

1 A bill to be entitled
2 An act relating to protection of vulnerable adults;
3 amending s. 812.0145, F.S.; reducing the minimum
4 amount of a theft from a person 65 years of age or
5 older that constitutes a felony of the third degree;
6 providing criminal penalties; renaming ch. 825, F.S.,
7 as "Abuse, Neglect, and Exploitation of Vulnerable
8 Adults"; amending s. 825.101, F.S.; revising
9 definitions; defining the terms "impaired" and
10 "vulnerable adult"; amending s. 825.102, F.S.;
11 revising terminology to prohibit specified offenses
12 against a vulnerable adult; amending s. 825.1025,
13 F.S.; revising terminology to prohibit specified lewd
14 and lascivious offenses committed upon or in the
15 presence of a vulnerable adult; conforming provisions
16 to changes made by the act; amending s. 825.103, F.S.;
17 revising terminology to prohibit specified offenses
18 involving exploitation of a vulnerable adult;
19 eliminating deception or intimidation as an element of
20 committing exploitation of a vulnerable adult;
21 conforming provisions to changes made by the act;
22 amending s. 825.105, F.S.; revising terminology to
23 provide legislative intent relating to good faith
24 assistance to a vulnerable adult; amending s. 825.106,
25 F.S.; revising terminology concerning speedy trial of
26 specified offenses; amending s. 90.803, F.S.;
27 conforming provisions to changes made by the act;
28 revising findings necessary to determine that a person

29 | is unavailable as a witness; amending ss. 435.04,
 30 | 775.084, 775.0844, 775.0877, 782.07, 921.0022, 948.06,
 31 | 960.003, and 1012.315, F.S.; conforming provisions to
 32 | changes made by the act; providing an effective date.

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

36 | Section 1. Paragraph (c) of subsection (2) of section
 37 | 812.0145, Florida Statutes, is amended to read:

38 | 812.0145 Theft from persons 65 years of age or older;
 39 | reclassification of offenses.—

40 | (2) Whenever a person is charged with committing theft
 41 | from a person 65 years of age or older, when he or she knows or
 42 | has reason to believe that the victim was 65 years of age or
 43 | older, the offense for which the person is charged shall be
 44 | reclassified as follows:

45 | (c) If the funds, assets, or property involved in the
 46 | theft from a person 65 years of age or older is valued at \$150
 47 | ~~\$300~~ or more, but less than \$10,000, the offender commits a
 48 | felony of the third degree, punishable as provided in s.
 49 | 775.082, s. 775.083, or s. 775.084.

50 | Section 2. Chapter 825, Florida Statutes, entitled "Abuse,
 51 | Neglect, and Exploitation of Elderly Persons and Disabled
 52 | Adults," is renamed "Abuse, Neglect, and Exploitation of
 53 | Vulnerable Adults."

54 | Section 3. Section 825.101, Florida Statutes, is amended
 55 | to read:

56 | 825.101 Definitions.—As used in this chapter:

57 (1) "Business relationship" means a relationship between
 58 two or more individuals or entities where there exists an oral
 59 or written contract or agreement for goods or services.

60 (2) "Caregiver" means a person who has been entrusted with
 61 or has assumed responsibility for the care or the property of a
 62 vulnerable ~~an elderly person or disabled~~ adult. "Caregiver"
 63 includes, but is not limited to, relatives, court-appointed or
 64 voluntary guardians, adult household members, neighbors, health
 65 care providers, and employees and volunteers of facilities as
 66 defined in subsection (4) ~~(7)~~.

67 ~~(3) "Deception" means:~~

68 ~~(a) Misrepresenting or concealing a material fact relating~~
 69 ~~to:~~

70 ~~1. Services rendered, disposition of property, or use of~~
 71 ~~property, when such services or property are intended to benefit~~
 72 ~~an elderly person or disabled adult;~~

73 ~~2. Terms of a contract or agreement entered into with an~~
 74 ~~elderly person or disabled adult; or~~

75 ~~3. An existing or preexisting condition of any property~~
 76 ~~involved in a contract or agreement entered into with an elderly~~
 77 ~~person or disabled adult; or~~

78 ~~(b) Using any misrepresentation, false pretense, or false~~
 79 ~~promise in order to induce, encourage, or solicit an elderly~~
 80 ~~person or disabled adult to enter into a contract or agreement.~~

81 ~~(4) "Disabled adult" means a person 18 years of age or~~
 82 ~~older who suffers from a condition of physical or mental~~
 83 ~~incapacitation due to a developmental disability, organic brain~~
 84 ~~damage, or mental illness, or who has one or more physical or~~

85 ~~mental limitations that restrict the person's ability to perform~~
86 ~~the normal activities of daily living.~~

87 ~~(5) "Elderly person" means a person 60 years of age or~~
88 ~~elder who is suffering from the infirmities of aging as~~
89 ~~manifested by advanced age or organic brain damage, or other~~
90 ~~physical, mental, or emotional dysfunctioning, to the extent~~
91 ~~that the ability of the person to provide adequately for the~~
92 ~~person's own care or protection is impaired.~~

93 ~~(3)~~(6) "Endeavor" means to attempt or try.

94 ~~(4)~~(7) "Facility" means any location providing day or
95 residential care or treatment for vulnerable elderly persons or
96 ~~disabled~~ adults. The term "facility" may include, but is not
97 limited to, any hospital, training center, state institution,
98 nursing home, assisted living facility, adult family-care home,
99 adult day care center, group home, mental health treatment
100 center, or continuing care community.

