

HB 915

2013

1                   A bill to be entitled  
2           An act relating to false claims against real or  
3           personal property; creating s. 817.395, F.S.;  
4           prohibiting certain actions relating to the filing of  
5           certain false or fraudulent documents affecting real  
6           or personal property; providing criminal penalties;  
7           providing enhanced criminal penalties for second or  
8           subsequent offenses; prohibiting certain actions done  
9           with intent to intimidate or harass any person in  
10          connection with any license, authorization, claim,  
11          demand, or account; providing criminal penalties;  
12          providing for reclassification of certain offenses  
13          committed by persons who are incarcerated, on pretrial  
14          release, or on specified forms of supervision or  
15          persons whose offenses caused financial injury or  
16          costs; providing that certain offenders forfeit gain-  
17          time or early release credits; providing that  
18          adjudication of guilt or imposition of sentence for a  
19          violation may not be suspended, deferred, or withheld;  
20          providing for injunctions prohibiting violators from  
21          filing certain documents; providing for actions to  
22          obtain the sealing of certain records; providing for  
23          ex parte injunctions; providing for hearings;  
24          providing for final injunctions; providing for  
25          maintaining certain records under seal; amending s.  
26          843.0855, F.S.; revising definitions; providing  
27          legislative intent relating to provisions prohibiting  
28          certain actions under color of law against persons or

29 | property; amending s. 921.0022, F.S.; ranking certain  
 30 | offenses on the offense severity ranking chart of the  
 31 | Criminal Punishment Code; providing an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | Section 1. Section 817.395, Florida Statutes, is created  
 36 | to read:

37 | 817.395 Unlawful filing of false claim against real or  
 38 | personal property.-

39 | (1) A person who files, attempts to file, solicits or  
 40 | directs another to file, or conspires to file, in any public  
 41 | record or in any private record that is generally available to  
 42 | the public, or in any public electronic database or in any  
 43 | private electronic database that is generally available to the  
 44 | public, any lien, financing statement, encumbrance, or similar  
 45 | document or any document that purports to be such a document  
 46 | affecting the real or personal property of any person, knowing  
 47 | or having reason to know that such lien, financing statement,  
 48 | encumbrance, or similar document is false or contains any  
 49 | materially false, fictitious, or fraudulent statement or  
 50 | representation commits:

51 | (a) For a first offense, a felony of the third degree,  
 52 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

53 | (b) For a second or subsequent offense, a felony of the  
 54 | second degree, punishable as provided in s. 775.082, s. 775.083,  
 55 | or s. 775.084.

56 | (2) Any person who with the intent to deceive, coerce,

57 | intimidate, harass, or attempt to deceive, coerce, intimidate,  
 58 | or harass any person in connection with any license,  
 59 | authorization, claim, demand, or account:

60 |       (a) Issues, displays, posts, utters, or delivers any  
 61 | matter, printed, typed, or written, that:

62 |           1. Simulates or resembles a summons, warrant, writ, or  
 63 | other court process or pleading, or any official permit or  
 64 | license;

65 |           2. By its form; wording; use of the name of the State of  
 66 | Florida or any officer, agency, or subdivision thereof; use of  
 67 | seals or insignia; or general appearance would reasonably create  
 68 | in the mind of the ordinary person the false impression that it  
 69 | has judicial or other official authorization, sanction, or  
 70 | approval;

71 |           3. Purports to be issued by a court or authority having  
 72 | jurisdiction over any matter or person other than the duly  
 73 | authorized courts and authorities established by the United  
 74 | States Constitution, State Constitution, Florida Statutes, or  
 75 | federal law; or

76 |       (b) Files in any public record or in any private record  
 77 | that is generally available to the public any record or filing  
 78 | prohibited by this section affecting property rights, claiming  
 79 | or appearing to perfect any lien, identifying itself as or  
 80 | appearing to be any financing statement, or otherwise claiming  
 81 | to establish any encumbrance against the real or personal  
 82 | property of any person,

83 |  
 84 | commits a felony of the third degree, punishable as provided in

85 s. 775.082 or s. 775.083.

86 (3) (a) The degree of the offense of a person convicted of  
 87 a violation under subsection (1) shall be reclassified under  
 88 paragraph (b) if:

89 1. The person committed the violation while incarcerated  
 90 in a jail or correctional institution, a participant in a  
 91 pretrial diversion program, under any form of pretrial release  
 92 or bond, on probation or parole, or under any post-release  
 93 supervision.

