

By Senator Fasano

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1 A bill to be entitled
2 An act relating to theft offenses; amending s.
3 812.0145, F.S.; revising the values used in the
4 classification of thefts from persons age 65 or older;
5 providing penalties; amending s. 817.034, F.S.;
6 providing a more severe ranking under the Criminal
7 Punishment Code for specified communications fraud
8 violations involving victims age 65 or older; amending
9 s. 775.0844, F.S.; providing minimum mandatory
10 sentences for specified white collar crime offenses;
11 providing additional minimum mandatory sentences for
12 certain offenses based on the number of victims;
13 amending s. 921.0022, F.S.; conforming provisions of
14 the Offense Severity Ranking Chart of the Criminal
15 Punishment Code to changes made by the act; providing
16 an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (2) of section 812.0145, Florida
21 Statutes, is amended to read:

22 812.0145 Theft from persons 65 years of age or older;
23 reclassification of offenses.—

24 (2) Whenever a person is charged with committing theft from
25 a person 65 years of age or older, when he or she knows or has
26 reason to believe that the victim was 65 years of age or older,
27 the offense for which the person is charged shall be
28 reclassified as follows:

29 (a) If the funds, assets, or property involved in the theft

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30 from a person 65 years of age or older is valued at \$20,000
31 ~~\$50,000~~ or more, the offender commits a felony of the first
32 degree, punishable as provided in s. 775.082, s. 775.083, or s.
33 775.084.

34 (b) If the funds, assets, or property involved in the theft
35 from a person 65 years of age or older is valued at \$5,000
36 ~~\$10,000~~ or more, but less than \$20,000 ~~\$50,000~~, the offender
37 commits a felony of the second degree, punishable as provided in
38 s. 775.082, s. 775.083, or s. 775.084.

39 (c) If the funds, assets, or property involved in the theft
40 from a person 65 years of age or older is valued at \$300 or
41 more, but less than \$5,000 ~~\$10,000~~, the offender commits a
42 felony of the third degree, punishable as provided in s.
43 775.082, s. 775.083, or s. 775.084.

44 Section 2. Paragraph (a) of subsection (4) of section
45 817.034, Florida Statutes, is amended to read:

46 817.034 Florida Communications Fraud Act.—

47 (4) OFFENSES.—

48 (a) Any person who engages in a scheme to defraud and
49 obtains property thereby commits ~~is guilty of~~ organized fraud,
50 punishable as follows:

51 1. If the amount of property obtained has an aggregate
52 value of \$50,000 or more, the violator commits ~~is guilty of~~ a
53 felony of the first degree, punishable as provided in s.
54 775.082, s. 775.083, or s. 775.084.

55 2. If the amount of property obtained has an aggregate
56 value of \$20,000 or more, but less than \$50,000, the violator
57 commits ~~is guilty of~~ a felony of the second degree, punishable
58 as provided in s. 775.082, s. 775.083, or s. 775.084.

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59 3. If the amount of property obtained has an aggregate
60 value of less than \$20,000, the violator commits ~~is guilty of~~ a
61 felony of the third degree, punishable as provided in s.
62 775.082, s. 775.083, or s. 775.084.

63
64 For purposes of sentencing under chapter 921, a felony offense
65 under this paragraph committed against a victim who is 65 years
66 of age or older is ranked two levels above the ranking under the
67 Criminal Punishment Code of a grand theft violation of s.
68 812.014 involving the same value.

69 Section 3. Section 775.0844, Florida Statutes, is amended
70 to read:

71 775.0844 White Collar Crime Victim Protection Act.—

72 (1) This section may be cited as the "White Collar Crime
73 Victim Protection Act."

74 (2) Due to the frequency with which victims, particularly
75 elderly victims, are deceived and cheated by criminals who
76 commit nonviolent frauds and swindles, frequently through the
77 use of the Internet and other electronic technology and
78 frequently causing the loss of substantial amounts of property,
79 it is the intent of the Legislature to enhance the sanctions
80 imposed for nonviolent frauds and swindles, protect the public's
81 property, and assist in prosecuting white collar criminals.

