



883008

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2019	.	
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	.	
	.	

The Committee on Appropriations (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete lines 5348 - 5620

and insert:

Section 86. Paragraph (b) of subsection (11) of section 381.0041, Florida Statutes, is amended to read:

381.0041 Donation and transfer of human tissue; testing requirements.—

(11)

(b) Any person who has human immunodeficiency virus



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11 infection, who knows he or she is infected with human
12 immunodeficiency virus, and who has been informed that he or she
13 may communicate this disease by donating blood, plasma, organs,
14 skin, or other human tissue who donates blood, plasma, organs,
15 skin, or other human tissue for use in another person, other
16 than a person who knows he or she is infected with human
17 immunodeficiency virus, is guilty of a felony of the third
18 degree, punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084.

20 Section 87. Present subsection (3) of section 384.23,
21 Florida Statutes, is redesignated as subsection (4), and a new
22 subsection (3) and subsection (5) are added to that section, to
23 read:

24 384.23 Definitions.—

25 (3) "Sexual conduct" means conduct between persons,
26 regardless of gender, which is capable of transmitting a
27 sexually transmissible disease, including, but not limited to,
28 contact between a:

29 (a) Penis and a vulva or an anus; or

30 (b) Mouth and a penis, a vulva, or an anus.

31 (5) "Substantial risk of transmission" means a reasonable
32 probability of disease transmission as proven by competent
33 medical or epidemiological evidence.

34 Section 88. Section 384.24, Florida Statutes, is amended to
35 read:

36 384.24 Unlawful acts.—

37 (1) It is unlawful for any person who has chancroid,
38 gonorrhea, granuloma inguinale, lymphogranuloma venereum,
39 genital herpes simplex, chlamydia, nongonococcal urethritis



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40 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, ~~or~~
41 syphilis, or human immunodeficiency virus infection, when such
42 person knows he or she is infected with one or more of these
43 diseases and when such person has been informed that he or she
44 may communicate this disease to another person through sexual
45 conduct ~~intercourse,~~ to act with the intent to transmit the
46 disease, to engage in ~~have~~ sexual conduct that poses a
47 substantial risk of transmission to another person when the
48 ~~intercourse with any other person is~~ unaware that the person is
49 a carrier of the disease, and to transmit the disease to the,
50 ~~unless such other person has been informed of the presence of~~
51 ~~the sexually transmissible disease and has consented to the~~
52 ~~sexual intercourse.~~

53 (2) A person does not act with the intent set forth in
54 subsection (1) if he or she in good faith complies with a
55 treatment regimen prescribed by his or her health care provider
56 or with the behavioral recommendations of his or her health care
57 provider or public health officials to limit the risk of
58 transmission, or if he or she offers to comply with such
59 behavioral recommendations, but such offer is rejected by the
60 other person with whom he or she is engaging in sexual conduct.
61 For purposes of this section, the term "behavioral
62 recommendations" includes, but is not limited to, the use of a
63 prophylactic device to limit the risk of transmission of the
64 disease. Evidence of the person's failure to comply with such a
65 treatment regimen or such behavioral recommendations is not, in
66 and of itself, sufficient to establish that he or she acted with
67 the intent set forth in subsection (1) ~~It is unlawful for any~~
68 ~~person who has human immunodeficiency virus infection, when such~~



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69 ~~person knows he or she is infected with this disease and when~~
70 ~~such person has been informed that he or she may communicate~~
71 ~~this disease to another person through sexual intercourse, to~~
72 ~~have sexual intercourse with any other person, unless such other~~
73 ~~person has been informed of the presence of the sexually~~
74 ~~transmissible disease and has consented to the sexual~~
75 ~~intercourse.~~

76 Section 89. Section 384.34, Florida Statutes, is amended to
77 read:

78 384.34 Penalties.—

79 (1) Any person who violates s. 384.24 ~~the provisions of s.~~
80 ~~384.24(1)~~ commits a misdemeanor of the first degree, punishable
81 as provided in s. 775.082 or s. 775.083.

82 (2) Any person who violates ~~the provisions of~~ s. 384.26 or
83 s. 384.29 commits a misdemeanor of the first degree, punishable
84 as provided in s. 775.082 or s. 775.083.

