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LEGISLATIVE ACTION

Senate

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House

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Senator Stewart moved the following:

**Senate Amendment (with title amendment)**

Delete lines 2952 - 3207

and insert:

Section 46. 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 infection, who knows he or she is infected with human



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

Section 47. Present subsection (3) of section 384.23, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) and subsection (5) are added to that section, to read:

384.23 Definitions.—

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

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

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

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

Section 48. Section 384.24, Florida Statutes, is amended to read:

384.24 Unlawful acts.—

(1) It is unlawful for any person who has chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/acute salpingitis, ~~or~~



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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~~  
69 ~~person knows he or she is infected with this disease and when~~



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~~such person has been informed that he or she may communicate this disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmissible disease and has consented to the sexual intercourse.~~

Section 49. Section 384.34, Florida Statutes, is amended to read:

384.34 Penalties.—

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

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

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

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

~~(5) Any person who violates s. 384.24(2) commits a felony of the third degree, punishable as provided in s. 775.082, s.~~



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

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

Section 50. Subsections (1) and (3) of section 775.0877, Florida Statutes, are amended to read:

775.0877 Criminal transmission of HIV; procedures; penalties.—

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

(a) Section 794.011, relating to sexual battery;

(b) Section 826.04, relating to incest;

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

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

(e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),



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relating to aggravated assault;

(f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
relating to battery;

(g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
relating to aggravated battery;

(h) Section 827.03(2)(c), relating to child abuse;

(i) Section 827.03(2)(a), relating to aggravated child  
abuse;

(j) Section 825.102(1), relating to abuse of an elderly  
person or disabled adult;

(k) Section 825.102(2), relating to aggravated abuse of an  
elderly person or disabled adult;

(l) Section 827.071, relating to sexual performance by  
person less than 18 years of age;

(m) Sections 796.07 and 796.08, relating to prostitution;  
or

~~(n) Section 381.0041(11)(b), relating to donation of blood,  
plasma, organs, skin, or other human tissue; or~~

~~(o)~~ Sections 787.06(3)(b), (d), (f), and (g), relating to  
human trafficking,

the court shall order the offender to undergo HIV testing, to be  
performed under the direction of the Department of Health in  
accordance with s. 381.004, unless the offender has undergone  
HIV testing voluntarily or pursuant to procedures established in  
s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
rule providing for HIV testing of criminal offenders or inmates,  
subsequent to her or his arrest for an offense enumerated in  
paragraphs (a)-(m) ~~(a)-(n)~~ for which she or he was convicted or



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to which she or he pled nolo contendere or guilty. The results of an HIV test performed on an offender pursuant to this subsection are not admissible in any criminal proceeding arising out of the alleged offense.

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

Section 51. Paragraphs (a) and (b) of subsection (2) and paragraph (a) of subsection (3) of section 960.003, Florida Statutes, are amended to read:

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

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

(a) In any case in which a person has been charged by information or indictment with or alleged by petition for delinquency to have committed any offense enumerated in s. 775.0877(1) (a) - (m) ~~s. 775.0877(1) (a) - (n)~~, which involves the transmission of body fluids from one person to another, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo hepatitis and HIV



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testing within 48 hours after the information, indictment, or petition for delinquency is filed. In the event the victim or, if the victim is a minor, the victim's parent or legal guardian requests hepatitis and HIV testing after 48 hours have elapsed from the filing of the indictment, information, or petition for delinquency, the testing shall be done within 48 hours after the request.

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





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(3) DISCLOSURE OF RESULTS.—

(a) The results of the test shall be disclosed no later than 2 weeks after the court receives such results, under the direction of the Department of Health, to the person charged with or alleged by petition for delinquency to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~, which involves the transmission of body fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, and to public health agencies pursuant to s. 775.0877. If the alleged offender is a juvenile, the test results shall also be disclosed to the parent or guardian. When the victim is a victim as described in paragraph (2)(b), the test results must also be disclosed no later than 2 weeks after the court receives such results, to the person charged with or alleged by petition for delinquency to have committed or to the person convicted of or adjudicated delinquent for any offense enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~, or s. 825.1025 regardless of whether the offense involves the transmission of bodily fluids from one person to another, and, upon request, to the victim or the victim's legal guardian, or the parent or legal guardian of the victim, and to public health agencies pursuant to s. 775.0877. Otherwise, hepatitis and HIV test results obtained pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to any other person except as expressly authorized by law or court order.



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Section 52. Subsection (3) of section 921.0022, Florida Statutes, is amended to read:  
921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

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> <del>\$300</del> 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 identification number plate.



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256	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	443.071 (1)	3rd	False statement or



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representation to obtain or  
increase reemployment  
assistance benefits.

509.151(1)

3rd

Defraud an innkeeper, food  
or lodging value greater  
than \$1,000 ~~\$300~~.

517.302(1)

3rd

Violation of the Florida  
Securities and Investor  
Protection Act.

~~562.27(1)~~

~~3rd~~

~~Possess still or still  
apparatus.~~

713.69

3rd

Tenant removes property upon  
which lien has accrued,  
value more than \$1,000 ~~\$50~~.