94 2. The person has incurred any financial injury or costs  
 95 by reason of or in correcting or removing any such record  
 96 described in subsection (1).

97 (b) For any person convicted under this section to which  
 98 this subsection applies, the offense shall be reclassified as  
 99 follows:

100 1. In the case of a felony of the third degree, the  
 101 offense shall be reclassified as a felony of the second degree.

102 2. In the case of a felony of the second degree, the  
 103 offense shall be reclassified as a felony of the first degree.

104 (4) A person convicted of a violation under subsection (1)  
 105 for engaging in any act prohibited by that subsection while  
 106 incarcerated in a jail or correctional institution shall forfeit  
 107 all gain-time or any early release credits accumulated prior to  
 108 the date of the violation.

109 (5) Notwithstanding any other law, adjudication of guilt  
 110 or imposition of sentence for a violation of this section may  
 111 not be suspended, deferred, or withheld.

112 (6) If a person is convicted of a violation under

HB 915

2013

113 subsection (1), the court may enjoin the person from filing in  
114 any public record or in any private record that is generally  
115 available to the public, and, if applicable, any public or  
116 private electronic database that is generally available to the  
117 public, any lien, financing statement, encumbrance, or similar  
118 document affecting the real or personal property of any person,  
119 absent prior review and approval for filing by a circuit or  
120 county court judge. The court may also order the sealing from  
121 any public record or the private record that is generally  
122 available to the public and, if applicable, the removal from any  
123 public or private electronic database that is generally  
124 available to the public the lien, financing statement,  
125 encumbrance, or other document affecting real or personal  
126 property that is the subject of the prosecution.

127 (7) (a) Any person adversely affected by the filing or  
128 recording of any item described in subsection (1) or any agency  
129 acting on behalf of an adversely affected public officer or  
130 public employee as defined in s. 843.0855 may file in circuit  
131 court in the county in which the filing or recording has  
132 occurred a sworn petition seeking the sealing from the public  
133 record or the private record that is generally available to the  
134 public and, if applicable, the removal from any public  
135 electronic database, or private electronic database that is  
136 generally available to the public, of the filing or recording,  
137 liquidated damages up to \$10,000, or actual damages, costs, and  
138 reasonable attorney fees. Within 10 days after filing the sworn  
139 petition, upon a showing of a likelihood of success on the  
140 merits, the court shall issue an ex parte temporary injunction

141 requiring the temporary sealing from the public record or the  
142 private record that is generally available to the public and, if  
143 applicable, removing from any public electronic database, or  
144 private electronic database that is generally available to the  
145 public, the filing or recording of the lien, financing  
146 statement, encumbrance, or similar document at issue until final  
147 judgment is entered. Any motion accompanied by a certified  
148 judgment demonstrating that the person filing the item has been  
149 convicted under this section shall be presumed to have a  
150 likelihood of success on its merits. The court shall also bar  
151 the filer from filing in any public record, or in any private  
152 record that is generally available to the public, any lien,  
153 financing statement, encumbrance, or similar document affecting  
154 real or personal property against the real or personal property  
155 of any past or present public officer or employee, unless  
156 approved by a circuit or county court judge.

157 (b) Upon issuance of an ex parte temporary injunction  
158 under subparagraph (a), the court shall promptly schedule a  
159 hearing with notice provided to the person who made the filing  
160 or recording to appear and show cause why the filing or  
161 recording is not in violation of this section and should not be  
162 sealed or removed. A hearing under this paragraph is not  
163 required if the filed or recorded document at issue does not  
164 identify the filer and include sufficient information to provide  
165 notice to the filer.

166 (c) If the person adversely affected by the filing or  
167 recording of any item described in subsection (1) demonstrates  
168 by a preponderance of the evidence that the filing or recording

HB 915

2013

169 is in violation of subsection (1), the court shall enter a final  
170 judgment ordering that the filing be permanently sealed from the  
171 public record or the private record that is generally available  
172 to the public and, if applicable, removed from any public  
173 electronic database, or private electronic database that is  
174 generally available to the public, and shall order the person  
175 who filed or recorded the document at issue to pay to the  
176 prevailing person or agency costs and reasonable attorney fees.  
177 The court may also enjoin the filer from filing or recording in  
178 any public record or in any private record that is generally  
179 available to the public, and, if applicable, in any public  
180 electronic database or in any private electronic database  
181 generally available to the public, any lien, financing  
182 statement, encumbrance, or similar document affecting the real  
183 or personal property of any person, absent approval from a  
184 circuit or county court judge. The records custodian or entity  
185 responsible for maintaining the public records or any private  
186 records that are generally available to the public, and, if  
187 applicable, any public electronic database or any private  
188 electronic database that is generally available to the public,  
189 shall, upon receipt of the order, seal and remove the filing  
190 from its electronic database in such a manner as to prevent it  
191 from being viewed by the public and shall mark the entry with a  
192 notation indicating the record has been sealed or removed by  
193 order of the court, referring to the specific court order giving  
194 basis for the sealing or removing.