82 (3) As used in this section, "white collar crime" means:

83 (a) The commission of, or a conspiracy to commit, any
84 felony offense specified in:

85 1. Chapter 560, relating to the Money Transmitters' Code.

86 2. Chapter 812, relating to theft, robbery, and related
87 crimes.

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- 88 3. Chapter 815, relating to computer-related crimes.
- 89 4. Chapter 817, relating to fraudulent practices.
- 90 5. Chapter 825, relating to abuse, neglect, and
91 exploitation of elderly persons and disabled adults.
- 92 6. Chapter 831, relating to forgery and counterfeiting.
- 93 7. Chapter 832, relating to the issuance of worthless
94 checks and drafts.
- 95 8. Chapter 838, relating to bribery and misuse of public
96 office.
- 97 9. Chapter 839, relating to offenses by public officers and
98 employees.
- 99 10. Chapter 895, relating to offenses concerning
100 racketeering and illegal debts.
- 101 11. Chapter 896, relating to offenses related to financial
102 transactions.
- 103 (b) A felony offense that is committed with intent to
104 defraud or that involves a conspiracy to defraud.
- 105 (c) A felony offense that is committed with intent to
106 temporarily or permanently deprive a person of his or her
107 property or that involves a conspiracy to temporarily or
108 permanently deprive a person of his or her property.
- 109 (d) A felony offense that involves or results in the
110 commission of fraud or deceit upon a person or that involves a
111 conspiracy to commit fraud or deceit upon a person.
- 112 (4) As used in this section, "aggravated white collar
113 crime" means engaging in at least two white collar crimes that
114 have the same or similar intents, results, accomplices, victims,
115 or methods of commission, or that are otherwise interrelated by
116 distinguishing characteristics and are not isolated incidents,

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117 provided that at least one of such crimes occurred after the
118 effective date of this act.

119 (5) Any person who commits an aggravated white collar crime
120 as defined in this section and in so doing either:

121 (a) Victimizes 10 or more elderly persons, as defined in s.
122 825.101(5);

123 (b) Victimizes 20 or more persons, as defined in s. 1.01;
124 or

125 (c) Victimizes the State of Florida, any state agency, any
126 of the state's political subdivisions, or any agency of the
127 state's political subdivisions,

128
129 and thereby obtains or attempts to obtain \$50,000 or more,
130 commits a felony of the first degree, punishable as provided in
131 s. 775.082, s. 775.083, or s. 775.084. Except as otherwise
132 provided in this subsection, a person convicted of a violation
133 of paragraph (a) shall be sentenced to a mandatory minimum term
134 of imprisonment of 3 years. A person convicted of a violation of
135 paragraph (a) or paragraph (b) shall be sentenced to a mandatory
136 minimum term of imprisonment of 5 years if there were 20 or more
137 victims but fewer than 30 victims and a mandatory minimum term
138 of imprisonment of 10 years if there were 30 or more victims.

139 (6) Notwithstanding any other provision of chapter 921 or
140 any other law, an aggravated white collar crime shall be ranked
141 within the offense severity ranking chart at offense severity
142 level 9.

143 (7) In addition to a sentence otherwise authorized by law,
144 a person convicted of an aggravated white collar crime may pay a
145 fine of \$500,000 or double the value of the pecuniary gain or

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146 loss, whichever is greater.

147 (8) A person convicted of an aggravated white collar crime
148 under this section is liable for all court costs and shall pay
149 restitution to each victim of the crime, regardless of whether
150 the victim is named in the information or indictment. As used in
151 this subsection, "victim" means a person directly and
152 proximately harmed as a result of the commission of the offense
153 for which restitution may be ordered, including any person
154 directly harmed by the defendant's criminal conduct in the
155 course of the commission of the aggravated white collar crime.
156 The court shall hold a hearing to determine the identity of
157 qualifying victims and shall order the defendant to pay
158 restitution based on his or her ability to pay, in accordance
159 with this section and s. 775.089.

