order the instrument forming the basis of the  
148 conviction sealed from the official record and removed from any  
149 applicable electronic database used for recording instruments in  
150 the official record.

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

159 (b) Upon a finding that the instrument contains a  
160 materially false, fictitious, or fraudulent statement or  
161 representation such that the instrument does not establish a  
162 legitimate property or lien interest in favor of another person,  
163 the court shall enter judgment:

164 1. Determining whether the entire instrument or certain  
165 parts thereof are null and void ab initio. If the court finds  
166 the instrument void in its entirety, it may order the instrument  
167 sealed from the official record and removed from any electronic  
168 database used for indexing or locating instruments in the  
169 official record.

170 2. Awarding actual damages and punitive damages upon a  
171 finding of an intent to defraud or harass, awarding the person  
172 adversely affected by the instrument a civil penalty of \$2,500  
173 for each instrument determined to be in violation of subsection  
174 (2).

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175 3. Enjoining the defendant who filed the instrument,  
176 permanently or for a period of time, from filing any other  
177 instrument in the official records without prior review and  
178 approval for filing by a circuit or county court judge, provided  
179 that as to third parties who may have given value for an  
180 interest described or granted by any instrument filed in  
181 violation of the injunction, the instrument shall be deemed  
182 validly filed and provides constructive notice, notwithstanding  
183 any failure to comply with the terms of the injunction.

184 4. Granting such other relief or remedy that the court  
185 determines is just and proper within its sound judicial  
186 discretion.

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

189 (d) The custodian of any official record shall, upon  
190 payment of appropriate fees, provide a certified copy of the  
191 sealed instrument to the party seeking relief under this section  
192 for use in subsequent court proceedings, in addressing or  
193 correcting adverse effects upon the person's credit or property  
194 rights, or reporting the matter for investigation and  
195 prosecution; or in response to a subpoena seeking the instrument  
196 for criminal investigative or prosecution purposes.

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

201 (f) If feasible, the custodian of the official record where  
202 the instrument is recorded shall record any court order finding  
203 that the instrument is null and void in its entirety or in

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204 certain parts thereof.

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

209 (9) A government agency may provide legal representation to  
210 a public officer or employee if the instrument at issue appears  
211 to have been filed to defraud or harass the public officer or  
212 employee on account of the performance in that officer's or  
213 employee's official duties. If the public officer or employee is  
214 the prevailing party, the award of reasonable attorney fees  
215 shall be paid to the government agency that provided the legal  
216 representation.

217 (10) This section does not apply to the procedures for  
218 sealing or expunging criminal history records as provided in ss.  
219 943.0585 and 943.059.

220 Section 2. Section 843.0855, Florida Statutes, is amended  
221 to read:

222 843.0855 Criminal actions under color of law or through use  
223 of simulated legal process.—

224 (1) As used in this section:

225 (a) The term "legal process" means a document or order  
226 issued by a court or filed or recorded with an official court of  
227 this state or the United States or with any official  
228 governmental entity of this state or the United States for the  
229 purpose of exercising jurisdiction or representing a claim  
230 against a person or property, or for the purpose of directing a  
231 person to appear before a court or tribunal, or to perform or  
232 refrain from performing a specified act. "Legal process"



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233 includes, but is not limited to, a summons, lien, complaint,  
234 warrant, injunction, writ, notice, pleading, subpoena, or order.

235 (b) The term "person" means an individual, public or  
236 private group incorporated or otherwise, legitimate or  
237 illegitimate legal tribunal or entity, informal organization,  
238 official or unofficial agency or body, or any group of  
239 individuals associated in fact, whether a legal entity or not  
240 assemblage of individuals.

241 (c) The term "public officer or employee" includes, but is  
242 not limited to:

243 1. A person elected or appointed to a state or federal  
244 office, including a person serving on an advisory body, board,  
245 commission, committee, council, or authority;

246 2. An employee of a state, county, municipal, political  
247 subdivision, school district, educational institution, or  
248 special district agency or entity, including all judges,  
249 attorneys, law enforcement officers, deputy clerks of court, or  
250 marshals;

251 3. A state or federal executive, legislative, or judicial  
252 officer, employee, or volunteer authorized to perform actions or  
253 services for any executive, legislative, or judicial office,  
254 agency, officer, or employee;

255 4. A person who acts as a general or special magistrate,  
256 auditor, arbitrator, umpire, referee, hearing officer, or  
257 consultant to any state or local governmental entity; and

258 5. A person who is a candidate for public office or  
259 judicial position

260 ~~(c) The term "public officer" means a public officer as~~  
261 ~~defined by s. 112.061.~~