812.014(3)(c)

3rd

Petit theft (3rd  
conviction); theft of any  
property not specified in  
subsection (2).

812.081(2)

3rd

Unlawfully makes or causes  
to be made a reproduction of  
a trade secret.

815.04(5)(a)

3rd

Offense against intellectual



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270			property (i.e., computer programs, data).
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
271			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
272			
	826.01	3rd	Bigamy.
273			
	828.122 (3)	3rd	Fighting or baiting animals.
274			
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
275			
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
276			
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.



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277	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	<del>849.01</del>	<del>3rd</del>	<del>Keeping gambling house.</del>
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.
284	849.23	3rd	Gambling-related machines; "common offender" as to



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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

Florida Statute	Felony Degree	Description
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379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the
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			Marine Turtle Protection Act.
296	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
297	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.
298	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
299	590.28 (1)	3rd	Intentional burning of lands.
300	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
301			





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302	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
303	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
304	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
305	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
306	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$300</del> or more but less than \$5,000.
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$100</del> or more but less than <u>\$5,000</u> <del>\$300</del> , taken from unenclosed curtilage of dwelling.



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307	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
308	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
309	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
310	817.52 (3)	3rd	Failure to redeliver hired vehicle.
311	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
312	817.60 (5)	3rd	Dealing in credit cards of another.
313	817.60 (6) (a)	3rd	Forgery; purchase goods,



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			services with false card.
314	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
315	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
316	831.01	3rd	Forgery.
317	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
318	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
319	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
320	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.



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321	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
322	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
323	843.08	3rd	False personation.
324	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.
325	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
326			
327			
328	(c) LEVEL 3		
329	Florida Statute	Felony Degree	Description



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330	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
331	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
332	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
333	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
334	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
335	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
336	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.



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337

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

338

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

339

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

340

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

341

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

342

379.2431 3rd Taking, disturbing,  
(1)(e)5. mutilating, destroying,  
causing to be destroyed,  
transferring, selling,



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offering to sell,  
molesting, or harassing  
marine turtles, marine  
turtle eggs, or marine  
turtle nests in violation  
of the Marine Turtle  
Protection Act.

343

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.

344

379.2431  
(1) (e) 7.

3rd

Soliciting to commit or  
conspiring to commit a  
violation of the Marine  
Turtle Protection Act.

345

400.9935 (4) (a)  
or (b)

3rd

Operating a clinic, or  
offering services requiring  
licensure, without a  
license.

346

400.9935 (4) (e)

3rd

Filing a false license  
application or other  
required information or



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failing to report  
information.

440.1051(3)

3rd

False report of workers'  
compensation fraud or  
retaliation for making such  
a report.

501.001(2)(b)

2nd

Tampers with a consumer  
product or the container  
using materially  
false/misleading  
information.

624.401(4)(a)

3rd

Transacting insurance  
without a certificate of  
authority.

624.401(4)(b)1.

3rd

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

626.902(1)(a) &  
(b)

3rd

Representing an  
unauthorized insurer.

697.08

3rd

Equity skimming.





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354	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
355	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
356	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
357	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
358	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
359	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
360	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.



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817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413 (2)	3rd	Sale of used goods as new.
831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a



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368			counterfeit payment instrument <u>with intent to</u> <u>defraud.</u>
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
369			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
370			
	843.19	3rd	Injure, disable, or kill police dog or horse.
371			
	860.15 (3)	3rd	Overcharging for repairs and parts.
372			
	870.01 (2)	3rd	Riot; inciting or encouraging.
373			
	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).



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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.

375

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

376

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

377

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

378



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379	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
380	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
381	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
382	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	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.



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383	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.
384	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
385	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.
386	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
387	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
388	944.47(1)(c)	2nd	Possess contraband while



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upon the grounds of a  
correctional institution.

985.721

3rd

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

(d) LEVEL 4

Florida  
Statute

Felony  
Degree

Description

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.

499.0051(1)

3rd

Failure to maintain or  
deliver transaction  
history, transaction  
information, or  
transaction statements.



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397	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
398	517.07 (1)	3rd	Failure to register securities.
399	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
400	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
401	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
402	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or





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materials.

403

784.08 (2) (c)

3rd

Battery on a person 65  
years of age or older.

404

784.081 (3)

3rd

Battery on specified  
official or employee.

405

784.082 (3)

3rd

Battery by detained  
person on visitor or  
other detainee.

406

784.083 (3)

3rd

Battery on code  
inspector.

407

784.085

3rd

Battery of child by  
throwing, tossing,  
projecting, or expelling  
certain fluids or  
materials.

408

787.03 (1)

3rd

Interference with  
custody; wrongly takes  
minor from appointed  
guardian.

409

787.04 (2)

3rd

Take, entice, or remove  
child beyond state limits  
with criminal intent



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410			pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
411			
	787.07	3rd	Human smuggling.
412			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
413			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
414			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
415			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
416			



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417	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
418	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
419	810.06	3rd	Burglary; possession of tools.
420	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
421	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
422	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , <del>a will, firearm, motor vehicle, livestock, etc.</del>
	812.0195 (2)	3rd	Dealing in stolen



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property by use of the  
Internet; property stolen  
\$300 or more.