195 (d) Any document removed from an electronic database under  
196 this section shall be maintained under seal in paper or

HB 915

2013

197 | electronic form.

198 |       (e) A certified copy of the document sealed or removed as  
199 | authorized in paragraph (c) and the court order authorizing the  
200 | sealing or removal may be provided to the person adversely  
201 | affected by the filing or recording for use in subsequent court  
202 | proceedings, for use in addressing or correcting adverse effects  
203 | upon the person's credit or property rights, and for reporting  
204 | the matter for investigation and prosecution. Such a copy may  
205 | also be provided in response to a subpoena seeking the document  
206 | for criminal investigative or prosecution purposes.

207 |       (f) A person who filed a document that has been sealed or  
208 | removed from an applicable electronic database by court order  
209 | pursuant to paragraph (c) who was not noticed to appear at the  
210 | court hearing that resulted in the sealing or removal order may  
211 | petition the court order to set a hearing to determine whether  
212 | the order should remain in effect. If the court sets a hearing,  
213 | the person who was the subject of the document shall be noticed  
214 | and given an opportunity to appear. If the petitioner at the  
215 | hearing establishes by clear and convincing evidence that the  
216 | filed or recorded document is a valid lien financing statement  
217 | or encumbrance, or similar document that does not contain any  
218 | materially false, fictitious, or fraudulent statement or  
219 | representation, the court shall order the document unsealed and  
220 | placed back on any applicable electronic database. The document  
221 | is deemed effective as a filed record from the initial filing  
222 | date. However, it is not retroactive as against a purchaser of  
223 | real or personal property who acts in reasonable reliance on the  
224 | absence of the document from any public record or any private

HB 915

2013

225 record that is generally available to the public, or from any  
226 public electronic database or any private electronic database  
227 that is generally available to the public.

228 (g) If the court finds that the person who sought removal  
229 or sealing of a valid lien, financing statement, encumbrance, or  
230 similar document did so in bad faith or with a malicious  
231 purpose, the court shall award the person who filed the lien,  
232 financing statement, encumbrance, or similar document reasonable  
233 attorney fees.

234 Section 2. Section 843.0855, Florida Statutes, is amended  
235 to read:

236 843.0855 Criminal actions under color of law or through  
237 use of simulated legal process.—

238 (1) As used in this section:

239 (a) The term "legal process" means a document or order  
240 issued by a court or filed or recorded for the purpose of  
241 exercising jurisdiction or representing a claim against a person  
242 or property, or for the purpose of directing a person to appear  
243 before a court or tribunal, or to perform or refrain from  
244 performing a specified act. "Legal process" includes, but is not  
245 limited to, a summons, lien, complaint, warrant, injunction,  
246 writ, notice, pleading, subpoena, or order.

247 (b) The term "person" means an individual, public or  
248 private group incorporated or otherwise, legitimate or  
249 illegitimate legal tribunal or entity, informal organization,  
250 official or unofficial agency or body, or any assemblage of  
251 individuals.

252 (c) The term "public officer or public employee" includes,

253 | but is not limited to:

254 |       1. Any person elected or appointed to a state or federal  
 255 | office, including any person serving on an advisory body, board,  
 256 | commission, committee, council, or authority.

257 |       2. Any state or federal executive, legislative, or  
 258 | judicial officer, employee, or volunteer authorized to perform  
 259 | actions or services for any executive, legislative, or judicial  
 260 | office, agency, officer, or employee.

261 |       3. Any person who acts as a general or special magistrate,  
 262 | auditor, arbitrator, umpire, referee hearing officer, or  
 263 | consultant to any state or local governmental entity.