160 (a) The court shall make the payment of restitution a
161 condition of any probation granted to the defendant by the
162 court. Notwithstanding any other law, the court may order
163 continued probation for a defendant convicted under this section
164 for up to 10 years or until full restitution is made to the
165 victim, whichever occurs earlier.

166 (b) The court retains jurisdiction to enforce its order to
167 pay fines or restitution. The court may initiate proceedings
168 against a defendant for a violation of probation or for contempt
169 of court if the defendant willfully fails to comply with a
170 lawful order of the court.

171 Section 4. Paragraphs (c), (e), (f), and (g) of subsection
172 (3) of section 921.0022, Florida Statutes, are amended to read:
173 921.0022 Criminal Punishment Code; offense severity ranking
174 chart.-

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(3) OFFENSE SEVERITY RANKING CHART

176

(c) LEVEL 3

Florida

Felony

Statute

Degree

Description

177

119.10(2)(b)

3rd

Unlawful use of confidential information from police reports.

178

316.066

3rd

(3)(b)-(d)

Unlawfully obtaining or using confidential crash reports.

179

316.193(2)(b)

3rd

Felony DUI, 3rd conviction.

180

316.1935(2)

3rd

Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

181

319.30(4)

3rd

Possession by junkyard of motor vehicle with identification number plate removed.

182

319.33(1)(a)

3rd

Alter or forge any certificate of title to a motor vehicle or mobile home.

183

319.33(1)(c)

3rd

Procure or pass title on stolen vehicle.

184

319.33(4)

3rd

With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

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185

327.35 (2) (b) 3rd Felony BUI.

186

328.05 (2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or fraudulent titles
or bills of sale of vessels.

187

328.07 (4) 3rd Manufacture, exchange, or possess vessel
with counterfeit or wrong ID number.

188

376.302 (5) 3rd Fraud related to reimbursement for
cleanup expenses under the Inland
Protection Trust Fund.

189

379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. destroying, causing to be destroyed,
transferring, selling, offering to sell,
molesting, or harassing marine turtles,
marine turtle eggs, or marine turtle
nests in violation of the Marine Turtle
Protection Act.

190

379.2431 3rd Soliciting to commit or conspiring to
(1) (e) 6. commit a violation of the Marine Turtle
Protection Act.

191

400.9935 (4) 3rd Operating a clinic without a license or
filing false license application or
other required information.

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440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

193

501.001(2)(b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

194

624.401(4)(a) 3rd Transacting insurance without a certificate of authority.

195

624.401(4)(b)1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

196

626.902(1)(a) & 3rd Representing an unauthorized insurer.
(b)

197

697.08 3rd Equity skimming.

198

790.15(3) 3rd Person directs another to discharge firearm from a vehicle.

199

796.05(1) 3rd Live on earnings of a prostitute.

200

806.10(1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

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201

806.10(2) 3rd Interferes with or assaults firefighter
in performance of duty.

202

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed with
firearm or dangerous weapon.

203

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less
than \$10,000.

204

812.0145(2)(c) 3rd Theft from person 65 years of age or
older; \$300 or more but less than \$5,000
~~\$10,000~~.

205

815.04(4)(b) 2nd Computer offense devised to defraud or
obtain property.

206

817.034(4)(a)3. 3rd ~~Engages in scheme to defraud (Florida~~
~~Communications fraud; Act),~~ property
valued at less than \$20,000.

207

817.233 3rd Burning to defraud insurer.

208

817.234 3rd Unlawful solicitation of persons
(8)(b)-(c) involved in motor vehicle accidents.

209

817.234(11)(a) 3rd Insurance fraud; property value less
than \$20,000.

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- 817.236 3rd Filing a false motor vehicle insurance application.
- 817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
- 817.413 (2) 3rd Sale of used goods as new.
- 817.505 (4) 3rd Patient brokering.
- 828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
- 831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
- 831.29 2nd Possession of instruments for counterfeiting driver ~~drivers~~ licenses or identification cards.
- 838.021 (3) (b) 3rd Threatens unlawful harm to public servant.
- 843.19 3rd Injure, disable, or kill police dog or horse.