423

817.505(4)(a)

3rd

Patient brokering.

424

817.563(1)

3rd

Sell or deliver substance  
other than controlled  
substance agreed upon,  
excluding s. 893.03(5)  
drugs.

425

817.568(2)(a)

3rd

Fraudulent use of  
personal identification  
information.

426

817.625(2)(a)

3rd

Fraudulent use of  
scanning device, skimming  
device, or reencoder.

427

817.625(2)(c)

3rd

Possess, sell, or deliver  
skimming device.

428

828.125(1)

2nd

Kill, maim, or cause  
great bodily harm or  
permanent breeding  
disability to any  
registered horse or  
cattle.



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429	837.02 (1)	3rd	Perjury in official proceedings.
430	837.021 (1)	3rd	Make contradictory statements in official proceedings.
431	838.022	3rd	Official misconduct.
432	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
433	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
434	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
435	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.



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436	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping) .
437	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
438	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
439	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) .
440	914.14 (2)	3rd	Witnesses accepting bribes.
441	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
442	914.23 (2)	3rd	Retaliation against a



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witness, victim, or  
informant, no bodily  
injury.

918.12

3rd

Tampering with jurors.

934.215

3rd

Use of two-way  
communications device to  
facilitate commission of  
a crime.

944.47 (1) (a) 6.

3rd

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

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

3rd

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

(e) LEVEL 5



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	Florida Statute	Felony Degree	Description
451	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
452	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
453	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
454	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
455	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
456	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone





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crab traps, lines, or  
buoys; illegal  
bartering, trading, or  
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.

457

379.367(4)

3rd

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

458



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459	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
460	<del>381.0041(11) (b)</del>	3rd	<del>Donate blood, plasma, or organs knowing HIV positive.</del>
461	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
462	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
463	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or



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464			more but less than \$100,000.
465	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
466	790.01 (2)	3rd	Carrying a concealed firearm.
467	790.162	2nd	Threat to throw or discharge destructive device.
468	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
469	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
470	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



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471	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
472	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
473	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
474	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
475	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
476	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,050</u> <del>\$300</del> or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.



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477

812.131 (2) (b)

3rd

Robbery by sudden  
snatching.

478

812.16 (2)

3rd

Owning, operating, or  
conducting a chop shop.

479

817.034 (4) (a) 2.

2nd

Communications fraud,  
value \$20,000 to  
\$50,000.

480

817.234 (11) (b)

2nd

Insurance fraud;  
property value \$20,000  
or more but less than  
\$100,000.

481

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.

482

817.568 (2) (b)

2nd

Fraudulent use of  
personal identification  
information; value of  
benefit, services



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

483

817.611 (2) (a)

2nd

Traffic in or possess 5  
to 14 counterfeit credit  
cards or related  
documents.

484

817.625 (2) (b)

2nd

Second or subsequent  
fraudulent use of  
scanning device,  
skimming device, or  
reencoder.

485

825.1025 (4)

3rd

Lewd or lascivious  
exhibition in the  
presence of an elderly  
person or disabled  
adult.

486

827.071 (4)

2nd

Possess with intent to  
promote any photographic  
material, motion  
picture, etc., which



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487			includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
488			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
489			
	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.
490			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
491			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using



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computer; offender 18  
years or older.

492

847.0137  
(2) & (3)

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

493

847.0138  
(2) & (3)

3rd

Transmission of material  
harmful to minors to a  
minor by electronic  
device or equipment.

494

874.05 (1) (b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

495

874.05 (2) (a)

2nd

Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

496

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.





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drugs).

497

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)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.

498

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.

499

893.13(1)(e)2.

2nd

Sell, manufacture, or  
deliver cannabis or  
other drug prohibited



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under 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) within 1,000  
feet of property used  
for religious services  
or a specified business  
site.

500

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.

501

893.13(4)(b)

2nd

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

502

893.1351(1)

3rd

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

503



303912

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

And the title is amended as follows:

Delete line 228

and insert:

reported to the department; amending s. 381.0041,  
F.S.; providing an exception to allow the donation of  
human tissue by a person who has human  
immunodeficiency virus infection under certain  
circumstances; reclassifying a criminal offense  
relating to such donations; amending s. 384.23, F.S.;  
providing definitions; amending s. 384.24, F.S.;  
expanding the scope of unlawful acts by a person  
infected with a sexually transmissible disease;  
expanding the list of sexually transmissible diseases  
to include human immunodeficiency virus infection;  
providing that certain actions are not sufficient  
evidence to establish intent on the part of the person  
who transmits the disease; providing a definition;  
amending s. 384.34, F.S.; reclassifying specified  
criminal offenses; removing a fine for specified rule  
violations; amending s. 775.0877, F.S.; conforming  
provisions to changes made by the act; amending s.  
960.003, F.S.; conforming cross-references; amending  
s. 921.0022,