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

264       (2) A ~~Any~~ person who deliberately impersonates or falsely  
265 acts as a public officer or employee tribunal, ~~public employee~~  
266 ~~or utility employee, including, but not limited to, marshals,~~  
267 ~~judges, prosecutors, sheriffs, deputies, court personnel, or any~~  
268 ~~law enforcement authority~~ in connection with or relating to any  
269 legal process affecting persons and property, or otherwise takes  
270 any action under color of law against persons or property,  
271 commits a felony of the third degree, punishable as provided in  
272 s. 775.082, ~~or~~ s. 775.083, or s. 775.084. It is the intent of  
273 the Legislature that this section applies if a person acts as an  
274 officer or employee purporting to supersede or override any  
275 legislation or statute of this state, or to supersede or  
276 override any action of any court, of this state.

277       (3) A ~~Any~~ person who simulates legal process, including,  
278 but not limited to, actions affecting title to real estate or  
279 personal property, indictments, subpoenas, warrants,  
280 injunctions, liens, orders, judgments, or any legal documents or  
281 proceedings, knowing or having reason to know the contents of  
282 any such documents or proceedings or the basis for any action to  
283 be fraudulent, commits a felony of the third degree, punishable  
284 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

285       (4) A ~~Any~~ person who falsely under color of law attempts in  
286 any way to influence, intimidate, harass, retaliate against, or  
287 hinder a public officer or employee involving ~~or law enforcement~~  
288 ~~officer in~~ the discharge of his or her official duties by means  
289 of, but not limited to, threats of or actual physical abuse or  
290 harassment, or through the use of simulated legal process,

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291 commits a felony of the third degree, punishable as provided in  
 292 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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

296 (b) ~~Nothing in~~ This section does not shall prohibit  
 297 individuals from assembling freely to express opinions or  
 298 designate group affiliation or association.

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

303 Section 3. Paragraphs (g) through (i) of subsection (3) of  
 304 section 921.0022, Florida Statutes, are amended to read:

305 921.0022 Criminal Punishment Code; offense severity ranking  
 306 chart.—

307 (3) OFFENSE SEVERITY RANKING CHART

308 (g) LEVEL 7

309

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

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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.

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

314

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

315

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

316

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

317

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

318

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

319

458.327(1) 3rd Practicing medicine without a license.

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321	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
322	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
323	461.012 (1)	3rd	Practicing podiatric medicine without a license.
324	462.17	3rd	Practicing naturopathy without a license.
325	463.015 (1)	3rd	Practicing optometry without a license.
326	464.016 (1)	3rd	Practicing nursing without a license.
327	465.015 (2)	3rd	Practicing pharmacy without a license.
328	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
329	467.201	3rd	Practicing midwifery without a license.
330	468.366	3rd	Delivering respiratory care services without a license.
331	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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332 483.901 (9) 3rd Practicing medical physics without a license.

333 484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

334 484.053 3rd Dispensing hearing aids without a license.

335 494.0018 (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.

336 560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

337 560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

338 655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

775.21 (10) (a) 3rd Sexual predator; failure to register;

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failure to renew driver's license or  
 identification card; other registration  
 violations.

339

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

340

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

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782.051(3) 2nd Attempted felony murder of a person by  
 a person other than the perpetrator or  
 the perpetrator of an attempted felony.

342

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

343

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

344

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

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784.045(1)(a)1. 2nd Aggravated battery; intentionally

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causing great bodily harm or  
disfigurement.

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

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784.045 (1) (b) 2nd Aggravated battery; perpetrator aware  
victim pregnant.

348

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

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

350

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

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

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

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

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



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

787.06 (3) (a) 1st Human trafficking using coercion for labor and services.

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.

790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

790.16 (1) 1st Discharge of a machine gun under specified circumstances.

790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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

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

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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.

366

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

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

368

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.

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

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810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed;

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no assault or battery.

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

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

373

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

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

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

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

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

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812.0145 (2) (a) 1st Theft from person 65 years of age or

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older; \$50,000 or more.

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

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812.131 (2) (a) 2nd Robbery by sudden snatching.

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812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

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817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

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

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

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

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

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- 825.102 (3) (b)            2nd    Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
- 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.
- 827.03 (2) (b)           2nd    Neglect of a child causing great bodily harm, disability, or disfigurement.
- 827.04 (3)                3rd    Impregnation of a child under 16 years of age by person 21 years of age or older.
- 837.05 (2)                3rd    Giving false information about alleged capital felony to a law enforcement officer.
- 838.015                    2nd    Bribery.
- 838.016                    2nd    Unlawful compensation or reward for official behavior.
- 838.021 (3) (a)           2nd    Unlawful harm to a public servant.