101 (5) "Impaired" means having any loss or abnormality of a
102 psychological, physiological, or anatomical structure or
103 function due to a mental, emotional, sensory, long-term
104 physical, or developmental disability or dysfunction; brain
105 damage; or the infirmities of aging that results in a vulnerable
106 adult's decreased ability to perform mental tasks and physical
107 activities of daily living as defined in s. 415.102.

108 ~~(8) "Intimidation" means the communication by word or act~~
109 ~~to an elderly person or disabled adult that the elderly person~~
110 ~~or disabled adult will be deprived of food, nutrition, clothing,~~
111 ~~shelter, supervision, medicine, medical services, money, or~~
112 ~~financial support or will suffer physical violence.~~

113 ~~(9) "Lacks capacity to consent" means an impairment by~~
114 ~~reason of mental illness, developmental disability, organic~~
115 ~~brain disorder, physical illness or disability, chronic use of~~
116 ~~drugs, chronic intoxication, short-term memory loss, or other~~
117 ~~cause, that causes an elderly person or disabled adult to lack~~
118 ~~sufficient understanding or capacity to make or communicate~~
119 ~~reasonable decisions concerning the elderly person's or disabled~~
120 ~~adult's person or property.~~

121 (6) ~~(10)~~ "Obtains or uses" means any manner of:

- 122 (a) Taking or exercising control over property; or
123 (b) Making any use, disposition, or transfer of property.

124 (7) ~~(11)~~ "Position of trust and confidence" with respect to
125 a vulnerable ~~an elderly person or a disabled~~ adult means the
126 position of a person who:

127 (a) Is a parent, spouse, adult child, or other relative by
128 blood or marriage of the vulnerable ~~elderly person or disabled~~
129 adult;

130 (b) Is a joint tenant or tenant in common with the
131 vulnerable ~~elderly person or disabled~~ adult;

132 (c) Has a legal or fiduciary relationship with the
133 vulnerable ~~elderly person or disabled~~ adult, including, but not
134 limited to, a court-appointed or voluntary guardian, trustee,
135 attorney, or conservator;

136 (d) Is a caregiver of the vulnerable ~~elderly person or~~
137 ~~disabled~~ adult; or

138 (e) Is any other person who has been entrusted with or has
139 assumed responsibility for the use or management of the
140 vulnerable ~~elderly person's or disabled~~ adult's funds, assets,

141 or property.

142 (8)~~(12)~~ "Property" means anything of value and includes:

143 (a) Real property, including things growing on, affixed
144 to, and found in land.

145 (b) Tangible or intangible personal property, including
146 rights, privileges, interests, and claims.

147 (c) Services.

148 (9)~~(13)~~ "Services" means anything of value resulting from
149 a person's physical or mental labor or skill, or from the use,
150 possession, or presence of property, and includes:

151 (a) Repairs or improvements to property.

152 (b) Professional services.

153 (c) Private, public, or governmental communication,
154 transportation, power, water, or sanitation services.

155 (d) Lodging accommodations.

156 (e) Admissions to places of exhibition or entertainment.

157 (10)~~(14)~~ "Value" means value determined according to any
158 of the following:

159 (a)1. The market value of the property at the time and
160 place of the offense or, if the market value cannot be
161 satisfactorily ascertained, the cost of replacing the property
162 within a reasonable time after the offense.

163 2. In the case of a written instrument such as a check,
164 draft, or promissory note, which does not have a readily
165 ascertainable market value, the value is the amount due or
166 collectible. The value of any other instrument that creates,
167 releases, discharges, or otherwise affects any valuable legal
168 right, privilege, or obligation is the greatest amount of

169 economic loss that the owner of the instrument might reasonably
170 suffer by the loss of the instrument.

171 3. The value of a trade secret that does not have a
172 readily ascertainable market value is any reasonable value
173 representing the damage to the owner suffered by reason of
174 losing advantage over those who do not know of or use the trade
175 secret.

176 (b) If the value of the property cannot be ascertained,
177 the trier of fact may find the value to be not less than a
178 certain amount; if no such minimum value can be ascertained, the
179 value is an amount less than \$100.

180 (c) Amounts of value of separate properties involved in
181 exploitation committed pursuant to one scheme or course of
182 conduct, whether the exploitation involves the same person or
183 several persons, may be aggregated in determining the degree of
184 the offense.

185 (11) "Vulnerable adult" means a person 18 years of age or
186 older whose ability to perform the normal activities of daily
187 living as defined in s. 415.102 or to provide for his or her own
188 care or protection is impaired.

189 Section 4. Section 825.102, Florida Statutes, is amended
190 to read:

191 825.102 Abuse, aggravated abuse, and neglect of a
192 vulnerable ~~an elderly person or disabled~~ adult; penalties.-

193 (1) "Abuse of a vulnerable ~~an elderly person or disabled~~
194 adult" means:

195 (a) Intentional infliction of physical or psychological
196 injury upon a vulnerable ~~an elderly person or disabled~~ adult;

197 (b) An intentional act that could reasonably be expected
198 to result in physical or psychological injury to a vulnerable ~~an~~
199 ~~elderly person or disabled~~ adult; or

200 (c) Active encouragement of any person to commit an act
201 that results or could reasonably be expected to result in
202 physical or psychological injury to a vulnerable ~~an elderly~~
203 ~~person or disabled~~ adult.

204

205 A person who knowingly or willfully abuses a vulnerable ~~an~~
206 ~~elderly person or disabled~~ adult without causing great bodily
207 harm, permanent disability, or permanent disfigurement to the
208 vulnerable ~~elderly person or disabled~~ adult commits a felony of
209 the third degree, punishable as provided in s. 775.082, s.
210 775.083, or s. 775.084.