264 |       4. Any person who is a candidate for public office or  
 265 | judicial position ~~means a public officer as defined by s.~~  
 266 | ~~112.061.~~

267 |       ~~(d) The term "public employee" means a public employee as~~  
 268 | ~~defined by s. 112.061.~~

269 |       (2) Any person who deliberately impersonates or falsely  
 270 | acts as a public officer or tribunal, public employee or utility  
 271 | employee, including, but not limited to, marshals, judges,  
 272 | prosecutors, sheriffs, deputies, court personnel, or any law  
 273 | enforcement authority in connection with or relating to any  
 274 | legal process affecting persons and property, or otherwise takes  
 275 | any action under color of law against persons or property,  
 276 | commits a felony of the third degree, punishable as provided in  
 277 | s. 775.082 or s. 775.083. It is the intent of the Legislature  
 278 | that this subsection apply when such a person acts as any public  
 279 | officer, public employee, or tribunal purporting to supersede or  
 280 | override any legislation or statute of this state, or to

281 supersede or override any action of any court of this state.

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

290 (4) Any person who falsely under color of law attempts in  
 291 any way to influence, intimidate, or hinder a public officer or  
 292 law enforcement officer in the discharge of his or her official  
 293 duties by means of, but not limited to, threats of or actual  
 294 physical abuse or harassment, or through the use of simulated  
 295 legal process, commits a felony of the third degree, punishable  
 296 as provided in s. 775.082 or s. 775.083.

297 (5) ~~(a)~~ ~~Nothing in This section~~ does not:

298 (a) ~~shall~~ Make unlawful any act of any law enforcement  
 299 officer or legal tribunal which is performed under lawful  
 300 authority under the United States Constitution or the State  
 301 Constitution or as established by Florida Statutes or federal  
 302 law.

303 ~~(b) Nothing in this section shall~~ Prohibit individuals  
 304 from assembling freely to express opinions or designate group  
 305 affiliation or association.

306 ~~(c) Nothing in this section shall~~ Prohibit or in any way  
 307 limit a person's lawful and legitimate access to the courts or  
 308 prevent a person from instituting or responding to legitimate

HB 915

2013

309 and lawful legal process.

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

312 921.0022 Criminal Punishment Code; offense severity  
 313 ranking chart.—

314 (3) OFFENSE SEVERITY RANKING CHART

315 (g) LEVEL 7

316

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

320

HB 915

2013

321	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
322	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
323	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
324	456.065 (2)	3rd	Practicing a health care profession without a license.
325	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
326	458.327 (1)	3rd	Practicing medicine without a license.
327	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
328			

HB 915

2013

329	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
330	461.012 (1)	3rd	Practicing podiatric medicine without a license.
331	462.17	3rd	Practicing naturopathy without a license.
332	463.015 (1)	3rd	Practicing optometry without a license.
333	464.016 (1)	3rd	Practicing nursing without a license.
334	465.015 (2)	3rd	Practicing pharmacy without a license.
335	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
336	467.201	3rd	Practicing midwifery without a license.
337	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical

HB 915

2013

laboratory personnel without a license.

338

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

339

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

340

484.053 3rd Dispensing hearing aids without a license.

341

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.

342

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.

343

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

HB 915

2013

\$20,000.

344 655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

345 775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

346 775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

347 775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

348 782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

349 782.07 (1) 2nd Killing of a human being by the

HB 915

2013

act, procurement, or culpable  
negligence of another  
(manslaughter).

350

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

351

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

352

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

353

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

354

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

355

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

356

HB 915

2013

357	784.048 (7)	3rd	Aggravated stalking; violation of court order.
358	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
359	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
360	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
361	784.081 (1)	1st	Aggravated battery on specified official or employee.
362	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
363	784.083 (1)	1st	Aggravated battery on code inspector.
364	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
	787.06 (3) (e)	1st	Human trafficking using

HB 915

2013

coercion for labor and services  
by the transfer or transport of  
any individual from outside  
Florida to within the state.

365

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

366

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

367

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

368

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

369

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

370

790.166(4) 2nd Possessing, displaying, or  
threatening to use a hoax  
weapon of mass destruction

HB 915

2013

while committing or attempting  
to commit a felony.

371

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

372

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.

373

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

374

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

375

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.

376

806.01 (2)                      2nd      Maliciously damage structure by

HB 915

2013

fire or explosive.

377

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

378

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

379

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

380

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

381

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.

382

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

383

HB 915

2013

384	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
385	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
386	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
387	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
388	812.131 (2) (a)	2nd	Robbery by sudden snatching.
389	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
390	<u>817.395 (2) (b)</u>	<u>3rd</u>	<u>Filing of false lien or other document.</u>
391	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.