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838.22 2nd Bid tampering.

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843.0855 (2) 2nd Impersonation of public officer or tribunal.

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843.0855 (3) 3rd Unlawful simulation of legal process.

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843.0855 (4) 3rd Intimidation of public officer or tribunal.

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847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

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847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

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872.06 2nd Abuse of a dead human body.

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874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

405

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or

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state, county, or municipal park or publicly owned recreational facility or community center.

406

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

407

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).

408

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

409

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

410

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

411

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

412

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

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413

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

414

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

415

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

416

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

417

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

418

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

419

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

420

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



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but less than \$20,000.

421

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

422

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

423

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

424

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

425

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

426

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

427

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

428

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

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harbor or conceal a sexual offender.

429

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

430

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

431

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

432

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

433

434 (h) LEVEL 8

435

Florida	Felony	
Statute	Degree	Description

436

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

437

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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438

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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439

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

440

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

441

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.

442

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.

443

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

444

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

445

782.04 (4) 2nd Killing of human without design when  
engaged in act or attempt of any felony  
other than arson, sexual battery,

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robbery, burglary, kidnapping,  
aggravated fleeing or eluding with  
serious bodily injury or death,  
aircraft piracy, or unlawfully  
discharging bomb.

446

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

447

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

448

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

449

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

450

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

451

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

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state.

452

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

453

794.011 (5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

454

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

455

800.04 (4) 2nd Lewd or lascivious battery.

456

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

457

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

458

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

459

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

460

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461	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
462	812.13(2)(b)	1st	Robbery with a weapon.
463	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
464	<u>817.535(2)(b)</u>	<u>2nd</u>	<u>Second or subsequent offense issuing or filing false document.</u>
465	<u>817.535(3)(a)</u>	<u>2nd</u>	<u>Filing false lien or other unauthorized document; property owner public officer or employee.</u>
466	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
467	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
468	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
468	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

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469

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

470

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

471

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

472

860.16 1st Aircraft piracy.

473

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).

474

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

475

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

476

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

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477

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

478

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

479

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

480

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

481

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

482

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

483

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

484

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

485

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



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486

893.1351(3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

487

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

488

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

489

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

490

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

491

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.

492

493

(i) LEVEL 9

494

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Florida	Felony	
Statute	Degree	Description

495

316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
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496

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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497

409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
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498

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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499

560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
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500

560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
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501

655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
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502

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503

775.0844 1st Aggravated white collar crime.

504

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

505

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.

506

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

507

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

508

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

509

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

510

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

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511	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.
512	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
513	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
514	787.06(4)	1st	Selling or buying of minors into human trafficking.
515	790.161	1st	Attempted capital destructive device offense.
516	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
517	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than

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18 years and commits sexual battery on a person less than 12 years.

518

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

519

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

520

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

521

796.035 1st Selling or buying of minors into prostitution.

522

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

523

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

524

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

525

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

526

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817.535 (3) (b)

1st

Property owner is public official or employee.

527

817.568 (7)

2nd,  
PBL

Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

528

529

827.03 (2) (a)

1st

Aggravated child abuse.

530

847.0145 (1)

1st

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

531

847.0145 (2)

1st

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

532

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.

533

893.135

1st

Attempted capital trafficking offense.

534

893.135 (1) (a) 3.

1st

Trafficking in cannabis, more than 10,000 lbs.

535

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536 893.135 1st Trafficking in cocaine, more than 400  
 (1) (b) 1.c. grams, less than 150 kilograms.

537 893.135 1st Trafficking in illegal drugs, more  
 (1) (c) 1.c. than 28 grams, less than 30 kilograms.

538 893.135 1st Trafficking in phencyclidine, more  
 (1) (d) 1.c. than 400 grams.

539 893.135 1st Trafficking in methaqualone, more than  
 (1) (e) 1.c. 25 kilograms.

540 893.135 1st Trafficking in amphetamine, more than  
 (1) (f) 1.c. 200 grams.

541 893.135 1st Trafficking in gamma-hydroxybutyric  
 (1) (h) 1.c. acid (GHB), 10 kilograms or more.

542 893.135 1st Trafficking in 1,4-Butanediol, 10  
 (1) (j) 1.c. kilograms or more.

543 893.135 1st Trafficking in Phenethylamines, 400  
 (1) (k) 2.c. grams or more.

544 896.101 (5) (c) 1st Money laundering, financial  
 instruments totaling or exceeding  
 \$100,000.

896.104 (4) (a) 3. 1st Structuring transactions to evade

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reporting or registration  
requirements, financial transactions  
totaling or exceeding \$100,000.

545

546

547

Section 4. This act shall take effect October 1, 2013.