



290700

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2010	.	
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	.	
	.	

The Committee on Ethics and Elections (Justice) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Restoring Faith in Public Office Act."

Section 2. Section 838.022, Florida Statutes, is amended to read:

838.022 Official misconduct.—

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



290700

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

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

18 (c) Obstruct, delay, or prevent the communication of
19 information relating to the commission of a felony that directly
20 involves or affects the public agency or public entity served by
21 the public servant.

22 (2) It is unlawful for a public servant, with corrupt
23 intent, to participate or abstain in a matter falling within the
24 public servant's duties, and in furtherance of such corrupt
25 intent, willfully fail to make a financial disclosure otherwise
26 required by state law or county or local ordinance concerning
27 the matter.

28 (3)~~(2)~~ For the purposes of this section:

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

31 (b) An official record or official document includes only
32 public records.

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

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



290700

42 (4) (a) ~~(3)~~ Any person who violates subsection (1) or
43 subsection (2) ~~this section~~ commits a felony of the third
44 degree, punishable as provided in s. 775.082, s. 775.083, or s.
45 775.084.

46 (b) Any person who violates subsection (2) when the amount
47 of the undisclosed financial interest or benefit or private gain
48 or loss is valued at \$10,000 or more commits a felony of the
49 second degree, punishable as provided in s. 775.082, s. 775.083,
50 or s. 775.084.

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

53 921.0022 Criminal Punishment Code; offense severity ranking
54 chart.-

55 (3) OFFENSE SEVERITY RANKING CHART

56 (g) LEVEL 7

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.



290700

60 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily
injury.

61 402.319(2) 2nd Misrepresentation and negligence or
intentional act resulting in great
62 bodily harm, permanent disfiguration,
permanent disability, or death.

63 409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or
less.

64 409.920(2)(b)1.b. 2nd Medicaid provider fraud; more than
\$10,000, but less than \$50,000.

65 456.065(2) 3rd Practicing a health care profession
without a license.

66 456.065(2) 2nd Practicing a health care profession
without a license which results in
67 serious bodily injury.

68 458.327(1) 3rd Practicing medicine without a license.

459.013(1) 3rd Practicing osteopathic medicine without
a license.

460.411(1) 3rd Practicing chiropractic medicine without
a license.



290700

69	461.012 (1)	3rd	Practicing podiatric medicine without a license.
70	462.17	3rd	Practicing naturopathy without a license.
71	463.015 (1)	3rd	Practicing optometry without a license.
72	464.016 (1)	3rd	Practicing nursing without a license.
73	465.015 (2)	3rd	Practicing pharmacy without a license.
74	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
75	467.201	3rd	Practicing midwifery without a license.
76	468.366	3rd	Delivering respiratory care services without a license.
77	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
78	483.901 (9)	3rd	Practicing medical physics without a license.
79	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.



80	484.053	3rd	Dispensing hearing aids without a license.
81	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.
82	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.
83	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
84	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
85	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
86	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.



87	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
88	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
89	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
90	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
91	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
92	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
93	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
94	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.



290700

95	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
96	784.048 (7)	3rd	Aggravated stalking; violation of court order.
97	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
98	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
99	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
100	784.081 (1)	1st	Aggravated battery on specified official or employee.
101	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
102	784.083 (1)	1st	Aggravated battery on code inspector.
103	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
104	790.16 (1)	1st	Discharge of a machine gun under



specified circumstances.

105

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

106

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

107

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

108

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

109

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

110

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.

111

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



112 800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim
less than 12 years of age; offender less
than 18 years.

113 800.04(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.

114 806.01(2) 2nd Maliciously damage structure by fire or
explosive.

115 810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

116 810.02(3)(b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

117 810.02(3)(d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

118 810.02(3)(e) 2nd Burglary of authorized emergency
vehicle.

119 812.014(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.



120	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
121	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
122	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
123	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
124	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
125	812.131 (2) (a)	2nd	Robbery by sudden snatching.
126	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
127	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
128	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.



290700

129	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
130	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.
131	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
132	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.
133	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
134	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
135	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
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290700

137	838.015	2nd	Bribery.
138	838.016	2nd	Unlawful compensation or reward for official behavior.
139	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
140	<u>838.022 (4) (a)</u>	<u>3rd</u>	<u>Failure of public servant to make financial disclosure.</u>
141	838.22	2nd	Bid tampering.
142	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
143	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
144	872.06	2nd	Abuse of a dead human body.
145	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	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



290700

of a child care facility, school, or
state, county, or municipal park or
publicly owned recreational facility or
community center.

146

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.

147

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).

148

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

149

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

150

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

151

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

152

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



290700

200 grams, less than 5 kilograms.