HB 915

2013

392	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
393	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
394	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.
395	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
396	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.

HB 915

2013

397	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
398	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
399	838.015	2nd	Bribery.
400	838.016	2nd	Unlawful compensation or reward for official behavior.
401	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
402	838.22	2nd	Bid tampering.
403	<u>843.0855 (2)</u>	<u>3rd</u>	<u>Impersonation of public officer, specified employee, or tribunal.</u>
404	<u>843.0855 (3)</u>	<u>3rd</u>	<u>Unlawful simulation of legal process.</u>
405	<u>843.0855 (4)</u>	<u>3rd</u>	<u>Intimidation of public officer or law enforcement officer.</u>

HB 915

2013

406

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

407

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

408

872.06 2nd Abuse of a dead human body.

409

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

410

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

411

893.13(1)(e)1. 1st Sell, manufacture, or deliver

HB 915

2013

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.

412

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).

413

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

414

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

415

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

416

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

HB 915

2013

417	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
418	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
419	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
420	893.135 (1)(h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
421	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
422	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
423	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing

HB 915

2013

of controlled substance.

424

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

425

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

426

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

427

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

428

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

429

943.0435 (13) 3rd Failure to report or providing false information about a

HB 915

2013

sexual offender; harbor or  
conceal a sexual offender.

430

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

431

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

432

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

433

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

434

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

435

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

HB 915

2013

digitized photograph.

436

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

437

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

438

439 (h) LEVEL 8

440

Florida	Felony	
Statute	Degree	Description

441

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

442

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

443

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

444

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

HB 915

2013

445	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
446	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.
447	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.
448	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
449	777.03(2)(a)	1st	Accessory after the fact, capital felony.
450	782.04(4)	2nd	Killing of human without design when engaged in act or attempt

HB 915

2013

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.

451

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

452

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

453

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

454

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

455

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

HB 915

2013

456  
457  
458  
459  
460  
461  
462

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.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

HB 915

2013

463	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
464	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
465	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
466	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
467	812.13 (2) (b)	1st	Robbery with a weapon.
468	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
469	<u>817.395 (2)</u>	<u>3rd</u>	<u>Issuing or filing unauthorized documents.</u>
470	<u>817.395 (3) (b) 1.</u>	<u>2nd</u>	<u>Filing false lien or other document; reclassified offense.</u>
	817.568 (6)	2nd	Fraudulent use of personal

HB 915

2013

identification information of  
an individual under the age of  
18.

471

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

472

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

473

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

474

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

475

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

476

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

HB 915

2013

477	860.16	1st	Aircraft piracy.
478	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).
479	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
480	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
481	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
482	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
483	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
484			

HB 915

2013

485	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
486	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
487	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
488	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
489	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
490	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

HB 915

2013

491	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
492	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
493	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
494	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
495	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
496	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or

HB 915

2013

exceeding \$20,000 but less than  
\$100,000.

497

498 (i) LEVEL 9

499

Florida	Felony	
Statute	Degree	Description

500

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

501

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

502

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

503

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

504

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

505

560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency,
-----------------	-----	---



HB 915

2013

adult.

512

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

513

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

514

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

515

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.

516

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

517

HB 915

2013

518	787.06(3)(g)	1st, PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
519	787.06(4)	1st	Selling or buying of minors into human trafficking.
520	790.161	1st	Attempted capital destructive device offense.
521	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
522	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
523	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
524	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
	794.011(8)(b)	1st	Sexual battery; engage in

HB 915

2013

sexual conduct with minor 12 to  
18 years by person in familial  
or custodial authority.

525

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

526

796.035 1st Selling or buying of minors  
into prostitution.

527

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

528

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

529

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

530

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

531

817.395 (3) (b) 2. 1st Filing false lien or other  
document; reclassified offense.

532

817.568 (7) 2nd, Fraudulent use of personal

HB 915

2013

		PBL	identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
533	827.03 (2) (a)	1st	Aggravated child abuse.
534	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
535	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
536	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.
537	893.135	1st	Attempted capital trafficking offense.
538	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more

HB 915

2013

than 10,000 lbs.

539

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

540

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

541

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

542

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

543

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

544

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

545

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

546

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

HB 915

2013

547

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

548

896.104(4)(a)3.        1st    Structuring transactions to  
evade reporting or registration  
requirements, financial  
transactions totaling or  
exceeding \$100,000.

549

550

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