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- 860.15(3) 3rd Overcharging for repairs and parts.
- 870.01(2) 3rd Riot; inciting or encouraging.
- 893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
- 893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
- 893.13(1)(f)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
- 893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.
- 893.13(7)(a)8. 3rd Withhold information from practitioner

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regarding previous receipt of or
prescription for a controlled substance.

226

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
substance by fraud, forgery,
misrepresentation, etc.

227

893.13(7)(a)10. 3rd Affix false or forged label to package
of controlled substance.

228

893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.

229

893.13(8)(a)1. 3rd Knowingly assist a patient, other
person, or owner of an animal in
obtaining a controlled substance through
deceptive, untrue, or fraudulent
representations in or related to the
practitioner's practice.

230

893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to assist a
patient, other person, or owner of an
animal in obtaining a controlled
substance.

231

893.13(8)(a)3. 3rd Knowingly write a prescription for a
controlled substance for a fictitious

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person.

232

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

233

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

234

944.47 (1)(a)1.-2. 3rd Introduce contraband to correctional facility.

235

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

236

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

237

238 (e) LEVEL 5

Florida	Felony	
Statute	Degree	Description

239

316.027(1)(a) 3rd Accidents involving personal injuries, failure to stop; leaving scene.

240

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

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241

322.34 (6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

242

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

243

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

244

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

245

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

246

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

247

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

248

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

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790.01 (2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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258

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

259

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

260

812.131 (2) (b) 3rd Robbery by sudden snatching.

261

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

262

817.034 (4) (a) 2. 2nd Communications fraud; property valued at, value \$20,000 or more but less than ~~to~~ \$50,000.

263

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

264

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

265

817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment

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avoided, or amount of injury or fraud,
 \$5,000 or more or use of personal
 identification information of 10 or more
 individuals.

266

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

267

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

268

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

269

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

270

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

271

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

272

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- 273
847.0135(5) (b)
2nd
Lewd or lascivious exhibition using computer; offender 18 years or older.
- 274
847.0137
(2) & (3)
3rd
Transmission of pornography by electronic device or equipment.
- 275
847.0138
(2) & (3)
3rd
Transmission of material harmful to minors to a minor by electronic device or equipment.
- 276
874.05(2)
2nd
Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
- 277
893.13(1) (a) 1.
2nd
Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
- 278
893.13(1) (c) 2.
2nd
Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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279

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

280

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

281

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

282

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

283

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

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284	(f) LEVEL 6		
	Florida	Felony	
	Statute	Degree	Description
285	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
286	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
287	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
288	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
289	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
290	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
291	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
292	784.041	3rd	Felony battery; domestic battery by strangulation.
293	784.048 (3)	3rd	Aggravated stalking; credible threat.

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- 784.048 (5) 3rd Aggravated stalking of person under 16.
- 784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.
- 784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.
- 784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.
- 784.081 (2) 2nd Aggravated assault on specified official or employee.
- 784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.
- 784.083 (2) 2nd Aggravated assault on code inspector.
- 787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.
- 790.115 (2) (d) 2nd Discharging firearm or weapon on school property.
- 790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05 (1)	2nd	Unlawful sexual activity with specified minor.
800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd

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degree.

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812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

314

812.0145 (2) (b) 2nd Theft from person age 65 or older; property valued at \$5,000 or more but less than \$20,000.

315

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

316

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

317

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

318

817.034 (4) (a) 1. 1st Communications fraud; property valued at, ~~value greater than~~ \$50,000 or more.

319

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

320

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

321

825.102 (3) (c) 3rd Neglect of an elderly person or disabled

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adult.

322

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

323

825.103(2)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

324

827.03(1) 3rd Abuse of a child.

325

827.03(3)(c) 3rd Neglect of a child.

326

827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

327

836.05 2nd Threats; extortion.

328

836.10 2nd Written threats to kill or do bodily injury.

329

843.12 3rd Aids or assists person to escape.

330

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

331

847.012 3rd Knowingly using a minor in the

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production of materials harmful to
minors.

332

847.0135(2) 3rd Facilitates sexual conduct of or with a
minor or the visual depiction of such
conduct.