85 (3) Any person who maliciously disseminates any false
86 information or report concerning the existence of any sexually
87 transmissible disease commits a misdemeanor felony of the first
88 ~~third~~ degree, punishable as provided in s. 775.082 or s. 775.083
89 ~~ss. 775.082, 775.083, and 775.084.~~

90 (4) ~~Any person who violates the provisions of the~~
91 ~~department's rules pertaining to sexually transmissible diseases~~
92 ~~may be punished by a fine not to exceed \$500 for each violation.~~
93 ~~Any penalties enforced under this subsection shall be in~~
94 ~~addition to other penalties provided by this chapter. The~~
95 ~~department may enforce this section and adopt rules necessary to~~
96 ~~administer this section.~~

97 (5) ~~Any person who violates s. 384.24(2) commits a felony~~



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98 ~~of the third degree, punishable as provided in s. 775.082, s.~~
99 ~~775.083, or s. 775.084. Any person who commits multiple~~
100 ~~violations of s. 384.24(2) commits a felony of the first degree,~~
101 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

102 (6) Any person who obtains information that identifies an
103 individual who has a sexually transmissible disease, who knew or
104 should have known the nature of the information and maliciously,
105 or for monetary gain, disseminates this information or otherwise
106 makes this information known to any other person, except by
107 providing it either to a physician or nurse employed by the
108 Department of Health or to a law enforcement agency, commits a
109 felony of the third degree, punishable as provided in s.
110 775.082, s. 775.083, or s. 775.084.

111 Section 90. Subsections (1) and (3) of section 775.0877,
112 Florida Statutes, are amended to read:

113 775.0877 Criminal transmission of HIV; procedures;
114 penalties.—

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

120 (a) Section 794.011, relating to sexual battery;

121 (b) Section 826.04, relating to incest;

122 (c) Section 800.04, relating to lewd or lascivious offenses
123 committed upon or in the presence of persons less than 16 years
124 of age;

125 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
126 relating to assault;



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127 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
128 relating to aggravated assault;
129 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
130 relating to battery;
131 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
132 relating to aggravated battery;
133 (h) Section 827.03(2)(c), relating to child abuse;
134 (i) Section 827.03(2)(a), relating to aggravated child
135 abuse;
136 (j) Section 825.102(1), relating to abuse of an elderly
137 person or disabled adult;
138 (k) Section 825.102(2), relating to aggravated abuse of an
139 elderly person or disabled adult;
140 (l) Section 827.071, relating to sexual performance by
141 person less than 18 years of age;
142 (m) Sections 796.07 and 796.08, relating to prostitution;
143 or
144 ~~(n) Section 381.0041(11)(b), relating to donation of blood,~~
145 ~~plasma, organs, skin, or other human tissue; or~~
146 ~~(o) Sections 787.06(3)(b), (d), (f), and (g), relating to~~
147 human trafficking,
148
149 the court shall order the offender to undergo HIV testing, to be
150 performed under the direction of the Department of Health in
151 accordance with s. 381.004, unless the offender has undergone
152 HIV testing voluntarily or pursuant to procedures established in
153 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
154 rule providing for HIV testing of criminal offenders or inmates,
155 subsequent to her or his arrest for an offense enumerated in



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156 paragraphs (a)-(m) ~~(a)-(n)~~ for which she or he was convicted or
157 to which she or he pled nolo contendere or guilty. The results
158 of an HIV test performed on an offender pursuant to this
159 subsection are not admissible in any criminal proceeding arising
160 out of the alleged offense.

161 (3) An offender who has undergone HIV testing pursuant to
162 subsection (1), and to whom positive test results have been
163 disclosed pursuant to subsection (2), who commits a second or
164 subsequent offense enumerated in paragraphs (1) (a)-(m) ~~(1) (a)-~~
165 ~~(n)~~, commits criminal transmission of HIV, a felony of the third
166 degree, punishable as provided in s. 775.082 or s. 775.083, ~~or~~
167 ~~s. 775.084~~. A person may be convicted and sentenced separately
168 for a violation of this subsection and for the underlying crime
169 enumerated in paragraphs (1) (a)-(m) ~~(1) (a)-(n)~~.