211 (2) "Aggravated abuse of a vulnerable ~~an elderly person or~~
212 ~~disabled~~ adult" occurs when a person:

213 (a) Commits aggravated battery on a vulnerable ~~an elderly~~
214 ~~person or disabled~~ adult;

215 (b) Willfully tortures, maliciously punishes, or willfully
216 and unlawfully cages a vulnerable, ~~an elderly person or disabled~~
217 ~~adult~~; or

218 (c) Knowingly or willfully abuses a vulnerable ~~an elderly~~
219 ~~person or disabled~~ adult and in so doing causes great bodily
220 harm, permanent disability, or permanent disfigurement to the
221 vulnerable ~~elderly person or disabled~~ adult.

222

223 A person who commits aggravated abuse of a vulnerable ~~an elderly~~
224 ~~person or disabled~~ adult commits a felony of the first degree,

225 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

226 (3) (a) "Neglect of a vulnerable ~~an elderly person or~~
 227 ~~disabled~~ adult" means:

228 1. A caregiver's failure or omission to provide a
 229 vulnerable ~~an elderly person or disabled~~ adult with the care,
 230 supervision, and services necessary to maintain the vulnerable
 231 ~~elderly person's or disabled~~ adult's physical and mental health,
 232 including, but not limited to, food, nutrition, clothing,
 233 shelter, supervision, medicine, and medical services that a
 234 prudent person would consider essential for the well-being of
 235 the vulnerable ~~elderly person or disabled~~ adult; or

236 2. A caregiver's failure to make a reasonable effort to
 237 protect a vulnerable ~~an elderly person or disabled~~ adult from
 238 abuse, neglect, or exploitation by another person.

239
 240 Neglect of a vulnerable ~~an elderly person or disabled~~ adult may
 241 be based on repeated conduct or on a single incident or omission
 242 that results in, or could reasonably be expected to result in,
 243 serious physical or psychological injury, or a substantial risk
 244 of death, to a vulnerable ~~an elderly person or disabled~~ adult.

245 (b) A person who willfully or by culpable negligence
 246 neglects a vulnerable ~~an elderly person or disabled~~ adult and in
 247 so doing causes great bodily harm, permanent disability, or
 248 permanent disfigurement to the vulnerable ~~elderly person or~~
 249 ~~disabled~~ adult commits a felony of the second degree, punishable
 250 as provided in s. 775.082, s. 775.083, or s. 775.084.

251 (c) A person who willfully or by culpable negligence
 252 neglects a vulnerable ~~an elderly person or disabled~~ adult

253 without causing great bodily harm, permanent disability, or
254 permanent disfigurement to the vulnerable ~~elderly person or~~
255 ~~disabled~~ adult commits a felony of the third degree, punishable
256 as provided in s. 775.082, s. 775.083, or s. 775.084.

257 Section 5. Section 825.1025, Florida Statutes, is amended
258 to read:

259 825.1025 Lewd or lascivious offenses committed upon or in
260 the presence of a vulnerable adult ~~an elderly person or disabled~~
261 ~~person.~~

262 (1) As used in this section, "sexual activity" means the
263 oral, anal, or vaginal penetration by, or union with, the sexual
264 organ of another or the anal or vaginal penetration of another
265 by any other object; however, sexual activity does not include
266 an act done for a bona fide medical purpose.

267 (2) (a) "Lewd or lascivious battery upon a vulnerable adult
268 ~~an elderly person or disabled person~~" occurs when a person
269 encourages, forces, or entices a vulnerable adult ~~an elderly~~
270 ~~person or disabled person~~ to engage in sadomasochistic abuse,
271 sexual bestiality, prostitution, or any other act involving
272 sexual activity, when the person knows or reasonably should know
273 that the vulnerable adult's ability ~~elderly person or disabled~~
274 ~~person either lacks the capacity to consent~~ is impaired or the
275 vulnerable adult fails to give consent.

276 (b) A person who commits lewd or lascivious battery upon a
277 vulnerable adult ~~an elderly person or disabled person~~ commits a
278 felony of the second degree, punishable as provided in s.
279 775.082, s. 775.083, or s. 775.084.

280 (3) (a) "Lewd or lascivious molestation of a vulnerable

281 adult ~~an elderly person or disabled person~~" occurs when a person
 282 intentionally touches in a lewd or lascivious manner the
 283 breasts, genitals, genital area, or buttocks, or the clothing
 284 covering them, of a vulnerable adult ~~an elderly person or~~
 285 ~~disabled person~~ when the person knows or reasonably should know
 286 that the vulnerable adult's ability ~~elderly person or disabled~~
 287 ~~person either lacks the capacity to consent~~ is impaired or the
 288 vulnerable adult fails to give consent.

289 (b) A person who commits lewd or lascivious molestation of
 290 a vulnerable adult ~~an elderly person or disabled person~~ commits
 291 a felony of the third degree, punishable as provided in s.
 292 775.082, s. 775.083, or s. 775.084.

293 (4) (a) "Lewd or lascivious exhibition in the presence of a
 294 vulnerable adult ~~an elderly person or disabled person~~" occurs
 295 when a person, in the presence of a vulnerable adult ~~an elderly~~
 296 ~~person or disabled person~~:

- 297 1. Intentionally masturbates;
- 298 2. Intentionally exposes his or her genitals in a lewd or
 299 lascivious manner; or
- 300 3. Intentionally commits any other lewd or lascivious act
 301 that does not involve actual physical or sexual contact with the
 302 vulnerable adult ~~elderly person or disabled person~~, including,
 303 but not limited to, sadomasochistic abuse, sexual bestiality, or
 304 the simulation of any act involving sexual activity,

305
 306 when the person knows or reasonably should know that the
 307 vulnerable adult's ability ~~elderly person or disabled person~~
 308 ~~either lacks the capacity to consent or fails~~ to give consent to

309 having such act committed in his or her presence is impaired or
310 the vulnerable adult fails to give consent.