153

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

154

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

155

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

156

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

157

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

158

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

159

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

160

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



but less than \$20,000.

161

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

162

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

163

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

164

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

165

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

166

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

167

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

168

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



290700

harbor or conceal a sexual offender.

169

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

170

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

171

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

172

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

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175 (h) LEVEL 8

Florida Statute	Felony Degree	Description
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176

316.193(3)(c)3.a.	2nd	DUI manslaughter.
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177

316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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178

327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
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290700

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- 499.0051(7) 1st Knowing trafficking in contraband prescription drugs.
- 499.0051(8) 1st Knowing forgery of prescription labels or prescription drug labels.
- 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.
- 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.
- 655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
- 777.03(2)(a) 1st Accessory after the fact, capital felony.
- 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, aircraft piracy, or unlawfully discharging bomb.



290700

187	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
188	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
189	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
190	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
191	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
192	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
193	800.04(4)	2nd	Lewd or lascivious battery.
194	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.



290700

- 195 810.02 (2) (a) 1st,PBL Burglary with assault or battery.
- 810.02 (2) (b) 1st,PBL Burglary; armed with explosives or
196 dangerous weapon.
- 810.02 (2) (c) 1st Burglary of a dwelling or structure
causing structural damage or \$1,000 or
197 more property damage.
- 812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000
198 or more, grand theft in 1st degree.
- 812.13 (2) (b) 1st Robbery with a weapon.
199
- 812.135 (2) (c) 1st Home-invasion robbery, no firearm,
200 deadly weapon, or other weapon.
- 817.568 (6) 2nd Fraudulent use of personal
identification information of an
201 individual under the age of 18.
- 825.102 (2) 1st Aggravated abuse of an elderly person or
202 disabled adult.
- 825.1025 (2) 2nd Lewd or lascivious battery upon an
elderly person or disabled adult.
- 203 825.103 (2) (a) 1st Exploiting an elderly person or disabled
adult and property is valued at \$100,000



290700

or more.

204

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

205

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

206

838.022 (4) (b) 2nd Failure to make financial disclosure; \$10,000 or more.

207

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

208

860.16 1st Aircraft piracy.

209

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).

210

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

211

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



290700

212 893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000
lbs., less than 10,000 lbs.

213 893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200
grams, less than 400 grams.

214 893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than
14 grams, less than 28 grams.

215 893.135(1)(d)1.b. 1st Trafficking in phencyclidine, more than
200 grams, less than 400 grams.

216 893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than
5 kilograms, less than 25 kilograms.

217 893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than
28 grams, less than 200 grams.

218 893.135(1)(g)1.b. 1st Trafficking in flunitrazepam, 14 grams
or more, less than 28 grams.

219 893.135(1)(h)1.b. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 5 kilograms or more, less
than 10 kilograms.

220 893.135(1)(j)1.b. 1st Trafficking in 1,4-Butanediol, 5
kilograms or more, less than 10
kilograms.



221 893.135(1)(k)2.b. 1st Trafficking in Phenethylamines, 200
grams or more, less than 400 grams.

222 893.1351(3) 1st Possession of a place used to
manufacture controlled substance when
minor is present or resides there.

223 895.03(1) 1st Use or invest proceeds derived from
pattern of racketeering activity.

224 895.03(2) 1st Acquire or maintain through racketeering
activity any interest in or control of
any enterprise or real property.

225 895.03(3) 1st Conduct or participate in any enterprise
through pattern of racketeering
activity.

226 896.101(5)(b) 2nd Money laundering, financial transactions
totaling or exceeding \$20,000, but less
than \$100,000.

227 896.104(4)(a)2. 2nd Structuring transactions to evade
reporting or registration requirements,
financial transactions totaling or
exceeding \$20,000 but less than
\$100,000.

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290700

229 Section 4. This act shall take effect July 1, 2010.

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231

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

233 And the title is amended as follows:

234 Delete everything before the enacting clause
235 and insert:

236 A bill to be entitled
237 An act relating to public servants; providing a short
238 title; amending s. 838.022, F.S.; providing that it is
239 a third-degree felony for a public servant, with
240 corrupt intent, to fail to disclose certain direct or
241 indirect financial interests or benefits; providing
242 that it is a third-degree felony for a public servant,
243 with corrupt intent, to fail to disclose a fact or
244 information concerning an official act which is
245 required to be disclosed by law; providing that such
246 action is a second-degree felony if the financial
247 interest is greater than or equal to a specified
248 amount; defining the terms "financial disclosure" and
249 "participate"; amending s. 921.0022, F.S., relating to
250 the offense severity ranking chart of the Criminal
251 Punishment Code; conforming provisions to changes made
252 by the act; providing an effective date.