170 Section 91. Paragraphs (a) and (b) of subsection (2) and
171 paragraph (a) of subsection (3) of section 960.003, Florida
172 Statutes, are amended to read:

173 960.003 Hepatitis and HIV testing for persons charged with
174 or alleged by petition for delinquency to have committed certain
175 offenses; disclosure of results to victims.—

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

178 (a) In any case in which a person has been charged by
179 information or indictment with or alleged by petition for
180 delinquency to have committed any offense enumerated in s.
181 775.0877(1) (a)-(m) ~~s. 775.0877(1) (a)-(n)~~, which involves the
182 transmission of body fluids from one person to another, upon
183 request of the victim or the victim's legal guardian, or of the
184 parent or legal guardian of the victim if the victim is a minor,



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185 the court shall order such person to undergo hepatitis and HIV
186 testing within 48 hours after the information, indictment, or
187 petition for delinquency is filed. In the event the victim or,
188 if the victim is a minor, the victim's parent or legal guardian
189 requests hepatitis and HIV testing after 48 hours have elapsed
190 from the filing of the indictment, information, or petition for
191 delinquency, the testing shall be done within 48 hours after the
192 request.

193 (b) However, when a victim of any sexual offense enumerated
194 in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~ is under the age
195 of 18 at the time the offense was committed or when a victim of
196 any sexual offense enumerated in s. 775.0877(1)(a)-(m) ~~s.~~
197 ~~775.0877(1)(a)-(n)~~ or s. 825.1025 is a disabled adult or elderly
198 person as defined in s. 825.1025 regardless of whether the
199 offense involves the transmission of bodily fluids from one
200 person to another, then upon the request of the victim or the
201 victim's legal guardian, or of the parent or legal guardian, the
202 court shall order such person to undergo hepatitis and HIV
203 testing within 48 hours after the information, indictment, or
204 petition for delinquency is filed. In the event the victim or,
205 if the victim is a minor, the victim's parent or legal guardian
206 requests hepatitis and HIV testing after 48 hours have elapsed
207 from the filing of the indictment, information, or petition for
208 delinquency, the testing shall be done within 48 hours after the
209 request. The testing shall be performed under the direction of
210 the Department of Health in accordance with s. 381.004. The
211 results of a hepatitis and HIV test performed on a defendant or
212 juvenile offender pursuant to this subsection shall not be
213 admissible in any criminal or juvenile proceeding arising out of



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214 the alleged offense.

215 (3) DISCLOSURE OF RESULTS.—

216 (a) The results of the test shall be disclosed no later
217 than 2 weeks after the court receives such results, under the
218 direction of the Department of Health, to the person charged
219 with or alleged by petition for delinquency to have committed or
220 to the person convicted of or adjudicated delinquent for any
221 offense enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-~~
222 ~~(n)~~, which involves the transmission of body fluids from one
223 person to another, and, upon request, to the victim or the
224 victim's legal guardian, or the parent or legal guardian of the
225 victim if the victim is a minor, and to public health agencies
226 pursuant to s. 775.0877. If the alleged offender is a juvenile,
227 the test results shall also be disclosed to the parent or
228 guardian. When the victim is a victim as described in paragraph
229 (2)(b), the test results must also be disclosed no later than 2
230 weeks after the court receives such results, to the person
231 charged with or alleged by petition for delinquency to have
232 committed or to the person convicted of or adjudicated
233 delinquent for any offense enumerated in s. 775.0877(1)(a)-(m)
234 ~~s. 775.0877(1)(a)-(n)~~, or s. 825.1025 regardless of whether the
235 offense involves the transmission of bodily fluids from one
236 person to another, and, upon request, to the victim or the
237 victim's legal guardian, or the parent or legal guardian of the
238 victim, and to public health agencies pursuant to s. 775.0877.
239 Otherwise, hepatitis and HIV test results obtained pursuant to
240 this section are confidential and exempt from the provisions of
241 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
242 shall not be disclosed to any other person except as expressly



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243 authorized by law or court order.