311 (b) A person who commits a lewd or lascivious exhibition
312 in the presence of a vulnerable adult ~~an elderly person or~~
313 ~~disabled person~~ commits a felony of the third degree, punishable
314 as provided in s. 775.082, s. 775.083, or s. 775.084.

315 Section 6. Section 825.103, Florida Statutes, is amended
316 to read:

317 825.103 Exploitation of a vulnerable ~~an elderly person or~~
318 ~~disabled~~ adult; penalties.—

319 (1) "Exploitation of a vulnerable ~~an elderly person or~~
320 ~~disabled~~ adult" means:

321 (a) Knowingly, ~~by deception or intimidation,~~ obtaining or
322 using, or endeavoring to obtain or use, the vulnerable ~~an~~
323 ~~elderly person's or disabled~~ adult's funds, assets, or property
324 with the intent to temporarily or permanently deprive the
325 vulnerable ~~elderly person or disabled~~ adult of the use, benefit,
326 or possession of the funds, assets, or property, or to benefit
327 someone other than the vulnerable ~~elderly person or disabled~~
328 adult, by a person who:

329 1. Stands in a position of trust and confidence with the
330 vulnerable ~~elderly person or disabled~~ adult; or

331 2. Has a business relationship with the vulnerable ~~elderly~~
332 ~~person or disabled~~ adult;

333 (b) Obtaining or using, endeavoring to obtain or use, or
334 conspiring with another to obtain or use a vulnerable ~~an elderly~~
335 ~~person's or disabled~~ adult's funds, assets, or property with the
336 intent to temporarily or permanently deprive the vulnerable

337 ~~elderly person or disabled~~ adult of the use, benefit, or
338 possession of the funds, assets, or property, or to benefit
339 someone other than the vulnerable ~~elderly person or disabled~~
340 adult, by a person who knows or reasonably should know that the
341 vulnerable adult's ability ~~elderly person or disabled adult~~
342 ~~lacks the capacity to consent~~ is impaired; or

343 (c) Breach of a fiduciary duty to a vulnerable ~~an elderly~~
344 ~~person or disabled~~ adult by his or her ~~the person's~~ guardian or
345 agent under a power of attorney which results in an unauthorized
346 appropriation, sale, or transfer of property.

347 (2) (a) If the funds, assets, or property involved in the
348 exploitation of the vulnerable ~~elderly person or disabled~~ adult
349 is valued at \$100,000 or more, the offender commits a felony of
350 the first degree, punishable as provided in s. 775.082, s.
351 775.083, or s. 775.084.

352 (b) If the funds, assets, or property involved in the
353 exploitation of the vulnerable ~~elderly person or disabled~~ adult
354 is valued at \$20,000 or more, but less than \$100,000, the
355 offender commits a felony of the second degree, punishable as
356 provided in s. 775.082, s. 775.083, or s. 775.084.

357 (c) If the funds, assets, or property involved in the
358 exploitation of a vulnerable ~~an elderly person or disabled~~ adult
359 is valued at less than \$20,000, the offender commits a felony of
360 the third degree, punishable as provided in s. 775.082, s.
361 775.083, or s. 775.084.

362 Section 7. Section 825.105, Florida Statutes, is amended
363 to read:

364 825.105 Good faith assistance.—This chapter is not

365 intended to impose criminal liability on a person who makes a
 366 good faith effort to assist a vulnerable ~~an elderly person or~~
 367 ~~disabled~~ adult in the management of the funds, assets, or
 368 property of the vulnerable ~~elderly person or disabled~~ adult,
 369 which effort fails through no fault of the person.

370 Section 8. Section 825.106, Florida Statutes, is amended
 371 to read:

372 825.106 Criminal actions involving vulnerable ~~elderly~~
 373 ~~persons or disabled~~ adults; speedy trial.—In a criminal action
 374 in which a vulnerable ~~an elderly person or disabled~~ adult is a
 375 victim, the state may move the court to advance the trial on the
 376 docket. The presiding judge, after consideration of the age and
 377 health of the victim, may advance the trial on the docket. The
 378 motion may be filed and served with the information or charges
 379 or at any time thereafter.

380 Section 9. Subsection (24) of section 90.803, Florida
 381 Statutes, is amended to read:

382 90.803 Hearsay exceptions; availability of declarant
 383 immaterial.—The provision of s. 90.802 to the contrary
 384 notwithstanding, the following are not inadmissible as evidence,
 385 even though the declarant is available as a witness:

386 (24) HEARSAY EXCEPTION; STATEMENT OF VULNERABLE ~~ELDERLY~~
 387 ~~PERSON OR DISABLED~~ ADULT.—

388 (a) Unless the source of information or the method or
 389 circumstances by which the statement is reported indicates a
 390 lack of trustworthiness, an out-of-court statement made by a
 391 vulnerable ~~an elderly person or disabled~~ adult, as defined in s.
 392 825.101, describing any act of abuse or neglect, any act of

393 exploitation, the offense of battery or aggravated battery or
394 assault or aggravated assault or sexual battery, or any other
395 violent act on the declarant vulnerable ~~elderly person or~~
396 ~~disabled~~ adult, not otherwise admissible, is admissible in
397 evidence in any civil or criminal proceeding if:

398 1. The court finds in a hearing conducted outside the
399 presence of the jury that the time, content, and circumstances
400 of the statement provide sufficient safeguards of reliability.
401 In making its determination, the court may consider the mental
402 and physical age and maturity of the vulnerable ~~elderly person~~
403 ~~or disabled~~ adult, the nature and duration of the abuse or
404 offense, the relationship of the victim to the offender, the
405 reliability of the assertion, the reliability of the vulnerable
406 ~~elderly person or disabled~~ adult, and any other factor deemed
407 appropriate; and

408 2. The vulnerable ~~elderly person or disabled~~ adult either:

409 a. Testifies; or

410 b. Is unavailable as a witness, provided that there is
411 corroborative evidence of the abuse or offense. Unavailability
412 shall include a finding by the court that the vulnerable adult
413 is impaired, as defined in s. 825.101, or the vulnerable ~~elderly~~
414 ~~person's or disabled~~ adult's participation in the trial or
415 proceeding would result in a substantial likelihood of severe
416 emotional, mental, or physical harm, in addition to findings
417 pursuant to s. 90.804(1).

418 (b) In a criminal action, the defendant shall be notified
419 no later than 10 days before the trial that a statement which
420 qualifies as a hearsay exception pursuant to this subsection

421 will be offered as evidence at trial. The notice shall include a
 422 written statement of the content of the vulnerable ~~elderly~~
 423 ~~person's or disabled~~ adult's statement, the time at which the
 424 statement was made, the circumstances surrounding the statement
 425 which indicate its reliability, and such other particulars as
 426 necessary to provide full disclosure of the statement.

427 (c) The court shall make specific findings of fact, on the
 428 record, as to the basis for its ruling under this subsection.

429 Section 10. Paragraphs (dd), (ee), and (ff) of subsection
 430 (2) of section 435.04, Florida Statutes, are amended to read:

431 435.04 Level 2 screening standards.—

432 (2) The security background investigations under this
 433 section must ensure that no persons subject to the provisions of
 434 this section have been arrested for and are awaiting final
 435 disposition of, have been found guilty of, regardless of
 436 adjudication, or entered a plea of nolo contendere or guilty to,
 437 or have been adjudicated delinquent and the record has not been
 438 sealed or expunged for, any offense prohibited under any of the
 439 following provisions of state law or similar law of another
 440 jurisdiction:

441 (dd) Section 825.102, relating to abuse, aggravated abuse,
 442 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

443 (ee) Section 825.1025, relating to lewd or lascivious
 444 offenses committed upon or in the presence of a vulnerable ~~an~~
 445 ~~elderly person or disabled~~ adult.

446 (ff) Section 825.103, relating to exploitation of a
 447 vulnerable ~~an elderly person or disabled~~ adult, if the offense
 448 was a felony.

449 Section 11. Paragraph (d) of subsection (1) of section
450 775.084, Florida Statutes, is amended to read:

451 775.084 Violent career criminals; habitual felony
452 offenders and habitual violent felony offenders; three-time
453 violent felony offenders; definitions; procedure; enhanced
454 penalties or mandatory minimum prison terms.—

455 (1) As used in this act:

456 (d) "Violent career criminal" means a defendant for whom
457 the court must impose imprisonment pursuant to paragraph (4) (d),
458 if it finds that:

459 1. The defendant has previously been convicted as an adult
460 three or more times for an offense in this state or other
461 qualified offense that is:

462 a. Any forcible felony, as described in s. 776.08;

463 b. Aggravated stalking, as described in s. 784.048(3) and
464 (4);

465 c. Aggravated child abuse, as described in s.
466 827.03(2) (a);

467 d. Aggravated abuse of a vulnerable ~~an elderly person or~~
468 ~~disabled~~ adult, as described in s. 825.102(2);

469 e. Lewd or lascivious battery, lewd or lascivious
470 molestation, lewd or lascivious conduct, or lewd or lascivious
471 exhibition, as described in s. 800.04 or s. 847.0135(5);

472 f. Escape, as described in s. 944.40; or

473 g. A felony violation of chapter 790 involving the use or
474 possession of a firearm.

475 2. The defendant has been incarcerated in a state prison
476 or a federal prison.

477 3. The primary felony offense for which the defendant is
478 to be sentenced is a felony enumerated in subparagraph 1. and
479 was committed on or after October 1, 1995, and:

480 a. While the defendant was serving a prison sentence or
481 other sentence, or court-ordered or lawfully imposed supervision
482 that is imposed as a result of a prior conviction for an
483 enumerated felony; or

484 b. Within 5 years after the conviction of the last prior
485 enumerated felony, or within 5 years after the defendant's
486 release from a prison sentence, probation, community control,
487 control release, conditional release, parole, or court-ordered
488 or lawfully imposed supervision or other sentence that is
489 imposed as a result of a prior conviction for an enumerated
490 felony, whichever is later.

491 4. The defendant has not received a pardon for any felony
492 or other qualified offense that is necessary for the operation
493 of this paragraph.

494 5. A conviction of a felony or other qualified offense
495 necessary to the operation of this paragraph has not been set
496 aside in any postconviction proceeding.

497 Section 12. Paragraph (a) of subsection (5) of section
498 775.0844, Florida Statutes, is amended to read:

499 775.0844 White Collar Crime Victim Protection Act.—

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

502 (a) Victimized 10 or more vulnerable adults ~~elderly~~
503 ~~persons~~, as defined in s. 825.101(5);

504

505 and thereby obtains or attempts to obtain \$50,000 or more,
506 commits a felony of the first degree, punishable as provided in
507 s. 775.082, s. 775.083, or s. 775.084.