333

914.23 2nd Retaliation against a witness, victim,
or informant, with bodily injury.

334

944.35(3)(a)2. 3rd Committing malicious battery upon or
inflicting cruel or inhuman treatment on
an inmate or offender on community
supervision, resulting in great bodily
harm.

335

944.40 2nd Escapes.

336

944.46 3rd Harboring, concealing, aiding escaped
prisoners.

337

944.47(1)(a)5. 2nd Introduction of contraband (firearm,
weapon, or explosive) into correctional
facility.

338

951.22(1) 3rd Intoxicating drug, firearm, or weapon
introduced into county facility.

339

340 (g) LEVEL 7

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Florida	Felony	Description
Statute	Degree	Description
341 316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
342 316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
343 316.1935 (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.
344 327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
345 402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
346 409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
347 409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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456.065 (2)	3rd	Practicing a health care profession without a license.
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
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.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene

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without a license.

359

467.201 3rd Practicing midwifery without a license.

360

468.366 3rd Delivering respiratory care services
without a license.

361

483.828 (1) 3rd Practicing as clinical laboratory
personnel without a license.

362

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

363

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

364

484.053 3rd Dispensing hearing aids without a
license.

365

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.

366

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.

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

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

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

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

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

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

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375	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
376	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
377	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
378	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
379	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
380	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
381	784.048 (7)	3rd	Aggravated stalking; violation of court order.
382	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery on sexually violent

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predators facility staff.

383

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

384

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

385

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

386

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

387

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

388

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

389

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

390

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

391

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

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destruction.

392

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

393

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

394

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.

395

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

396

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

397

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.

398

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; no assault or battery.

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

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

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

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.

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

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

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 older; \$20,000 ~~\$50,000~~ or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.
- 817.2341 1st Making false entries of material fact (2) (b) & (3) (b) 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.

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416 825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

417 825.103 (2) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

418 827.03 (3) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

419 827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

420 837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

421 838.015 2nd Bribery.

422 838.016 2nd Unlawful compensation or reward for official behavior.

423 838.021 (3) (a) 2nd Unlawful harm to a public servant.

424 838.22 2nd Bid tampering.

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425 847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

426 847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

427 872.06 2nd Abuse of a dead human body.

428 874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

429 893.13(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.

430 893.13(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.

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- 431
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).
- 432
893.135(1)(a)1.
1st
Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
- 433
893.135(1)(b)1.a.
1st
Trafficking in cocaine, more than 28 grams, less than 200 grams.
- 434
893.135(1)(c)1.a.
1st
Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
- 435
893.135(1)(d)1.
1st
Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
- 436
893.135(1)(e)1.
1st
Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 437
893.135(1)(f)1.
1st
Trafficking in amphetamine, more than 14 grams, less than 28 grams.
- 438
893.135(1)(g)1.a.
1st
Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 439
893.135(1)(h)1.a.
1st
Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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440 893.135 1st Trafficking in 1,4-Butanediol, 1
 (1) (j) 1.a. kilogram or more, less than 5
 kilograms.

441 893.135 1st Trafficking in Phenethylamines, 10
 (1) (k) 2.a. grams or more, less than 200 grams.

442 893.1351 (2) 2nd Possession of place for trafficking in
 or manufacturing of controlled
 substance.

443 896.101 (5) (a) 3rd Money laundering, financial
 transactions exceeding \$300 but less
 than \$20,000.

444 896.104 (4) (a) 1. 3rd Structuring transactions to evade
 reporting or registration requirements,
 financial transactions exceeding \$300
 but less than \$20,000.

445 943.0435 (4) (c) 2nd Sexual offender vacating permanent
 residence; failure to comply with
 reporting requirements.

446 943.0435 (8) 2nd Sexual offender; remains in state after
 indicating intent to leave; failure to
 comply with reporting requirements.

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

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reporting requirements.

447

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

448

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

449

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

450

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

451

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

452

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

453

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

454

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

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harbor or conceal a sexual offender.

455

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

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Section 5. This act shall take effect July 1, 2012.