244 Section 92. Subsection (3) of section 921.0022, Florida
245 Statutes, is amended to read:

246 921.0022 Criminal Punishment Code; offense severity ranking
247 chart.—

248 (3) OFFENSE SEVERITY RANKING CHART

249 (a) LEVEL 1

250

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than <u>\$1,000</u> \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or

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256			identification number plate.
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
257			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
258			
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
259			
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
260			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
261			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
262			



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263	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
264	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than <u>\$1,000</u> \$300 .
265	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
266	562.27(1)	3rd	Possess still or still apparatus.
267	713.69	3rd	Tenant removes property upon which lien has accrued, value more than <u>\$1,000</u> \$50 .
268	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
269	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.



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270	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
271	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
272	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
273	826.01	3rd	Bigamy.
274	828.122 (3)	3rd	Fighting or baiting animals.
275	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
276	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
	832.041 (1)	3rd	Stopping payment with intent



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277			to defraud \$150 or more.
	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
278			
	838.15 (2)	3rd	Commercial bribe receiving.
279			
	838.16	3rd	Commercial bribery.
280			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
281			
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
282			
	849.01	3rd	Keeping gambling house.
283			
	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
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	849.23	3rd	Gambling-related machines;



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		"common offender" as to property rights.
849.25 (2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13 (1) (a)	3rd	Operate aircraft while under the influence.
893.13 (2) (a) 2.	3rd	Purchase of cannabis.
893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
(b) LEVEL 2		



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	Florida Statute	Felony Degree	Description
299	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
300	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
301	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
302	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
303	590.28 (1)	3rd	Intentional burning of lands.
304			



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305	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
306	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
307	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
308	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
309	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$750</u> \$300 or more but less than \$5,000.



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310	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$750</u> \$300 , taken from unenclosed curtilage of dwelling.
311	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
312	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
313	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
314	817.52 (3)	3rd	Failure to redeliver hired vehicle.
315	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false



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316			representation.
	817.60 (5)	3rd	Dealing in credit cards of another.
317			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
318			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
319			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
320			
	831.01	3rd	Forgery.
321			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
322			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
323			
	831.08	3rd	Possessing 10 or more



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324	831.09	3rd	Uttering forged notes, bills, checks, or drafts.
325	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
326	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
327	843.08	3rd	False personation.
328	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
329	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.



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(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with



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identification number plate removed.

343

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

344

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

345

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

346

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

347

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

348

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



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349	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
350	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, 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.
351	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
352	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine



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without a certificate of
authority; premium
collected less than
\$20,000.

359

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

360

697.08

3rd

Equity skimming.

361

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

362

806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

363

806.10 (2)

3rd

Interferes with or assaults
firefighter in performance
of duty.

364

810.09 (2) (c)

3rd

Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

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366	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
367	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
368	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
369	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
370	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
371	817.233	3rd	Burning to defraud insurer.
372	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
373	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.



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374	817.236	3rd	Filing a false motor vehicle insurance application.
375	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
376	817.413(2)	3rd	Sale of used goods as new.
377	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud</u> .
378	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
379	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
380	843.19	3rd	Injure, disable, or kill police dog or horse.



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381	860.15(3)	3rd	Overcharging for repairs and parts.
382	870.01(2)	3rd	Riot; inciting or encouraging.
383	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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
384	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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (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)6., (2)(c)7., (2)(c)8.,



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(2) (c) 9., (2) (c) 10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

385

893.13 (4) (c) 3rd Use or hire of minor;
deliver to minor other
controlled substances.

386

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

387

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

388

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

389

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

390



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391	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
392	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.
393	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.
394	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a



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patient, other person, or
an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

395

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

396

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

397

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

398

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

399

400

401

402

403

404

405 (d) LEVEL 4

406



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	Florida Statute	Felony Degree	Description
407	316.1935 (3) (a)	2nd	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.
408	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
409	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
410	517.07 (1)	3rd	Failure to register securities.
411	517.12 (1)	3rd	Failure of dealer, associated person, or



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412			issuer of securities to register.
413	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
414	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
415	784.075	3rd	Battery on detention or commitment facility staff.
416	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
417	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
418	784.081 (3)	3rd	Battery on specified official or employee.
	784.082 (3)	3rd	Battery by detained person on visitor or



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419			other detainee.
	784.083(3)	3rd	Battery on code inspector.
420			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
421			
	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
422			
	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
423			
	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.