508 Section 13. Paragraphs (j) and (k) of subsection (1) of
509 section 775.0877, Florida Statutes, are amended to read:

510 775.0877 Criminal transmission of HIV; procedures;
511 penalties.—

512 (1) In any case in which a person has been convicted of or
513 has pled nolo contendere or guilty to, regardless of whether
514 adjudication is withheld, any of the following offenses, or the
515 attempt thereof, which offense or attempted offense involves the
516 transmission of body fluids from one person to another:

517 (j) Section 825.102(1), relating to abuse of a vulnerable
518 ~~an elderly person or disabled~~ adult;

519 (k) Section 825.102(2), relating to aggravated abuse of a
520 vulnerable ~~an elderly person or disabled~~ adult;

521
522 the court shall order the offender to undergo HIV testing, to be
523 performed under the direction of the Department of Health in
524 accordance with s. 381.004, unless the offender has undergone
525 HIV testing voluntarily or pursuant to procedures established in
526 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
527 rule providing for HIV testing of criminal offenders or inmates,
528 subsequent to her or his arrest for an offense enumerated in
529 paragraphs (a)-(n) for which she or he was convicted or to which
530 she or he pled nolo contendere or guilty. The results of an HIV
531 test performed on an offender pursuant to this subsection are
532 not admissible in any criminal proceeding arising out of the

533 | alleged offense.

534 | Section 14. Subsection (2) of section 782.07, Florida
535 | Statutes, is amended to read:

536 | 782.07 Manslaughter; aggravated manslaughter of a
537 | vulnerable ~~an elderly person or disabled~~ adult; aggravated
538 | manslaughter of a child; aggravated manslaughter of an officer,
539 | a firefighter, an emergency medical technician, or a paramedic.—

540 | (2) A person who causes the death of a vulnerable ~~any~~
541 | ~~elderly person or disabled~~ adult by culpable negligence under s.
542 | 825.102(3) commits aggravated manslaughter of a vulnerable ~~an~~
543 | ~~elderly person or disabled~~ adult, a felony of the first degree,
544 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

545 | Section 15. Paragraphs (c), (e), (f), (g), and (h) of
546 | subsection (3) of section 921.0022, Florida Statutes, are
547 | amended to read:

548 | 921.0022 Criminal Punishment Code; offense severity
549 | ranking chart.—

550 | (3) OFFENSE SEVERITY RANKING CHART

551 | (c) LEVEL 3

552 |

Florida	Felony	Description
Statute	Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or using

553 |

554 |

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555	(3) (b) - (d)		confidential crash reports.
556	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
557	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
558	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
559	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
560	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
561	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
562	327.35 (2) (b)	3rd	Felony BUI.
	328.05 (2)	3rd	Possess, sell, or counterfeit

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fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

563

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

564

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

565

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.

566

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

567

400.9935(4) 3rd Operating a clinic without a

license or filing false license application or other required information.

568

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

569

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

570

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

571

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

572

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

573

697.08 3rd Equity skimming.

574

790.15(3) 3rd Person directs another to

			discharge firearm from a vehicle.
575	796.05 (1)	3rd	Live on earnings of a prostitute.
576	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
577	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
578	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
579	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
580	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; <u>\$150</u> \$300 or more but less than \$10,000.
581	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.

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582	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
583	817.233	3rd	Burning to defraud insurer.
584	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
585	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
586	817.236	3rd	Filing a false motor vehicle insurance application.
587	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
588	817.413 (2)	3rd	Sale of used goods as new.
589	817.505 (4)	3rd	Patient brokering.
590	828.12 (2)	3rd	Tortures any animal with intent

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to inflict intense pain,
serious physical injury, or
death.

591 831.28 (2) (a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument.

592 831.29 2nd Possession of instruments for
counterfeiting drivers'
licenses or identification
cards.

593 838.021 (3) (b) 3rd Threatens unlawful harm to
public servant.

594 843.19 3rd Injure, disable, or kill police
dog or horse.

595 860.15 (3) 3rd Overcharging for repairs and
parts.

596 870.01 (2) 3rd Riot; inciting or encouraging.

597 893.13 (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).

598

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.

599

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.

600

893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

601

893.13(7)(a)8. 3rd Withhold information from
 practitioner regarding previous
 receipt of or prescription for
 a controlled substance.

602

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

603

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

604

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

605

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.

606

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.

607

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

608

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.

609

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

610

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

611

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

612

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

facility).

613

614 (e) LEVEL 5

615

Florida	Felony	
Statute	Degree	Description

616

316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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617

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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618

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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619

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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620

379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
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621

379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap
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			contents or trap gear by another harvester.
622	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
623	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
624	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
625	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
626	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
627	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
628	790.01 (2)	3rd	Carrying a concealed firearm.

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629

790.162 2nd Threat to throw or discharge
destructive device.

630

790.163 (1) 2nd False report of deadly
explosive or weapon of mass
destruction.

631

790.221 (1) 2nd Possession of short-barreled
shotgun or machine gun.

632

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

633

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years.

634

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years or older.

635

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

636

812.0145 (2) (b) 2nd Theft from person 65 years of
age or older; \$10,000 or more

but less than \$50,000.

637	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
638	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
639	812.131 (2) (b)	3rd	Robbery by sudden snatching.
640	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
641	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
642	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
643	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
644			

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	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
645	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
646	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of <u>a vulnerable</u> an elderly person or disabled adult.
647	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
648	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion

picture, etc., which includes sexual conduct by a child.

649

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.

650

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

651

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

652

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

653

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

654

874.05 (2) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

655

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).

656

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.

657

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.

658

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.

659

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.

660

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).

661

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

662

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663 (f) LEVEL 6

664

Florida	Felony	
Statute	Degree	Description

665

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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666

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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667

499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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668

499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
--------------	-----	---

669

775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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670

784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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671

784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
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672

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673	784.041	3rd	Felony battery; domestic battery by strangulation.
674	784.048 (3)	3rd	Aggravated stalking; credible threat.
675	784.048 (5)	3rd	Aggravated stalking of person under 16.
676	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
677	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
678	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
679	784.081 (2)	2nd	Aggravated assault on specified official or employee.
680	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.

681	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
682	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
683	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
684	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
685	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
686	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
687	794.05 (1)	2nd	Unlawful sexual activity with specified minor.

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688	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.
689	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
690	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
691	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
692	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
693	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
694	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.

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695	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
696	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
697	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
698	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
699	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
700	825.102 (1)	3rd	Abuse of <u>a vulnerable</u> an elderly person or disabled adult.
701	825.102 (3) (c)	3rd	Neglect of <u>a vulnerable</u> an elderly person or disabled adult.
702	825.1025 (3)	3rd	Lewd or lascivious molestation

of a vulnerable ~~an elderly~~
~~person or disabled~~ adult.

703

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

704

827.03 (2) (c) 3rd Abuse of a child.

705

827.03 (2) (d) 3rd Neglect of a child.

706

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

707

836.05 2nd Threats; extortion.

708

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

709

843.12 3rd Aids or assists person to
 escape.

710

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

711	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
712	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
713	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
714	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.
715	944.40	2nd	Escapes.
716	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
717	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
(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.
327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.

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727	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
728	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
729	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
730	456.065 (2)	3rd	Practicing a health care profession without a license.
731	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
732	458.327 (1)	3rd	Practicing medicine without a license.
733	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
	460.411 (1)	3rd	Practicing chiropractic

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medicine without a license.

734

461.012 (1) 3rd Practicing podiatric medicine
without a license.

735

462.17 3rd Practicing naturopathy without
a license.

736

463.015 (1) 3rd Practicing optometry without a
license.

737

464.016 (1) 3rd Practicing nursing without a
license.

738

465.015 (2) 3rd Practicing pharmacy without a
license.

739

466.026 (1) 3rd Practicing dentistry or dental
hygiene without a license.

740

467.201 3rd Practicing midwifery without a
license.

741

468.366 3rd Delivering respiratory care
services without a license.

742

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

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license.

743

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

744

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

745

484.053 3rd Dispensing hearing aids without
a license.

746

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.

747

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.

748

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

749	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
750	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
751	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
752	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
753	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
754	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable

negligence of another
(manslaughter).

755

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

756

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

757

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

758

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

759

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

760

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

761

784.048 (7) 3rd Aggravated stalking; violation

of court order.

762

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

763

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

764

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

765

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

766

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

767

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

768

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

769

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

by the transfer or transport of
any individual from outside
Florida to within the state.

770

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

771

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

772

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

773

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

774

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

775

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

to commit a felony.

776

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

777

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.

778

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

779

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

780

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.

781

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

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782	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
783	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
784	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
785	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
786	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.
787	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
788	812.014 (2) (b) 3.	2nd	Property stolen, emergency

medical equipment; 2nd degree grand theft.

789

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

790

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

791

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

792

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

793

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

794

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

795

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

796

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797	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
798	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.
799	825.102 (3) (b)	2nd	Neglecting <u>a vulnerable</u> an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
800	825.103 (2) (b)	2nd	Exploiting <u>a vulnerable</u> an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
801	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under

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16 years of age by person 21
years of age or older.

802

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

803

838.015 2nd Bribery.

804

838.016 2nd Unlawful compensation or reward
for official behavior.

805

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

806

838.22 2nd Bid tampering.

807

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

808

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

809

872.06 2nd Abuse of a dead human body.

810

874.10 1st, PBL Knowingly initiates, organizes,
plans, finances, directs,

manages, or supervises criminal gang-related activity.

811

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.

812

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.

813

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).

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814	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
815	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
816	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
817	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
818	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
819	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
820	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

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821	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
822	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
823	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
824	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
825	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
826	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
827			

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828	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
829	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
830	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
831	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
832	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
833	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.

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834	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
835	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
836	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
837	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
838	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
839	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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840	(h)	LEVEL 8		
841	Florida	Felony		
	Statute	Degree		Description
842	316.193	2nd		DUI manslaughter.
	(3) (c) 3.a.			
843	316.1935 (4) (b)	1st		Aggravated fleeing or attempted eluding with serious bodily injury or death.
844	327.35 (3) (c) 3.	2nd		Vessel BUI manslaughter.
845	499.0051 (7)	1st		Knowing trafficking in contraband prescription drugs.
846	499.0051 (8)	1st		Knowing forgery of prescription labels or prescription drug labels.
847	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.
848	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.

849

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

850

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

851

782.04 (4) 2nd Killing of human without design
when engaged in act or attempt
of any felony other than arson,
sexual battery, robbery,
burglary, kidnapping,
aggravated fleeing or eluding
with serious bodily injury or
death, aircraft piracy, or
unlawfully discharging bomb.

852

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

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853	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
854	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
855	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity.
856	787.06(3)(c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
857	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.
858	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
859			

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860	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
861	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
862	800.04 (4)	2nd	Lewd or lascivious battery.
863	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
864	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
865	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
866	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
	812.014 (2) (a) 2.	1st	Property stolen; cargo valued

at \$50,000 or more, grand theft
in 1st degree.

867

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

868

812.135 (2) (c) 1st Home-invasion robbery, no
firearm, deadly weapon, or
other weapon.

869

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

870

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

871

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

872

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

873

837.02 (2) 2nd Perjury in official proceedings

relating to prosecution of a capital felony.