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424	787.07	3rd	Human smuggling.
425	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
426	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
427	790.115 (2) (c)	3rd	Possessing firearm on school property.
428	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
429	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
430	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance;



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431			unarmed; no assault or battery.
432	810.06	3rd	Burglary; possession of tools.
433	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
434	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
435	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will, firearm, motor vehicle, livestock, etc.
436	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
437	817.505 (4) (a)	3rd	Patient brokering.
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance



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438			agreed upon, excluding s. 893.03(5) drugs.
	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
439			
	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
440			
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
441			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
442			
	837.02 (1)	3rd	Perjury in official proceedings.
443			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
444			



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445	838.022	3rd	Official misconduct.
446	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
447	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
448	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
449	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
450	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using



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451			computer; offender less than 18 years.
	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
452			
	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
453			
	914.14 (2)	3rd	Witnesses accepting bribes.
454			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
455			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
456			
	918.12	3rd	Tampering with jurors.
457			
	934.215	3rd	Use of two-way communications device to



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facilitate commission of
a crime.

458

944.47(1)(a)6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

459

951.22(1)(h),
(j), & (k)

3rd

Intoxicating drug,
instrumentality, or
cellular telephone or
other device to aid
escape introduced into
county detention
facility.

460

461

462

463

464

465

466

(e) LEVEL 5

467

Florida
Statute

Felony
Degree

Description

468



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469	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
470	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
471	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
472	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
473	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or



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sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or
imitation stone crab
trap tags; and engaging
in the commercial
harvest of stone crabs
while license is
suspended or revoked.

474

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

475

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.



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476	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
477	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
478	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
479	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
480	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
481			



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482	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
483	790.01 (2)	3rd	Carrying a concealed firearm.
484	790.162	2nd	Threat to throw or discharge destructive device.
485	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
486	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
487	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
488	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.



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489	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
490	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
491	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
492	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
493	812.015 (8) <u>(a), (c), (d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> \$300 or more and one or more specified acts.
494	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
495	812.131 (2) (b)	3rd	Robbery by sudden snatching.



496	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
497	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
498	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
499	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.
	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



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500			personal identification information of 10 or more persons.
500	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
501			
501	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
502			
502	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
503			
503	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
504			
504	827.071 (5)	3rd	Possess, control, or



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intentionally view any
photographic material,
motion picture, etc.,
which includes sexual
conduct by a child.

505

828.12 (2)

3rd

Tortures any animal with
intent to inflict
intense pain, serious
physical injury, or
death.

506

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.

507

843.01

3rd

Resist officer with
violence to person;
resist arrest with
violence.

508

847.0135 (5) (b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

509

847.0137

3rd

Transmission of



510	(2) & (3)		pornography by electronic device or equipment.
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
511			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
512			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
513			
	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) 5. drugs).
514			
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or



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other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(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.

515

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)5.
drugs) within 1,000 feet
of university.

516

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)6.,
(2)(c)7., (2)(c)8.,



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(2) (c) 9., (2) (c) 10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

517

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)5. drugs) within
1,000 feet of public
housing facility.

518

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

519

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

520

521

522

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

And the title is amended as follows:



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525 Between lines 527 and 528
526 insert:
527 381.0041, F.S.; providing an exception to allow the
528 donation of human tissue by a person who has human
529 immunodeficiency virus infection under certain
530 circumstances; reclassifying a criminal offense
531 relating to such donations; amending s. 384.23, F.S.;
532 providing definitions; amending s. 384.24, F.S.;
533 expanding the scope of unlawful acts by a person
534 infected with a sexually transmissible disease;
535 expanding the list of sexually transmissible diseases
536 to include human immunodeficiency virus infection;
537 providing that certain actions are not sufficient
538 evidence to establish intent on the part of the person
539 who transmits the disease; providing a definition;
540 amending s. 384.34, F.S.; reclassifying specified
541 criminal offenses; removing a fine for specified rule
542 violations; amending s. 775.0877, F.S.; conforming
543 provisions to changes made by the act; amending s.
544 960.003, F.S.; conforming cross-references; amending
545 s.