874

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

875

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

876

860.16 1st Aircraft piracy.

877

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).

878

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

879

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

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881	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
882	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
883	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
884	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
885	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
886	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
887	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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888	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
889	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
890	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
891	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
892	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
893	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
	895.03 (3)	1st	Conduct or participate in any

enterprise through pattern of racketeering activity.

894

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

895

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.

896

897 Section 16. Paragraph (c) of subsection (8) of section
898 948.06, Florida Statutes, is amended to read:

899 948.06 Violation of probation or community control;
900 revocation; modification; continuance; failure to pay
901 restitution or cost of supervision.—

902 (8)

903 (c) For purposes of this section, the term "qualifying
904 offense" means any of the following:

905 1. Kidnapping or attempted kidnapping under s. 787.01,
906 false imprisonment of a child under the age of 13 under s.
907 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
908 or (c).

909 2. Murder or attempted murder under s. 782.04, attempted

910 felony murder under s. 782.051, or manslaughter under s. 782.07.

911 3. Aggravated battery or attempted aggravated battery
912 under s. 784.045.

913 4. Sexual battery or attempted sexual battery under s.
914 794.011(2), (3), (4), or (8)(b) or (c).

915 5. Lewd or lascivious battery or attempted lewd or
916 lascivious battery under s. 800.04(4), lewd or lascivious
917 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
918 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
919 under s. 800.04(7)(b), or lewd or lascivious exhibition on
920 computer under s. 847.0135(5)(b).

921 6. Robbery or attempted robbery under s. 812.13,
922 carjacking or attempted carjacking under s. 812.133, or home
923 invasion robbery or attempted home invasion robbery under s.
924 812.135.

925 7. Lewd or lascivious offense upon or in the presence of a
926 vulnerable adult ~~an elderly or disabled person~~ or attempted lewd
927 or lascivious offense upon or in the presence of a vulnerable
928 adult ~~an elderly or disabled person~~ under s. 825.1025.

929 8. Sexual performance by a child or attempted sexual
930 performance by a child under s. 827.071.

931 9. Computer pornography under s. 847.0135(2) or (3),
932 transmission of child pornography under s. 847.0137, or selling
933 or buying of minors under s. 847.0145.

934 10. Poisoning food or water under s. 859.01.

935 11. Abuse of a dead human body under s. 872.06.

936 12. Any burglary offense or attempted burglary offense
937 that is either a first degree felony or second degree felony

- 938 | under s. 810.02(2) or (3).
 939 | 13. Arson or attempted arson under s. 806.01(1).
 940 | 14. Aggravated assault under s. 784.021.
 941 | 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 942 | (7).
 943 | 16. Aircraft piracy under s. 860.16.
 944 | 17. Unlawful throwing, placing, or discharging of a
 945 | destructive device or bomb under s. 790.161(2), (3), or (4).
 946 | 18. Treason under s. 876.32.
 947 | 19. Any offense committed in another jurisdiction which
 948 | would be an offense listed in this paragraph if that offense had
 949 | been committed in this state.

950 | Section 17. Paragraph (b) of subsection (2) of section
 951 | 960.003, Florida Statutes, is amended to read:

952 | 960.003 Hepatitis and HIV testing for persons charged with
 953 | or alleged by petition for delinquency to have committed certain
 954 | offenses; disclosure of results to victims.—

955 | (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
 956 | FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

957 | (b) However, when a victim of any sexual offense
 958 | enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
 959 | the time the offense was committed or when a victim of any
 960 | sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
 961 | 825.1025 is a vulnerable ~~disabled~~ adult ~~or elderly person~~ as
 962 | defined in s. 825.101 ~~825.1025~~ regardless of whether the offense
 963 | involves the transmission of bodily fluids from one person to
 964 | another, then upon the request of the victim or the victim's
 965 | legal guardian, or of the parent or legal guardian, the court

966 shall order such person to undergo hepatitis and HIV testing
967 within 48 hours after the information, indictment, or petition
968 for delinquency is filed. In the event the victim or, if the
969 victim is a minor, the victim's parent or legal guardian
970 requests hepatitis and HIV testing after 48 hours have elapsed
971 from the filing of the indictment, information, or petition for
972 delinquency, the testing shall be done within 48 hours after the
973 request. The testing shall be performed under the direction of
974 the Department of Health in accordance with s. 381.004. The
975 results of a hepatitis and HIV test performed on a defendant or
976 juvenile offender pursuant to this subsection is ~~shall~~ not ~~be~~
977 admissible in any criminal or juvenile proceeding arising out of
978 the alleged offense.

979 Section 18. Paragraphs (gg), (hh), and (ii) of subsection
980 (1) of section 1012.315, Florida Statutes, are amended to read:

981 1012.315 Disqualification from employment.—A person is
982 ineligible for educator certification, and instructional
983 personnel and school administrators, as defined in s. 1012.01,
984 are ineligible for employment in any position that requires
985 direct contact with students in a district school system,
986 charter school, or private school that accepts scholarship
987 students under s. 1002.39 or s. 1002.395, if the person,
988 instructional personnel, or school administrator has been
989 convicted of:

990 (1) Any felony offense prohibited under any of the
991 following statutes:

992 (gg) Section 825.102, relating to abuse, aggravated abuse,
993 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

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994 (hh) Section 825.103, relating to exploitation of a
995 vulnerable ~~an elderly person or disabled~~ adult.

996 (ii) Section 825.1025, relating to lewd or lascivious
997 offenses committed upon or in the presence of a vulnerable adult
998 ~~an elderly person or disabled person~~.

999 Section 19. This act shall take effect October 1, 2013.